

<b>Tab 1</b>	<b>CS/SB 328 by HP, Grimsley (CO-INTRODUCERS) Perry;</b> (Similar to CS/H 00543) Regulation of Nursing					
<b>Tab 2</b>	<b>SB 668 by Bean;</b> (Similar to CS/H 00859) Postsecondary Distance Education					
744338	D	S	RCS	ED, Bean	Delete everything after	03/27 03:47 PM
<b>Tab 3</b>	<b>SB 782 by Mayfield;</b> (Identical to H 06015) High School Graduation Requirements					
<b>Tab 4</b>	<b>SB 926 by Flores (CO-INTRODUCERS) Bradley;</b> (Identical to H 00773) K-12 Student Assessments					
945386	A	S		ED, Simmons	Delete L.23 - 31:	03/27 01:40 PM
654648	A	S		ED, Flores	btw L.31 - 32:	03/24 01:19 PM
512972	A	S		ED, Simmons	Delete L.40 - 93.	03/27 01:41 PM
578028	A	S		ED, Simmons	Delete L.59:	03/27 01:41 PM
464772	A	S		ED, Simmons	btw L.93 - 94:	03/27 01:41 PM
747760	A	S		ED, Flores	Delete L.142 - 147:	03/24 01:19 PM
173108	A	S		ED, Simmons	btw L.167 - 168:	03/27 01:41 PM
521886	A	S		ED, Simmons	btw L.167 - 168:	03/27 02:19 PM
<b>Tab 5</b>	<b>SB 978 by Powell;</b> (Similar to CS/H 00525) High School Graduation Requirements					
728964	A	S	RCS	ED, Powell	Delete L.46 - 47:	03/27 03:47 PM
<b>Tab 6</b>	<b>SB 1210 by Lee (CO-INTRODUCERS) Mayfield, Steube, Hutson, Artiles, Bean;</b> (Compare to CS/H 00989) Instructional Materials for K-12 Public Education					
833208	D	S	RCS	ED, Lee	Delete everything after	03/27 03:47 PM
834124	AA	S	RCS	ED, Lee	Delete L.54 - 263:	03/27 03:47 PM
554964	AA	S	RCS	ED, Lee	Delete L.133:	03/27 03:47 PM
<b>Tab 7</b>	<b>SB 1222 by Bradley;</b> (Similar to H 00781) School Grades					
<b>Tab 8</b>	<b>SB 1290 by Hutson;</b> Career and Technical Education					
<b>Tab 9</b>	<b>SB 1472 by Galvano;</b> (Identical to H 01177) Medicinal Cannabis Research and Education					
<b>Tab 11</b>	<b>SB 538 by Clemens;</b> Charter Schools					
<b>Tab 12</b>	<b>SB 692 by Baxley;</b> (Identical to H 00833) Student Eligibility for K-12 Virtual Instruction					
<b>Tab 13</b>	<b>SB 696 by Baxley;</b> (Identical to H 00251) Charter Schools					
<b>Tab 14</b>	<b>SB 796 by Bean;</b> Charter Schools					
<b>Tab 15</b>	<b>SB 868 by Baxley;</b> (Compare to H 00833) Educational Options and Services					
<b>Tab 16</b>	<b>SB 902 by Simmons;</b> (Compare to CS/H 00015) Gardiner Scholarship Program					
<b>Tab 17</b>	<b>SB 1302 by Gibson;</b> (Similar to CS/H 01109) Private School Student Participation in Extracurricular Activities					

<b>Tab 18</b>	<b>SB 1314</b> by <b>Grimsley</b> ; (Compare to CS/H 00015) Educational Options
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<b>Tab 19</b>	<b>SB 1362</b> by <b>Broxson</b> ; K-12 Education
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<b>Tab 20</b>	<b>SB 1556</b> by <b>Lee</b> ; (Similar to CS/H 01391) Education
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<b>Tab 21</b>	<b>SB 1572</b> by <b>Bean</b> ; Education Savings Account Program
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<b>Tab 22</b>	<b>SB 1586</b> by <b>Garcia</b> ; Student Eligibility for Interscholastic Athletic Competition
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**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**EDUCATION**  
**Senator Hukill, Chair**  
**Senator Mayfield, Vice Chair**

**MEETING DATE:** Monday, March 27, 2017**TIME:** 1:30—3:30 p.m.**PLACE:** Pat Thomas Committee Room, 412 Knott Building**MEMBERS:** Senator Hukill, Chair; Senator Mayfield, Vice Chair; Senators Farmer, Flores, Galvano, Lee, Simmons, Simpson, Stewart, and Thurston

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 328</b> Health Policy / Grimsley (Similar CS/H 543, Compare H 7011)	Regulation of Nursing; Removing an obsolete qualification no longer sufficient to satisfy certain nursing certification requirements; authorizing the Board of Nursing to conduct certain on-site evaluations; removing a requirement that certain nursing program graduates complete a specific preparatory course; providing that a name change or the creation of a new educational institution does not reduce the waiting period for reapplication, etc.  HP 03/14/2017 Fav/CS ED 03/27/2017 Favorable RC	Favorable Yeas 8 Nays 0
2	<b>SB 668</b> Bean (Similar CS/H 859)	Postsecondary Distance Education; Authorizing this state to participate in a reciprocity agreement for delivery of postsecondary distance education; establishing the Postsecondary Reciprocal Distance Education Coordinating Council within the Department of Education; authorizing the council to revoke a Florida institution's participation in the reciprocity agreement for noncompliance, etc.  ED 03/27/2017 Fav/CS AHE AP	Fav/CS Yeas 9 Nays 0
3	<b>SB 782</b> Mayfield (Identical H 6015)	High School Graduation Requirements; Removing a requirement that a student participating in an interscholastic sport pass a competency test on personal fitness to satisfy the physical education credit requirement for high school graduation, etc.  ED 03/21/2017 Workshop-Discussed ED 03/27/2017 Favorable HP RC	Favorable Yeas 8 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Education

Monday, March 27, 2017, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 926</b> Flores (Identical H 773)	K-12 Student Assessments; Requiring the Commissioner of Education to review specified college entrance examinations to determine their alignment with the core curricular content for high school level English Language Arts and mathematics established in state standards; revising provisions relating to achievement levels for certain statewide, standardized assessments; providing requirements for administration of the statewide, standardized English Language Arts and mathematics assessments in specified grades, etc.  ED 03/21/2017 Workshop-Discussed ED 03/27/2017 Temporarily Postponed RC	Temporarily Postponed
5	<b>SB 978</b> Powell (Similar CS/H 525)	High School Graduation Requirements; Authorizing the use of credits earned upon completion of a registered apprenticeship or preapprenticeship to satisfy specified high school graduation credit requirements; requiring that the State Board of Education approve and identify apprenticeship and preapprenticeship programs for such purpose, etc.  ED 03/27/2017 Fav/CS AED AP	Fav/CS Yeas 8 Nays 0
6	<b>SB 1210</b> Lee (Similar H 989)	Instructional Materials for K-12 Public Education; Requiring each district school board to adopt a process allowing parents or other persons who pay ad valorem property or sales tax in Florida to object to the use of specific instructional materials based on specified criteria; revising the requirement that the district school superintendent certify that all instructional materials used by the district for core courses meet certain standards; revising the standards that an instructional materials reviewer shall use to include instructional materials standards that are equivalent to or better than applicable state standards, etc.  ED 03/27/2017 Fav/CS AP	Fav/CS Yeas 9 Nays 0
7	<b>SB 1222</b> Bradley (Similar H 781)	School Grades; Providing that a school exhibits a feeder pattern for the purpose of designating school grades if at least a majority of its students are scheduled to be assigned to the graded school, etc.  ED 03/21/2017 Workshop-Discussed ED 03/27/2017 Favorable AED AP	Favorable Yeas 9 Nays 0



**COMMITTEE MEETING EXPANDED AGENDA**

Education

Monday, March 27, 2017, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	<b>SB 1290</b> Hutson	Career and Technical Education; Specifying goals for a CAPE pathway; requiring each school district, in consultation with local businesses and Florida College System institutions, to develop at least one CAPE pathway in a specified area by a specified school year; authorizing parents to enroll their children in any school's CAPE pathway in the school district under certain circumstances, etc.  ED 03/27/2017 Favorable AED AP	Favorable Yeas 8 Nays 0
9	<b>SB 1472</b> Galvano (Identical H 1177)	Medicinal Cannabis Research and Education; Citing this act as the "Medicinal Cannabis Research and Education Act"; establishing the Coalition for Medicinal Cannabis Research and Education within the H. Lee Moffitt Cancer Center and Research Institute, Inc.; establishing the Medicinal Cannabis Research and Education Board to direct the operations of the coalition; requiring the board to advise specified entities and officials regarding medicinal cannabis research and education in this state; specifying responsibilities of the H. Lee Moffitt Cancer Center and Research Institute, Inc., etc.  ED 03/27/2017 Favorable AHS AP	Favorable Yeas 9 Nays 0
10	Presentation on Charter Schools		Presented

**Workshop** - Discussion and testimony only on the following (no vote to be taken):

11	<b>SB 538</b> Clemens	Charter Schools; Requiring applicants for charter status to demonstrate that they meet certain needs that the local school district does not, or is unable to, meet; authorizing a charter school to share the results of innovative methods and best practices with the school district, etc.  ED 03/27/2017 Workshop-Discussed AED AP	Workshop-Discussed
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**COMMITTEE MEETING EXPANDED AGENDA**

Education

Monday, March 27, 2017, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
12	<b>SB 692</b> Baxley (Identical H 833, Compare S 868)	Student Eligibility for K-12 Virtual Instruction; Revising eligibility requirements for specified students to receive part-time instruction at the Florida Virtual School; authorizing all students, including home education and private school students, to participate in specified virtual instruction options; revising the options that a district school board or charter school governing board may offer for a student to satisfy certain online course requirements, etc.  ED 03/27/2017 Workshop-Discussed AED AP	Workshop-Discussed
13	<b>SB 696</b> Baxley (Identical H 251)	Charter Schools; Requiring a sponsor to honor irrevocable instructions by a charter school to deposit certain funds; providing that a charter school that pledges or assigns future payment of its funding is not pledging the credit or taxing power of the state or a school district, etc.  ED 03/27/2017 Workshop-Discussed AED AP	Workshop-Discussed
14	<b>SB 796</b> Bean	Charter Schools; Revising charter school contract and funding requirements; authorizing certain entities to apply for designation as a High-Impact Charter Management Organization; requiring the Department of Education to give priority to certain charter schools applying for specified grants, etc.  ED 03/27/2017 Workshop-Discussed AED AP RC	Workshop-Discussed
15	<b>SB 868</b> Baxley (Compare H 833, S 692, S 1252)	Educational Options and Services; Providing that a participant in an adult or youth work experience activity in the Division of Blind Services is considered an employee of the state for workers' compensation coverage; revising student eligibility requirements for the Florida Virtual School and virtual instruction programs; requiring an institution that seeks initial approval after a specified date to offer a graduate-level teacher preparation program to offer students certain options, etc.  ED 03/27/2017 Workshop-Discussed AED AP	Workshop-Discussed

**COMMITTEE MEETING EXPANDED AGENDA**

Education

Monday, March 27, 2017, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
16	<b>SB 902</b> Simmons (Compare CS/H 15)	Gardiner Scholarship Program; Revising program eligibility requirements; prohibiting a student who is enrolled in the Florida School for the Deaf and the Blind from being eligible for the program; specifying that certain actions of the private school are a basis for program ineligibility; providing an appropriation, etc.  ED 03/27/2017 Workshop-Discussed AED AP RC	Workshop-Discussed
17	<b>SB 1302</b> Gibson (Similar CS/H 1109)	Private School Student Participation in Extracurricular Activities; Revising the eligibility requirements for certain private school students to participate in interscholastic or intrascholastic sports at specified public schools, etc.  ED 03/27/2017 Workshop-Discussed AED AP RC	Workshop-Discussed
18	<b>SB 1314</b> Grimsley (Compare CS/H 15)	Educational Options; Specifying the Department of Education's duty to approve or deny an application for the Florida Tax Credit Scholarship Program within a specified time; requiring an eligible nonprofit scholarship-funding organization to allow certain dependent children to apply for a scholarship at any time; revising parent and student responsibilities for program participation; authorizing the Learning Systems Institute to receive compensation for research under certain circumstances; authorizing specified eligible nonprofit scholarship-funding organizations to develop a professional development system, etc.  ED 03/27/2017 Workshop-Discussed AED AP RC	Workshop-Discussed
19	<b>SB 1362</b> Broxson	K-12 Education; Removing a requirement that the Department of Education compare certain charter school student performance data to certain traditional public schools; authorizing certain entities to apply to the State Board of Education for designation as a High-Impact Charter Network; revising the exams each public high school is required to administer to all enrolled 10th grade students to include the preliminary ACT, rather than the ACT Aspire, etc.  ED 03/27/2017 Workshop-Discussed AED AP	Workshop-Discussed

**COMMITTEE MEETING EXPANDED AGENDA**

Education

Monday, March 27, 2017, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
20	<b>SB 1556</b> Lee (Similar CS/H 1391, Compare CS/H 1017, CS/S 302)	Education; Prohibiting a district school board from requiring any additional information or verification from a home education program parent under certain circumstances; providing an exception for certain children from the age verification requirements for school attendance; requiring a school and school district to comply with specified provisions before instituting criminal prosecution against certain parents relating to compulsory school attendance, etc.  ED 03/27/2017 Workshop-Discussed AED AP	Workshop-Discussed
21	<b>SB 1572</b> Bean	Education Savings Account Program; Authorizing a parent to direct a financial institution trustee of his or her child's account to use funds for specified costs of attending specified private schools or programs, for participating in a dual enrollment program, or to make a contribution to the child's college savings plan or to a contract under the Stanley G. Tate Florida Prepaid College Program; specifying eligibility criteria for private schools, private tutors, private tutoring programs, and private postsecondary institutions to participate in the program, etc.  ED 03/27/2017 Workshop-Discussed AED AP	Workshop-Discussed
22	<b>SB 1586</b> Garcia	Student Eligibility for Interscholastic Athletic Competition; Revising requirements for the bylaws of the Florida High School Athletic Association governing student eligibility to participate in interscholastic athletic competition; revising the information that must be included on the preparticipation physical evaluation form, etc.  ED 03/27/2017 Workshop-Discussed HP RC	Workshop-Discussed

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Other Related Meeting Documents

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The Florida Senate  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

Prepared By: The Professional Staff of the Committee on Education

BILL: CS/SB 328

INTRODUCER: Health Policy Committee and Senators Grimsley and Perry

SUBJECT: Regulation of Nursing

DATE: March 24, 2017      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Stovall	HP	<b>Fav/CS</b>
2.	Bouck	Graf	ED	<b>Favorable</b>
3.			RC	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

CS/SB 328 removes an obsolete pathway for certification as an advanced registered nurse practitioner and modifies provisions pertaining to the approval of nursing education programs.

The bill authorizes the Board of Nursing (BON) to conduct an on-site evaluation of applicants for nursing education programs, and modifies the program approval process as follows:

- Applies the minimum graduate passage rate standard to all first-time test takers;
- Removes the requirement that a graduate who does not take the licensure examination within 6 months of graduation must complete an examination preparatory course;
- Clarifies when programs in probationary status must be terminated;
- Requires an accredited and non-accredited program to disclose its probationary status and the implication of the probationary status to students;
- Prohibits a terminated or closed program from seeking approval for a certain time;
- Requires the termination of a program that fails to meet accreditation requirements;
- Closes a loophole for terminated programs to reapply for program approval within 3 years using an institutional name change or creating a new institution with the same ownership;
- Authorizes the BON to adopt rules relating to nursing curriculum, including rules relating to the use and limitations of simulation technology; and
- Removes the responsibility of the Office of Program Policy Analysis and Government Accountability from preparing certain reports and performing certain tasks, and places responsibility for those tasks and reports on Florida Center for Nursing.

The bill takes effect July 1, 2017, except as expressly provided otherwise.

## II. Present Situation:

Part I of ch. 464, F.S., the Nurse Practice Act, governs the licensure and regulation of nurses in Florida. Nurses are licensed by the Department of Health (DOH)<sup>1</sup> and are regulated by the Board of Nursing (BON).<sup>2</sup> Currently a nurse desiring to practice nursing in the state of Florida must obtain a Florida license by examination or endorsement.

Applicants for licensure by examination as a registered nurse (RN) or licensed practical nurse (LPN), among other requirements, must:

- Graduate from an approved program or its equivalent, as determined by the BON;<sup>3</sup>
- Submit an application to the DOH;
- Pay a fee;
- Submit information for a criminal background check;<sup>4</sup> and
- Pass the National Council Licensure Examination (NCLEX).<sup>5</sup>

Licensure by endorsement requirements include submitting an application and fee, passing a criminal background screening, and:

- Holding a valid license to practice professional or practical nursing in another state or territory of the United States that when issued the licensure requirements met or exceeded those in Florida at that time;
- Meeting the requirements for licensure in Florida and having successfully completed an examination in another state that is substantially equivalent to the examination in Florida; or
- Having actively practiced nursing in another state or jurisdiction, or territory of the United States for two of the preceding 3 years without having his or her license acted against by the licensing authority of any jurisdiction.<sup>6</sup>

In 2016, the Legislature created s. 464.0095, F.S., the Nurse Licensure Compact (NLC), which adopts the revised NLC in its entirety into state law. It is effective on December 31, 2018, or upon enactment of the revised NLC into law by 26 states, whichever occurs first. When effective, this legislation will allow licensed practical and professional nurses to practice in all member states by maintaining a single license in the nurse's primary state of residence. To date, 14 states, including Florida, have adopted the revised NLC.<sup>7</sup>

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<sup>1</sup> Section 464.008, F.S.

<sup>2</sup> The BON is comprised of 13 members appointed by the Governor and confirmed by the Senate who serve 4-year terms. All members must be residents of the state. Seven members must be registered nurses who are representative of the diverse areas of practice within the nursing profession. Three members must be licensed practical nurses and three members must be laypersons. At least one member of the board must be 60 years of age or older. *See* Section 464.004, F.S.

<sup>3</sup> Section 464.008(1)(c), F.S.

<sup>4</sup> Section 464.008(1), F.S.

<sup>5</sup> Section 464.008(2), F.S.

<sup>6</sup> Section 464.009, F.S.

<sup>7</sup> The National Council of State Boards of Nursing administers the NLC. They refer to it as the enhanced NLC. *See* <https://www.nursecompact.com/> (last visited on March 24, 2017).

### **Advanced Registered Nurse Certification**

Any nurse desiring to obtain Florida certification as an advanced registered nurse practitioner must submit to the DOH proof that he or she holds a current Florida professional nursing license as a RN and meets at least one of the following additional requirements:

- Satisfactory completion of a formal post-basic educational program of at least one academic year, the primary purpose of which is to prepare nurses for advanced or specialized practice;
- Certification by an appropriate specialty board such as a registered nurse anesthetist, psychiatric nurse, or nurse midwife; or
- Graduation from a nursing education program leading to a master's degree in a nursing clinical specialty area with preparation in specialized practitioner skills.<sup>8</sup>

According to the DOH, all recent applicants across the country are graduates of programs for the preparation of nurse practitioners, or are graduates of master's degree programs in a clinical nursing specialty, who meet specific educational requirements for certification. Accordingly, the first pathway to certification is now obsolete.<sup>9</sup>

### **Nursing Education Program Approval and Accreditation**

Florida law requires an institution desiring to offer a prelicensure nursing education program to submit an application to the DOH and pay a program review fee for each campus or instructional site. In addition to identifying information about the program, the application must indicate the name of the accrediting agency if the institution is accredited.

The application must document compliance with the following program standards: faculty qualifications; clinical training and clinical simulation requirements, including a requirement that no more than 50 percent of the program's clinical training consist of clinical simulation; faculty-to-student supervision ratios; and curriculum and instruction requirements.<sup>10</sup> Currently the DOH is not authorized to conduct an on-site evaluation to document the applicant's compliance with the required program standards.

Once the DOH determines an application is complete, it forwards the application to the BON, which has 90 days to approve the application or to provide the applicant with notice of its intent to deny and the reasons for the denial. An applicant may request a hearing under ch. 120, F.S., on a notice of intent to deny.<sup>11</sup>

Nursing programs currently offered in Florida include: public school districts, community colleges, state universities, private institutions licensed by the Commission for Independent Education (CIE), private institutions that are members of the Independent Colleges and

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<sup>8</sup> Section 464.012(1), F.S.

<sup>9</sup> Department of Health, *Senate Bill 328 Analysis* (January 11, 2017) p. 2, (on file with the Senate Committee on Health Policy).

<sup>10</sup> Section 464.019(1), F.S.

<sup>11</sup> Section 464.019(2), F.S. If the BON does not act on a program application within the 90-day review period, the program application is deemed approved. *Id.*

Universities of Florida, and Pensacola Christian College, which is statutorily authorized to offer a bachelor of science in nursing degree by s. 1005.06(1)(e), F.S.<sup>12</sup>

Chapter 464, F.S., recognizes and distinguishes between nursing education programs that are approved by the BON and programs that are approved and accredited.<sup>13</sup>

An “accredited program” is accredited by a specialized nursing accrediting agency that is nationally recognized by the United States Secretary of Education to accredit nursing education programs.<sup>14</sup> The specialized nursing accrediting agencies currently recognized by the United States Department of Education include: the Commission on Collegiate Nursing Education and the Accreditation Commission for Education in Nursing.<sup>15</sup>

A BON approved nursing education program<sup>16</sup> is required to submit an annual report to the BON which includes an affidavit certifying compliance with the program standards, and documentation for the previous academic year that sets forth data related to the number of students who applied, were accepted, enrolled, and graduated; retention rates; and accreditation status.<sup>17</sup>

The BON posts the following information on its website:

- A list of all accredited programs and graduation rates for the most recent 2 years;
- A list of all approved programs that are not accredited;
- All documentation submitted in a program’s application;
- A summary of the program’s compliance with program standards;
- A program’s accreditation status, probationary status, graduate passage rates for the most recent 2 years, and retention rates.<sup>18</sup>

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<sup>12</sup> Office of Program Policy Analysis and Government Accountability, *Florida’s Nursing Education Programs Continued to Expand in 2013, While Licensure Exams Passage Rates of New Programs Declined*, Report No. 14-03, 2 (Jan. 2014), available at <http://floridasnursing.gov/forms/oppaga-report-2014.pdf>. (last visited March 24, 2017). OPPAGA notes that “[n]ursing education programs in Florida that hold specialized nursing accreditation by the National League for Nursing Accrediting Commission (NLNAC) or by the Collegiate Commission on Nursing Education (CCNE) are not regulated by the Florida Board of Nursing.” *Id.* Section 1005.06(1)(e), F.S., exempts schools from the CIE’s licensure requirements if the institution had been so exempted in 2001 under s. 246.085(1)(b), F.S. (2001), and maintains the following qualifying criteria: the institution is incorporated in this state; the institution’s credits or degrees are accepted for credit by at least three colleges that are fully accredited by an agency recognized by the U.S. Department of Education; the institution was exempt under that category prior to July 1, 1982, and the institution does not enroll any students who receive state or federal financial aid. Two institutions in Florida, Pensacola Christian College and Landmark Baptist College, are subject to this exemption. Landmark Baptist College does not offer a nursing program.

<sup>13</sup> The program application and approval process, the annual report requirement, the data submission requirements and the pass rate requirements are not applicable to accredited programs.

<sup>14</sup> Section 464.003(1), F.S.

<sup>15</sup> United States Department of Education, *Accreditation in the United States: Specialized Accrediting Agencies*, [https://www2.ed.gov/admins/finaid/accred/accreditation\\_pg7.html](https://www2.ed.gov/admins/finaid/accred/accreditation_pg7.html) (last visited March 24, 2017).

<sup>16</sup> Section 464.003(4), F.S., defines an “approved program” as “a program for the pre-licensure education of professional or practical nurses that is conducted in the state at an educational institution and that is approved under s. 464.019, F.S. The term includes such a program placed on probationary status.”

<sup>17</sup> Section 464.019(3), F.S.

<sup>18</sup> Section 464.019(4), F.S.



Approved programs must have a graduate passage rate not lower than ten percent below the national average for two consecutive years. Programs are placed on probation for low performance with NCLEX scores for two consecutive years and are subject to termination. The program director is required to present a plan for remediation to the BON that includes specific benchmarks to identify progress toward a graduate passage rate goal. The program must remain on probationary status until it achieves a graduate passage rate that equals or exceeds the required passage rate for any one calendar year. If the program does not achieve the required passage rate in any one calendar year after a program has been placed on probationary status, the BON is authorized to terminate the program or may extend the probation for one additional year.<sup>19</sup> Fifteen schools are currently on probation. Of these, five are LPN and 10 are RN programs. Of the RN programs, nine are associate degree programs.<sup>20</sup>

An approved program which has been placed on probation must disclose its probationary status in writing to the program's students and applicants.<sup>21</sup>

If an accredited program ceases to be accredited, the educational institution conducting the program must provide written notice to that effect to the BON, the program's students and applicants, and each entity providing clinical training sites or experiences. It may then apply to be an approved program.<sup>22</sup>

An approved program graduate who does not take the licensure examination within 6 months after graduation must enroll in, and successfully complete, a licensure examination preparatory course pursuant to s. 464.008, F.S.

To improve program quality, the 2014 Legislature revised Florida law to require nursing education programs that prepare students for the practice of professional nursing (RNs) to become accredited within 5 years of certain triggering dates. A program approved before July 1, 2014, is required to become accredited by July 1, 2019. If a program was approved but had not enrolled students before July 1, 2014, then the program must become accredited within 5 years of enrolling the first students. A program approved after June 30, 2014, has 5 years after enrolling the program's first students to become accredited.<sup>23</sup>

The BON does not have rulemaking authority for the approval of nursing education programs, except as to the format for submitting applications and the format for the required annual report.<sup>24</sup>

The Florida Center for Nursing (FCN) and the Office of Program Policy Analysis and Government Accountability (OPPAGA) are tasked with studying the nursing education approval process, and submitting reports to the Governor, the President of the Senate, and Speaker of the House of Representatives, annually through January 30, 2020. The report is to be based on data

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<sup>19</sup> Section. 464.019(5)(a)3., F.S.

<sup>20</sup> *Supra*, note 22.

<sup>21</sup> Section 464.019(5)(c), F.S.

<sup>22</sup> Section 464.019(9)(b), F.S.

<sup>23</sup> Section 464.019(11), F.S. Pensacola Christian College is exempt from this certification requirement due to its status under s. 1005.06(1)(e), F.S.

<sup>24</sup> Section 464.019(8), F.S.

received from programs from the previous academic year to determine whether the program approval process is increasing the availability of nursing education programs and producing quality nurses.<sup>25</sup> If the FNC does not receive funding for any legislative fiscal year, the education policy arm of OPPAGA must perform the duties assigned to the FCN.<sup>26</sup> The FCN did not receive funding in the fiscal year 2016-2017 from the Florida Legislature, and must rely on grants, donations, and savings to complete the tasks and reports on the nursing workforce and improving the Florida nursing environment in Florida.<sup>27</sup>

The 2015 data indicates that approximately 42 percent of nursing programs had licensure examination passage rates that were ten percent or more below the national average. This a 36 percent increase over 2014. Most of the nursing programs below the required passage rate were created since 2009 and are unaccredited.<sup>28</sup> As of December 2016, 93 of the 350 nursing education programs in Florida were accredited by the BON.<sup>29</sup>

### III. Effect of Proposed Changes:

**Sections 1 and 2** amend s. 464.012, F.S., to delete an obsolete pathway that permitted a registered nurse to be certified as an advanced registered nurse practitioner if he or she completed a formal postbasic education program of at least one academic year. This is no longer sufficient for current graduate education and certification standards. This pathway is also deleted from chapter laws which passed last year, but which do not go into effect until the Nurse Licensure Compact goes into effect on December 31, 2018, or when 26 states have adopted the compact.

**Section 3** amends s. 464.019, F.S., to revise provisions relating to nursing education programs, including:

- Authorizing the Board of Nursing (BON) to conduct on site-evaluations of nursing education program applicants, if necessary, to confirm compliance with the requirements s. 464.019(1), F.S.
- Requiring approved programs to demonstrate a licensure exam passage rate of no more than 10 percent below the average pass rate for all United States educated, first time exam takers of the National Council Licensure Examination (NCLEX). Currently the measure is calculated for first-time test takers who take the exam within 6 months after graduation from the program.
- Repealing the requirement that a graduate who does not take the licensure examination within six months after graduation must complete an examination preparatory course.

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<sup>25</sup> Section 464.019(10), F.S.

<sup>26</sup> Id.

<sup>27</sup> Florida Center for Nursing, *About Us*, available at <https://www.flcenterfornursing.org/Donations/HowyourdonationshelptheFCN.aspx>, (last visited March 24, 2017).

<sup>28</sup> Office of Program Policy Analysis and Government Accountability, *Approximately 42% of Nursing Programs Had Licensure Passage Rates Below the Required Legislative Standard in 2015*, Report No. 16-05, (July, 2016), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1605rpt.pdf> (last visited March 24, 2017).

<sup>29</sup> Office of Program Policy Analysis and Government Accountability, *Review of Florida's Nursing Education Programs, 2016*, Report No. 17-03 (Jan. 2017), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1703rpt.pdf>, (last visited March 24, 2017).

- Clarifying that the BON shall terminate a program, whether accredited or non-accredited, which has been placed on probationary status for failing to achieve the examination passage rate if it is not granted a 1-year extension or fails to achieve the required passage rate.
- Imposing the sanction of program termination if a program fails to submit the annual report within 6 months after it is due or if a program director for an approved program fails to appear before the board to explain the reason for failing to submit the annual report timely.
- Requiring an accredited or non-accredited program which has been placed on probationary status to disclose in its notification of that status an explanation of the implications on the students and applicants.
- Providing for termination of a nursing education program that fails to become accredited within the required timeframes.
- Prohibiting a program that is terminated or closed from seeking subsequent program approval under its original name, a new program or institutional name, or a new institution with the same ownership, for a minimum of 3 years after the date of termination or closing.
- Providing additional rulemaking authority for the BON to adopt rules related to nursing curriculum, including rules relating to the uses and limitations of simulation technology.
- Extending certain accountability provisions, that previously only applied to approved programs, to accredited programs. This includes the standard that the passage rate for first-time test takers may not be more than 10 percentage points lower than the average passage rate for graduates of comparable degree programs on the NCLEX; and the implications if the passage rate is below that standard. The second provision relates to the contents of the notification to various parties when a nursing education program has been placed on probationary status. The third provision authorizes excluding the test scores of students who transfer more than 12 credits from a terminated program to an approved or accredited program when calculating the passage rate of the receiving program.

This section of the bill also removes the Office of Program Policy Analysis and Government Accountability as a partner with the Florida Center for Nursing (FCN) to study and annually report to the Governor, President of the Senate and the Speaker of the House of Representatives on the previous year's availability of nursing education programs and the production of quality nurses through January 2020. In addition to existing report requirements, the FCN is to complete an assessment of the status of each program's progress in the accreditation process.

**Section 4** provides an effective date of July 1, 2017, except as expressly provided otherwise.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Florida Center for Nursing may require governmental funding to perform the implementation study tasks.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 464.012, 464.019 and Chapters 2016-139, 2016-224, and 2016-231, Laws of Florida.

**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 Health Policy on March 14, 2017:**

The CS:

- Removes from the bill language changing the approving entity for advanced registered nurse practitioner continuing education on the safe and effective prescription of controlled substances to the Board of Nursing (BON);
- Removes the requirement that nursing education programs placed on probation disclose to students and applicants the specific implications of the school's probationary status on an applicant's employment and educational opportunities; but retains the programs requirement to disclose the implications of the probation on the students and applicants;

- Closes a loophole for terminated programs to reapply for program approval within 3 years using an institutional name change or creating a new institution with the same ownership;
- Removes BON rulemaking authority for program implementation, termination and closure, and the procedure to seek subsequent approval; and
- Provides for removing the test scores of students transferring more than 12 hours from a closed program when calculating passage rates.

B. Amendments:

None.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3-27-17

Meeting Date

328

Bill Number (if applicable)

Topic NURSING EDUCATION

Amendment Barcode (if applicable)

Name MARTHA DeCASTRO

Job Title VP for Nursing

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Phone 850-222-9800

Street

Tallahassee FL 32317

City

State

Zip

Email martha@fha.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FLORIDA HOSPITAL ASSOCIATION

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

3/27/17

Meeting Date

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

CS/SB 328

Bill Number (if applicable)

Topic Regulation of nursing

Amendment Barcode (if applicable)

Name Carrie Graham

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Zip

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Speaking: ☐ For ☐ Against ☐ Information

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

Representing DeVry University and the Chamberlain College of Nursing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

Bob Harris

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)

3/27/17

Meeting Date

328

Bill Number (if applicable)

Topic Regulation of Nursing

Amendment Barcode (if applicable)

Name Alisa La Polt

Job Title Lobbyist

Address PO Box 1344

Phone 443-1319

Street

Tallahassee

FL

32302

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against

(The Chair will read this information into the record.)

Representing Florida Nurses Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)



By the Committee on Health Policy; and Senators Grimsley and Perry

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1 A bill to be entitled  
 2 An act relating to the regulation of nursing; amending  
 3 s. 464.012, F.S.; removing an obsolete qualification  
 4 no longer sufficient to satisfy certain nursing  
 5 certification requirements; amending s. 464.019, F.S.;  
 6 authorizing the Board of Nursing to conduct certain  
 7 on-site evaluations; removing a limiting criterion  
 8 from the requirement to measure graduate passage  
 9 rates; removing a requirement that certain nursing  
 10 program graduates complete a specific preparatory  
 11 course; clarifying circumstances when programs in  
 12 probationary status must be terminated; providing that  
 13 accredited and nonaccredited nursing education  
 14 programs must disclose probationary status; requiring  
 15 notification of probationary status to include certain  
 16 information; prohibiting a terminated or closed  
 17 program from seeking program approval for a certain  
 18 time; providing that a name change or the creation of  
 19 a new educational institution does not reduce the  
 20 waiting period for reapplication; authorizing the  
 21 board to adopt certain rules; removing requirements  
 22 that the Office of Program Policy Analysis and  
 23 Government Accountability perform certain tasks;  
 24 requiring the Florida Center for Nursing to make an  
 25 annual assessment of compliance by nursing programs  
 26 with certain accreditation requirements; requiring the  
 27 center to include its assessment in a report to the  
 28 Governor and the Legislature; requiring the  
 29 termination of a program under certain circumstances;

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30 providing effective dates.  
 31  
 32 Be It Enacted by the Legislature of the State of Florida:  
 33  
 34 Section 1. Subsection (1) of section 464.012, Florida  
 35 Statutes, is amended to read:  
 36 464.012 Certification of advanced registered nurse  
 37 practitioners; fees; controlled substance prescribing.—  
 38 (1) Any nurse desiring to be certified as an advanced  
 39 registered nurse practitioner shall apply to the department and  
 40 submit proof that he or she holds a current license to practice  
 41 professional nursing and that he or she meets one or more of the  
 42 following requirements as determined by the board:  
 43 ~~(a) Satisfactory completion of a formal postbasic~~  
 44 ~~educational program of at least one academic year, the primary~~  
 45 ~~purpose of which is to prepare nurses for advanced or~~  
 46 ~~specialized practice.~~  
 47 (a)(b) Certification by an appropriate specialty board.  
 48 Such certification shall be required for initial state  
 49 certification and any recertification as a registered nurse  
 50 anesthetist, psychiatric nurse, or nurse midwife. The board may  
 51 by rule provide for provisional state certification of graduate  
 52 nurse anesthetists, psychiatric nurses, and nurse midwives for a  
 53 period of time determined to be appropriate for preparing for  
 54 and passing the national certification examination.  
 55 (b)(c) Graduation from a program leading to a master's  
 56 degree in a nursing clinical specialty area with preparation in  
 57 specialized practitioner skills. For applicants graduating on or  
 58 after October 1, 1998, graduation from a master's degree program

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shall be required for initial certification as a nurse practitioner under paragraph (4)(c). For applicants graduating on or after October 1, 2001, graduation from a master's degree program shall be required for initial certification as a registered nurse anesthetist under paragraph (4)(a).

Section 2. Effective December 31, 2018, or upon enactment of the Nurse Licensure Compact into law by 26 states, whichever occurs first, subsection (1) of section 464.012, Florida Statutes, as amended by section 8 of chapter 2016-139, section 12 of chapter 2016-224, and section 7 of chapter 2016-231, Laws of Florida, is amended to read:

464.012 Certification of advanced registered nurse practitioners; fees; controlled substance prescribing.—

(1) Any nurse desiring to be certified as an advanced registered nurse practitioner shall apply to the department and submit proof that he or she holds a current license to practice professional nursing or holds an active multistate license to practice professional nursing pursuant to s. 464.0095 and that he or she meets one or more of the following requirements as determined by the board:

~~(a) Satisfactory completion of a formal postbasic educational program of at least one academic year, the primary purpose of which is to prepare nurses for advanced or specialized practice.~~

(a) ~~(b)~~ Certification by an appropriate specialty board. Such certification shall be required for initial state certification and any recertification as a registered nurse anesthetist, psychiatric nurse, or nurse midwife. The board may by rule provide for provisional state certification of graduate

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nurse anesthetists, psychiatric nurses, and nurse midwives for a period of time determined to be appropriate for preparing for and passing the national certification examination.

~~(b)~~ (e) Graduation from a program leading to a master's degree in a nursing clinical specialty area with preparation in specialized practitioner skills. For applicants graduating on or after October 1, 1998, graduation from a master's degree program shall be required for initial certification as a nurse practitioner under paragraph (4)(c). For applicants graduating on or after October 1, 2001, graduation from a master's degree program shall be required for initial certification as a registered nurse anesthetist under paragraph (4)(a).

Section 3. Paragraph (b) of subsection (2), subsection (5), subsection (8), paragraph (a) of subsection (9), and subsection (10) of section 464.019, Florida Statutes, are amended, paragraph (d) is added to subsection (7) of that section, and paragraph (e) is added to subsection (11) of that section, to read:

464.019 Approval of nursing education programs.—

(2) PROGRAM APPROVAL.—

(b) Following the department's receipt of a complete program application, the board may conduct an on-site evaluation if necessary to document the applicant's compliance with subsection (1). Within 90 days after the department's receipt of a complete program application, the board shall:

1. Approve the application if it documents compliance with subsection (1); or

2. Provide the educational institution with a notice of intent to deny the application if it does not document

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117 compliance with subsection (1). The notice must specify written  
 118 reasons for the board's denial of the application. The board may  
 119 not deny a program application because of an educational  
 120 institution's failure to correct an error or omission that the  
 121 department failed to provide notice of to the institution within  
 122 the 30-day notice period under paragraph (a). The educational  
 123 institution may request a hearing on the notice of intent to  
 124 deny the program application pursuant to chapter 120.

125 (5) ACCOUNTABILITY.—

126 (a)1. An approved program must achieve a graduate passage  
 127 rate for first-time test takers which ~~who take the licensure~~  
 128 ~~examination within 6 months after graduation from the program~~  
 129 ~~that is not more than 10 percentage points lower than the~~  
 130 ~~average passage rate during the same calendar year for graduates~~  
 131 ~~of comparable degree programs who are United States educated,~~  
 132 ~~first-time test takers on the National Council of State Boards~~  
 133 ~~of Nursing Licensing Examination, as calculated by the contract~~  
 134 ~~testing service of the National Council of State Boards of~~  
 135 ~~Nursing. An approved program shall require a graduate from the~~  
 136 ~~program who does not take the licensure examination within 6~~  
 137 ~~months after graduation to enroll in and successfully complete a~~  
 138 ~~licensure examination preparatory course pursuant to s. 464.008.~~  
 139 For purposes of this subparagraph, an approved program is  
 140 comparable to all degree programs of the same program type from  
 141 among the following program types:

142 a. Professional nursing education programs that terminate  
 143 in a bachelor's degree.

144 b. Professional nursing education programs that terminate  
 145 in an associate degree.

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146 c. Professional nursing education programs that terminate  
 147 in a diploma.

148 d. Practical nursing education programs.

149 2. Beginning with graduate passage rates for calendar year  
 150 2010, if an approved program's graduate passage rates do not  
 151 equal or exceed the required passage rates for 2 consecutive  
 152 calendar years, the board shall place the program on  
 153 probationary status pursuant to chapter 120 and the program  
 154 director shall appear before the board to present a plan for  
 155 remediation, which shall include specific benchmarks to identify  
 156 progress toward a graduate passage rate goal. The program must  
 157 remain on probationary status until it achieves a graduate  
 158 passage rate that equals or exceeds the required passage rate  
 159 for any 1 calendar year. The board shall deny a program  
 160 application for a new prelicensure nursing education program  
 161 submitted by an educational institution if the institution has  
 162 an existing program that is already on probationary status.

163 3. Upon the program's achievement of a graduate passage  
 164 rate that equals or exceeds the required passage rate, the  
 165 board, at its next regularly scheduled meeting following release  
 166 of the program's graduate passage rate by the National Council  
 167 of State Boards of Nursing, shall remove the program's  
 168 probationary status. If the program, during the 2 calendar years  
 169 following its placement on probationary status, does not achieve  
 170 the required passage rate for any 1 calendar year, the board  
 171 ~~shall terminate the program pursuant to chapter 120. However,~~  
 172 ~~the board~~ may extend the program's probationary status for 1  
 173 additional year, provided if the program has demonstrated  
 174 ~~demonstrates~~ adequate progress toward the graduate passage rate

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goal by meeting a majority of the benchmarks established in the remediation plan. If the program is not granted the 1-year extension or fails to achieve the required passage rate by the end of such extension, the board shall terminate the program pursuant to chapter 120.

(b) If an approved program fails to submit the annual report required in subsection (3), the board shall notify the program director and president or chief executive officer of the educational institution in writing within 15 days after the due date of the annual report. The program director shall appear before the board at the board's next regularly scheduled meeting to explain the reason for the delay. The board shall terminate the program pursuant to chapter 120 if the program director fails to appear before the board, as required under this paragraph, or if the program ~~it~~ does not submit the annual report within 6 months after the due date.

(c) A nursing education ~~An approved program, whether accredited or nonaccredited, which has been placed on probationary status shall disclose its probationary status in writing to the program's students and applicants. The notification must include an explanation of the implications of the program's probationary status on the students or applicants.~~

(d) If students from a program that is terminated pursuant to this subsection transfer to an approved or an accredited program under the direction of the Commission for Independent Education, the board shall recalculate the passage rates of the programs receiving the transferring students, excluding the test scores of those students transferring more than 12 credits.

(7) PROGRAM CLOSURE.—

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(d) A program that is terminated or closed under this section may not seek program approval under its original name or a new program name for a minimum of 3 years after the date of termination or closing. An institutional name change or the creation of a new educational institution with the same ownership does not reduce the waiting period for reapplication.

(8) RULEMAKING.—The board does not have rulemaking authority to administer this section, except that the board shall adopt rules that prescribe the format for submitting program applications under subsection (1) and annual reports under subsection (3), and to administer the documentation of the accreditation of nursing education programs under subsection (11). The board may adopt rules relating to the nursing curriculum, including rules relating to the uses and limitations of simulation technology. The board may not impose any condition or requirement on an educational institution submitting a program application, an approved program, or an accredited program, except as expressly provided in this section.

(9) APPLICABILITY TO ACCREDITED PROGRAMS.—

(a) Subsections (1)-(3), paragraph (4)(b), and paragraph (5)(b) subsection (5) do not apply to an accredited program.

(10) IMPLEMENTATION STUDY.—The Florida Center for Nursing ~~and the education policy area of the Office of Program Policy Analysis and Government Accountability~~ shall study the administration of this section and submit reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives annually by January 30, through January 30, 2020. The annual reports shall address the previous academic year; provide data on the measures specified in paragraphs (a)

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and (b), as such data becomes available; and include an evaluation of such data for purposes of determining whether this section is increasing the availability of nursing education programs and the production of quality nurses. The department and each approved program or accredited program shall comply with requests for data from the Florida Center for Nursing ~~and the education policy area of the Office of Program Policy Analysis and Government Accountability.~~

(a) The Florida Center for Nursing ~~education policy area of the Office of Program Policy Analysis and Government Accountability~~ shall evaluate program-specific data for each approved program and accredited program conducted in the state, including, but not limited to:

1. The number of programs and student slots available.

2. The number of student applications submitted, the number of qualified applicants, and the number of students accepted.

3. The number of program graduates.

4. Program retention rates of students tracked from program entry to graduation.

5. Graduate passage rates on the National Council of State Boards of Nursing Licensing Examination.

6. The number of graduates who become employed as practical or professional nurses in the state.

(b) The Florida Center for Nursing shall evaluate the board's implementation of the:

1. Program application approval process, including, but not limited to, the number of program applications submitted under subsection (1); the number of program applications approved and denied by the board under subsection (2); the number of denials

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of program applications reviewed under chapter 120; and a description of the outcomes of those reviews.

2. Accountability processes, including, but not limited to, the number of programs on probationary status, the number of approved programs for which the program director is required to appear before the board under subsection (5), the number of approved programs terminated by the board, the number of terminations reviewed under chapter 120, and a description of the outcomes of those reviews.

(c) The Florida Center for Nursing shall complete an annual assessment of compliance by programs with the accreditation requirements of subsection (11), include in the assessment a determination of the accreditation process status for each program, and submit the assessment as part of the reports required ~~For any state fiscal year in which The Florida Center for Nursing does not receive legislative appropriations, the education policy area of the Office of Program Policy Analysis and Government Accountability shall perform the duties assigned by this subsection to the Florida Center for Nursing.~~

(11) ACCREDITATION REQUIRED.—

(e) A nursing education program that fails to meet the accreditation requirements shall be terminated and is ineligible for reapproval under its original name or a new program name for a minimum of 3 years after the date of termination. An institutional name change or the creation of a new educational institution with the same ownership does not reduce the waiting period for reapplication.

Section 4. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2017.

**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.)

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Prepared By: The Professional Staff of the Committee on Education

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BILL: CS/SB 668

INTRODUCER: Education Committee and Senator Bean

SUBJECT: Postsecondary Distance Education

DATE: March 28, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Benvenisty	Graf	ED	<b>Fav/CS</b>
2.			AHE	
3.			AP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 668 authorizes the state of Florida to participate in the State Authorization Reciprocity Agreements (SARA) for the delivery of postsecondary distance education. Specifically, the bill:

- Specifies that all parties to the SARA must be willing to accept each other's authorization of accredited institutions to operate in their state to offer distance education services.
- Establishes the Postsecondary Reciprocal Distance Education Coordinating Council (Council), within the Florida Department of Education, for the purpose of entering into and administering the SARA.
- Establishes membership of the Council and requires the Commission for Independent Education to provide administrative support to the Council.
- Requires the Council to propose an annual fee schedule and collect fees from each Florida institution participating in the SARA.
- Requires the State Board of Education to adopt rules for the implementation of the SARA.

The bill takes effect upon becoming law.

**II. Present Situation:**

Students may access higher education through the traditional classroom setting or through distance education.

The Southern Association of Colleges and Schools Commission on Colleges defines distance learning as a formal educational process in which the majority of the instruction in a course occurs when students and instructors do not share the same location.<sup>1</sup> Florida law defines distance learning, for the purpose of assessing a distance learning course fee, as a course in which at least 80 percent of direct instruction of the course is delivered using some form of technology when the student and instructor are separated by time or space, or both.<sup>2</sup>

### **The Southern Regional Education Board**

The Southern Regional Education Board (SREB) maintains a regional system for sharing online college courses known as the Electronic Campus (EC).<sup>3</sup> SREB's EC allows students residing in an SREB member state to access online courses in any SREB state through the SREB's Electronic Reciprocity Agreement (SECRA).<sup>4</sup> The SECRA is a voluntary agreement, which allows institutions that offer courses and degree programs that have been reviewed and approved by the institution's home state to be recognized as approved to offer courses in other SREB states.<sup>5</sup> In order to participate in SECRA, an institution must be not-for-profit, regionally accredited, and chartered in one of the 16 SREB member states.<sup>6</sup> Florida currently participates in this agreement.<sup>7</sup>

The SECRA will expire on June 30, 2017.<sup>8</sup>

### **Federal Requirements**

Federal law requires each state to regulate out-of-state educational institutions with a physical presence in their state or that provides an education via distance learning to students in that state.<sup>9</sup> The state authorization of online programs can be achieved through a state authorization reciprocity agreement.<sup>10</sup> A "state authorization reciprocity agreement" is<sup>11</sup>

"an agreement between two or more states that authorizes an institution located and legally authorized in a State covered by the agreement to provide postsecondary education through distance education or correspondence courses to students residing in other States covered by the agreement and does not prohibit any State in agreement from

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<sup>1</sup> Southern Association of Colleges and Schools Commission on Colleges, *Policy Statement, Distance and Correspondence Education* (2014), available at <http://www.sacscoc.org/pdf/DistanceCorrespondenceEducation.pdf>.

<sup>2</sup> Sections 1009.23(16) and 1009.24(7), F.S.

<sup>3</sup> Southern Regional Education Board, *State Authorization, SREB and the State Authorization Reciprocity Agreement*, <http://www.sreb.org/state-authorization-sara-secra> (last visited March 24, 2017).

<sup>4</sup> Southern Regional Education Board, *State Authorization, SREB's Regional Agreement, SECRA*, <http://www.sreb.org/state-authorization-sara-secra> (last visited March 24, 2017).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Southern Regional Education Board, *State Authorization, SECRA Dissolve Date*, <http://www.sreb.org/state-authorization-sara-secra> (last visited March 24, 2017).

<sup>9</sup> 34 C.F.R. s. 600.9.

<sup>10</sup> *Id.* See also National Council for State Authorization Reciprocity Agreements, *About NC-SARA*, <http://nc-sara.org/about> (last visited March 24, 2017).

<sup>11</sup> Program Integrity and Improvement, 81 Fed. Reg. 92232 (Dec. 19, 2016).

enforcing its own statutes and regulations, whether general or specifically directed at all or a subgroup of educational institutions.”

Currently, there is a national interstate reciprocity agreement for the state authorization of distance learning programs.<sup>12</sup>

### ***State Authorization Reciprocity Agreement***

The State Authorization Reciprocity Agreement, also known as SARA, is a voluntary agreement among participating states that establishes comparable national standards for interstate offerings of postsecondary distance education courses and programs.<sup>13</sup> SARA is overseen by a national council<sup>14</sup> and administered by the four regional education compacts.<sup>15</sup> SARA membership requires the state to designate a portal entity as the coordinating entity responsible for contact with other state entities and students from other states.<sup>16</sup> Each state must apply to the National Council for SARA (NC-SARA) through its portal entity to be a member of SARA.<sup>17</sup> Once a state becomes a member of SARA, institutions within that state are authorized to apply to the portal entity to participate in SARA.<sup>18</sup> An institution in an SARA member state is not required to participate in SARA.<sup>19</sup>

To participate in SARA, an institution must:<sup>20</sup>

- Be a degree granting institution;
- Be physically located in the United States;
- Hold proper authorization from Congress, a U.S. state, or a federally recognized Indian Tribe; and
- Hold accreditation as a single entity from an accrediting association recognized by the U.S. Department of Education and whose scope of authority includes distance education.

Institutions participating in the reciprocity agreement pay a fee directly to NC- SARA based on the institution’s full time equivalent enrollment.<sup>21</sup> States have the option of charging a SARA-participating institution a fee to cover the state’s costs in administering SARA.<sup>22</sup>

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<sup>12</sup> National Council for State Authorization Reciprocity Agreements, *About NC-SARA*, <http://nc-sara.org/about> (last visited March 24, 2017).

<sup>13</sup> National Council for State Authorization Reciprocity Agreements, *About NC-SARA*, <http://nc-sara.org/about> (last visited March 24, 2017).

<sup>14</sup> National Council for State Authorization Reciprocity Agreements, *National Council Board*, <http://nc-sara.org/about/national-council> (last visited March 24, 2017).

<sup>15</sup> The four regional education compacts are the Midwestern Higher Education Compact, the New England Board of Higher Education, the Southern Regional Education Board, and the Western Interstate Commission for Higher Education. National Council for State Authorization Reciprocity Agreements, *State Authorization Reciprocity Agreements Policy and Operations Manual* (2016), available at [http://nc-sara.org/files/docs/NC-SARA\\_Manual\\_Final\\_2016.pdf](http://nc-sara.org/files/docs/NC-SARA_Manual_Final_2016.pdf), at 5 of 88.

<sup>16</sup> *Id.* at 11-12 of 88.

<sup>17</sup> *Id.* at 14 of 88.

<sup>18</sup> *Id.* at 20 of 88.

<sup>19</sup> *Id.* at 3 of 88.

<sup>20</sup> National Council for State Authorization Reciprocity Agreements, *State Authorization Reciprocity Agreements Policy and Operations Manual* (2016), available at [http://nc-sara.org/files/docs/NC-SARA\\_Manual\\_Final\\_2016.pdf](http://nc-sara.org/files/docs/NC-SARA_Manual_Final_2016.pdf), at 17 of 88.

<sup>21</sup> National Council for State Authorization Reciprocity Agreements, *State Authorization Reciprocity Agreements Policy and Operations Manual* (2016), available at [http://nc-sara.org/files/docs/NC-SARA\\_Manual\\_Final\\_2016.pdf](http://nc-sara.org/files/docs/NC-SARA_Manual_Final_2016.pdf), at pg. 21 of 88.

<sup>22</sup> *Id.*



## **The Commission for Independent Education**

The Commission for Independent Education (CIE) is responsible for matters relating to nonpublic postsecondary educational institutions.<sup>23</sup> The CIE's functions include consumer protection; program improvements; institutional policies and administration; data management; licensure of independent schools, colleges and universities; and establishing minimum standards for the approval of employees of independent postsecondary educational institutions.<sup>24</sup> The CIE may adopt rules to ensure that licensed employees of an independent postsecondary educational institution meets specified standards.<sup>25</sup> An employee of an independent postsecondary educational institution may not solicit prospective students in Florida for enrollment in any independent postsecondary educational institution under the CIE's purview or in any out-of-state independent postsecondary educational institution unless the employee has received a license as prescribed by the CIE.<sup>26</sup>

### **III. Effect of Proposed Changes:**

CS/SB 668 authorizes the state of Florida to participate in the State Authorization Reciprocity Agreements (SARA) for the delivery of postsecondary distance education. Specifically, the bill:

- Specifies that all parties to the SARA must be willing to accept each other's authorization of accredited institutions to operate in their state to offer distance education services.
- Establishes the Postsecondary Reciprocal Distance Education Coordinating Council (Council), within the Florida Department of Education, for the purpose of entering into and administering the SARA.
- Establishes membership of the Council and requires the Commission for Independent Education (CIE) to provide administrative support to the Council.
- Requires the Council to propose an annual fee schedule and collect fees from each Florida institution participating in the SARA.
- Requires the State Board of Education to adopt rules for the implementation of the SARA.

Under the bill, each member state or institution that participates in the SARA must be willing to accept the participating states' authorization of accredited institutions to operate in their states to offer distance educational services beyond state boundaries.

The bill defines institution to mean a public or private postsecondary educational institution that is accredited by a federally recognized accrediting body that awards, at a minimum, associate level degrees requiring at least two years of full-time equivalent college coursework.

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<sup>23</sup> Section 1005.22, F.S.

<sup>24</sup> Section 1005.04, F.S.

<sup>25</sup> Section 1005.22(e), F.S.

<sup>26</sup> Section 1005.31(11), F.S.

**Postsecondary Reciprocal Distance Education Coordinating Council Responsibilities**

The bill grants to the Council the authority to apply to National Council for SARA (NC-SARA) and recommend rules, necessary to administer the SARA, for adoption by the State Board of Education.<sup>27</sup> Additionally, the Council is required to:

- Review and approve applications from Florida institutions to participate in the SARA and establish an appeals process for institutions that are not approved to participate in the SARA;
- Ensure compliance by Florida's institutions with the terms of the SARA, including but not limited to, accreditation and institutional quality, and consumer information and protection;
- Comply with the terms and provisions of the SARA relating to any member state, Florida institution, or non-Florida institution;
- Comply with reporting requirements in the SARA and post all such reports on the Council's website;
- Develop and administer a complaint resolution process for complaints related to the SARA; and
- Delegate to the CIE's staff any responsibilities, obligations, or authorities necessary for the administration of Florida's participation in the SARA.
- Propose an annual fee schedule and collect fees from each Florida SARA institution. The fees must be commensurate with the costs incurred by the Council.

The Council must consist of the Chancellor of the State University System, the Chancellor of the Florida College System, the Chancellor of the Division of Career and Adult Education, the Executive Director of the CIE, and the President of the Independent Colleges and Universities of Florida.

**Commission for Independent Education Responsibilities**

The bill provides that a non-Florida institution participating in the SARA that offers degree programs and conducts activities limited to distance education degree programs and activities in accordance with the SARA is not under the jurisdiction of the CIE. As a result, the CIE is not required to independently authorize every institution that provides distance education that serves Florida's students.

Additionally, the bill specifies that an employee of an independent postsecondary educational institution may not solicit prospective students in Florida for enrollment in any independent postsecondary educational institution unless the employee solicits for a postsecondary educational institution that is a member of the SARA, and therefore not under the jurisdiction of the CIE.

The bill takes effect upon becoming law.

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<sup>27</sup> State University System of Florida Board of Governors, *2017 Agency Legislative Bill Analysis for SB 668* (Feb. 14, 2017), at 3.

**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:**

Private postsecondary educational institutions that choose to participate in the State Authorization Reciprocity Agreements (SARA) be required to pay the fee that the Postsecondary Reciprocal Distance Education Coordinating Council (Council) is authorized to establish under CS/SB 668.<sup>28</sup> Additional fees may be required by the governing body of the SARA.<sup>29</sup> The expenditures associated with the fee rates under the agreement cannot be determined at this time.<sup>30</sup>

**C. Government Sector Impact:**

Public postsecondary educational institutions that choose to participate in SARA may be required to pay the fee that the Council is authorized to establish under CS/SB 668.<sup>31</sup> Additional fees may be required by the governing body of the SARA.<sup>32</sup> The expenditures associated with the fee rates under the agreement cannot be determined at this time.<sup>33</sup>

**VI. Technical Deficiencies:**

None.

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<sup>28</sup> State University System of Florida Board of Governors, *2017 Agency Legislative Bill Analysis for SB 668* (Feb. 14, 2017), at 3.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1005.06 and 1005.31.

This bill creates section 1000.35 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 March 27, 2017:**

The committee substitute:

- Authorizes Florida to participate specifically in the State Authorization Reciprocity Agreement (SARA).
- Specifies that all parties to the SARA must be willing to accept each other's authorization of accredited institutions to offer distance educational services.
- Requires the Postsecondary Reciprocal Distance Education Coordinating Council (Council) to apply to participate in the SARA within 60 days after the effective date of this act.
- Specifies the terms and conditions with which Florida SARA institutions must comply, including, but not limited to, accreditation and institutional quality, consumer information and protections, disclosure and reporting requirements, complaint mechanisms and financial responsibility.
- Requires the annual fee schedule, proposed by the Council, be based on a graduated scale based on enrollment.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2017	.	
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The Committee on Education (Bean) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 1000.35, Florida Statutes, is created to  
read:

1000.35 State Authorization Reciprocity Agreement.—

(1) The purpose of this section is to authorize this  
state's participation in the State Authorization Reciprocity  
Agreement (SARA) as established by the Southern Regional  
Education Board (SREB) and the National Council for State



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Authorization Reciprocity Agreements (NC-SARA) relative to postsecondary distance education as defined in the SARA. All parties to the SARA must be willing to accept each other's authorization of accredited institutions to operate in their state to offer distance educational services beyond state boundaries.

(2) For purposes of this section, the term:

(a) "Commission" means the Commission for Independent Education.

(b) "Complaint" means a formal assertion in writing that a person, institution, state, agency, or other entity operating under the SARA has violated the terms of the SARA or the laws, standards, or regulations incorporated therein.

(c) "Council" means the Postsecondary Reciprocal Distance Education Coordinating Council, which serves as the single portal entity designated by the state to administer the SARA and serves as the interstate point of contact for SARA-related questions, complaints, and other matters related to the SARA.

(d) "Department" means the Department of Education.

(e) "Florida SARA institution" means a postsecondary institution in this state approved by the council to participate in the SARA.

(f) "Institution" means a public or private postsecondary degree-granting college or university that is accredited by a federally recognized accrediting body and that awards, at a minimum, associate-level degrees requiring at least 2 years of full-time equivalent college work.

(g) "Member state" means a state, territory, or district within the United States that has been approved to participate



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in the SARA.

(h) "Non-Florida SARA institution" means an institution approved by a member state other than this state to participate in the SARA.

(i) "SREB" means the Southern Regional Education Board.

(j) "State Authorization Reciprocity Agreement" or "SARA" means the agreement that establishes reciprocity between member states that accept other member states' authorization of accredited institutions to operate in their states to offer distance educational services beyond state boundaries pursuant to the terms and conditions set forth in the agreement.

(k) "State board" means the State Board of Education.

(3) The council is created within the department for the purpose of administering the SARA. The council shall consist of the Chancellor of the State University System, the Chancellor of the Florida College System, the Chancellor of the Division of Career and Adult Education, the executive director of the commission, and the president of the Independent Colleges and Universities of Florida. The commission shall provide administrative support for the council. The council shall:

(a) Within 60 days after the effective date of this act, apply for this state to participate as a member of the SARA pursuant to the procedures established by the SREB;

(b) Serve as the single portal entity for administration of the SARA;

(c) Review and approve applications from institutions in this state to participate in the SARA and establish an appeals process for institutions that are not approved to participate in the SARA;



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(d) Ensure compliance by Florida SARA institutions with the terms and provisions of the SARA, including, but not limited to, accreditation and institutional quality, consumer information and protection, disclosure and reporting requirements, complaint mechanisms, and financial responsibility;

(e) Comply with the terms and provisions of the SARA relating to any member state, Florida SARA institution, or non-Florida SARA institution;

(f) Comply with the reporting requirements in the SARA and post all such reports on the council's website;

(g) Consistent with the complaint resolution processes in the SARA, develop and administer a complaint resolution process to resolve SARA-related complaints after all complaint processes in place at a Florida SARA institution have been exhausted by the complainant;

(h) Delegate any responsibilities, obligations, or authorities necessary for the administration of this state's participation in the SARA to the commission's staff; and

(i) Recommend rules necessary to administer this section for adoption by the state board.

(4) The council shall propose an annual fee schedule and collect fees from each Florida SARA institution. The fees shall be commensurate with the costs incurred by the council and commission to administer the SARA and shall be based on a graduated scale of institutional enrollment. The council shall propose an annual fee schedule to generate the amount of revenue necessary for its operations. The proposed fee schedule shall be submitted to the state board for approval. The department shall include the approved fee schedule in its legislative budget





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request which takes effect unless revised by the Legislature in the General Appropriations Act. All fees collected pursuant to this subsection shall be submitted through the department to the Chief Financial Officer for deposit into a separate account within the Institutional Assessment Trust Fund. Any fee authorized by the council is nonrefundable unless paid in error.

(5) The council may revoke a Florida SARA institution's approval to participate in the SARA if the council determines such institution is not in compliance with the terms and provisions of the SARA.

(6) A Florida SARA institution may withdraw from participation as a Florida SARA institution by submitting notice of its intent to withdraw to the council, which shall become effective at the beginning of the next academic term after receipt of such notice.

(7) Decisions of the council are not subject to chapter 120.

(8) This section does not supersede the requirements in chapter 1005 relating to postsecondary educational institutions under the jurisdiction of the commission.

(9) The state board shall adopt rules to implement this section.

Section 2. Paragraph (h) is added to subsection (1) of section 1005.06, Florida Statutes, to read:

1005.06 Institutions not under the jurisdiction or purview of the commission.—

(1) Except as otherwise provided in law, the following institutions are not under the jurisdiction or purview of the commission and are not required to obtain licensure:



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(h) Any non-Florida institution that has been approved by a member state to participate in the State Authorization Reciprocity Agreement (SARA), as those terms are defined in s. 1000.35(2), if the degree programs that may be offered and the activities that may be conducted by such institution in this state are limited to the distance education degree programs and activities provided in and consistent with the terms and provisions of the SARA.

Section 3. Subsection (11) of section 1005.31, Florida Statutes, is amended to read:

1005.31 Licensure of institutions.—

(11) The commission shall establish minimum standards for the approval of agents. The commission may adopt rules to ensure that licensed agents meet these standards and uphold the intent of this chapter. An agent may not solicit prospective students in this state for enrollment in any independent postsecondary educational institution under the commission's purview or in any out-of-state independent postsecondary educational institution unless the agent has received a license as prescribed by the commission or solicits for a postsecondary educational institution that is not under the jurisdiction of the commission pursuant to s. 1005.06(1)(h).

Section 4. The Division of Law Revision and Information is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date this act becomes a law.

Section 5. This act shall take effect upon becoming a law.

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



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And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to postsecondary distance education;  
creating s. 1000.35, F.S.; authorizing this state to  
participate in the State Authorization Reciprocity  
Agreement (SARA) for delivery of postsecondary  
distance education; providing definitions;  
establishing the Postsecondary Reciprocal Distance  
Education Coordinating Council within the Department  
of Education; requiring the Commission for Independent  
Education to provide administrative support for the  
council; providing membership and duties of the  
council; requiring the council to propose an annual  
fee schedule and collect fees from Florida SARA  
institutions; requiring the proposed fee schedule to  
be submitted to the State Board of Education for  
approval; providing for deposit of such fees into a  
specified trust fund; authorizing the council to  
revoke a Florida SARA institution's participation for  
noncompliance; authorizing such institution to  
withdraw from participation in the SARA after  
providing notice; exempting council decisions from the  
Administrative Procedure Act; providing that  
provisions relating to the jurisdiction of the  
commission are not superseded; requiring the state  
board to adopt rules; amending s. 1005.06, F.S.;  
providing that the commission does not have



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186 jurisdiction over certain non-Florida institutions  
187 participating in the SARA; amending s. 1005.31, F.S.;  
188 authorizing the solicitation of prospective students  
189 for enrollment in certain postsecondary educational  
190 institutions; providing a directive to the Division of  
191 Law Revision and Information; providing an effective  
192 date.

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/27/17

Meeting Date

SB668

Bill Number (if applicable)

Topic

Postsecondary Distance Ed

Amendment Barcode (if applicable)

Name

Kathleen Daly - Florida State Univ.

Job Title

AVP, University Relations

Address

Westcott Bldg

Phone

591-3920

Street

Tallahassee

FL

32306

Email

City

State

Zip

Speaking:



For



Against



Information

Waive Speaking:



In Support



Against

(The Chair will read this information into the record.)

Representing

Florida State University

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)

3/27/2017  
Meeting Date

SB 668  
Bill Number (if applicable)

Topic Postsecondary Distance Education

Amendment Barcode (if applicable)

Name Janet Owen

Job Title VP, Governmental Affairs

Address 1 UNF Drive

Phone (904) 620-2500

Jacksonville FL 32224  
City State Zip

Email jowen@unf.edu

Speaking: ☐ For ☐ Against ☐ Information

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

Representing University of North Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

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)

3/27/17

Meeting Date

SB 668

Bill Number (if applicable)

~~000000~~

Amendment Barcode (if applicable)

Topic Postsecondary Distance Education

Name Carrie Graham

Job Title Legislative Assistant for Bob Harris

Address 2618 Centennial Pl  
Street

Phone 850 222 0720

Tallahassee  
City

FL  
State

32308  
Zip

Email Cgraham@lawfla.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing DeVry University

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

Bob Harris

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)

3-27-17

Meeting Date

668

Bill Number (if applicable)

Topic State Authorization Reciprocity Agt.

Amendment Barcode (if applicable)

Name BRIAN LOGAN

Job Title Legislative Affairs Director

Address 325 W. Gaines St.

Phone 850-567-0588

Street

Tallahassee

FL

32399

City

State

Zip

Email brian.logan@flbog.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Board of Governors

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)

3-27-17

Meeting Date

SB668

Bill Number (if applicable)

Topic

Distance Learning

Amendment Barcode (if applicable)

Name

Stephen Shiver

Job Title

Address

204 S Monroe St

Phone

850 222 8900

Street

Tallahassee

FL

32303

Email

ss@cardonapartners.com

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Associated Industries of Florida

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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

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

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)

3/27/17

SB 600

Meeting Date

668

Bill Number (if applicable)

744338

Amendment Barcode (if applicable)

Topic PostSecondary Distance Education

Name Carrie Graham

Job Title Legislative Assistant for Bob Harris

Address 2618 Centennial Pl

Street

Tallahassee

City

FL

State

32308

Zip

Phone 850 222 0720

Email Cgraham@lawfla.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing DeVry University

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

Bob Harris

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**

3/27/17

Meeting Date

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

668

Bill Number (if applicable)

744338

Topic Postsecondary Distance Education

Amendment Barcode (if applicable)

Name Dr. Ed Moore

Job Title President &amp; CEO of Indepent Colleges and Universities of Flordia (ICUF)

Address 542 East Park Ave

Phone 850-681-3188

Street

Tallahassee

Florida

32301

City

State

Zip

Email emoore@icuf.org

Speaking: ☒ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing ICUF- would like to speak on the bill and strike all amendment

Appearing at request of Chair: ☐ Yes ☒ NoLobbyist 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)

By Senator Bean

4-00898-17

2017668\_\_

A bill to be entitled

An act relating to postsecondary distance education; creating s. 1000.35, F.S.; authorizing this state to participate in a reciprocity agreement for delivery of postsecondary distance education; providing definitions; establishing the Postsecondary Reciprocal Distance Education Coordinating Council within the Department of Education; providing a purpose; requiring the Commission for Independent Education to provide administrative support for the council; providing membership and duties of the council; requiring the council to propose an annual fee schedule and collect fees from Florida institutions participating in the reciprocity agreement; requiring the State Board of Education to approve the fee schedule; providing for deposit of such fees into a specified trust fund; authorizing the council to revoke a Florida institution's participation in the reciprocity agreement for noncompliance; authorizing such institution to withdraw from participation in the reciprocity agreement after providing notice; exempting council decisions from the Administrative Procedure Act; providing that provisions relating to the jurisdiction of the commission are not superseded; requiring the state board to adopt rules; amending s. 1005.06, F.S.; providing that the commission does not have jurisdiction over certain non-Florida institutions participating in the reciprocity agreement; amending s. 1005.31, F.S.; conforming a provision to changes made by the act; providing an effective date.

4-00898-17

2017668\_\_

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

Section 1. Section 1000.35, Florida Statutes, is created to read:

1000.35 Reciprocity agreement.—

(1) The purpose of this section is to authorize this state to participate in a reciprocity agreement with other states for the delivery of postsecondary distance education. Each member state or institution participating in the reciprocity agreement must accept the accreditation standards and criteria of each other member state and institution participating in the reciprocity agreement to offer postsecondary distance education.

(2) For purposes of this section, the term:

(a) "Commission" means the Commission for Independent Education.

(b) "Complaint" means a formal assertion in writing that a person, institution, state, agency, or other entity operating under the reciprocity agreement has violated the terms of the reciprocity agreement or the laws, standards, or regulations incorporated therein.

(c) "Council" means the Postsecondary Reciprocal Distance Education Coordinating Council, which serves as the single portal agency designated by the state to administer the reciprocity agreement and serves as the interstate point of contact for questions, complaints, and other matters related to the reciprocity agreement.

(d) "Department" means the Department of Education.

(e) "Florida institution" means a postsecondary educational institution in this state approved by the council to participate

4-00898-17

2017668

in the reciprocity agreement.

(f) "Institution" means a public or private postsecondary educational institution that is accredited by a federally recognized accrediting body and that awards, at a minimum, associate-level degrees requiring at least 2 years of full-time equivalent college coursework.

(g) "Member state" means a state, territory, or district within the United States that has been approved to participate in the reciprocity agreement.

(h) "Non-Florida institution" means an institution approved by a member state other than this state to participate in the reciprocity agreement.

(i) "Reciprocity agreement" means an agreement that establishes reciprocity between member states to authorize institutions to offer postsecondary distance education in such states pursuant to the terms and conditions in the agreement.

(j) "State board" means the State Board of Education.

(3) The council is established within the department for the purpose of administering the reciprocity agreement, and except as otherwise provided in this subsection, shall operate consistent with s. 20.052.

(a) The council shall consist of the Chancellor of the State University System, the Chancellor of the Florida College System, the Chancellor of the Division of Career and Adult Education, the Executive Director of the Commission for Independent Education, and the President of the Independent Colleges and Universities of Florida. The commission shall provide administrative support for the council.

(b) The council shall:

4-00898-17

2017668

1. Apply for this state to participate as a member of the reciprocity agreement;

2. Serve as the portal agency for the administration of the reciprocity agreement;

3. Review and approve applications from institutions in this state to participate in the reciprocity agreement and establish an appeals process for institutions that are not approved to participate in the reciprocity agreement;

4. Ensure compliance by Florida institutions with the terms and provisions of the reciprocity agreement;

5. Comply with the terms and provisions of the reciprocity agreement relating to any member state, Florida institution, or non-Florida institution;

6. Comply with the reporting requirements in the reciprocity agreement and post any required reports on the council's website;

7. Develop and administer a complaint resolution process for complaints related to the reciprocity agreement for which all available remedies at a Florida institution have been exhausted;

8. Delegate any responsibilities, obligations, or authorities to the commission's staff necessary for the administration of this state's participation in the reciprocity agreement; and

9. Recommend rules necessary to administer this section for adoption by the state board.

(c) The council shall propose an annual fee schedule and collect fees from each Florida institution participating in the reciprocity agreement. The fees shall be commensurate with the

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costs incurred by the council and the commission for administering the reciprocity agreement. The council shall submit the proposed fee schedule to the state board for approval. The department shall include the approved fee schedule in its legislative budget request which takes effect unless revised in the General Appropriations Act. All fees collected pursuant to this paragraph shall be submitted through the department to the Chief Financial Officer for deposit into a separate account within the Institutional Assessment Trust Fund. Any fee authorized by the council is nonrefundable unless paid in error.

(d) The council may revoke a Florida institution's participation in the reciprocity agreement if the council determines such institution is not in compliance with the terms and provisions of the reciprocity agreement.

(e) A Florida institution may withdraw from participation in the reciprocity agreement by submitting notice of its intent to withdraw to the council which shall become effective at the beginning of the next academic term after receipt of such notice.

(f) Decisions by the council are not subject to chapter 120.

(4) This section does not supersede the requirements in chapter 1005 relating to postsecondary educational institutions under the jurisdiction of the commission.

(5) The state board shall adopt rules to implement this section.

Section 2. Paragraph (h) is added to subsection (1) of section 1005.06, Florida Statutes, to read:

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1005.06 Institutions not under the jurisdiction or purview of the commission.—

(1) Except as otherwise provided in law, the following institutions are not under the jurisdiction or purview of the commission and are not required to obtain licensure:

(h) Any non-Florida institution that has been approved by a member state to participate in a reciprocity agreement, as those terms are defined in s. 1000.35(2), entered into by the Postsecondary Reciprocal Distance Education Coordinating Council under s. 1000.35, and offers degree programs and conducts activities that are limited to distance education degree programs and activities in accordance with the reciprocity agreement.

Section 3. Subsection (11) of section 1005.31, Florida Statutes, is amended to read:

1005.31 Licensure of institutions.—

(11) The commission shall establish minimum standards for the approval of agents. The commission may adopt rules to ensure that licensed agents meet these standards and uphold the intent of this chapter. An agent may not solicit prospective students in this state for enrollment in any independent postsecondary educational institution under the commission's purview or in any out-of-state independent postsecondary educational institution unless the agent has received a license as prescribed by the commission or solicits for a postsecondary educational institution that is not under the jurisdiction of the commission pursuant to s. 1005.06(1)(h).

Section 4. This act shall take effect upon becoming a law.

Page 6 of 6

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

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 782

INTRODUCER: Senator Mayfield

SUBJECT: High School Graduation Requirements

DATE: March 24, 2017

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Androff	Graf	ED	<b>Favorable</b>
2. _____	_____	HP	_____
3. _____	_____	RC	_____

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**I. Summary:**

SB 782 revises the high school graduation requirements for satisfying the mandatory one-credit requirement in physical education. Specifically, the bill deletes the requirement for students who participate in two full seasons of an interscholastic sport to pass a competency test on personal fitness in order to satisfy the physical education credit required for graduation with a standard high school diploma.

The bill takes effect July 1, 2017.

**II. Present Situation:**

Florida law specifies the requirements for students to obtain a standard high school diploma.

**Credits Required to Earn a Standard High School Diploma**

To graduate from high school with a standard high school diploma, a student must successfully complete 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum.<sup>1</sup>

A student must successfully complete 24 credits in the following subject areas:<sup>2</sup>

- Four credits in English Language Arts (ELA) I, II, III, and IV.
- Four credits in mathematics, including one each in Algebra I and Geometry. Industry certifications earned by students may substitute for up to two mathematics credits, except for Algebra I and Geometry.

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<sup>1</sup> Section 1003.4282(1)(a), F.S.

<sup>2</sup> *Id.* at (3).

- Three credits in science, including one credit in Biology I and two credits in equally rigorous courses.<sup>3</sup> Industry certifications earned by students may substitute for one science credit except for Biology I.
- Three credits in social studies, including one credit each in U.S. history and World history; one-half in credit in economics, which must include financial literacy; and one-half credit in U.S. Government.
- One credit in fine or performing arts, speech and debate, or practical arts that incorporates artistic content and techniques of creativity, interpretation, and imagination.
- One credit in physical education that must include the integration of health.
- Eight credits in electives. School districts are required to develop and offer coordinated electives to enable a student to develop knowledge and skills in his or her area of interest and these electives must include opportunities for students to earn college credit.

### ***Physical Education Credit***

Florida law requires a student to earn one credit in physical education, of the mandatory 24 credits, to graduate with a standard high school diploma.<sup>4</sup> Currently, students that participate in an interscholastic sport at the junior varsity or varsity level for two full seasons can satisfy the one-credit requirement in physical education if the student passes a competency test on personal fitness with a score of “C” or better.<sup>5</sup> In 1998, the Legislature raised the physical education credit requirement from one to two seasons of interscholastic sports and added the personal fitness competency test.<sup>6</sup>

Currently, students who complete one semester with a grade of “C” or better in a marching band class, in a physical activity class that requires participation in marching band activities as an extracurricular activity, or in a dance class can satisfy one-half credit in physical education.<sup>7</sup> Additionally, students who complete two years in a Reserve Officer Training Corps (ROTC) class, a significant component of which is drills, satisfy the one-credit requirement in physical education and the one-credit requirement in performing arts.<sup>8</sup> There is no requirement that such students complete a personal fitness competency exam.

### **III. Effect of Proposed Changes:**

SB 782 revises the high school graduation requirements for satisfying the mandatory one-credit requirement in physical education. Specifically, the bill deletes the requirement for students who participate in two full seasons of an interscholastic sport to pass a competency test on personal fitness in order to satisfy the physical education credit required for graduation with a standard high school diploma.

The bill takes effect July 1, 2017.

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

<sup>4</sup> Section 1003.4282(9)(b)6., F.S.

<sup>5</sup> *Id.* at (3)(f).

<sup>6</sup> Section 39, c. 1998-421, L.O.F.

<sup>7</sup> Section 1003.4383(3)(f), F.S.

<sup>8</sup> *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:**

None.

**C. Government Sector Impact:**

At the local school level, according to the Florida Department of Education (DOE), the elimination of the competency test on personal fitness may create savings in supplies that the school currently supplies, such as paper, printing, and the portion of salary used for the administration and grading of such tests.<sup>9</sup> However, any such savings are indeterminable because the current expenditures related to the competency test at the school level are currently unknown.<sup>10</sup>

According to the DOE, the elimination of the competency test on personal fitness may save the DOE costs for personnel to update the test, and any mailing or other costs associated with making the test available to the school districts.<sup>11</sup> The update to the personal fitness exam is currently expected to cost \$1,427. Additionally, there is expected to be approximately \$372.52 in expenditures related to the distribution of the updated material.<sup>12</sup>

**VI. Technical Deficiencies:**

None.

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<sup>9</sup> Florida Department of Education, *SB 782 Analysis* (2017), at 3.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 4.

<sup>12</sup> *Id.*

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1003.4282 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.

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/27/17  
Meeting Date

Topic \_\_\_\_\_

Bill Number SB ~~928~~ 782  
(if applicable)

Name KAREN EFFROM

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Exec. Dir.

Address 116 LOUSCOY DR. SE  
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PORT CHARLOTTE FL 33952  
City State Zip

Phone 763-458-7119

E-mail dakaren@stopcc  
coalition.org

Speaking: ☒ For ☐ Against ☐ Information

Representing FL STOP COMMON CORE COALITION

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)

3/27/17

Meeting Date

SB 782

Bill Number (if applicable)

Topic H.S. Graduation Requirement

Amendment Barcode (if applicable)

Name Laurie Cox

Job Title Physical Education teacher + Leon Co. Phys. Ed. Coordinator

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Tallahassee

City

FL

State

32312

Zip

Email cox L@leonschools.net

Speaking: ☐ For ☒ Against ☐ Information

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

Representing SHAPE Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

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)

3/27/17

Meeting Date

782

Bill Number (if applicable)

Topic High School Graduation Requirement

Amendment Barcode (if applicable)

Name Fely Curva, Ph.D.

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Tallahassee

FL

32312

City

State

Zip

Email fely.curva@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Society of Health & Physical Educators (SHAPE) FL

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

3/27/17

Meeting Date

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

SB 782

Bill Number (if applicable)

Topic High School Graduation

Amendment Barcode (if applicable)

Name Mark Landreth

Job Title Sr. Dir. Government Relations

Address 2851 Remington Green Cir., Ste C Phone 850 544 3376  
Street  
Tallahassee FL 32308 Email MARK.LANDRETH@heart.org  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing American Heart Association

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/27/2017

Meeting Date

782

Bill Number (if applicable)

Topic High S.

Amendment Barcode (if applicable)

Name Nancy Lawther

Job Title \_\_\_\_\_

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Street

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City

State

Zip

Email nlawther@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida PTA

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)

By Senator Mayfield

17-00968-17

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1 A bill to be entitled  
 2 An act relating to high school graduation  
 3 requirements; amending s. 1003.4282, F.S.; removing a  
 4 requirement that a student participating in an  
 5 interscholastic sport pass a competency test on  
 6 personal fitness to satisfy the physical education  
 7 credit requirement for high school graduation;  
 8 conforming a provision; providing an effective date.  
 9  
 10 Be It Enacted by the Legislature of the State of Florida:  
 11  
 12 Section 1. Paragraph (f) of subsection (3) of section  
 13 1003.4282, Florida Statutes, is amended to read:  
 14 1003.4282 Requirements for a standard high school diploma.—  
 15 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT  
 16 REQUIREMENTS.—  
 17 (f) *One credit in physical education.*—Physical education  
 18 must include the integration of health. Participation in an  
 19 interscholastic sport at the junior varsity or varsity level for  
 20 two full seasons shall satisfy the one-credit requirement in  
 21 physical education ~~if the student passes a competency test on~~  
 22 ~~personal fitness with a score of "C" or better. The competency~~  
 23 ~~test on personal fitness developed by the Department of~~  
 24 ~~Education must be used.~~ A district school board may not require  
 25 that the one credit in physical education be taken during the  
 26 9th grade year. Completion of one semester with a grade of "C"  
 27 or better in a marching band class, in a physical activity class  
 28 that requires participation in marching band activities as an  
 29 extracurricular activity, or in a dance class shall satisfy one-  
 30 half credit in physical education or one-half credit in  
 31 performing arts. This credit may not be used to satisfy the  
 32 personal fitness requirement or the requirement for adaptive

Page 1 of 2

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33 physical education under an individual education plan (IEP) or  
 34 504 plan. Completion of 2 years in a Reserve Officer Training  
 35 Corps (R.O.T.C.) class, a significant component of which is  
 36 drills, shall satisfy the one-credit requirement in physical  
 37 education and the one-credit requirement in performing arts.  
 38 This credit may not be used to satisfy the personal fitness  
 39 requirement or the requirement for adaptive physical education  
 40 under an IEP or 504 plan.  
 41 Section 2. This act shall take effect July 1, 2017.

Page 2 of 2

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



**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

---

Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 926

INTRODUCER: Senators Flores and Bradley

SUBJECT: K-12 Student Assessments

DATE: March 24, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Benvenisty	Graf	ED	<b>Pre-meeting</b>
2.			RC	

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## **I. Summary:**

SB 926 establishes and revises certain provisions relating to student assessments. Specifically, the bill:

- Requires the Commissioner of Education to review the SAT and ACT to determine if such assessments are aligned with Florida's academic standards for English Language Arts (ELA) and mathematics.
- Shortens and moves the state testing window to the last 3 weeks of the school year.
- Requires results on district-required local assessments be returned to a student's teacher within 1 week after administering such assessments.
- Revises achievement level 3 to mean proficient for any new contract for the ELA and mathematics assessments.
- Requires results of statewide standardized assessments to be reported in an understandable format to each student's current teacher of record and the teacher of record for the subsequent school year before the start of the school year.
  - Specifies information that must be included in the student assessment results report.

The bill takes effect July 1, 2017.

## **II. Present Situation:**

Florida's assessment program consists primarily of statewide, standardized assessments that are selected and administered by the state, and local assessments that are selected and administered by the school districts to measure students' attainment of education expectations.<sup>1</sup>

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<sup>1</sup> Section 1008.22, F.S.

## **Statewide, Standardized Assessment Program**

### ***Purpose***

The purpose of Florida's student assessment program is to improve instruction; provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff; and assess the cost benefit of the expenditure of taxpayer dollars.<sup>2</sup>

The Commissioner of Education (Commissioner) is required to design and implement a statewide, standardized assessment program that is aligned to the curricular content established in the Next Generation Sunshine State Standards and the Florida Standards.<sup>3</sup>

### ***Statewide, Standardized Assessment Requirements***

The statewide, standardized assessment program consists of:

- Statewide, standardized comprehensive assessments:<sup>4</sup>
  - English Language Arts (ELA) (grades 3 through 10);
  - Mathematics (grades 3 through 8); and
  - Science (once at the elementary grade level and once at the middle grade level).<sup>5</sup>
- End-of-Course (EOC) assessments:<sup>6</sup>
  - Civics (at the middle grade level);
  - U.S. History EOC;
  - Algebra I EOC;
  - Algebra II EOC;<sup>7</sup>
  - Geometry EOC; and
  - Biology I EOC.

Additionally, the statewide, standardized assessment program also includes the Florida Alternate Assessment (FAA) to assess students with disabilities in the content knowledge and skills necessary for successful grade-to-grade progression and high school graduation.<sup>8</sup>

All statewide, standardized assessments and EOC assessments must use scaled scores and achievement levels.<sup>9</sup> Achievement levels must range from 1 through 5, with level 1 being the

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<sup>2</sup> Section 1008.22(1), F.S.

<sup>3</sup> *Id.* at (3).

<sup>4</sup> *Id.* at (3)(a). Federal law requires students to be tested in reading or language arts and mathematics in each of grades 3 through 8 and not less than once in grades 10 through 12. With respect to science, students must be tested once during grades 3 through 5, grades 6 through 9, and grades 10 through 12. 20 U.S.C. s. 6311(b)(3). The Florida Department of Education posts the Statewide Assessment Schedule on its website. Florida Department of Education, *Florida Statewide Assessment Program 2016-2017 Schedule*, available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7514/dps-2015-175a.pdf>.

<sup>5</sup> Rule 6A-1.09422(3)(b), F.A.C., requires all eligible students in grades 5 and 8 to take the FCAT 2.0 Science.

<sup>6</sup> Section 1008.22(3)(b), F.S.

<sup>7</sup> Students are not required to take the Algebra II EOC assessment. However, a student who selects Algebra II must take the Algebra II EOC assessment. Section 1003.4282(3)(b), F.S.

<sup>8</sup> Section 1008.22(3)(c)1, F.S. A child with medical complexity may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment. *Id.* at (10).

<sup>9</sup> *Id.* at (3)(e) and Rule 6A-1.09422, F.A.C.

lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on an assessment.<sup>10</sup>

### ***Use of Assessments***

The Florida Legislature has established accountability mechanisms to assess the effectiveness of the state's K-20 education delivery system.<sup>11</sup> The law specifies annual educator performance evaluations<sup>12</sup> and the evaluation criteria for instructional personnel, which must include student performance, instructional practice, and professional and job responsibilities.<sup>13</sup> In addition, the Legislature has also established mechanisms to measure school performance by assigning school grades,<sup>14</sup> school improvement ratings,<sup>15</sup> and district grades<sup>16</sup> based on student performance on statewide, standardized assessments. Student performance data are analyzed and reported to parents, the community, and the state.<sup>17</sup>

### ***Contracts for Assessments***

The Commissioner must provide for the assessments to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts.<sup>18</sup> The Commissioner may enter into contracts for the continued administration of assessments that are authorized and funded by the Legislature.<sup>19</sup> Contracts may be initiated in one fiscal year and continue into the next fiscal year and may be paid from the appropriations of either or both fiscal years.<sup>20</sup> The law authorizes the Commissioner to negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed in accordance with law.<sup>21</sup>

### ***Administration and Reporting of Statewide Standardized Assessments***

The Commissioner must establish schedules for the administration of statewide, standardized assessments and the reporting of student assessment results.<sup>22</sup> The Commissioner must publish on the DOE's website a uniform calendar that includes the assessment and reporting schedule for a minimum of the next school years and be provided to the school districts in an electronic format that allows each school district and public school to populate the calendar with information as specified in law.

For new contracts and renewal of existing contracts for statewide, standardized assessments, a student's performance on such assessments must be provided to the student's teachers and

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<sup>10</sup> Section 1008.22(3)(e), F.S. and Rule 6A-1.09422, F.A.C.

<sup>11</sup> Section 1008.31, F.S.

<sup>12</sup> Section 1012.34, F.S.

<sup>13</sup> *Id.* at (3)(a)1., 2., and 4., F.S. School administrator evaluation criteria include instructional leadership. Section *Id.* at (3)(a)3., F.S.

<sup>14</sup> Section 1008.34, F.S.

<sup>15</sup> Section 1008.341, F.S.

<sup>16</sup> Section 1008.34(5), F.S.

<sup>17</sup> Section 1008.22(4), F.S.

<sup>18</sup> *Id.* at (3)(g)1.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at (7)(a).

parents by the end of the school year, unless the Commissioner determines that extenuating circumstances exist and reports the extenuating circumstances to the State Board of Education (SBE or state board).<sup>23</sup>

### ***Local Assessment of Student Performance***

Measurement of student performance is the responsibility of the school districts except in those subjects and grade levels measured under the statewide standardized assessment program.<sup>24</sup>

A school district must provide a student's performance results on district-required local assessments to the student's teachers and parents no later than 30 days after administering such assessments, unless the superintendent determines in writing that extenuating circumstances exist and reports the extenuating circumstances to the district school board.<sup>25</sup>

### **Authorized Alternatives to Statewide, Standardized Assessments**

The Legislature has also authorized several alternative means for students to demonstrate competency and satisfy statewide, standardized assessment and credit requirements.

### ***Concordant and Comparative Scores***

To fulfill statewide, standardized assessment requirements, the state board has adopted:<sup>26</sup>

- Concordant scores on SAT<sup>27</sup> and ACT,<sup>28</sup> which if attained by a student satisfies the grade 10 statewide, standardized Reading<sup>29</sup> assessment, and
- Comparative scores on the Postsecondary Education Readiness Test (PERT), which if attained by a student satisfies the Algebra I EOC assessment requirement.

The SAT and ACT, and PERT substitutions are authorized for the two assessments in high school<sup>30</sup> that students must pass to graduate with a standard high school diploma.<sup>31</sup> The law also authorizes the Commissioner to identify concordant scores on assessments other than the SAT and ACT, and one or more comparative scores for the Algebra I EOC assessment.<sup>32</sup>

<sup>23</sup> Section 1008.22(3)(g)2, F.S. .

<sup>24</sup> *Id.* at (6).

<sup>25</sup> Section 1008.22(7)(f), F.S.

<sup>26</sup> *Id.* at (9)-(10), F.S.; *see also* Rule 6A-1.094223, F.A.C.

<sup>27</sup> The concordant passing scale score for the SAT must be equal to or greater than 430 on the 200 to 800 scale. Rule 6A-1.094223(1), F.A.C.

<sup>28</sup> The concordant passing scale score for the ACT must be equal to or greater than 19 on the 1 to 36 scale. Rule 6A-1.094223(1), F.A.C.

<sup>29</sup> The English Language Arts (ELA) Florida Standards assessment, which replaced the FCAT Reading assessment, was administered for the first time during the 2014-2015 school year. Florida Department of Education, *Florida Statewide Assessment Program 2014-2015 Schedule*, available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7047/dps-2014-81a.pdf>. Pursuant to law, the concordant scores on SAT and ACT will need to be adjusted to correspond to ELA assessment. Section 1008.22(8), F.S. Until such time that the new concordant scores on SAT and ACT are adopted in rule by the state board, students are allowed to use the existing concordant scores to satisfy the requirements for a standard high school diploma. Letter, Florida Department of Education (Sep. 18, 2015), on file with the Committee Education Pre-K -12, at 1.

<sup>30</sup> To fulfill the requirements for a standard high school diploma, students must pass the grade 10 ELA and Algebra I EOC assessments. Section 1003.4282(3)(a)-(b), F.S.

<sup>31</sup> Section 1003.4282(3), F.S.

<sup>32</sup> Section 1008.22(9)-(10), F.S.

### ***Nationally Developed Comprehensive Assessments for Use as EOC Assessments***

The Commissioner has the authority to select one or more nationally developed comprehensive examinations, which may include examinations for a College Board Advanced Placement (AP) course, International Baccalaureate (IB) course, or Advanced International Certificate of Education (AICE) course, or industry-approved examinations to earn national industry certifications identified in the Career and Professional Education (CAPE) Industry Certification Funding List,<sup>33</sup> for use as EOC assessments if the Commissioner determines that the content knowledge and skills assessed by the examinations meet or exceed the grade level expectations for the curricular content established for the course in the Next Generation Sunshine State Standards.<sup>34</sup> The state board must adopt in rule the use of such examinations as EOC assessments.<sup>35</sup>

### **III. Effect of Proposed Changes:**

SB 926 establishes and revises certain provisions relating to student assessments. Specifically, the bill:

- Requires the Commissioner of Education to review the SAT and ACT to determine if such assessments are aligned with Florida's academic standards for English Language Arts (ELA) and mathematics.
- Shortens and moves the state testing window to the last 3 weeks of the school year.
- Requires results on district-required local assessments be returned to a student's teacher within 1 week after administering such assessments.
- Revises achievement level 3 to mean proficient for any new contract for the ELA and mathematics assessments.
- Requires results of statewide standardized assessments to be reported in an understandable format to each student's current teacher of record and the teacher of record for the subsequent school year before the start of the school year.
  - Specifies information that must be included in the student assessment results report.

### **Test Alignment**

The bill requires the commissioner to review the SAT and ACT to determine their alignment with the core curricular content for high school-level ELA and mathematics established in the Next Generation Sunshine State Standards. The Commissioner must submit a report with the results of the review to the Governor, the Legislature and the State Board of Education by December 1, 2017.

The bill requires any new contract for the statewide, standardized ELA and mathematics assessments entered into after July 1, 2017, to administer the assessments quarterly for students

<sup>33</sup> The State Board of Education (SBE or state board) adopts by rule, the list of industry certifications that are eligible for funding through the Florida Education Finance Program (FEFP). The list is updated annually. Sections 1008.44, F.S. Industry certifications on the "Gold Standard Career Pathways" list are incorporated by reference in the SBE rule, and articulated to Associate in Applied Science and Associate in Science degree programs. Rule 6A-10.0401, F.A.C.; *see also* Florida Department of Education, *Process for Establishing Gold Standard Career Pathways Industry Certification to AAS/AS Degree Statewide Articulation Agreements*, available at <http://www.fldoe.org/workforce/dwdframe/pdf/GSCPICprocess.pdf>.

<sup>34</sup> Section 1008.22(3)(b)3., F.S.

<sup>35</sup> *Id.*

who have been identified through competency-based education as having mastered the content and who are prepared to take the applicable assessment.

### **Test Administration and Report**

The bill requires the ELA assessment in grades 3 through 10 and the mathematics assessment in grades 3 through 8 to be administered no earlier than the last 3 weeks of the school year. The bill specifies that the testing window for these assessments may be no longer than 3 weeks and exempts the grade three “Reading” assessment from the requirements of the bill. The bill does not expressly include state end-of-course (EOC) assessments under these requirements. Compressing the testing window may result in freeing-up more time for instruction, which may facilitate student success.

Additionally, the bill requires that the results of the statewide, standardized ELA and mathematics assessments be reported in an “easy-to read and understandable” format to each student’s current teacher of record and to each student’s teacher of record for the subsequent school year before the start of the school year. The report must include, at a minimum:

- A clear explanation of the student’s performance on the applicable assessments;
- Information identifying the student’s areas of strength and areas in need of improvement;
- Specific actions that may be taken, and the available resources that may be used, by the student’s parent to assist the student based on his or her areas of strength and areas in need of improvement;
- Longitudinal information, if available, on the student’s progress in each subject area based on previous statewide, standardized assessment data;
- Comparative information showing the student’s score compared to other students in the school district, in the state or, if available, in other states; and
- Predictive information, if available, showing the linkage between the scores attained by the student on the statewide, standardized assessments and the scores he or she may potentially attain on nationally recognized college entrance examinations.

Accordingly, teachers may be able to adjust instructional strategies to improve student performance outcomes.

The bill also requires that a student’s performance on a district-required local assessment be provided to the student’s teacher within 1 week after such assessments are administered. This may provide teachers will the opportunity to use assessment results to inform instructional strategies including, but not limited to, targeted individualized instructional strategies to address the specific academic needs of students.

### **Test Impact**

The bill requires that, beginning with any contract for the statewide, standardized ELA and mathematics assessments entered into after July 1, 2017, achievement level 3 must be defined as proficient. “Proficient” means “demonstrated competency over challenging subject matter, including subject-matter knowledge, application of such knowledge to real-world situations, and

analytical skills appropriate to the subject matter.”<sup>36</sup> The bill does not address achievement level for the EOC assessments.

The bill takes effect July 1, 2017.

#### **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 Department of Education, school districts, under SB 926, may be required to increase their computer-based testing capacity through hardware updates in order to test all students within the last 3 weeks of the school year.<sup>37</sup> This cost is indeterminate.<sup>38</sup>

#### **VI. Technical Deficiencies:**

None.

#### **VII. Related Issues:**

None.

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<sup>36</sup> The National Center for Education Statistics, *NAEP Achievement Levels*, <https://nces.ed.gov/nationsreportcard/achievement.aspx> (last visited Mar. 12, 2017).

<sup>37</sup> Florida Department of Education, *2017 Agency Legislative Bill Analysis for HB 773* (March 22, 2017), at 6. SB 926 is similar to HB 773.

<sup>38</sup> *Id.*

**VIII. Statutes Affected:**

The bill substantially amends section 1008.22 of the Florida Statutes.

The bill creates an unnumbered section 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.

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

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LEGISLATIVE ACTION

Senate

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House

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The Committee on Education (Simmons) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 23 - 31

and insert:

Section 1. Study of a nationally recognized alternate high school assessment.—

(1) INDEPENDENT STUDY.—

(a) The Commissioner of Education shall contract for an independent study to determine whether a nationally recognized high school assessment may be administered in lieu of the Florida Standards Assessment and the Algebra I and end-of-course



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assessment for high school students.

(b) In order to be considered a nationally recognized high school assessment, the assessment must meet the following requirements:

1. Be substantially aligned with the core curricular content for high school level English Language Arts (ELA) and mathematics established in the Next Generation Sunshine State Standards pursuant to s. 1003.41, Florida Statutes;

2. Provide for learning gains from the grade 8 ELA and mathematics Florida Standards Assessment to the nationally recognized high school assessment;

3. Provide for differentiation and comparability between schools and districts;

4. Provide the same or additional accommodations to students with disabilities and other students which are provided by the Florida Standards Assessment and other statewide, standardized assessments;

5. Meet the applicable assessment security requirements determined by the commissioner for the state and for school districts;

6. Meet the reasonable technical specification requirements determined by the commissioner which allow implementation by the state and by school districts; and

7. Satisfy any threshold legal requirements, including, but not limited to, the standard set forth in *Debra P. v. Turlington*, 474 F. Supp. 244 (M.D. Fla. 1979).

(c) The commissioner and the contractor shall consult with, and receive recommendations for alternate assessments from, education stakeholders, including district school



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superintendents, testing and measurement administrators,  
curriculum directors, principals, teachers, and other educators  
who have experience and expertise in the administration of high  
school assessments.

(2) REPORT.—The commissioner shall submit a report on the  
findings of the study and any recommendations to the Governor,  
the President of the Senate, and the Speaker of the House of  
Representatives by January 1, 2018.

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

And the title is amended as follows:

Delete lines 3 - 10

and insert:

the Commissioner of Education to contract for an  
independent study to determine whether a nationally  
recognized high school assessment may be administered  
in lieu of the Florida Standards Assessment and the  
Algebra I end-of-course assessment; providing  
requirements for the assessment; requiring the  
commissioner and the contractor to consult with  
specified stakeholders; requiring the commissioner to  
submit a report to the Governor and the Legislature by  
a specified date; amending s. 1008.22,



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LEGISLATIVE ACTION

Senate

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House

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The Committee on Education (Flores) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 31 and 32  
insert:

Section 2. Section 1001.4205, Florida Statutes, is created  
to read:

1001.4205 Visitation of schools by an individual school  
board member.—An individual member of a district school board  
may, on any day and at any time at his or her pleasure, visit  
any district school or charter school in his or her school  
district. The school board member must sign in and sign out at



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the school's main office and wear his or her school board  
identification badge at all times while present on school  
premises. The school board, the school, or any other person or  
entity including, but not limited to, the principal of the  
school, the school superintendent, or any other school board  
member, may not require the visiting school board member to  
provide notice before visiting the school. The school may offer,  
but may not require, an escort to accompany a visiting school  
board member during the visit. Another school board member or a  
district employee including, but not limited to, the  
superintendent, the school principal, or his or her designee,  
may not limit the duration or scope of the visit or direct a  
visiting school board member to leave the premises. A school  
board, district, or school administrative policy or practice may  
not prohibit or limit the authority granted to a school board  
member under this section.

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

And the title is amended as follows:

Delete line 10

and insert:

of Education by a specified date; creating s.  
1001.4205, F.S.; authorizing an individual district  
school board member to visit any district school or  
charter school in his or her school district;  
providing requirements and restrictions; amending s.  
1008.22,



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LEGISLATIVE ACTION

Senate

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House

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The Committee on Education (Simmons) recommended the following:

**Senate Amendment (with directory and title amendments)**

Delete lines 40 - 93.

===== D I R E C T O R Y   C L A U S E   A M E N D M E N T =====

And the directory clause is amended as follows:

Delete line 35

and insert:

respectively, paragraph (b)

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



512972

12 And the title is amended as follows:  
13       Delete lines 11 - 13  
14 and insert:  
15       F.S.; providing requirements for administration



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LEGISLATIVE ACTION

Senate

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House

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The Committee on Education (Simmons) recommended the following:

**Senate Amendment (with directory and title amendments)**

Delete line 59

and insert:

(a) *Statewide, standardized comprehensive assessments.*—The statewide, standardized Reading assessment shall be administered annually in grades 3 through 10. The statewide, standardized Writing assessment shall be administered annually at least once at the elementary, middle, and high school levels. When the Reading and Writing assessments are replaced by English Language Arts (ELA) assessments, ELA assessments shall be administered to





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students in grades 3 through 10. Retake opportunities for the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must be provided. Students taking the ELA assessments may ~~shall~~ not take the statewide, standardized assessments in Reading or Writing. ELA assessments shall be administered online unless the provisions of paragraph (d) are implemented. The statewide, standardized Mathematics assessments shall be administered annually in grades 3 through 8, and shall be administered online unless the provisions of paragraph (d) are implemented. Students taking a revised Mathematics assessment may ~~shall~~ not take the discontinued assessment. The statewide, standardized Science assessment shall be administered annually at least once at the elementary and middle grades levels. In order to earn a standard high school diploma, a student who has not earned a passing score on the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must earn a passing score on the assessment retake or earn a concordant score as authorized under subsection (8).

(d) Nonelectronic option.—The commissioner shall make available an alternative, nonelectronic option for all statewide assessments, including the statewide, standardized ELA assessment, including the Writing assessment; the statewide, standardized Mathematics assessment; the statewide, standardized Science assessment; and the Algebra I and Biology I EOC assessments. The nonelectronic option shall be made available to reduce the time spent on assessments; increase instructional time for students; and ensure that students demonstrate more successfully a mastery of the standards being measured, that students have the time to develop the word processing and



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computer skills necessary to take any statewide, standardized  
assessment, and that school districts have the capacity at both  
the school and district levels to administer the assessments  
online.

(f)~~(e)~~ *Assessment scores and achievement levels.*—

===== D I R E C T O R Y   C L A U S E   A M E N D M E N T =====

And the directory clause is amended as follows:

Delete lines 32 - 36

and insert:

Section 2. Present paragraphs (d) through (g) of subsection  
(3) of section 1008.22, Florida Statutes, are redesignated as  
paragraphs (e) through (h), respectively, paragraph (a) and  
present paragraph (e) of that subsection are amended, and a new  
paragraph (d) is added to that subsection, paragraph (b) of  
subsection (7) of that section is amended, present paragraphs  
(c) through (f) and present paragraph (g) of subsection (7) of  
that section are redesignated as paragraphs (e) through (h) and  
paragraph (j), respectively, present paragraph (f) of that  
section is amended, and new

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

And the title is amended as follows:

Delete lines 11 - 13

and insert:

F.S.; providing an exception to the requirement that  
ELA assessments be administered online; requiring that  
Mathematics assessments be administered online;  
providing an exception; revising provisions relating



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70       to achievement levels for certain statewide,  
71       standardized assessments; requiring the commissioner  
72       to make an alternative, nonelectronic assessment  
73       option available for statewide assessments; providing  
74       requirements for administration



464772

LEGISLATIVE ACTION

Senate

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House

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The Committee on Education (Simmons) recommended the following:

**Senate Amendment (with directory and title amendments)**

Between lines 93 and 94  
insert:

(4) SCHOOL PARTICIPATION IN THE STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—Each public school shall participate in the statewide, standardized assessment program in accordance with the assessment and reporting schedules and the minimum and recommended technology requirements published by the Commissioner of Education. A district school superintendent must notify the commissioner that the district will use a



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nonelectronic option for the entire district or for specific  
grade levels throughout the district by the beginning of the  
school year in which the nonelectronic option is used. The  
commissioner shall provide the alternative, nonelectronic option  
to the school district for the successful and timely  
administration of the statewide, standardized assessment and  
end-of-course exams and the reporting of assessment results to  
the Department of Education, as specified in paragraph (3)(d).  
District school boards may ~~shall~~ not establish school calendars  
that conflict with or jeopardize implementation of the  
assessment program. All district school boards shall report  
assessment results using the state management information  
system. Performance data shall be analyzed and reported to  
parents, the community, and the state. Student performance data  
shall be used by districts in developing objectives for the  
school improvement plan, evaluating instructional personnel and  
administrative personnel, assigning staff, allocating resources,  
acquiring instructional materials and technology, implementing  
performance-based budgeting, and promoting and assigning  
students to educational programs. The analysis of student  
performance data must also identify strengths and needs in the  
educational program and trends over time. The analysis must be  
used in conjunction with the budgetary planning processes  
developed pursuant to s. 1008.385 and the development of  
remediation programs.

==== D I R E C T O R Y   C L A U S E   A M E N D M E N T ====

And the directory clause is amended as follows:

Delete line 35



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41 and insert:  
42 respectively, paragraph (e) of subsection (3), subsection (4),  
43 and paragraph (b)  
44  
45 ===== T I T L E A M E N D M E N T =====  
46 And the title is amended as follows:  
47       Delete line 13  
48 and insert:  
49       assessments; requiring a district school  
50       superintendent to provide the commissioner with  
51       certain notifications requiring the use of a  
52       nonelectronic assessment option; providing  
53       requirements for administration



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LEGISLATIVE ACTION

Senate

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House

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The Committee on Education (Flores) recommended the following:

**Senate Amendment**

Delete lines 142 - 147  
and insert:

(i) A school district must provide a student's performance results on statewide, standardized ELA and mathematics assessments in an easy-to-read and understandable format to each student's parent, current teacher of record, and teacher of record for the subsequent school year before the start of that school year. A report of student assessment results, prepared by the Department of Education, must, at a minimum,



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LEGISLATIVE ACTION

Senate

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House

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The Committee on Education (Simmons) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 167 and 168  
insert:

Section 3. Paragraphs (b) and (c) of subsection (1) of  
section 1003.4156, Florida Statutes, are amended to read:

1003.4156 General requirements for middle grades  
promotion.—

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





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(b) Three middle grades or higher courses in mathematics. Each school that includes middle grades must offer at least one high school level mathematics course for which students may earn high school credit. Successful completion of a high school level Algebra I ~~or Geometry~~ course is not contingent upon the student's performance on the statewide, standardized Algebra I end-of-course (EOC) assessment. To earn high school credit for Algebra I, a middle grades student must take the statewide, standardized Algebra I EOC assessment and pass the course, and, in addition, ~~beginning with the 2013-2014 school year and thereafter,~~ a student's performance on the Algebra I EOC assessment constitutes 30 percent of the student's final course grade. ~~To earn high school credit for a Geometry course, a middle grades student must take the statewide, standardized Geometry EOC assessment, which constitutes 30 percent of the student's final course grade, and earn a passing grade in the course.~~

(c) Three middle grades or higher courses in social studies. ~~Beginning with students entering grade 6 in the 2012-2013 school year,~~ One of these courses must be at least a one-semester civics education course that includes the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, the Declaration of Independence, and the Constitution of the United States. ~~Beginning with the 2013-2014 school year, each student's performance on the statewide, standardized EOC assessment in civics education required under~~



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~~s. 1008.22 constitutes 30 percent of the student's final course grade.~~ A middle grades student who transfers into the state's public school system from out of country, out of state, a private school, or a home education program after the beginning of the second term of grade 8 is not required to meet the civics education requirement for promotion from the middle grades if the student's transcript documents passage of three courses in social studies or two year-long courses in social studies that include coverage of civics education.

Each school must inform parents about the course curriculum and activities. Each student shall complete a personal education plan that must be signed by the student and the student's parent. The Department of Education shall develop course frameworks and professional development materials for the career and education planning course. The course may be implemented as a stand-alone course or integrated into another course or courses. The Commissioner of Education shall collect longitudinal high school course enrollment data by student ethnicity in order to analyze course-taking patterns.

Section 4. Paragraphs (b) and (d) of subsection (3) and subsections (7) and (9) of section 1003.4282, Florida Statutes, are amended to read:

1003.4282 Requirements for a standard high school diploma.—

(3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT REQUIREMENTS.—

(b) *Four credits in mathematics.*—A student must earn one credit in Algebra I and one credit in Geometry. A student's performance on the statewide, standardized Algebra I end-of-



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course (EOC) assessment constitutes 30 percent of the student's final course grade. A student must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score, in order to earn a standard high school diploma. ~~A student's performance on the statewide, standardized Geometry EOC assessment constitutes 30 percent of the student's final course grade. If the state administers a statewide, standardized Algebra II assessment, a student selecting Algebra II must take the assessment, and the student's performance on the assessment constitutes 30 percent of the student's final course grade.~~ A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one mathematics credit. Substitution may occur for up to two mathematics credits, except for Algebra I and Geometry.

(d) *Three credits in social studies.*—A student must earn one credit in United States History; one credit in World History; one-half credit in economics, which must include financial literacy; and one-half credit in United States Government. ~~The United States History EOC assessment constitutes 30 percent of the student's final course grade.~~

(7) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS. ~~Beginning with the 2012-2013 school year,~~ If a student transfers to a Florida public high school from out of country, out of state, a private school, or a home education program and the student's transcript shows a credit in Algebra I, the student must pass the statewide, standardized Algebra I EOC assessment in order to earn a standard high school diploma unless the student earned a comparative score, passed a statewide assessment in Algebra I



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administered by the transferring entity, or passed the statewide Mathematics assessment the transferring entity uses to satisfy the requirements of the Elementary and Secondary Education Act, 20 U.S.C. s. 6301. If a student's transcript shows a credit in high school reading or English Language Arts II or III, in order to earn a standard high school diploma, the student must take and pass the statewide, standardized grade 10 Reading assessment or, when implemented, the grade 10 ELA assessment, or earn a concordant score. If a transfer student's transcript shows a final course grade and course credit in Algebra I ~~or, Geometry,~~ Biology I, ~~or United States History,~~ the transferring course final grade and credit shall be honored without the student taking the requisite statewide, standardized EOC assessment and without the assessment result ~~results~~ constituting 30 percent of the student's final course grade.

(9) COHORT TRANSITION TO NEW GRADUATION REQUIREMENTS.—The requirements of this section, in addition to applying to students entering grade 9 in the 2013-2014 school year and thereafter, shall also apply to students entering grade 9 before the 2013-2014 school year, except as otherwise provided in this subsection.

(a) A student entering grade 9 before the 2010-2011 school year must earn:

1. Four credits in English/ELA. A student must pass the statewide, standardized grade 10 Reading assessment, or earn a concordant score, in order to graduate with a standard high school diploma.

2. Four credits in mathematics, which must include Algebra I. A student must pass grade 10 FCAT Mathematics, or earn a



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concordant score, in order to graduate with a standard high school diploma. A student who takes Algebra I ~~or Geometry~~ after the 2010-2011 school year must take the statewide, standardized EOC assessment for the course but is not required to pass the assessment in order to earn course credit. A student's performance on the Algebra I ~~or Geometry~~ EOC assessment is not required to constitute 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one mathematics credit. Substitution may occur for up to two mathematics credits, except for Algebra I.

3. Three credits in science, two of which must have a laboratory component. A student who takes Biology I after the 2010-2011 school year must take the statewide, standardized Biology I EOC assessment but is not required to pass the assessment in order to earn course credit. A student's performance on the assessment is not required to constitute 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one science credit.

4. Three credits in social studies of which one credit in World History, one credit in United States History, one-half credit in United States Government, and one-half credit in economics are required. ~~A student who takes United States History after the 2011-2012 school year must take the statewide, standardized United States History EOC assessment, but the~~



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~~student's performance on the assessment is not required to  
constitute 30 percent of the student's final course grade.~~

5. One credit in fine or performing arts, speech and  
debate, or practical arts as provided in paragraph (3)(e).

6. One credit in physical education as provided in  
paragraph (3)(f).

7. Eight credits in electives.

(b) A student entering grade 9 in the 2010-2011 school year  
must earn:

1. Four credits in English/ELA. A student must pass the  
statewide, standardized grade 10 Reading assessment, or earn a  
concordant score, in order to graduate with a standard high  
school diploma.

2. Four credits in mathematics, which must include Algebra  
I and Geometry. The statewide, standardized Algebra I EOC  
assessment constitutes 30 percent of the student's final course  
grade. A student who takes Algebra I ~~or Geometry~~ after the 2010-  
2011 school year must take the statewide, standardized EOC  
assessment for the course but is not required to pass the  
assessment in order to earn course credit. ~~A student's  
performance on the Geometry EOC assessment is not required to  
constitute 30 percent of the student's final course grade.~~ A  
student who earns an industry certification for which there is a  
statewide college credit articulation agreement approved by the  
State Board of Education may substitute the certification for  
one mathematics credit. Substitution may occur for up to two  
mathematics credits, except for Algebra I and Geometry.

3. Three credits in science, two of which must have a  
laboratory component. A student who takes Biology I after the



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2010-2011 school year must take the statewide, standardized Biology I EOC assessment but is not required to pass the assessment in order to earn course credit. A student's performance on the assessment is not required to constitute 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one science credit, except for Biology I.

4. Three credits in social studies of which one credit in World History, one credit in United States History, one-half credit in United States Government, and one-half credit in economics are required. ~~A student who takes United States History after the 2011-2012 school year must take the statewide, standardized United States History EOC assessment, but the student's performance on the assessment is not required to constitute 30 percent of the student's final course grade.~~

5. One credit in fine or performing arts, speech and debate, or practical arts as provided in paragraph (3)(e).

6. One credit in physical education as provided in paragraph (3)(f).

7. Eight credits in electives.

(c) A student entering grade 9 in the 2011-2012 school year must earn:

1. Four credits in English/ELA. A student must pass the statewide, standardized grade 10 Reading assessment, or earn a concordant score, in order to graduate with a standard high school diploma.

2. Four credits in mathematics, which must include Algebra



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I and Geometry. A student who takes Algebra I after the 2010-2011 school year must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score, in order to earn a standard high school diploma. A student who takes Algebra I ~~or Geometry~~ after the 2010-2011 school year must take the statewide, standardized EOC assessment but is not required to pass the Algebra I ~~or Geometry~~ EOC assessment in order to earn course credit. A student's performance on the Algebra I ~~or Geometry~~ EOC assessment is not required to constitute 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one mathematics credit. Substitution may occur for up to two mathematics credits, except for Algebra I and Geometry.

3. Three credits in science, two of which must have a laboratory component. One of the science credits must be Biology I. A student who takes Biology I after the 2010-2011 school year must take the statewide, standardized Biology I EOC assessment but is not required to pass the assessment in order to earn course credit. A student's performance on the assessment is not required to constitute 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one science credit, except for Biology I.

4. Three credits in social studies of which one credit in World History, one credit in United States History, one-half credit in United States Government, and one-half credit in





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economics are required. ~~A student who takes United States History after the 2011-2012 school year must take the statewide, standardized United States History EOC assessment, but the student's performance on the assessment is not required to constitute 30 percent of the student's final course grade.~~

5. One credit in fine or performing arts, speech and debate, or practical arts as provided in paragraph (3)(e).

6. One credit in physical education as provided in paragraph (3)(f).

7. Eight credits in electives.

8. One online course as provided in subsection (4).

(d) A student entering grade 9 in the 2012-2013 school year must earn:

1. Four credits in English/ELA. A student must pass the statewide, standardized grade 10 Reading assessment, or earn a concordant score, in order to graduate with a standard high school diploma.

2. Four credits in mathematics, which must include Algebra I and Geometry. A student who takes Algebra I after the 2010-2011 school year must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score, in order to earn a standard high school diploma. ~~A student who takes Geometry after the 2010-2011 school year must take the statewide, standardized Geometry EOC assessment.~~ A student is not required to pass the statewide, standardized EOC assessment in Algebra I ~~or Geometry~~ in order to earn course credit. A student's performance on the Algebra I ~~or Geometry~~ EOC assessment is not required to constitute 30 percent of the student's final course grade. A student who earns an industry certification for which there is a



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statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one mathematics credit. Substitution may occur for up to two mathematics credits, except for Algebra I and Geometry.

3. Three credits in science, two of which must have a laboratory component. One of the science credits must be Biology I. A student who takes Biology I after the 2010-2011 school year must take the statewide, standardized Biology I EOC assessment but is not required to pass the assessment to earn course credit. A student's performance on the assessment is not required to constitute 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one science credit, except for Biology I.

4. Three credits in social studies of which one credit in World History, one credit in United States History, one-half credit in United States Government, and one-half credit in economics are required. ~~The statewide, standardized United States History EOC assessment constitutes 30 percent of the student's final course grade.~~

5. One credit in fine or performing arts, speech and debate, or practical arts as provided in paragraph (3)(e).

6. One credit in physical education as provided in paragraph (3)(f).

7. Eight credits in electives.

8. One online course as provided in subsection (4).

(e) Policy adopted in rule by the district school board may require for any cohort of students that performance on a



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statewide, standardized EOC assessment constitute 30 percent of a student's final course grade.

(f) This subsection is repealed July 1, 2020.

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

1003.4285 Standard high school diploma designations.—

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

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

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

2. Science.—Pass the statewide, standardized Biology I EOC assessment and earn one credit in chemistry or physics and one credit in a course equally rigorous to chemistry or physics. However, a student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) Biology course who takes the respective AP, IB, or AICE Biology assessment and earns the minimum score necessary to earn college credit as identified pursuant to s. 1007.27(2) meets the requirement of this subparagraph without having to take the statewide, standardized Biology I EOC assessment.

3. Social studies.—~~Pass the statewide, standardized United~~



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~~States History EOC assessment. However, A student enrolled in an AP, IB, or AICE course that includes United States History topics who takes the respective AP, IB, or AICE assessment and earns the minimum score necessary to earn college credit as identified pursuant to s. 1007.27(2) meets the requirement of this subparagraph without having to take the statewide, standardized United States History EOC assessment.~~

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

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

Section 6. Paragraphs (b), (d), (e), and (g) of subsection (3) and paragraphs (a) and (e) of subsection (7) of section 1008.22, Florida Statutes, are amended to read:

1008.22 Student assessment program for public schools.—

(3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma



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under s. 1003.4282 and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. The statewide, standardized assessment program shall be designed and implemented as follows:

(b) Algebra I and Biology I End-of-course (EOC) assessments.—The Algebra I and Biology I EOC assessments must be statewide, standardized, and developed or approved by the Department of Education. ~~as follows:~~

1. EOC assessments for Algebra I ~~and, Geometry, Algebra II, Biology I, United States History, and Civics~~ shall be administered to students enrolled in such courses as specified in the course code directory.

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

3. The commissioner may select one or more nationally developed comprehensive examinations, which may include examinations for a College Board Advanced Placement course, International Baccalaureate course, or Advanced International Certificate of Education course, or industry-approved examinations to earn national industry certifications identified



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in the CAPE Industry Certification Funding List, for use as the Algebra I and Biology I EOC assessments under this paragraph if the commissioner determines that the content knowledge and skills assessed by the examinations meet or exceed the grade-level expectations for the core curricular content established for Algebra I and Biology I ~~the course~~ in the Next Generation Sunshine State Standards. Use of any such examination as an EOC assessment must be approved by the state board in rule.

~~4. Contingent upon funding provided in the General Appropriations Act, including the appropriation of funds received through federal grants, the commissioner may establish an implementation schedule for the development and administration of additional statewide, standardized EOC assessments that must be approved by the state board in rule. If approved by the state board, student performance on such assessments constitutes 30 percent of a student's final course grade.~~

~~4.5. The Algebra I and Biology I All-statewide, standardized~~ EOC assessments must be administered online except as otherwise provided in paragraph (c).

(d) *Implementation schedule.*—

1. The Commissioner of Education shall establish and publish on the department's website an implementation schedule to transition from the statewide, standardized Reading and Writing assessments to the ELA assessments and to the revised Mathematics assessments, including the Algebra I ~~and Geometry~~ EOC assessment ~~assessments~~. The schedule must take into consideration funding, sufficient field and baseline data, access to assessments, instructional alignment, and school



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district readiness to administer the assessments online. All such assessments must be delivered through computer-based testing, however, the following assessments must be delivered in a computer-based format, as follows: the grade 3 ELA assessment, beginning in the 2017-2018 school year; the grade 3 Mathematics assessment beginning in the 2016-2017 school year; the grade 4 ELA assessment, beginning in the 2015-2016 school year; and the grade 4 Mathematics assessment, beginning in the 2016-2017 school year.

2. The Department of Education shall publish minimum and recommended technology requirements that include specifications for hardware, software, networking, security, and broadband capacity to facilitate school district compliance with the requirement that assessments be administered online.

(e) *Assessment scores and achievement levels.*—

1. The All statewide, standardized Algebra I EOC assessment ~~assessments~~ and ELA, Mathematics, and Science assessments shall use scaled scores and achievement levels. Achievement levels shall range from 1 through 5, with level 1 being the lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on an assessment.

2. The state board shall designate by rule a passing score for each statewide, standardized assessment.

3. If the commissioner seeks to revise a statewide, standardized assessment and the revisions require the state board to modify performance level scores, including the passing score, the commissioner shall provide a copy of the proposed scores and implementation plan to the President of the Senate



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and the Speaker of the House of Representatives at least 90 days before submission to the state board for review. Until the state board adopts the modifications by rule, the commissioner shall use calculations for scoring the assessment that adjust student scores on the revised assessment for statistical equivalence to student scores on the former assessment. The state board shall adopt by rule the passing score for the revised assessment that is statistically equivalent to the passing score on the discontinued assessment for a student who is required to attain a passing score on the discontinued assessment. The commissioner may, with approval of the state board, discontinue administration of the former assessment upon the graduation, based on normal student progression, of students participating in the final regular administration of the former assessment. If the commissioner revises a statewide, standardized assessment and the revisions require the state board to modify the passing score, only students taking the assessment for the first time after the rule is adopted are affected.

(g) *Contracts for assessments.*—

1. The commissioner shall provide for the assessments to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts.

2. The commissioner may enter into contracts for the continued administration of the assessments authorized and funded by the Legislature. Contracts may be initiated in 1 fiscal year and continue into the next fiscal year and may be paid from the appropriations of either or both fiscal years. The





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commissioner may negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed pursuant to law.

~~3.2-~~ A student's performance results on statewide, standardized assessments, Algebra I and Biology I EOC assessments, and Florida Alternative Assessments administered pursuant to this subsection must be provided to the student's teachers and parents by the end of the school year, unless the commissioner determines that extenuating circumstances exist and reports the extenuating circumstances to the State Board of Education and to school districts. This subparagraph does not apply to existing contracts for such assessments, but applies ~~shall apply~~ to new contracts and any renewal of existing contracts for such assessments.

~~4.3-~~ If liquidated damages are applicable, the department shall collect liquidated damages that are due in response to the administration of the spring 2015 computer-based assessments of the department's Florida Standards Assessment contract with American Institutes for Research, and expend the funds to reimburse parties that incurred damages.

(7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

(a) The Commissioner of Education shall establish schedules for the administration of statewide, standardized assessments and the reporting of student assessment results. The commissioner shall consider the observance of religious and school holidays when developing the schedules. The assessment and reporting schedules must provide the earliest possible reporting of student assessment results to the school districts, consistent with the requirements of paragraph (3)(g). Assessment



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results for the statewide, standardized ELA and Mathematics assessments and the all statewide, standardized Algebra I and Biology I EOC assessments must be made available no later than the week of June 8, except for results of assessments administered in the 2014-2015 school year. School districts shall administer statewide, standardized assessments in accordance with the schedule established by the commissioner.

(e) The Algebra I and Biology I ~~A statewide, standardized EOC assessments assessment~~ must be used as the final cumulative examination for its associated course. No additional final assessment may be administered in an Algebra I or Biology I ~~a course with a statewide, standardized EOC assessment~~. A district-required local assessment may be used as the final cumulative examination for its associated course in accordance with the school district's policy.

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

And the title is amended as follows:

Delete line 19

and insert:

assessment results; amending s. 1003.4156, F.S.;  
revising the mathematics and social studies  
requirements for student promotion to high school and  
for certain high school credits; amending s.  
1003.4282, F.S.; revising the requirements for a  
standard high school diploma; deleting provisions  
requiring a student or transfer student to take a  
statewide, standardized Algebra II assessment or a  
Geometry or United States History end-of-course (EOC)



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534        assessment; amending s. 1003.4285, F.S.; revising the  
535        standard high school diploma designation requirements  
536        for mathematics and social studies; amending s.  
537        1008.22, F.S.; deleting requirements that a student  
538        take an EOC assessment in Geometry, Algebra II, United  
539        States History, or Civics; deleting a provision  
540        authorizing the commissioner to establish a schedule  
541        for the development and administration of additional  
542        statewide, standardized EOC assessments; providing an  
543        effective date.



521886

LEGISLATIVE ACTION

Senate

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House

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The Committee on Education (Simmons) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 167 and 168  
insert:

Section 3. Paragraph (c) of subsection (1), paragraph (a) of subsection (3), and subsections (7), (8), and (9) of section 1012.34, Florida Statutes, are amended to read:

1012.34 Personnel evaluation procedures and criteria.—

(1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

(c) Annually, by February 1, the Commissioner of Education shall publish on the department's website ~~the status of each~~



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school district's instructional personnel and school administrator evaluation systems. This information must include:

~~1. performance evaluation results for the prior school year for instructional personnel and school administrators using the four levels of performance specified in paragraph (2)(e). The performance evaluation results for instructional personnel shall be disaggregated by classroom teachers, as defined in s. 1012.01(2)(a), excluding substitute teachers, and all other instructional personnel, as defined in s. 1012.01(2)(b)-(d).~~

~~2. An analysis that compares performance evaluation results calculated by each school district to indicators of performance calculated by the department using the standards for performance levels adopted by the state board under subsection (8).~~

~~3. Data reported under s. 1012.341.~~

(3) EVALUATION PROCEDURES AND CRITERIA.—Instructional personnel and school administrator performance evaluations must be based upon the performance of students assigned to their classrooms or schools, as provided in this section. Pursuant to this section, a school district's performance evaluation system is not limited to basing unsatisfactory performance of instructional personnel and school administrators solely upon student performance, but may include other criteria to evaluate instructional personnel and school administrators' performance, or any combination of student performance and other criteria. Evaluation procedures and criteria must comply with, but are not limited to, the following:

(a) A performance evaluation must be conducted for each employee at least once a year, except that a classroom teacher, as defined in s. 1012.01(2)(a), excluding substitute teachers,



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41 who is newly hired by the district school board must be observed  
42 and evaluated at least twice in the first year of teaching in  
43 the school district. The performance evaluation must be based  
44 upon sound educational principles and contemporary research in  
45 effective educational practices. The evaluation criteria must  
46 include:

47       1. Performance of students.—At least one-third of a  
48 performance evaluation must be based upon data and indicators of  
49 student performance, as determined by each school district in  
50 ~~accordance with subsection (7).~~ This portion of the evaluation  
51 must include growth or achievement data of the teacher's  
52 students or, for a school administrator, the students attending  
53 the school over the course of at least 3 years. If less than 3  
54 years of data are available, the years for which data are  
55 available must be used. The proportion of growth or achievement  
56 data may be determined by instructional assignment.

57       2. Instructional practice.—For instructional personnel, at  
58 least one-third of the performance evaluation must be based upon  
59 instructional practice. Evaluation criteria used when annually  
60 observing classroom teachers, as defined in s. 1012.01(2)(a),  
61 excluding substitute teachers, must include indicators based  
62 upon each of the Florida Educator Accomplished Practices adopted  
63 by the State Board of Education. For instructional personnel who  
64 are not classroom teachers, evaluation criteria must be based  
65 upon indicators of the Florida Educator Accomplished Practices  
66 and may include specific job expectations related to student  
67 support.

68       3. Instructional leadership.—For school administrators, at  
69 least one-third of the performance evaluation must be based on



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instructional leadership. Evaluation criteria for instructional leadership must include indicators based upon each of the leadership standards adopted by the State Board of Education under s. 1012.986, including performance measures related to the effectiveness of classroom teachers in the school, the administrator's appropriate use of evaluation criteria and procedures, recruitment and retention of effective and highly effective classroom teachers, improvement in the percentage of instructional personnel evaluated at the highly effective or effective level, and other leadership practices that result in student learning growth. The system may include a means to give parents and instructional personnel an opportunity to provide input into the administrator's performance evaluation.

4. Other indicators of performance.—For instructional personnel and school administrators, the remainder of a performance evaluation may include, but is not limited to, professional and job responsibilities as recommended by the State Board of Education or identified by the district school board and, for instructional personnel, peer reviews, objectively reliable survey information from students and parents based on teaching practices that are consistently associated with higher student achievement, and other valid and reliable measures of instructional practice.

(7) MEASUREMENT OF STUDENT PERFORMANCE.—

(a) The Commissioner of Education may develop ~~shall approve~~ a formula to measure individual student learning growth on the statewide, standardized assessments in English Language Arts and mathematics administered under s. 1008.22. The formula must take into consideration each student's prior academic performance.



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99 The formula must not set different expectations for student  
100 learning growth based upon a student's gender, race, ethnicity,  
101 or socioeconomic status. In the development of the formula, the  
102 commissioner shall consider other factors such as a student's  
103 attendance record, disability status, or status as an English  
104 language learner. The commissioner may select additional  
105 formulas to measure student performance as appropriate for the  
106 remainder of the statewide, standardized assessments included  
107 under s. 1008.22 and continue to select formulas as new  
108 assessments are implemented in the state system. ~~After the~~  
109 ~~commissioner approves the formula to measure individual student~~  
110 ~~learning growth, the State Board of Education shall adopt these~~  
111 ~~formulas in rule.~~

112 (b) Each school district may, but is not required to, shall  
113 measure student learning growth using the formulas developed  
114 ~~approved~~ by the commissioner under paragraph (a) ~~and the~~  
115 ~~standards for performance levels adopted by the state board~~  
116 ~~under subsection (8) for courses associated with the statewide,~~  
117 ~~standardized assessments administered under s. 1008.22 no later~~  
118 ~~than the school year immediately following the year the formula~~  
119 ~~is approved by the commissioner. For grades and subjects not~~  
120 ~~assessed by statewide, standardized assessments, each school~~  
121 ~~district shall measure student performance using a methodology~~  
122 ~~determined by the district.~~

123 (8) RULEMAKING. ~~No later than August 1, 2015,~~ The State  
124 Board of Education shall adopt rules pursuant to ss. 120.536(1)  
125 and 120.54 which establish uniform procedures and format for the  
126 submission, review, and approval of district evaluation systems  
127 and reporting requirements for the annual evaluation of





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instructional personnel and school administrators; ~~specific,~~  
~~discrete standards for each performance level required under~~  
~~subsection (2), based on student learning growth models approved~~  
~~by the commissioner, to ensure clear and sufficient~~  
~~differentiation in the performance levels and to provide~~  
~~consistency in meaning across school districts; the measurement~~  
~~of student learning growth and associated implementation~~  
~~procedures required under subsection (7); and a process for~~  
~~monitoring school district implementation of evaluation systems~~  
~~in accordance with this section.~~

~~(9) TRANSITION TO NEW STATEWIDE, STANDARDIZED ASSESSMENTS.—~~  
~~Standards for each performance level required under subsection~~  
~~(2) shall be established by the State Board of Education~~  
~~beginning with the 2015-2016 school year.~~

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

And the title is amended as follows:

Delete line 19

and insert:

assessment results; amending s. 1012.34, F.S.;

revising personnel evaluation procedures and criteria;

authorizing the commissioner to develop a formula for

measuring student learning growth on specified

statewide, standardized assessments, rather than

requiring the commissioner to approve such a formula;

authorizing, rather than requiring, a school district

to use certain formulas developed by the commissioner;

providing an effective date.

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/27/2017  
Meeting Date

926  
Bill Number (if applicable)

Topic Assessments

Support Simmons  
Amendment Barcode (if applicable)  
Amendments

Name Joy Frank

Job Title General Counsel

Address 208 S. Monroe St.  
Street

Phone 850-577-5784

Tall. FL 32301  
City State Zip

Email JFRANK@FLASS.org

Speaking: ☐ For ☐ Against ☒ Information

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

Representing FLA Association of District School Superintendents

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)

Meeting Date \_\_\_\_\_

926  
Bill Number (if applicable)

Topic Student ~~Assessments~~ Assessments

Amendment Barcode (if applicable) \_\_\_\_\_

Name KEITH O FLAUF

Job Title Student Advocate

Address 1390 Quail Ct

Phone 239-250-3322

Mario Isidoro FC 34145  
City State Zip

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FLCA

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**

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

3-27-17

Meeting Date

SB 926

Bill Number (if applicable)

Topic Assessment

Name Dennis McDonald

Job Title Citizen advocate

Address P.O. Box 1232

Street

Flagler Beach

City

FL

State

32136

Zip

Phone 386-852-9016

Email dkmcdonald67@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FLCA

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)

3-27-17

Meeting Date

SB 926

Bill Number (if applicable)

Topic Assessment

Amendment Barcode (if applicable)

Name Janet McDonald

Job Title Flagler County School Board member

Address P.O. Box 1232

Phone 386-852-9014

Street

Flagler Beach

City

FL

State

32136

Zip

Email mcdonaldj@flaglerschools.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Flagler Students

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)

3-27-17

Meeting Date

SB 926

Bill Number (if applicable)

Topic Fewer Testing

Amendment Barcode (if applicable)

Name Faith DeVault

Job Title Student

Address 4320 Woodside Manor Drive

Phone 813-481-9524

Street

Tampa,

City

FL

State

33624

Zip

Email henrayray9@gmail.com

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Florida PTA - Student Involvement

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)

3-27-17  
Meeting Date

Topic E Assessments

Bill Number 926  
(if applicable)

Name Catherine Baer

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Chair

Address 1421 Woodgate Way  
Street  
Tallahassee FL 32308  
City State Zip

Phone 850-345-1114

E-mail flybaer@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Representing The Tea Party Network

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/27/17  
Meeting Date

SB 926  
Bill Number (if applicable)

Topic Fewer Better Tests

Amendment Barcode (if applicable)

Name Shan Goff

Job Title Fla. Policy Director

Address 215 S Monroe St  
Street

Phone 5946138

Tall, Fl. 32201  
City State Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Foundation for Fla'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.

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)

3/27/17  
Meeting Date

Topic Assessments

Bill Number 926

(if applicable)

Name Beth Overholt

Amendment Barcode \_\_\_\_\_

(if applicable)

Job Title Opt Out Icon

Address 4130 Faulkner Lane  
Street

Phone 728-7587

Tallahassee FL 32311  
City State Zip

E-mail overholtbeth2@  
gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

March 27 2017  
Meeting Date

Topic Assessments

Bill Number SB 926

Name Marie-Claire Leman

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title \_\_\_\_\_

(if applicable)

Address 1911 Wakahaw  
Street

Phone 850-728-7514

Tallahassee FL 32301  
City State Zip

E-mail \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3-27-17

Meeting Date

926

Bill Number (if applicable)

Topic Testing - Student Assessments

Amendment Barcode (if applicable)

Name Cathy Boehme

Job Title Legislative Specialist,

Address 213 S. Adams St.  
Street

Phone 850-224-7800

Tallahassee, FL  
City State Zip

Email Cathy.boehme@floridaea.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Education Association

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

3-27-17

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

Meeting Date

Topic

Testing

Bill Number

926

(if applicable)

Name

Dr. Sally Butzin

Amendment Barcode

(if applicable)

Job Title

Retired Educator

Address

1628 Woodgate Way

Street

Tallahassee FL 32308

City

State

Zip

Phone

850-728-1097

E-mail

sally.butzin@gmail.com

Speaking:

☐

For

☐

Against

☐

Information

Representing

children

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 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/27/17

Meeting Date

926

Bill Number (if applicable)

Topic Assessments

Amendment Barcode (if applicable)

Name Kim Williams

Job Title Records Technician

Address 653 Markim Road

Phone 421-6282 (850)

Street

Tallahassee

City

State

FL

Zip

32305

Email WMS518@embergenil.com

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.

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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)

3/27/17

Meeting Date

926

Bill Number (if applicable)

Topic Senate bill 926 - Fewer, Better Tests

Amendment Barcode (if applicable)

Name Margie Viera

Job Title Parent

Address

Street

Orlando

City

State

Zip

Phone

407-800-3934

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Private Citizen

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3/27/17

Meeting Date

926

Bill Number (if applicable)

Topic K-12 Student Assessment

Amendment Barcode (if applicable)

Name Kelly Quintero

Job Title legislative advocate

Address 840 Beverly Ct

Phone 772 204 1792

Street

Tallahassee FL

32301

City

State

Zip

Email lwrfadvocacy@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing League of Women Voters of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

3/27/17

Meeting Date

Topic VAM

Bill Number SB 926

Name KAREN EFFREM, MD

Amendment Barcode 52 886  
(if applicable)

Job Title EXEC. DIRECTOR - FL STOP COMMON CORE COALITION

(if applicable)

Address 116 COURSEY DR SE  
Street

Phone \_\_\_\_\_

PORT CHARLOTTE FL 33952  
City State Zip

E-mail dkaren@flstopcc  
coalition.org

Speaking: ☐ For ☐ Against ☐ Information

Representing FL STOP COMMON CORE COALITION

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 (10/20/11)



THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

March 27 2017  
Meeting Date

SB 926  
Bill Number (if applicable)

Topic Teacher evaluations

521886  
Amendment Barcode (if applicable)

Name Marie-Claire Leman

Job Title \_\_\_\_\_

Address 1911 Wahalaaw Ct

Phone 850 728 7514

Street

Tallahassee  
City

FL  
State

32301  
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.*

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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)

3-27-17  
Meeting Date

926  
Bill Number (if applicable)

521886  
Amendment Barcode (if applicable)

Topic Student Assessments-VAM

Name Wendy Dodge

Job Title Director of legislative Affairs

Address PO Box 391  
Street

Phone 863-838-3632

Bartow FL 33831  
City State Zip

Email wendy.dodge@poli.fl.net

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.

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

3-27-17

Meeting Date

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

Topic Assessments I Am

Bill Number 926

Name Catherine Baer

Amendment Barcode 521886  
(if applicable)

Job Title Chair

Address 1421 Woodgate Way

Phone 850-345-1114

Street

Tallahassee FL 32308

City

State

Zip

E-mail flybaer@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Representing The Tea Party Network

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 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3-27-14

Meeting Date

926

Bill Number (if applicable)

512972

Amendment Barcode (if applicable)

Topic Assessments

Name Catherine Baer

Job Title Chair

Address 1421 Woodgate Way  
Street  
Tallahassee FL 32308  
City State Zip

Phone 850-345-1114

Email flybaer@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing The Tea Party Network

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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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)

March 27 2017  
Meeting Date

SB 926  
Bill Number (if applicable)

512972  
Amendment Barcode (if applicable)

Topic Assessments

Name Marie-Claire Leman

Job Title \_\_\_\_\_

Address 1911 Wabalaw Ct  
Street  
Tallahassee FL 32301  
City State Zip

Phone 850 728-7514

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

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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)

3/27/17  
Meeting Date

Topic Assessment

Bill Number 926  
(if applicable)

Name Beth Overholt

Amendment Barcode 512972  
(if applicable)

Job Title Opt Out Leon

Address 4130 Faulkner Lane  
Street

Phone 728-0587

Tallahassee, FL 32311  
City State Zip

E-mail Overholtbeth2@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

Waive in support

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/27/17  
Meeting Date

926  
Bill Number (if applicable)

512972  
Amendment Barcode (if applicable)

Topic Assessment

Name Kim Williams

Job Title Records Technician

Address 653 Markim Road

Street

Tallahassee

City

FL

State

32305

Zip

Phone 424-6282 850

Email WMS518@embargmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Parents

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

3/27/16  
Meeting Date

Topic PROFICIENCY

Bill Number SB 926  
(if applicable)

Name KAREN R EFFROM, MD

Amendment Barcode 512972  
(if applicable)

Job Title EXEC. DIR.

Address 116 CAUSLEY DR SE  
Street

Phone 763-458-7119

PORT CHARLOTTE FL 33952  
City State Zip

E-mail dockaron@6/stop  
cccoalition.org

Speaking: ☒ For ☐ Against ☐ Information

Representing FL STOP COMMON CORE COALITION

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)



THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3-27-17  
Meeting Date

SB 926  
Bill Number (if applicable)

Topic Testing

Also 654648  
Amendment Barcode (if applicable)

Name Nancy Stacy (for Florida Coalition of School Bd. Members)

Job Title Director

Address 113 S. Monroe St #101  
Street  
Tallahassee, FL 32301  
City State Zip

Phone 850-391-0421

Email info@FCSBM.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Coalition of School Bd. Members

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

# THE FLORIDA SENATE

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

**Meeting Date**

*Bill Number (if applicable)*

Topic Student Assessment

Name Keith Flaugh

Job Title Citizen Advocate

Address 1390 Quenton Ct

**Street**

City

State

*Zip*

Phone 239-250-3320

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

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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)

3/27

Meeting Date

926

Bill Number (if applicable)

578028

Amendment Barcode (if applicable)

Topic Paper - Pencil Testing

Name Mindy Taylor

Job Title VP Advocacy HCC PTA

Address 3304 W. Wallcraft Ave.

Street

Tampa

City

FL

State

33611

Zip

Phone 813-230-1979

Email mindy.taylor@diver.com

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Hillsborough County Council PTA/PTSA

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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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)

3/27/17

Meeting Date

926

Bill Number (if applicable)

578028

Amendment Barcode (if applicable)

Topic Paper and pencil testing

Name Nancy Lawther

Job Title \_\_\_\_\_

Address 9140 SW 59 Ave.

Street

Miami FL 33156

City

State

Zip

Phone 305 607 3837

Email nlawther@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3/27/17

Meeting Date

926

Bill Number (if applicable)

578028

Amendment Barcode (if applicable)

Topic Assessment Pencil + Paper

Name Kim L Williams

Job Title Records Technician

Address PO Box 10393 / 653 Markim Road

Street

Tallahassee

City

FL

State

32305

Zip

Phone 421-6282

Email wms518@emborgmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Parents

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3/27/17  
Meeting Date

Topic Assessment Pencil + Paper

Bill Number 924  
(if applicable)

Name Beth Overholt

Amendment Barcode 578028  
(if applicable)

Job Title Opt Out Leon

Address 4130 Faulkner

Phone 728-0587

Tally FL 32311  
City State Zip

E-mail overholtbeth2@gmail.com

Speaking: ☒ For ☒ Against ☐ Information

Representing Parents / Opt Out

Waive in Support

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 (10/20/11)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

March 27 2017

*Meeting Date*

Topic Allowing paper + pencil administration of  
assessments

Bill Number SB 926  
*(if applicable)*

Name Marie-Claire Leman

Amendment Barcode 578028  
*(if applicable)*

Job Title \_\_\_\_\_

Address 1911 Wahalaaw Ct  
*Street*

Phone 850 728 7514

Tallahassee FL 32301  
*City State Zip*

E-mail \_\_\_\_\_

Speaking: ☒ For ☐ Against ☐ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/20/11)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3-27-17

Meeting Date

Topic Assessments

Bill Number 926

Name Catherine Baer

Amendment Barcode 578028  
(if applicable)

Job Title \_\_\_\_\_

Address 1421 Woodgate Way  
Tallahassee FL 32305  
City State Zip

Phone 850-345-1114

E-mail flybaer@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

Representing The Tea Party Network

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 (10/20/11)



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

3/27/2017 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)  
Meeting Date

926  
Bill Number (if applicable)

Topic EOC exam high-stakes

173108  
Amendment Barcode (if applicable)

Name Nancy Lawther

Job Title \_\_\_\_\_

Address 9140 SW 59 Ave.  
Street  
Miami FL 33156  
City State Zip

Phone 305 607 3837

Email nlawther@gmail.com

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.*

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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)

3/27/17  
Meeting Date

926  
Bill Number (if applicable)  
173108  
Amendment Barcode (if applicable)

Topic Assessment

Name Kim Williams

Job Title Records Technician

Address 653 Markim Road

Street

Tallahassee

City

FL

State

32305

Zip

Phone 421-6282

Email WMS518@ewb.org mail

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Parent(s)

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**

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

3/27/17  
Meeting Date

926  
Bill Number (if applicable)

173108  
Amendment Barcode (if applicable)

Topic Assessment

Name Beth Overholt

Job Title Opt Out Leon

Address 4130 Faulkner Lane

Street

Tallahassee  
City

FL  
State

32311  
Zip

Phone 728-0587

Email overholtbeth2@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Out Of

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**

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

March 27 11 2017  
Meeting Date

SB 926  
Bill Number (if applicable)

1730 173108  
Amendment Barcode (if applicable)

Topic \_\_\_\_\_

Name Marie-Claire Leman

Job Title \_\_\_\_\_

Address 1911 Wahalaaw Ct  
Street

Phone 850 728-7514

Tallahassee FL 32301  
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

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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)

3-27-17

Meeting Date

Topic

~~Catherine Baer~~ Assessments

Bill Number

926

Name

Catherine Baer

Amendment Barcode

173108

(if applicable)

(if applicable)

Job Title

Chair

Address

1421 Woodgate Way

Street

Tallahassee

City

FL

State

32308

Zip

Phone

E-mail

Speaking:

☒

For

☐

Against

☐

Information

Representing

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/27/16  
Meeting Date

Topic EOC

Bill Number SB 926  
(if applicable)

Name KARON R. EFFROM, MD

Amendment Barcode 173108  
(if applicable)

Job Title EXEC. DIRECTOR

Address 116 COUSLEY DR SE  
Street  
PORT CHARLOTTE FL 33952  
City State Zip

Phone 763-458-7119

E-mail docKaren@flstopcc  
coalition.org

Speaking: ☐ For ☐ Against ☐ Information

Representing FL STOP COMMON COES COALITION

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

3-27-17

Meeting Date

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

SB 1262

Bill Number (if applicable)

Topic High Impact Charter

Amendment Barcode (if applicable)

Name Alexandra Dominguez

Job Title \_\_\_\_\_

Address 215 South Morse

Phone \_\_\_\_\_

Street

Tall, Fl.

32201

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.

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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)

3-27-17  
Meeting Date

538  
Bill Number (if applicable)

Topic SB 538

Amendment Barcode (if applicable)

Name Andrew Watt

Job Title Director of legislative Affairs

Address 3300 forest Hill Blvd

Phone 561-951-1139

West Palm Beach FL 33406  
City State Zip

Email Andrew.Watt@PalmBeachSchools.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing School District of ~~Palm~~ Beach County

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**

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

3/27/17

Meeting Date

1556

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Amber Kelly

Job Title Director of Policy & Communications

Address 4853 S. Orange Avenue

Street

Phone (407) 418-0250

Orlando

City

FL

State

32806

Zip

Email \_\_\_\_\_

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FL Family Action

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**

3-27-17

Meeting Date

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

1572

Bill Number (if applicable)

Topic Education Savings Accounts

Amendment Barcode (if applicable)

Name Debbie Morham

Job Title Advocacy Director

Address 215 S Monroe

Phone 251-2278

Street

RA FL 32311

City

State

Zip

Email

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.

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)

3/27/2017  
Meeting Date

1572  
Bill Number (if applicable)

Topic Workshop on Charter Schools

Amendment Barcode (if applicable)

Name Nancy Lawther

Job Title \_\_\_\_\_

Address 9140 SW 59 Ave

Phone 305 607 3837

Street

Miami FL 33156

City

State

Zip

Email nllawther@gmail.com

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Florida PTA

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)

By Senator Flores

39-00510A-17

2017926\_\_

A bill to be entitled

An act relating to K-12 student assessments; requiring the Commissioner of Education to review specified college entrance examinations to determine their alignment with the core curricular content for high school level English Language Arts and mathematics established in state standards; requiring the commissioner to submit a report on the results of such review to the Governor, Legislature, and State Board of Education by a specified date; amending s. 1008.22, F.S.; revising provisions relating to achievement levels for certain statewide, standardized assessments; providing requirements for administration of the statewide, standardized English Language Arts and mathematics assessments in specified grades; revising provisions relating to reporting requirements for local assessments required by school districts; providing reporting requirements for certain student assessment results; providing an effective date.

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

Section 1. The Commissioner of Education shall review the SAT and ACT to determine their alignment with the core curricular content for high school level English Language Arts and mathematics established in the Next Generation Sunshine State Standards pursuant to s. 1003.41, Florida Statutes. The commissioner shall submit a report containing the results of such review to the Governor, the President of the Senate, the

39-00510A-17

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Speaker of the House of Representatives, and the State Board of Education by December 1, 2017.

Section 2. Present paragraphs (c) through (f) and paragraph (g) of subsection (7) of section 1008.22, Florida Statutes, are redesignated as paragraphs (e) through (h) and paragraph (j), respectively, paragraph (e) of subsection (3) and paragraph (b) and present paragraph (f) of subsection (7) are amended, and new paragraphs (c), (d), and (i) are added to subsection (7) of that section, to read:

1008.22 Student assessment program for public schools.—

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

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(e) *Assessment scores and achievement levels.*—

1. All statewide, standardized EOC assessments and ELA, mathematics, and Science assessments shall use scaled scores and achievement levels. Achievement levels shall range from 1 through 5, with level 1 being the lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on an assessment. Beginning with any new contract for the ELA assessment and the mathematics assessment entered into after July 1, 2017, achievement level 3 shall be defined as proficient for each new assessment.

2. The state board shall designate by rule a passing score for each statewide, standardized assessment.

3. If the commissioner seeks to revise a statewide, standardized assessment and the revisions require the state board to modify performance level scores, including the passing score, the commissioner shall provide a copy of the proposed scores and implementation plan to the President of the Senate and the Speaker of the House of Representatives at least 90 days before submission to the state board for review. Until the state board adopts the modifications by rule, the commissioner shall use calculations for scoring the assessment that adjust student scores on the revised assessment for statistical equivalence to student scores on the former assessment. The state board shall adopt by rule the passing score for the revised assessment that is statistically equivalent to the passing score on the discontinued assessment for a student who is required to attain a passing score on the discontinued assessment. The commissioner may, with approval of the state board, discontinue administration of the former assessment upon the graduation,

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

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based on normal student progression, of students participating in the final regular administration of the former assessment. If the commissioner revises a statewide, standardized assessment and the revisions require the state board to modify the passing score, only students taking the assessment for the first time after the rule is adopted are affected.

(7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

(b) By August of each year, beginning in 2016, the commissioner shall publish on the department's website a uniform calendar that includes the assessment and reporting schedules for, at a minimum, the next 2 school years. The uniform calendar must be provided to school districts in an electronic format that allows each school district and public school to populate the calendar with, at minimum, the following information for reporting the district assessment schedules under paragraph (e) ~~(e)~~:

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

2. The specific date or dates that each assessment will be administered.

3. The time allotted to administer each assessment.

4. Whether the assessment is a computer-based assessment or a paper-based assessment.

5. The grade level or subject area associated with the assessment.

6. The date that the assessment results are expected to be available to teachers and parents.

7. The type of assessment, the purpose of the assessment, and the use of the assessment results.

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8. A glossary of assessment terminology.

9. Estimates of average time for administering state-required and district-required assessments, by grade level.

(c) Beginning with the 2017-2018 school year, the ELA assessment in grades 3 through 10 and the mathematics assessment in grades 3 through 8 shall be administered:

1. With the exception of the grade 3 Reading assessment, no earlier than during the last 3 weeks of the school year as determined by a district school board's policy pursuant to s. 1001.42(4)(f).

2. Within a testing window not to exceed 3 weeks.

(d) Beginning with any new contract for the ELA assessment in grades 3 through 10 and the mathematics assessment in grades 3 through 8 entered into after July 1, 2017, each new assessment shall be made available once per quarter for students who the school district has identified through competency-based education as having mastered the content and who are prepared to take the applicable assessment.

(h)(f) A school district must provide a student's performance results on district-required local assessments to the student's teachers within 1 week and to the student's parents no later than 30 days after administering such assessments, unless the superintendent determines in writing that extenuating circumstances exist and reports the extenuating circumstances to the district school board.

(i) The results of statewide, standardized ELA and mathematics assessments shall be reported in an easy-to-read and understandable format to each student's current teacher of record and to each student's teacher of record for the

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subsequent school year before the start of that school year. A report of student assessment results must, at a minimum, contain:

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

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

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

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

5. Comparative information showing the student's score compared to other students in the school district, in the state, or, if available, in other states.

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

Section 3. This act shall take effect July 1, 2017.

**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.)

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Prepared By: The Professional Staff of the Committee on Education

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BILL: CS/SB 978

INTRODUCER: Education Committee and Senator Powell

SUBJECT: High School Graduation Requirements

DATE: March 28, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Graf	ED	<b>Fav/CS</b>
2.			AED	
3.			AP	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 978 allows a student to use credit earned upon completion of a registered apprenticeship or preapprenticeship program registered with the Department of Education to satisfy certain high school credit requirements for graduation with a standard diploma. Specifically, the bill:

- Authorizes the use of credit earned upon completion of a registered apprenticeship or preapprenticeship program to satisfy up to one credit in fine or performing arts, speech and debate, or practical arts; or electives.
- Requires the State Board of Education (SBE) to approve and identify in the Course Code Directory (CCD) the registered apprenticeship and preapprenticeship programs from which a student may use earned credit to satisfy such course credit requirements.

The bill takes effect on July 1, 2017.

**II. Present Situation:**

The Legislature has provided educational opportunities for young people to benefit from on-the-job training combined with academic-related classroom experiences so that such individuals can be trained for trades, occupations, and professions suited to their abilities.<sup>1</sup>

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<sup>1</sup> Section 446.011(1), F.S.

## High School Graduation Requirements

In order to graduate from high school with a Florida standard high school diploma, a student must successfully complete 24 credits in the following subject areas:<sup>2</sup>

- Four credits in English Language Arts (ELA) I, II, III, and IV.
- Four credits in mathematics including one credit each in Algebra I and Geometry. Industry certifications<sup>3</sup> earned by students may substitute for up to two mathematics credits, except for Algebra I and Geometry.
- Three credits in science including one credit in Biology I and two credits in equally rigorous courses.<sup>4</sup> Industry certifications<sup>5</sup> earned by students may substitute for one science credit, except for Biology I.
- Three credits in social studies including one credit each in United States History and World History; one-half credit in economics, which must include financial literacy; and one-half credit in United States Government.
- One credit in fine or performing arts, speech and debate, or practical arts.<sup>6</sup>
- One credit in physical education.<sup>7</sup>
- Eight credits in electives.<sup>8</sup>

### *Career Education Courses to Meet High School Credit Requirements*

Career education includes, but is not limited to, job-preparatory instruction in the competencies that prepare students for effective entry into an occupation, including diversified cooperative education, work experience, and job-entry programs that coordinate directed study and on-the-job training.<sup>9</sup>

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<sup>2</sup> Section 1003.4282(1)(a) and (3), F.S.

<sup>3</sup> Eligible industry certifications are those for which there is a statewide college credit articulation agreement approved by the State Board of Education. *Id.* at (3)(b).

<sup>4</sup> Two of the three science credits must have a laboratory component. *Id.* at (3)(c).

<sup>5</sup> Eligible industry certifications are those for which there is a statewide college credit articulation agreement approved by the State Board of Education. *Id.* at (3)(c).

<sup>6</sup> Practical arts courses are identified in the Course Code Directory, and must incorporate artistic content and techniques of creativity, interpretation, and imagination. *Id.* at (3)(e). The “Career and Technical Education Courses that meet the Practical Arts High School Graduation Requirement” list contains 325 courses that meet the practical arts requirement. Email, Florida Department of Education (March 20, 2017), Florida Department of Education, *2017 Agency Bill Analysis for SB 978*, at 2.

<sup>7</sup> Physical education must include the integration of health. Section 1003.4282(3)(f), F.S.

<sup>8</sup> School districts must develop and offer coordinated electives so that a student may develop knowledge and skills in his or her area of interest, such as electives with a STEM or liberal arts focus. *Id.* at (3)(g). Such electives must include opportunities for students to earn college credit, including industry-certified career education programs or series of career-themed courses that result in industry certification or articulate into the award of college credit, or career education courses for which there is a statewide or local articulation agreement and which lead to college credit. *Id.*

<sup>9</sup> Section 1003.01(4), F.S. Career education courses fall within the definition of “extracurricular courses” which are not defined as “core-curricula courses.” *Id.* at (15). Other extracurricular courses may include, but are not limited to, physical education, fine arts, performing fine arts, and courses that may result in college credit. *Id.*



Career education courses must include workforce and digital literacy skills and the integration of required course content with practical applications and designated rigorous coursework resulting in one or more industry certifications or clearly articulated credit or advanced standing in a 2-year or 4-year certified or degree program, which may include high school junior or senior year work-related internships or apprenticeships.<sup>10</sup> The instructional methodologies used in these courses must be comprised of authentic projects, problems, and activities for contextually learning the academics.<sup>11</sup>

Each school district is encouraged to partner with local workforce boards, business and industry leaders, and postsecondary institutions to create career education courses that meet the goals and requirements of career and professional academies<sup>12</sup> and career-themed courses.<sup>13</sup> School districts or regional consortium service organizations must submit such career education courses to the Department of Education (DOE) for State Board of Education (SBE) approval<sup>14</sup> that include, but are not limited to:<sup>15</sup>

- Preparing graduating high school students to make appropriate choices relative to employment and future educational experiences.<sup>16</sup>
- Raising student aspiration and commitment to academic achievement and work ethics through relevant coursework.<sup>17</sup>
- Supporting the state's economy by meeting industry needs for skilled employees in high-skill, high-wage, and high-demand occupations.<sup>18</sup>
- Promoting learning by doing through application and adaptation.<sup>19</sup>
- Requiring the course leads to an industry certification or college credit.<sup>20</sup>

The courses approved by the SBE must allow students to earn credit in both the career education course and courses required for high school graduation.<sup>21</sup> The SBE must determine if sufficient academic standards are covered to warrant the award of academic credit.<sup>22</sup>

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<sup>10</sup> Section 1003.4282(8)(a)2., F.S.

<sup>11</sup> *Id.*

<sup>12</sup> A career and professional academy is defined in s. 1003.493(1)(a), F.S. Career and professional academies are required for public schools and school districts, and encouraged for the Florida Virtual School. Section 1003.493(1)(a), F.S.

<sup>13</sup> *Id.* at (8)(b).

<sup>14</sup> 1003.4982(8)(b) and (c), F.S.

<sup>15</sup> Section 1003.4282(8)(a), F.S. Career education courses for purposes of earning high school credit must meet the requirements and criteria set forth in s. 1003.493(2), (4), and (5), F.S., for career and professional academy and career-themed courses.

<sup>16</sup> Section 1003.493(2)(b).

<sup>17</sup> *Id.* at (d).

<sup>18</sup> *Id.* at (f).

<sup>19</sup> *Id.* at (4)(a).

<sup>20</sup> *Id.* at (5).

<sup>21</sup> Section 1008.4282(8)(a), F.S.

<sup>22</sup> *Id.* at 1.

## Course Code Directory

The Course Code Directory (CCD) is the listing of all public Pre-K-12 courses available for use by school districts<sup>23</sup> and identifies courses including, but not limited to, the courses that meet subject-area high school graduation requirements, and specifies course level and length.<sup>24</sup> The CCD programs and courses that are funded through the Florida Education Finance Program and courses or programs for which students may earn credit toward high school graduation must be listed in the CCD.<sup>25</sup> The CCD maintains course listings for administration and service assignments, K-12 education, exceptional student education, career and technical education, and adult education, with details regarding appropriate teacher certification levels.<sup>26</sup>

## Apprenticeship and Preapprenticeship Programs

### *Federal Law*

The United States Congress enacted the National Apprenticeship Act (also known as the Fitzgerald Act in honor of its author, Congressman William J. Fitzgerald) in 1937.<sup>27</sup> In 2008, revised regulations were issued by the Department of Labor that increase program flexibility to better serve the needs of today's apprentices and program sponsors.<sup>28</sup>

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<sup>23</sup> Rule 6A-1.09441, F.A.C.

<sup>24</sup> Florida Department of Education, *2016-2017 Course Directory: Section 1-Narrative Section*, at 10-11, <http://www.fldoe.org/core/fileparse.php/7746/urlt/CCDNarrative1617.pdf> (last visited March 24, 2017). Level 1 courses are basic courses for which students may not earn credit towards a standard diploma; level 2 courses are regular, mainstreamed courses; and level 3 courses include honors, AP, IB, AICE, advanced college-preparatory courses, and other courses containing rigorous academic curriculum and performance standards. *Id.*

<sup>25</sup> Rule 6A-1.09441(4), F.A.C.

<sup>26</sup> Florida Department of Education, *2015-2016 Course Code Directory* <http://www.fldoe.org/policy/articulation/ccd/2016-2017-course-directory.stml> (last visited March 24, 2017).

<sup>27</sup> U.S. Department of Labor, *History and Fitzgerald Act*, <http://www.doleta.gov/oa/history.cfm> (last visited March 24, 2017). See 29 U.S.C. s. 50 (1937), as amended. The Fitzgerald Act authorized the U.S. Department of Labor (DOL) to formulate and promote the furtherance of standards necessary to safeguard the welfare of apprentices, to extend the application of such standards by encouraging their inclusion in contracts of apprenticeship, to bring together employers and labor for the formulation of programs of apprenticeship, and to cooperate with state agencies engaged in the formulation and promotion of standards of apprenticeship. Department of Labor, *29 CFR Part 29, Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations; Final Rule*, Federal Register, Vol. 73, No. 210 (October 29, 2008), at 64402.

<sup>28</sup> U.S. Department of Labor, *Regulations*, <http://www.doleta.gov/oa/regulations.cfm> (last visited March 24, 2017). These revised regulations published on October 29, 2008, update Title 29 CFR, part 29 and provide a framework that supports an enhanced, modernized apprenticeship system. *Id.*

Registered apprenticeship program sponsors (*i.e.*, employers, employer associations, and labor management organizations)<sup>29</sup> identify the minimum qualifications to apply to their apprenticeship programs.<sup>30</sup>

### *State Law*

In Florida, the DOE is responsible for administering, facilitating, and supervising registered apprenticeship programs,<sup>31</sup> including, but not limited to:<sup>32</sup>

- Developing and encouraging apprenticeship programs.
- Cooperating with and assisting apprenticeship sponsors to develop apprenticeship standards and training requirements.
- Monitoring RA programs.
- Investigating complaints regarding failure to meet the standards<sup>33</sup> established by the DOE.
- Canceling registration of programs that fail to comply with DOE standards and policies.

An apprenticeship program means “an organized course of instruction, registered and approved by the department, which course shall contain all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices<sup>34</sup> including such matters as the

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<sup>29</sup> Registered Apprenticeship program sponsors vary from small, privately owned businesses to national employer and industry associations. There are nearly 29,000 sponsors representing more than 250,000 employers, such as United Parcel Service, the United States Military Apprenticeship Program, Werner Enterprises, and CVS/pharmacy. U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 24, 2017).

<sup>30</sup> *Id.* An individual must be at least 16 years of age to be an apprentice. *Id.* In hazardous occupations, individuals must usually be 18 years of age. *Id.* Program sponsors may also identify additional minimum qualifications and credentials to apply (*e.g.*, education, ability to physically perform the essential functions of the occupation, and proof of age). *Id.* All applicants are required to meet the minimum qualifications. *Id.* Based on the selection method utilized by the sponsor, additional qualification standards, such as fair aptitude tests and interviews, school grades, and previous work experience may be identified. *Id.*

<sup>31</sup> States have the authority to register apprenticeship programs through federally recognized “State Apprenticeship Agencies.”<sup>31</sup> 29 C.F.R. ss. 29.1 and 29.13.

<sup>32</sup> Section 446.041, F.S. Employers may participate within an existing group program through agreements called Participating Employer Agreements or Collective Bargaining Agreements, or employers may work with an Apprenticeship Training Representative to develop and directly sponsor a new program. Florida Department of Education, *What is Apprenticeship?*, <http://www.fldoe.org/academics/career-adult-edu/apprenticeship-programs/what-is-apprenticeship.stml> (last visited March 24, 2017).

<sup>33</sup> The DOE is responsible for developing apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and assisting district school boards and FCS institution boards of trustees in developing preapprenticeship programs. Sections 446.011(2), 446.032, and 446.052, F.S.; Rule 6A-23.004, F.A.C. “Uniform minimum preapprenticeship standards” means “the minimum requirements established uniformly for each craft under which a preapprenticeship program is administered and includes standards for admission, training goals, training objectives, curriculum outlines, objective standards to measure successful completion of the preapprenticeship program, and the percentage of credit which may be given to preapprenticeship graduates upon acceptance into the apprenticeship program.” Section 446.021(8), F.S.

<sup>34</sup> An “apprentice” means “a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journeyman craftsmen, which training should be combined with properly coordinated studies of technical and supplementary subjects, and who has entered into a written agreement, which may be cited as an apprentice agreement, with a registered apprenticeship sponsor who

requirements for a written apprenticeship agreement.”<sup>35</sup> A preapprenticeship program means “an organized course of instruction in the public school system or elsewhere, which course is designed to prepare a person 16 years of age or older to become an apprentice and which course is approved by and registered with the DOE and sponsored by a registered apprenticeship program.”<sup>36</sup>

An apprenticeable occupation is a skilled trade that:<sup>37</sup>

- Is customarily learned in a practical way through a structured, systematic program of on-the-job, supervised training.
- Is commonly recognized throughout the industry or recognized with a positive view towards changing technology.
- Involves manual, mechanical, or technical skills and knowledge which require a minimum of 2,000 hours of work and training, which hours are excluded from the time spent at related instruction.
- Requires related instruction to supplement on-the-job training. Such instruction may be given in a classroom or through correspondence courses.
- Involves the development of skill sufficiently broad to be applicable in like occupations throughout an industry, rather than of restricted application to the products or services of any one company.

Additionally, the DOE, district school boards, and Florida College System institution boards of trustees must work together with existing apprenticeship programs so that individuals completing the preapprenticeship program may be able to receive credit towards completing a registered apprenticeship program.<sup>38</sup>

### ***Apprenticeship Program Tuition and Fees***

Fee exemptions and waivers are types of financial assistance authorized in statutory law that provide opportunities for many students to attend college at reduced tuition and fee cost or even free.<sup>39</sup> Florida law provides exemptions from the payment of tuition and fees, including lab fees, for several categories of students enrolled at a school district that provides workforce education

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may be either an employer, an association of employers, or a local joint apprenticeship committee.” Section 446.021(2), F.S.

<sup>35</sup> Section 446.021(6), F.S. An apprenticeship agreement may not operate to invalidate any apprenticeship provision in a collective agreement between employers and employees which establishes higher apprenticeship standards. Section 446.081(1), F.S.

<sup>36</sup> Section 446.021(5), F.S. After completing their programs, preapprentices may be granted preference for entry into registered apprenticeship programs, and may receive credit towards the completion of their registered apprenticeship program. Florida Department of Education, *Preapprenticeship*, <http://www.fldoe.org/academics/career-adult-edu/apprenticeship-programs/preapprenticeship.shtml> (last visited March 24, 2017). As of December 2015, there were approximately 110 high school participants in 13 preapprenticeship programs located throughout the state. Email, Florida Department of Education (March 20, 2017), Florida Department of Education, *2017 Agency Bill Analysis for SB 978*, at 3.

<sup>37</sup> Section 446.092, F.S.

<sup>38</sup> Section 446.052(3), F.S.

<sup>39</sup> The Florida College System, *Exemptions and Waivers in the Florida College System* (March 2012), available at <http://www.fldoe.org/core/fileparse.php/7724/urlt/0072361-fyi2012-02exemptions.pdf>.

programs, an FCS institution, or a state university, including students enrolled in approved apprenticeship programs.<sup>40</sup>

### **III. Effect of Proposed Changes:**

CS/SB 978 allows a student to use credit earned upon completion of a registered apprenticeship or preapprenticeship program registered with the Department of Education to satisfy certain high school credit requirements for graduation with a standard diploma. Specifically, the bill:

- Authorizes the use of credit earned upon completion of a registered apprenticeship or preapprenticeship program to satisfy up to one credit in fine or performing arts, speech and debate, or practical arts; or electives.
- Requires the State Board of Education (SBE) to approve and identify in the Course Code Directory (CCD) the registered apprenticeship and preapprenticeship programs from which a student may use earned credit to satisfy such course credit requirements.

As a result, the bill may encourage students to participate in registered apprenticeship and preapprenticeship programs. Accordingly, students may be able to acquire on-the-job training for occupations, which may better prepare the students for college and career success.

The bill takes effect on July 1, 2017.

### **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.

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<sup>40</sup> Section 1009.25(1)(b), F.S. Direct costs to the registered apprentice are for tools, books, consumables, and materials required by the employer. Email, Florida Department of Education (March 20, 2017), Florida Department of Education, *2017 Agency Bill Analysis for SB 978*, at 3.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends 1003.4282 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 on March 27, 2017:**

The committee substitute maintains the intent of SB 978 with some clarifications:

- Authorizes the application of credit earned upon completion of a registered apprenticeship or preapprenticeship program towards either fine or performing arts, speech and debate, or practical arts; or electives.
- Specifies that such application of credit may be for up to one credit in either fine or performing arts, speech and debate, or practical arts; or electives.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2017	.	
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The Committee on Education (Powell) recommended the following:

**Senate Amendment**

Delete lines 46 - 47  
and insert:  
satisfy up to one credit of the high school graduation credit  
requirements in paragraph (3)(e) or paragraph (3)(g). The state  
board shall approve and

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/27/17  
Meeting Date

978  
Bill Number (if applicable)

Topic SB 978

Amendment Barcode (if applicable)

Name Andrew Watt

Job Title Director of legislative Affairs

Address 3500 Forest hill Blvd

Phone 561-951-1139

West Palm Beach FL 33406  
City State Zip

Email Andrew.Watt@palmbeachschools.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing School district of Palm Beach County

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)



By Senator Powell

30-01093-17

2017978\_\_

1 A bill to be entitled  
 2 An act relating to high school graduation  
 3 requirements; amending s. 1003.4282, F.S.; authorizing  
 4 the use of credits earned upon completion of a  
 5 registered apprenticeship or preapprenticeship to  
 6 satisfy specified high school graduation credit  
 7 requirements; requiring that the State Board of  
 8 Education approve and identify apprenticeship and  
 9 preapprenticeship programs for such purpose; providing  
 10 an effective date.  
 11  
 12 Be It Enacted by the Legislature of the State of Florida:  
 13  
 14 Section 1. Paragraph (a) of subsection (8) of section  
 15 1003.4282, Florida Statutes, is amended to read:  
 16 1003.4282 Requirements for a standard high school diploma.—  
 17 (8) CAREER EDUCATION COURSES THAT SATISFY HIGH SCHOOL  
 18 CREDIT REQUIREMENTS.—  
 19 (a) Participation in career education courses engages  
 20 students in their high school education, increases academic  
 21 achievement, enhances employability, and increases postsecondary  
 22 success. By July 1, 2014, the department shall develop, for  
 23 approval by the State Board of Education, multiple, additional  
 24 career education courses or a series of courses that meet the  
 25 requirements set forth in s. 1003.493(2), (4), and (5) and this  
 26 subsection and allow students to earn credit in both the career  
 27 education course and courses required for high school graduation  
 28 under this section and s. 1003.4281.  
 29 1. The state board must determine if sufficient academic

Page 1 of 2

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

30-01093-17

2017978\_\_

30 standards are covered to warrant the award of academic credit.  
 31 2. Career education courses must include workforce and  
 32 digital literacy skills and the integration of required course  
 33 content with practical applications and designated rigorous  
 34 coursework that results in one or more industry certifications  
 35 or clearly articulated credit or advanced standing in a 2-year  
 36 or 4-year certificate or degree program, which may include high  
 37 school junior and senior year work-related internships or  
 38 apprenticeships. The department shall negotiate state licenses  
 39 for material and testing for industry certifications. The  
 40 instructional methodology used in these courses must be  
 41 comprised of authentic projects, problems, and activities for  
 42 contextually learning the academics.  
 43 3. A student who earns credit upon completion of an  
 44 apprenticeship or preapprenticeship program registered with the  
 45 Department of Education under chapter 446 may use such credit to  
 46 satisfy the high school graduation credit requirements in  
 47 paragraphs (3)(e) and (g). The state board shall approve and  
 48 identify in the Course Code Directory the apprenticeship and  
 49 preapprenticeship programs from which earned credit may be used  
 50 pursuant to this subparagraph.  
 51 Section 2. This act shall take effect July 1, 2017.

Page 2 of 2

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

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: CS/SB 1210

INTRODUCER: Education Committee and Senator Lee and others

SUBJECT: Instructional Materials for K-12 Public Education

DATE: March 28, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Benvenisty	Graf	ED	<b>Fav/CS</b>
2.			AP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1210 revises provisions relating to the definition and acquisition of instructional materials. Specifically, the bill:

- Defines “legal resident” or “resident” to mean a person who has maintained his or her legal residence in the state for the preceding year, has purchased a home that is occupied by him or her as his or her residence, or has established a domicile in this state pursuant to Florida law.
- Requires a district school board to adopt a policy regarding the right of a parent or legal resident of the county to object to the use of an instructional material based on specified criteria or contest the district school boards’ adoption of specific instructional materials.
- Revises the review process for district school boards that implement their own instructional materials review program.
- Requires district school board, upon a written request, to provide access to any instructional material or book specified in the written request, which is maintained in a district school system library and is available for review.
- Revises requirements related to the instructional materials allocation.

The bill takes effect upon becoming law.

## II. Present Situation:

The district school board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students in accordance with Florida law.<sup>1</sup>

### District School Board Responsibility

A school district must provide adequate instructional materials for its students, ensure the materials are consistent with the district's educational goals, and ensure the materials meet the objectives and the curriculum frameworks adopted by the State Board of Education (SBE).<sup>2</sup> Florida law defines "adequate instructional materials" to mean a sufficient number of student or site licenses or sets of materials that are available in bound, unbound, lot, or package form and may consist of hardbacked or softbacked books, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serve as a basis for instruction for each student in the core subject areas<sup>3</sup>.<sup>4</sup>

Each district school board is responsible for the content of all instructional materials used in a classroom, whether adopted or purchased from the state-adopted instructional materials list, adopted or purchased through a district instructional materials project, or otherwise purchased or made available in the classroom.<sup>5</sup>

Each district school board must establish a process, as specified in law, by which the parent of a public school student may contest the district school board's adoption of specific instructional material.<sup>6</sup> This process is specified in law.<sup>7</sup> The decision of the district school board, after convening a public hearing on the issue, is final.<sup>8</sup>

The district school board is authorized to implement an instructional materials program that includes the review, recommendation, adoption, and purchase of materials.<sup>9</sup> If a district school board chooses to implement its own instructional materials program, the school board must adopt rules implementing the program which include its processes, criteria, and requirements for:<sup>10</sup>

- Selection of reviewers, one or more of whom must be parents with children in public schools.
- Review of instructional materials, including a thorough review of curriculum content.
- Reviewer recommendations.
- District school board adoption.
- Purchase of materials.

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<sup>1</sup> Section 1006.28(1)

<sup>2</sup> Section 1006.28(1) and 1001.03(1), F.S.

<sup>3</sup> The core subject areas include mathematics, language arts, social studies, science, reading, and literature. Section 1006.28(1)

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at (1)(a)(1).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at (1)(a)3.

<sup>8</sup> *Id.*

<sup>9</sup> Section 1006.283(1).

<sup>10</sup> *Id.* at (2).

Additionally, the district school superintendent must certify to the DOE on an annual basis that all instructional materials for core courses used by the district are aligned with applicable state standards.<sup>11</sup>

### **State Instructional Materials Reviewers and Content**

The Commissioner must determine annually the areas in which instructional materials must be submitted for adoption and the number of titles in each area.<sup>12</sup> The Commissioner must appoint three state or national experts in the content areas submitted for adoption to review the instructional materials.<sup>13</sup>

Reviewers must evaluate all materials submitted by publishers in each adoption to determine if the material aligns with the applicable state standards, developed criteria, and any applicable performance standards.<sup>14</sup>

In addition to the standards, materials should also reflect appropriate diversity, include the Constitution and the Declaration of Independence in the social studies content area, and ensure that materials do not reflect unfairly upon people because of their race, color, creed, national origin, ancestry, gender, or occupation.<sup>15</sup> Reviewers must report to the DOE the materials being recommended that meet the guidelines for adoption.<sup>16</sup>

### **Instructional Materials Allocation**

The Commissioner of Education must annually certify to each district school superintendent the estimated allocated of state funds for instructional materials. The district is required to purchase current instructional materials in the core areas to provide students with current tools of instruction.<sup>17</sup> This purchase must be made within the first two years of the effective date of the adoption cycle.<sup>18</sup> Up to fifty percent of the allocation may be used to purchase non-adopted materials.<sup>19</sup>

## **III. Effect of Proposed Changes:**

CS/SB 1210 revises provisions relating to the definition and acquisition of instructional materials. Specifically, the bill:

- Defines “legal resident” or “resident” to mean a person who has maintained his or her legal residence in the state for the preceding year, has purchased a home that is occupied by him or her as his or her residence, or has established a domicile in this state pursuant to Florida law.

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<sup>11</sup> *Id.* at (1).

<sup>12</sup> Section 1006.29(1)(a), F.S.

<sup>13</sup> *Id.* at (b).

<sup>14</sup> Section 1006.31(2)(e), F.S.

<sup>15</sup> *Id.* at (2)(d), F.S.

<sup>16</sup> *Id.* at (3).

<sup>17</sup> Section 1006.40(2), F.S.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at (3)(b).

- Requires a district school board to adopt a policy regarding the right of a parent or legal resident of the county to object to the use of an instructional material based on specified criteria or contest the district school boards' adoption of specific instructional materials.
- Revises the review process for district school boards that implement their own instructional materials review program.
- Requires district school board, upon a written request, to provide access to any instructional material or book specified in the written request, which is maintained in a district school system library and is available for review.
- Revises requirements related to the instructional materials allocation.

### **Instructional Materials Definition**

The bill adopts the definition of “instructional materials” contained in s. 1006.29(2), F.S., which defines instructional materials to mean items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software.

### **Local Instructional Material Review**

The bill requires a district school board to adopt a policy regarding the right of a parent or county resident to object to the use of an instructional material. This process must provide the parent or resident the opportunity to offer evidence to the district school board that:

- The instructional material does not meet criteria specified in law, if it was selected for use in a course or otherwise made available to students in the school district but was not subject to the public notice, review, comment, and hearing procedures specified in law.
- Any material used in a classroom, made available in a school library, or included on a reading list contains content that is prohibited under Florida law, is not suited to student needs and their ability to comprehend the material presented, or is inappropriate for the grade level and age group for which the material is used.

The bill also requires that such process must include the right to timely appeal any district decision to the district school board. Accordingly, the bill provides for public input in the use and adoption of instructional material at the local level.

The bill modifies the district school board instructional materials review process authorized pursuant to law to require an instructional materials review committee that reports to the school board and is subject to public meeting requirements in s. 286.011, F.S. As such, meetings of an instructional materials review committee are open to the public to the same extent as a district school board meeting. Additionally, the bill requires that at least one-third of reviewers must be parents with children in public schools who are not and have not been employees of the district. Accordingly, the bill provides for more parent input if the district school board implements an instructional materials program as specified in law.

**State Instructional Materials Review**

The bill requires state instructional reviewers under the state approval process to use the selection criteria enumerated in this bill or recommend materials that are aligned with the Next Generation Sunshine State Standard.

**Instructional Materials Allocation**

The bill requires each district school board to use the annual instructional materials allocation only for the purchase of materials that align with state standards and that are included on the state adopted list.

The bill takes effect upon becoming law.

**IV. Constitutional Issues****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The instructional materials allocation is funded as a categorical appropriation through the Florida Educational Finance Program (FEFP).<sup>20</sup> The legislature appropriated \$228,792,422 in the 2016-2017 General Appropriations Act.<sup>21</sup>

**VI. Technical Deficiencies:**

None.

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<sup>20</sup> Section 1, ch. 2016-66, L.O.F.

<sup>21</sup> *Id.*

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1006.28, 1006.283, 1006.31, 1006.40, 1002.20, and 1006.42.

**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 Committee on March 27, 2017:**

The committee substitute:

- Requires, upon a written request, a school district to provide access to any instructional material or book specified in the request which is maintained in a district school system library and is available for review. Requires a school district to provide access to instructional materials 30 days after receipt of the written request.
- Removes reference to school districts' authority to lease, license, or obtain instructional materials by school districts from the state-adopted instructional materials list.
- Specifies that except for a school district or a consortium of school districts that implements an instructional materials program, each district school board must use the annual allocation for only the purchase of instructional materials that align with state standards and that are included on the state-adopted list.
- Removes the requirement that a school district review the instructional materials purchased by the school district from the state-adopted list.
- Modifies the policy for school districts to handle objections raised by a parent or a county resident to include the opportunity for such individuals to offer evidence supporting such objections to the district school board.
- Provides procedural safeguards for all petitions contesting the adoption of specific instructional materials that are timely received.
- Modifies the use of up to 50 percent of the annual allocation to specify uses including library and reference books and nonprint materials, hardback and softback books, repair and renovation of textbooks, etc.

None.

- B. **Amendments:**

None.



833208

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2017	.	
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The Committee on Education (Lee) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present subsections (1), (2), and (3) of section  
1006.28, Florida Statutes, are redesignated as subsections (2),  
(3), and (4), respectively, a new subsection (1) is added to  
that section, and present subsection (1) and paragraph (a) of  
present subsection (2) are amended, to read:

1006.28 Duties of district school board, district school  
superintendent; and school principal regarding K-12





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instructional materials.—

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

(a) "Adequate instructional materials" means instructional materials that meet the requirements of this section and have a sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software to serve as the basis for instruction for each student in the core subject areas of mathematics, language arts, social studies, science, reading, and literature.

(b) "Instructional materials" has the same meaning as in s. 1006.29(2).

(c) "Legal resident" or "resident" means a person who has maintained his or her residence in this state for the preceding year, has purchased a home that is occupied by him or her as his or her residence, or has established a domicile in this state pursuant to s. 222.17.

(2)~~(1)~~ DISTRICT SCHOOL BOARD.—The district school board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students in accordance with the requirements of this part. ~~The term "adequate instructional materials" means a sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serve as the basis for instruction~~



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~~for each student in the core subject areas of mathematics,  
language arts, social studies, science, reading, and literature.~~

The district school board also has the following specific duties  
and responsibilities:

(a) *Courses of study; adoption.*—Adopt courses of study,  
including instructional materials, for use in the schools of the  
district.

1. Each district school board is responsible for the  
content of all instructional materials used in a classroom,  
whether adopted and purchased from the state-adopted  
instructional materials list or, adopted and purchased through a  
district instructional materials program under s. 1006.283, ~~or~~  
~~otherwise purchased or made available in the classroom.~~

Irrespective of whether or not instructional materials are  
purchased by a district from the state-adopted instructional  
materials list or purchased by a district through a district  
instructional materials program under s. 1006.283, each district  
school board shall ensure that all instructional materials used  
in the classroom meet the following criteria:

a. Be research based, and be proven to be effective in  
supporting student learning;

b. Provide a noninflammatory, objective, and balanced  
viewpoint on issues;

c. Be appropriate to the students' ages and varying levels  
of learning;

d. Be accurate and factual;

e. Be of acceptable technical quality;

f. Shall strictly adhere to the requirements of s.  
1003.42(2); and



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70 g. Not contain pornography or content as is otherwise  
71 prohibited by s. 847.012(3).

72  
73 Districts may not determine that instructional materials used in  
74 the classroom meet the above criteria on the basis that such  
75 materials were purchased by a district from the state-adopted  
76 instructional materials list or purchased by a district through  
77 a district instructional materials program under s. 1006.283.

78 2. Each district school board shall ~~must~~ adopt a policy  
79 regarding the right of a parent or a resident of the county to  
80 object ~~parent's objection to the~~ his or her child's use of a  
81 specific instructional material based on the criteria specified  
82 in subparagraph 1., which policy must clearly describe ~~describes~~  
83 a process to handle all objections and provide resolutions,  
84 which shall be applied and enforced on a districtwide basis,  
85 that eliminate the use, in all schools within the district, of  
86 instructional materials that do not meet the criteria specified  
87 in subparagraph 1. The process must also include a right to  
88 timely appeal any district decision to the district school board  
89 ~~provides for resolution.~~

90 3. Each district school board shall ~~must~~ establish a  
91 process by which the parent of a public school student or a  
92 resident of the county may contest the district school board's  
93 adoption of a specific instructional material directly to the  
94 school board based on the instructional materials requirements  
95 under this section and the requirements of a district  
96 instructional materials program under s. 1006.283 or the  
97 requirements of instructional materials purchased from the list  
98 of state-adopted materials, as applicable. The parent or the



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resident of the county shall ~~must~~ file a petition, on a form provided by the school board, within 30 calendar days after the adoption of the material by the school board. The school board shall ~~must~~ make the form available to the public and publish the form on the school district's website. The form must be signed by the parent or the resident of the county, include the required contact information, and state the objection to the instructional material. Within 30 days after the 30-day period has expired, the school board shall ~~must~~ conduct at least one open public hearing on all petitions timely received and provide the petitioner written notification of the date and time of the hearing at least 7 days before the hearing. The school board shall make all contested instructional materials ~~contested must be made~~ accessible online to the public at least 7 days before a public hearing. ~~The school board's decision after convening a hearing is final and not subject to further petition or review.~~

(b) *Instructional materials.*—Provide for proper requisitioning, distribution, accounting, storage, care, and use of all instructional materials and furnish such other instructional materials as may be needed. Instructional materials used must be consistent with the district goals and objectives and the course descriptions established in rule of the State Board of Education, ~~as well as~~ with the applicable Next Generation Sunshine State Standards provided for in s. 1003.41.

(c) *Other instructional materials.*—Provide such other teaching accessories and aids as are needed for the school district's educational program.

(d) *School library media services; establishment and*



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*maintenance.*—Establish and maintain a program of school library media services for all public schools in the district, including school library media centers, or school library media centers open to the public, and, in addition such traveling or circulating libraries as may be needed for the proper operation of the district school system. Upon a written request, a school district shall provide access to any instructional material or book specified in the request which is maintained in a district school system library and is available for review.

(3)~~(2)~~ DISTRICT SCHOOL SUPERINTENDENT.—

(a) The district school superintendent has the duty to recommend such plans for improving, providing, distributing, accounting for, and caring for instructional materials and other instructional aids as will result in general improvement of the district school system, as prescribed in this part, in accordance with adopted district school board rules prescribing the duties and responsibilities of the district school superintendent regarding the requisition, purchase, receipt, storage, distribution, use, conservation, records, and reports of, and management practices and property accountability concerning, instructional materials, and providing for an evaluation of any instructional materials to be requisitioned that have not been used previously in the district's schools. The district school superintendent shall ~~must~~ keep adequate records and accounts for all financial transactions for funds collected pursuant to subsection (4) ~~(3)~~.

Section 2. Subsections (1), (2), and (4) of section 1006.283, Florida Statutes, are amended to read:

1006.283 District school board instructional materials



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review process.—

(1) A district school board or consortium of school districts may implement an instructional materials program that includes the review, recommendation, adoption, and purchase of instructional materials pursuant to the requirements of this section. The district school superintendent shall certify to the department by March 31 of each year that all instructional materials for core courses used by the district are aligned with applicable state standards. A list of the core instructional materials that will be used or purchased for use by the school district shall be included in the certification.

(2)(a) If a district school board chooses to implement its own instructional materials program, the school board shall adopt rules implementing the district's instructional materials program which must include its processes, criteria, and requirements for the following:

1. Selection of reviewers, at least one-third ~~one or more~~ of whom must be parents with children in public schools who are not and have not been employees of the district.

2. Review of instructional materials.

3. Selection of instructional materials, including a thorough review of curriculum content.

4. Reviewer recommendations.

5. District school board adoption.

6. Purchase of instructional materials.

7. Use of an instructional materials review committee that is subject to s. 286.011 and that is selected by and reports directly to the district school board.

(b) District school board rules shall ~~must~~ also:



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186           1. Identify, by subject area, a review cycle for  
187 instructional materials.

188           2. Specify the qualifications for an instructional  
189 materials reviewer and the process for selecting reviewers; list  
190 a reviewer's duties and responsibilities, including compliance  
191 with the requirements of s. 1006.31; and provide that all  
192 instructional materials recommended by a reviewer be accompanied  
193 by the reviewer's statement that the materials align with the  
194 state standards pursuant to s. 1003.41 ~~and the requirements of~~  
195 ~~s. 1006.31.~~

196           3. State the requirements for an affidavit to be made by  
197 each district instructional materials reviewer which  
198 substantially meet the requirements of s. 1006.30.

199           4. Comply with s. 1006.32, relating to prohibited acts.

200           5. Establish a process that certifies the accuracy of  
201 instructional materials.

202           6. Incorporate applicable requirements of s. 1006.31, which  
203 relates to the duties of instructional materials reviewers.

204           7. Incorporate applicable requirements of s. 1006.38,  
205 relating to the duties, responsibilities, and requirements of  
206 publishers of instructional materials.

207           8. Establish the process by which instructional materials  
208 are adopted by the district school board, which must include:

209           a. A process to allow student editions of recommended  
210 instructional materials to be accessed and viewed online by the  
211 public at least 20 calendar days before the school board hearing  
212 and public meeting as specified in this subparagraph. This  
213 process must include reasonable safeguards against the  
214 unauthorized use, reproduction, and distribution of



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instructional materials considered for adoption.

b. An open, noticed school board hearing to receive public comment on the recommended instructional materials.

c. An open, noticed public meeting to approve an annual instructional materials plan to identify any instructional materials that will be purchased through the district school board instructional materials review process pursuant to this section. The district school board shall hold this public meeting ~~must be held~~ on a different date than the school board hearing.

d. Notice requirements for the school board hearing and the public meeting that must specifically state which instructional materials are being reviewed and the manner in which the instructional materials can be accessed for public review.

9. Establish the process by which the district school board shall receive public comment on, and review, the recommended instructional materials.

10. Establish the process by which instructional materials are ~~will be~~ purchased, including advertising, bidding, and purchasing requirements.

11. Establish the process by which the school district notifies ~~will notify~~ parents and residents of the county of their ability to access ~~their children's~~ instructional materials through the district's local instructional improvement system and by which the school district will encourage parents and residents of the county to access the system. This notification must be displayed prominently on the school district's website and provided annually in written format to all parents of enrolled students.





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(4) Instructional materials that have been reviewed by the district instructional materials reviewers and approved shall be ~~must have been~~ determined to align with all applicable state standards pursuant to s. 1003.41 ~~and the requirements in s. 1006.31~~. The district school superintendent shall annually certify to the department that all instructional materials for core courses used by the district are aligned with all applicable state standards and have been reviewed, selected, and adopted by the district school board in accordance with ~~the school board hearing and public meeting requirements of this~~ section.

Section 3. Subsection (2) of section 1006.31, Florida Statutes, is amended to read:

1006.31 Duties of the Department of Education and school district instructional materials reviewer.—The duties of the instructional materials reviewer are:

(2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the selection criteria listed in s. 1006.34(2)(b) for instructional materials reviewers under a state approval process or to use the selection criteria listed in s. 1006.28(2)(a)1. for instructional materials reviewers under a district approval process under s. 1006.283 and recommend for adoption only those instructional materials that are aligned with the Next Generation Sunshine State Standards provided for in s. 1003.41. Instructional materials recommended by each reviewer shall be, to the satisfaction of each reviewer, accurate, objective, balanced, noninflammatory, ~~current~~, and suited to student needs and their ability to comprehend the material presented. Reviewers shall consider for recommendation materials developed



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for academically talented students, such as students enrolled in advanced placement courses. When recommending instructional materials, each reviewer shall:

(a) Include only instructional materials that accurately portray the ethnic, socioeconomic, cultural, religious, physical, and racial diversity of our society, including men and women in professional, career, and executive roles, and the role and contributions of the entrepreneur and labor in the total development of this state and the United States.

(b) Include only materials that accurately portray, whenever appropriate, humankind's place in ecological systems, including the necessity for the protection of our environment and conservation of our natural resources and the effects on the human system of the use of tobacco, alcohol, controlled substances, and other dangerous substances.

(c) Include materials that encourage thrift, fire prevention, and humane treatment of people and animals.

(d) Require, when appropriate to the comprehension of students, that materials for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States. A reviewer may not recommend any instructional materials that contain any matter reflecting unfairly upon persons because of their race, color, creed, national origin, ancestry, gender, religion, disability, socioeconomic status, or occupation.

Section 4. Subsections (3), (5), and (8) of section 1006.40, Florida Statutes, are amended to read:

1006.40 Use of instructional materials allocation;  
instructional materials, library books, and reference books;



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repair of books.—

(3) (a) Except for a school district or a consortium of school districts that implements an instructional materials program pursuant to s. 1006.283 ~~Beginning with the 2015-2016 fiscal year,~~ each district school board shall use ~~at least 50 percent of~~ the annual allocation for only the purchase of ~~digital or electronic~~ instructional materials that align with state standards and that are included on the state-adopted list, except as otherwise authorized in paragraphs (b) and (c).

(b) Up to 50 percent of the annual allocation may be used for:

1. The purchase of instructional materials, including library and reference books and nonprint materials; ~~not included on the state-adopted list and for the repair and renovation of textbooks and library books.~~

2. The purchase of materials that are not provided under subparagraph 1. and that have intellectual content that assist in the instruction of a subject or course. These materials may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, novels, electronic content, consumables, learning laboratories, manipulatives, electronic media, computer courseware or software, and other commonly accepted instructional tools as prescribed by district school board rule; and

3. The repair and renovation of textbooks and library books and replacements for items that were part of previously purchased instructional materials.

(c) District school boards may use 100 percent of that portion of the annual allocation designated for the purchase of



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instructional materials for kindergarten, and 75 percent of that portion of the annual allocation designated for the purchase of instructional materials for first grade, to purchase materials not on the state-adopted list.

(5) Each district school board is responsible for the content of all instructional materials used in a classroom, whether purchased from the state-adopted instructional materials list or through a district instructional materials program under s. 1006.283 ~~an adoption process or otherwise purchased or made available in the classroom~~. Each district school board shall adopt rules, and each district school superintendent shall implement procedures, which that:

(a) Maximize student use of the district-approved instructional materials, whether purchased from the state-adopted instructional materials list or purchased through a district instructional materials program under s. 1006.283.

(b) If the instructional materials are purchased from the state-adopted instructional materials list, provide a process for public review of, public comment on, and the adoption of instructional materials which that satisfies the requirements of s. 1006.283(2)(b)8., 9., and 11.; or, if purchased through a district instructional materials program, implement a program that fully complies with s. 1006.283.

(8) Subsections ~~(3)~~, (4), and (6) do not apply to a district school board or a consortium of school districts which that implements an instructional materials program pursuant to s. 1006.283 except that, ~~by the 2015-2016 fiscal year~~, each district school board shall use at least 50 percent of the annual instructional materials allocation for the purchase of



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~~digital or electronic~~ instructional materials that are aligned  
~~align~~ with state standards adopted by the State Board of  
Education pursuant to s. 1003.41.

Section 5. Paragraphs (b) and (c) of subsection (19) 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  
of ways they can help their child to succeed in school. K-12  
students and their parents are afforded numerous statutory  
rights including, but not limited to, the following:

(19) INSTRUCTIONAL MATERIALS.—

(b) *Curricular objectives*.—The parent of each public school  
student has the right to receive effective communication from  
the school principal as to the manner in which instructional  
materials are used to implement the school's curricular  
objectives, in accordance with s. 1006.28(4)(a) ~~the provisions~~  
~~of s. 1006.28(3)(a)~~.

(c) *Sale of instructional materials*.—Upon request of the  
parent of a public school student, the school principal shall  
~~must~~ sell to the parent any instructional materials used in the  
school, in accordance with s. 1006.28(4)(c) ~~the provisions of s.~~  
~~1006.28(3)(c)~~.

Section 6. Section 1006.42, Florida Statutes, is amended to  
read:

1006.42 Responsibility of students and parents for  
instructional materials.—All instructional materials purchased  
under ~~the provisions of~~ this part are the property of the  
district school board. When distributed to the students, these



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instructional materials are on loan to the students while they are pursuing their courses of study and are to be returned at the direction of the school principal or the teacher in charge. Each parent of a student to whom or for whom instructional materials have been issued, is liable for any loss or destruction of, or unnecessary damage to, the instructional materials or for failure of the student to return the instructional materials when directed by the school principal or the teacher in charge, and shall pay for such loss, destruction, or unnecessary damage as provided under s. 1006.28(4) ~~s. 1006.28(3)~~.

Section 7. This act shall take effect upon becoming a law.

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to instructional materials for K-12 public education; amending s. 1006.28, F.S.; revising the term "adequate instructional materials"; defining terms; requiring instructional materials to meet certain standards; requiring each district school board to adopt a process allowing parents or residents of the county to object to the use of specific instructional materials based on specified criteria; requiring the process to include a right to appeal a school district decision; specifying the appeal process; deleting a provision relating to the finality



833208

of the school board's decision under certain  
circumstances; requiring that district school boards  
provide parents and residents of the county access to  
certain materials under certain circumstances;  
amending s. 1006.283, F.S.; revising the requirements  
for school boards that adopt rules for the  
implementation of the district's instructional  
materials program; conforming provisions to changes  
made by the act; amending s. 1006.31, F.S.; revising  
the standards that an instructional materials reviewer  
shall use; amending s. 1006.40, F.S.; revising  
requirements for use of the instructional materials  
allocation; revising the types of instructional  
materials for which a district school board is  
responsible; revising applicability; amending ss.  
1002.20 and 1006.42, F.S.; conforming cross-  
references; providing an effective date.



834124

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2017	.	
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The Committee on Education (Lee) recommended the following:

**Senate Amendment to Amendment (833208) (with title amendment)**

Delete lines 54 - 263  
and insert:

2. Each district school board shall ~~must~~ adopt a policy regarding an objection by a parent or a resident of the county a  
~~parent's objection to the~~ his or her child's use of a specific instructional material, which clearly describes a process to handle all objections and provides for resolution. The process must provide the parent or resident the opportunity to offer





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evidence to the district school board that:

a. An instructional material does not meet the criteria of s. 1006.31(2) if it was selected for use in a course or otherwise made available to students in the school district but was not subject to the public notice, review, comment, and hearing procedures under s. 1006.283(2)(b)8., 9., and 11.

b. Any material used in a classroom, made available in a school library, or included on a reading list contains content that is pornographic or prohibited under s. 847.012, is not suited to student needs and their ability to comprehend the material presented, or is inappropriate for the grade level and age group for which the material is used.

If the district school board finds that an instructional material does not meet the criteria under sub-subparagraph a. or that any other material contains prohibited content under sub-subparagraph b., the school district shall discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable. The process much also include a right to timely appeal any district decision to the district school board.

3. Each district school board shall ~~must~~ establish a process by which the parent of a public school student or a resident of the county may contest the district school board's adoption of a specific instructional material. The parent or resident must file a petition, on a form provided by the school board, within 30 calendar days after the adoption of the material by the school board. The school board must make the form available to the public and publish the form on the school



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district's website. The form must be signed by the parent or  
resident, include the required contact information, and state  
the objection to the instructional material, based on the  
criteria of s. 1006.31(2). Within 30 days after the 30-day  
period has expired, the school board must, for all petitions  
timely received, conduct at least one open public hearing on all  
petitions timely received, providing at a minimum the procedural  
safeguards of ss. 120.569 and 120.57 making appropriate  
provision for appointment of unbiased and qualified hearing  
officers. A hearing officer may not be an employee, agent, or  
contractor of the school district ~~and provide the petitioner~~  
~~written notification of the date and time of the hearing at~~  
~~least 7 days before the hearing. all instructional materials~~  
~~contested must be made accessible online to the public at least~~  
~~7 days before a public hearing.~~

The school board's decision after convening a hearing is final  
and not subject to further petition or review.

(b) *Instructional materials.*—Provide for proper  
requisitioning, distribution, accounting, storage, care, and use  
of all instructional materials and furnish such other  
instructional materials as may be needed. Instructional  
materials used must be consistent with the district goals and  
objectives and the course descriptions established in rule of  
the State Board of Education, ~~as well as~~ with the applicable  
Next Generation Sunshine State Standards provided for in s.  
1003.41.

(c) *Other instructional materials.*—Provide such other  
teaching accessories and aids as are needed for the school



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district's educational program.

(d) *School library media services; establishment and maintenance.*—Establish and maintain a program of school library media services for all public schools in the district, including school library media centers, or school library media centers open to the public, and, in addition such traveling or circulating libraries as may be needed for the proper operation of the district school system. Upon a written request, a school district shall provide access to any instructional material or book specified in the request which is maintained in a district school system library and is available for review.

(3) ~~(2)~~ DISTRICT SCHOOL SUPERINTENDENT.—

(a) The district school superintendent has the duty to recommend such plans for improving, providing, distributing, accounting for, and caring for instructional materials and other instructional aids as will result in general improvement of the district school system, as prescribed in this part, in accordance with adopted district school board rules prescribing the duties and responsibilities of the district school superintendent regarding the requisition, purchase, receipt, storage, distribution, use, conservation, records, and reports of, and management practices and property accountability concerning, instructional materials, and providing for an evaluation of any instructional materials to be requisitioned that have not been used previously in the district's schools. The district school superintendent shall ~~must~~ keep adequate records and accounts for all financial transactions for funds collected pursuant to subsection (4) ~~(3)~~.

Section 2. Subsections (1), (2), and (4) of section



834124

1006.283, Florida Statutes, are amended to read:

1006.283 District school board instructional materials review process.—

(1) A district school board or consortium of school districts may implement an instructional materials program that includes the review, recommendation, adoption, and purchase of instructional materials pursuant to the requirements of this section. The district school superintendent shall certify to the department by March 31 of each year that all instructional materials for core courses used by the district are aligned with applicable state standards. A list of the core instructional materials that will be used or purchased for use by the school district shall be included in the certification.

(2)(a) If a district school board chooses to implement its own instructional materials program, the school board shall adopt rules implementing the district's instructional materials program which must include its processes, criteria, and requirements for the following:

1. Selection of reviewers, at least one-third ~~one or more~~ of whom must be parents with children in public schools who are not and have not been employees of the district.

2. Review of instructional materials.

3. Selection of instructional materials, including a thorough review of curriculum content.

4. Reviewer recommendations.

5. District school board adoption.

6. Purchase of instructional materials.

7. Use of an instructional materials review committee that is subject to s. 286.011 and that is selected by and reports



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directly to the district school board.

(b) District school board rules shall ~~must~~ also:

1. Identify, by subject area, a review cycle for instructional materials.

2. Specify the qualifications for an instructional materials reviewer and the process for selecting reviewers; list a reviewer's duties and responsibilities, including compliance with the requirements of s. 1006.31; and provide that all instructional materials recommended by a reviewer be accompanied by the reviewer's statement that the materials align with the state standards pursuant to s. 1003.41 ~~and the requirements of s. 1006.31.~~

3. State the requirements for an affidavit to be made by each district instructional materials reviewer which substantially meet the requirements of s. 1006.30.

4. Comply with s. 1006.32, relating to prohibited acts.

5. Establish a process that certifies the accuracy of instructional materials.

6. Incorporate applicable requirements of s. 1006.31, which relates to the duties of instructional materials reviewers.

7. Incorporate applicable requirements of s. 1006.38, relating to the duties, responsibilities, and requirements of publishers of instructional materials.

8. Establish the process by which instructional materials are adopted by the district school board, which must include:

a. A process to allow student editions of recommended instructional materials to be accessed and viewed online by the public at least 20 calendar days before the school board hearing and public meeting as specified in this subparagraph. This



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process must include reasonable safeguards against the unauthorized use, reproduction, and distribution of instructional materials considered for adoption.

b. An open, noticed school board hearing to receive public comment on the recommended instructional materials.

c. An open, noticed public meeting to approve an annual instructional materials plan to identify any instructional materials that will be purchased through the district school board instructional materials review process pursuant to this section. The district school board shall hold this public meeting ~~must be held~~ on a different date than the school board hearing.

d. Notice requirements for the school board hearing and the public meeting that must specifically state which instructional materials are being reviewed and the manner in which the instructional materials can be accessed for public review.

9. Establish the process by which the district school board shall receive public comment on, and review, the recommended instructional materials.

10. Establish the process by which instructional materials are ~~will be~~ purchased, including advertising, bidding, and purchasing requirements.

11. Establish the process by which the school district notifies ~~will notify~~ parents and residents of the county of their ability to access ~~their children's~~ instructional materials through the district's local instructional improvement system and by which the school district will encourage parents and residents of the county to access the system. This notification must be displayed prominently on the school district's website



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and provided annually in written format to all parents of enrolled students.

(4) Instructional materials that have been reviewed by the district instructional materials reviewers and approved shall be ~~must have been~~ determined to align with all applicable state standards pursuant to s. 1003.41 ~~and the requirements in s. 1006.31~~. The district school superintendent shall annually certify to the department that all instructional materials for core courses used by the district are aligned with all applicable state standards and have been reviewed, selected, and adopted by the district school board in accordance with ~~the school board hearing and public meeting requirements of this~~ section.

Section 3. Subsection (2) of section 1006.31, Florida Statutes, is amended to read:

1006.31 Duties of the Department of Education and school district instructional materials reviewer.—The duties of the instructional materials reviewer are:

(2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the selection criteria listed in s. 1006.34(2)(b) for instructional materials reviewers under a state approval process or for

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

And the title is amended as follows:

Delete lines 410 - 411

and insert:

terms; requiring each district school



554964

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2017	.	
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The Committee on Education (Lee) recommended the following:

**Senate Amendment to Amendment (833208)**

Delete line 133  
and insert:  
of the district school system. Within 30 days after receiving a  
written request, a school



THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/27/17  
Meeting Date

Topic INSTRUCTIONAL MATERIALS

Bill Number 1210  
(if applicable)

Name KAREN EFFREM, MD

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title EXEC. DIR.

Address 116 LOUSLEY DRIVE SE  
Street

Phone 763-458-7119

PORT CHARLOTTE, FL 33952  
City State Zip

E-mail dackaren@stopcc  
coalition.org

Speaking: ☒ For ☐ Against ☐ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

3-27-2017  
Meeting Date

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

SB1210  
Bill Number (if applicable)

Topic Classroom Materials

Amendment Barcode (if applicable)

Name Velinda Root

Job Title Teacher (retired, certified)

Address 1 Lake Pleasant Lane

Phone (850) 584-8311

Street

Perry  
City

FL  
State

32347  
Zip

Email vroot@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Citizens 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**

3/27/2017  
Meeting Date

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

SB 1210  
Bill Number (if applicable)

Topic CLASSROOM MATERIALS

Amendment Barcode (if applicable)

Name BOB ROOT

Job Title NATIONAL EDITOR, AMERICAN PATRIOT NEWS

Address P.O. Box 681

Phone 850-672-4221

Street

SHADY GROVE, FL

City

State

Zip

Email americanpatriotnews@  
yahoo.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing AMERICAN PATRIOT NEWS

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)

(5)

SB 1210  
Bill Number (if applicable)

Meeting Date \_\_\_\_\_

Topic SB 1210 Instructional Material

Amendment Barcode (if applicable) \_\_\_\_\_

Name KEITH O FLAUGH

Job Title CITIZEN ADVOCATE

Address 1390 Quintana Ct  
Street

Phone \_\_\_\_\_

MACE ISLAND FL 34145  
City State Zip

Email \_\_\_\_\_

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FLCA

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**

(4)

3/27/17  
Meeting Date

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

SB 1210  
Bill Number (if applicable)

Topic SB 1210

Amendment Barcode (if applicable)

Name Ed W. Benson

Job Title Citizen

Address 6960 SW 155th St  
Street  
Dunnellon FL 34432  
City State Zip

Phone 352-362-1914

Email edw.benson@aol.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Citizens 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**

3

3-27-17

Meeting Date

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

SB-1210

Bill Number (if applicable)

Topic Instructional Materials

Amendment Barcode (if applicable)

Name Donni's McDonald

Job Title citizen advocate

Address P.O. Box 1232  
Street

Phone 386-852-9016

Flagler Beach FL 32136  
City State Zip

Email dkmcdonald67@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FLCA

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)

3-27-17

Meeting Date

SB 1210

Bill Number (if applicable)

Topic Instructional Materials

Amendment Barcode (if applicable)

Name Janet McDonald

Job Title School Board Member - Flagler County

Address P.O. Box 1232  
Street

Phone 386-852-9014

Flagler Beach FL 32136  
City State Zip

Email mcdonaldj@flaglerschools.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing students, teachers, parents, community & business members, college profs  
other school board members & FLCA

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

①

3/27/17

Meeting Date

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

1210

Bill Number (if applicable)

Topic SB 1210 Instructional Materials

Amendment Barcode (if applicable)

Name Hamilton Boone

Job Title CITIZENS ADVOCATE

Address 505 SE Ventura Lane

Phone 321 795 3210

Street

Indian Harbour Beach

City

State

FL 32937

Zip

Email FreedomSavvy@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FL Citizen's 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)

3-27-17

Meeting Date

1210

Bill Number (if applicable)

Topic Instructional Materials

Amendment Barcode (if applicable)

Name Nancy Stacy (Ma County School Bd)

Job Title Director

Address 113 S. Monroe St. #101

Phone 850-391-0421

Street

Tallahassee, FL

State

32301

Zip

Email info@FCSBM.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Coalition of School Bd. 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)

## THE FLORIDA SENATE

**APPEARANCE RECORD**3/27/2017

Meeting Date

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

1210

Bill Number (if applicable)

833208

Amendment Barcode (if applicable)

Topic Instructional MaterialsName Dana SchaeferJob Title President, FADIMAAddress 1529 Pleasant Grove Drive

Street

Dunedin

City

FL

State

34698

Zip

Phone 727-612-2539Email schaeferd@pcsb.orgSpeaking: ☐ For ☐ Against ☒ InformationWaive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)Representing Florida Association of District Instructional Materials AdministratorsAppearing at request of Chair: ☐ Yes ☒ NoLobbyist 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)

By Senator Lee

20-00767A-17

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1 A bill to be entitled  
 2 An act relating to instructional materials for K-12  
 3 public education; amending s. 1006.28, F.S.; revising  
 4 the term "adequate instructional materials" and  
 5 defining the term "instructional materials"; requiring  
 6 instructional materials to meet certain standards;  
 7 requiring each district school board to adopt a  
 8 process allowing parents or other persons who pay ad  
 9 valorem property or sales tax in Florida to object to  
 10 the use of specific instructional materials based on  
 11 specified criteria; requiring the process to include a  
 12 right to appeal a school district decision; specifying  
 13 the appeal process; deleting a provision relating to  
 14 the finality of the school board's decision under  
 15 certain circumstances; revising the standards for  
 16 instructional materials to include standards that are  
 17 equivalent to or better than applicable state  
 18 standards; requiring that district school boards  
 19 provide parents and other persons who pay ad valorem  
 20 property or sales tax in Florida full access to  
 21 certain services under certain circumstances; amending  
 22 s. 1006.283, F.S.; revising the requirement that the  
 23 district school superintendent certify that all  
 24 instructional materials used by the district for core  
 25 courses meet certain standards; revising the  
 26 requirements for school boards that adopt rules for  
 27 the implementation of the district's instructional  
 28 materials program; conforming provisions to changes  
 29 made by the act; amending s. 1006.31, F.S.; revising

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

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30 the standards that an instructional materials reviewer  
 31 shall use to include instructional materials standards  
 32 that are equivalent to or better than applicable state  
 33 standards; amending s. 1006.40, F.S.; revising the use  
 34 of a portion of the district school board annual  
 35 allocation; revising the portion of the district  
 36 school board annual allocation which may be used for  
 37 instructional materials; revising the types of  
 38 instructional materials for which a district school  
 39 board is responsible; revising applicability; amending  
 40 ss. 1002.20 and 1006.42, F.S.; conforming cross-  
 41 references; providing an effective date.

42  
 43 Be It Enacted by the Legislature of the State of Florida:

44  
 45 Section 1. Present subsections (1), (2), and (3) of section  
 46 1006.28, Florida Statutes, are redesignated as subsections (2),  
 47 (3), and (4), respectively, a new subsection (1) is added to  
 48 that section, and present subsection (1) and paragraph (a) of  
 49 present subsection (2) are amended, to read:

50 1006.28 Duties of district school board, district school  
 51 superintendent; and school principal regarding K-12  
 52 instructional materials.—

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

54 (a) "Adequate instructional materials" means instructional  
 55 materials that meet the requirements of this section and have a  
 56 sufficient number of student or site licenses or sets of  
 57 materials that are available in bound, unbound, kit, or package  
 58 form and may consist of hardbacked or softbacked textbooks,

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electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software to serve as the basis for instruction for each student in the core subject areas of mathematics, language arts, social studies, science, reading, and literature.

(b) "Instructional materials" means systematically arranged content in text, digital, braille and large print, or audio format which may be used within the state curriculum framework for courses of study by a student in a public school. The term includes textbooks, workbooks and worksheets, handouts, computer software, online or Internet courses, CDs or DVDs, and multiple forms of communication and electronic media. Instructional materials may be used by a student or teacher as principal sources of study to cover any portion of the course.

Instructional materials:

1. Must be designated for student use;
2. May contain or be accompanied by teaching guides and study helps; and
3. Must include all textbooks, workbooks, and student materials and supplements necessary for a student to fully participate in coursework.

(2)(1) DISTRICT SCHOOL BOARD.—The district school board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students in accordance with the requirements of this part. The term "adequate instructional materials" means a sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning

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laboratories, manipulatives, electronic media, and computer courseware or software that serve as the basis for instruction for each student in the core subject areas of mathematics, language arts, social studies, science, reading, and literature. The district school board also has the following specific duties and responsibilities:

(a) *Courses of study; adoption.*—Adopt courses of study, including instructional materials, for use in the schools of the district.

1. Each district school board is responsible for the content of all instructional materials used in a classroom, whether adopted and purchased, leased, licensed, obtained, or used from the state-adopted instructional materials list or adopted and purchased, leased, licensed, obtained, or used through a district instructional materials program under s. 1006.283, ~~or otherwise purchased or made available in the classroom.~~ Irrespective of whether or not instructional materials are purchased, leased, licensed, obtained or used by a district from the state-adopted instructional materials list or purchased, leased, licensed, obtained, or used by a district through a district instructional materials program under s. 1006.283, each district school board shall ensure that all instructional materials used in the classroom meet the following criteria:

- a. Be research-based, and be proven to be effective in supporting student learning;
- b. Provide a noninflammatory, objective, and balanced viewpoint on issues;
- c. Be appropriate to the students' ages and varying levels

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of learning;

d. Be accurate and factual;

e. Be of acceptable technical quality;

f. Shall strictly adhere to the requirements of s.

1003.42(2); and

g. Not contain pornography or content as is otherwise prohibited by s. 847.012(3).

Districts may not determine that instructional materials used in the classroom meet the above criteria on the basis that such materials were purchased, leased, licensed, obtained, or used by a district from the state-adopted instructional materials list or purchased, leased, licensed, obtained, or used by a district through a district instructional materials program under s. 1006.283.

2. Each district school board shall ~~must~~ adopt a policy regarding the right of a parent's or other person who pays ad valorem property or sales taxes in Florida to object ~~parent's objection to the his or her child's~~ use of a specific instructional material based on the criteria specified in subparagraph 1., which policy must clearly describe describes a process to handle all objections and provide resolutions, which shall be applied and enforced on a districtwide basis, that eliminate the use, in all schools within the district, of instructional materials that do not meet the criteria specified in subparagraph 1. The process must also include a right to timely appeal any district decision to the district school board provides for resolution.

3. Each district school board shall ~~must~~ establish a

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process by which the parent of a public school student or any other person who pays ad valorem property or sales tax in Florida may contest the district school board's adoption of a specific instructional material directly to the school board based on the instructional materials requirements under this section and the requirements of a district instructional materials program under s. 1006.283 or the requirements of instructional materials purchased, leased, licensed, obtained, or used from the list of state-adopted materials, as applicable. The parent or any other person who pays ad valorem property or sales tax in Florida shall ~~must~~ file a petition, on a form provided by the school board, within 30 calendar days after the adoption of the material by the school board. The school board shall ~~must~~ make the form available to the public and publish the form on the school district's website. The form shall ~~must~~ be signed by the parent or such other person who pays ad valorem property or sales tax in Florida, include the required contact information, and state the objection to the instructional material. Within 30 days after the 30-day period has expired, the school board shall ~~must~~ conduct at least one open public hearing on all petitions timely received and provide the petitioner written notification of the date and time of the hearing at least 7 days before the hearing. The school board shall make all contested instructional materials contested-must be-made accessible online to the public at least 7 days before a public hearing. ~~The school board's decision after convening a hearing is final and not subject to further petition or review.~~

(b) Instructional materials.-Provide for proper requisitioning, distribution, accounting, storage, care, and use

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of all instructional materials and furnish such other instructional materials as may be needed. Instructional materials used must be consistent with the district goals and objectives and the course descriptions established in rule of the State Board of Education, ~~as well as~~ with the applicable Next Generation Sunshine State Standards provided for in s. 1003.41, with standards that are equivalent to or better than the applicable state standards, or with courses offered in the district pursuant to s. 1003.4282(1).

(c) *Other instructional materials.*—Provide such other teaching accessories and aids as are needed for the school district's educational program.

(d) *School library media services; establishment and maintenance.*—Establish and maintain a program of school library media services for all public schools in the district, including school library media centers, or school library media centers open to the public, and, in addition such traveling or circulating libraries as may be needed for the proper operation of the district school system. Subject to district policies pertaining to campus access and security, parents and any other person who pays ad valorem property or sales tax in Florida shall be given full access to inspect all school library media services and materials.

~~(3)(2)~~ DISTRICT SCHOOL SUPERINTENDENT.—

(a) The district school superintendent has the duty to recommend such plans for improving, providing, distributing, accounting for, and caring for instructional materials and other instructional aids as will result in general improvement of the district school system, as prescribed in this part, in

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accordance with adopted district school board rules prescribing the duties and responsibilities of the district school superintendent regarding the requisition, purchase, lease, license, receipt, storage, distribution, use, conservation, records, and reports of, and management practices and property accountability concerning, instructional materials, and providing for an evaluation of any instructional materials to be requisitioned that have not been used previously in the district's schools. The district school superintendent shall ~~must~~ keep adequate records and accounts for all financial transactions for funds collected pursuant to subsection (4) ~~(3)~~.

Section 2. Subsections (1), (2), and (4) of section 1006.283, Florida Statutes, are amended to read:

1006.283 District school board instructional materials review process.—

(1) A district school board or consortium of school districts may implement an instructional materials program that includes the review, recommendation, adoption, use, lease, license, obtaining and purchase, or other use of instructional materials pursuant to the requirements of this section. The district school superintendent shall certify to the department by March 31 of each year that all instructional materials for core courses used by the district are aligned with applicable state standards, aligned with standards that are equivalent to or better than the applicable state standards, or aligned with courses offered in the district pursuant to s. 1003.4282(1). A list of the core instructional materials that will be used, leased, licensed, obtained, or purchased for use by the school district shall be included in the certification.

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(2) (a) If a district school board chooses to implement its own instructional materials program, the school board shall adopt rules implementing the district's instructional materials program which must include its processes, criteria, and requirements for the following:

1. Selection of reviewers, at least one-third one or more of whom must be parents with children in public schools which are not and have not been employees of the district.

2. Review of instructional materials.

3. Selection of instructional materials, including a thorough review of curriculum content.

4. Reviewer recommendations.

5. District school board adoption.

6. Purchase, lease, license, or other use of instructional materials.

7. Use of an instructional materials review committee that is subject to s. 286.011 and that is selected by and reports directly to the district school board.

(b) District school board rules shall ~~must~~ also:

1. Identify, by subject area, a review cycle for instructional materials.

2. Specify the qualifications for an instructional materials reviewer and the process for selecting reviewers; list a reviewer's duties and responsibilities, including compliance with the requirements of s. 1006.31; and provide that all instructional materials recommended by a reviewer be accompanied by the reviewer's statement that the materials align with the state standards pursuant to s. 1003.41, align with standards that are equivalent to or better than the applicable state

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standards, or otherwise align with courses offered in the district pursuant to s. 1003.4282(1) and the requirements of s. 1006.31.

3. State the requirements for an affidavit to be made by each district instructional materials reviewer which substantially meet the requirements of s. 1006.30.

4. Comply with s. 1006.32, relating to prohibited acts.

5. Establish a process that certifies the accuracy of instructional materials.

6. Incorporate applicable requirements of s. 1006.31, which relates to the duties of instructional materials reviewers.

7. Incorporate applicable requirements of s. 1006.38, relating to the duties, responsibilities, and requirements of publishers of instructional materials.

8. Establish the process by which instructional materials are adopted by the district school board, which must include:

a. A process to allow student and teacher editions of recommended instructional materials to be accessed and viewed online by the public at least 20 calendar days before the school board hearing and public meeting as specified in this subparagraph. This process must include reasonable safeguards against the unauthorized use, reproduction, and distribution of instructional materials considered for adoption.

b. An open, noticed school board hearing to receive public comment on the recommended instructional materials.

c. An open, noticed public meeting to approve an annual instructional materials plan to identify any instructional materials that will be purchased, leased, licensed, obtained or used through the district school board instructional materials

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review process pursuant to this section. The district school board shall hold this public meeting ~~must be held~~ on a different date than the school board hearing.

d. Notice requirements for the school board hearing and the public meeting that shall ~~must~~ specifically state which instructional materials are being reviewed and the manner in which the instructional materials can be accessed for public review.

9. Establish the process by which the district school board shall receive public comment on, and review, the recommended instructional materials.

10. Establish the process by which instructional materials are will be purchased, leased, licensed, obtained, or used including advertising, bidding, and purchasing requirements.

11. Establish the process by which the school district notifies will notify parents and any other person who pays ad valorem property or sales tax in Florida of their ability to access ~~their children's~~ instructional materials through the district's local instructional improvement system and by which the school district will encourage parents and any other person who pays ad valorem property or sales tax in Florida to access the system. This notification shall ~~must~~ be displayed prominently on the school district's website and provided annually in written format to all parents of enrolled students.

(4) Instructional materials that have been reviewed by the district instructional materials reviewers and approved shall be ~~must have been~~ determined to align with all applicable state standards pursuant to s. 1003.41, align with standards that are equivalent to or better than the applicable state standards, or

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otherwise align with courses offered in the district pursuant to s. 1003.4282(1) and the requirements in s. 1006.31. The district school superintendent shall annually certify to the department that all instructional materials for core courses used by the district are aligned with all applicable state standards, are aligned with standards that are equivalent to or better than the applicable state standards, or are aligned with courses offered in the district pursuant to s. 1003.4282(1) and have been reviewed, selected, and adopted by the district school board in accordance with ~~the school board hearing and public meeting requirements of~~ this section.

Section 3. Subsection (2) of section 1006.31, Florida Statutes, is amended to read:

1006.31 Duties of the Department of Education and school district instructional materials reviewer.—The duties of the instructional materials reviewer are:

(2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the selection criteria listed in s. 1006.34(2)(b) for instructional materials reviewers under a state approval process or to use the selection criteria listed in s. 1006.28(2)(a)1. for instructional materials reviewers under a district approval process under s. 1006.283 and recommend for adoption only those instructional materials that are aligned with the Next Generation Sunshine State Standards provided for in s. 1003.41, that are aligned with standards that are equivalent to or better than applicable state standards, or that are aligned with courses offered in the district pursuant to s. 1003.4282(1). Instructional materials recommended by each reviewer shall be, to the satisfaction of each reviewer, accurate, objective,



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349 balanced, noninflammatory, ~~current~~, and suited to student needs  
 350 and their ability to comprehend the material presented.  
 351 Reviewers shall consider for recommendation materials developed  
 352 for academically talented students, such as students enrolled in  
 353 advanced placement courses. When recommending instructional  
 354 materials, each reviewer shall:

355 (a) Include only instructional materials that accurately  
 356 portray the ethnic, socioeconomic, cultural, religious,  
 357 physical, and racial diversity of our society, including men and  
 358 women in professional, career, and executive roles, and the role  
 359 and contributions of the entrepreneur and labor in the total  
 360 development of this state and the United States.

361 (b) Include only materials that accurately portray,  
 362 whenever appropriate, humankind's place in ecological systems,  
 363 including the necessity for the protection of our environment  
 364 and conservation of our natural resources and the effects on the  
 365 human system of the use of tobacco, alcohol, controlled  
 366 substances, and other dangerous substances.

367 (c) Include materials that encourage thrift, fire  
 368 prevention, and humane treatment of people and animals.

369 (d) Require, when appropriate to the comprehension of  
 370 students, that materials for social science, history, or civics  
 371 classes contain the Declaration of Independence and the  
 372 Constitution of the United States. A reviewer may not recommend  
 373 any instructional materials that contain any matter reflecting  
 374 unfairly upon persons because of their race, color, creed,  
 375 national origin, ancestry, gender, religion, disability,  
 376 socioeconomic status, or occupation.

377 Section 4. Subsections (3), (5), and (8) of section

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378 1006.40, Florida Statutes, are amended to read:

379 1006.40 Use of instructional materials allocation;  
 380 instructional materials, library books, and reference books;  
 381 repair of books.—

382 (3) (a) Beginning with the ~~2017-2018~~ 2015-2016 fiscal year  
 383 and except as otherwise authorized in paragraphs (b) and (c),  
 384 each district school board shall use at least 50 percent of the  
 385 annual allocation for the purchase, lease, license, obtaining,  
 386 or use of digital or electronic instructional materials that  
 387 meet the requirements of s. 1006.31, and that are consistent  
 388 with district goals and objectives and the course descriptions  
 389 adopted in rule by the State Board of Education, align with  
 390 state standards provided in s. 1003.41, align with standards  
 391 that are equivalent to or better than applicable state  
 392 standards, or align with courses offered in the district  
 393 pursuant to s. 1003.4282(1) ~~included on the state-adopted list,~~  
 394 ~~except as otherwise authorized in paragraphs (b) and (c).~~

395 (b) All Up to 50 percent of the annual allocation may be  
 396 used for the purchase, lease, license, obtaining, or use of  
 397 instructional materials, including library and reference books  
 398 and nonprint materials, not included on the state-adopted list  
 399 and for the repair and renovation of textbooks and library books  
 400 if a district school board implements an instructional materials  
 401 program pursuant to s. 1006.283.

402 (c) If a district school board does not implement an  
 403 instructional materials program pursuant to s. 1006.283, it  
 404 ~~boards~~ may use 100 percent of that portion of the annual  
 405 allocation designated for the purchase, lease, license,  
 406 obtaining, or use of instructional materials for kindergarten,

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and 75 percent of that portion of the annual allocation designated for the purchase, lease, license, obtaining, or use of instructional materials for first grade, to purchase, lease, license, obtain, or use materials not on the state-adopted list.

(5) Each district school board is responsible for the content of all instructional materials used in a classroom, whether purchased, leased, licensed, obtained, or used from the state-adopted instructional materials list or through a district instructional materials program under s. 1006.283 ~~an adoption process or otherwise purchased or made available in the classroom~~. Each district school board shall adopt rules, and each district school superintendent shall implement procedures, which that:

(a) Maximize student use of the district-approved instructional materials, whether purchased, leased, licensed, obtained, or used from the state-adopted instructional materials list or purchased, leased, licensed, obtained, or used through a district instructional materials program under s. 1006.283.

(b) If purchased, leased, licensed, obtained, or used from the state-adopted instructional materials list, provide a process for public review of, public comment on, and the adoption of instructional materials which that satisfies the requirements of s. 1006.283(2)(b)8., 9., and 11.; or, if purchased, leased, licensed, obtained, or used through a district instructional materials program, implement a program that fully complies with s. 1006.283.

(8) Subsections ~~(3)~~ (4) and (6) do not apply to a district school board or a consortium of school districts which ~~that~~ implements an instructional materials program pursuant to

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s. 1006.283 except that, ~~by the 2015-2016 fiscal year~~, each district school board shall use at least 50 percent of the annual instructional materials allocation for the purchase, lease, license, obtaining, or use of digital or electronic instructional materials that are aligned ~~align~~ with state standards adopted by the State Board of Education pursuant to s. 1003.41, aligned with standards that are equivalent to or better than applicable state standards, or aligned with courses offered in the district pursuant to s. 1003.4282(1).

Section 5. Paragraphs (b) and (c) of subsection (19) 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 shall ~~must~~ be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(19) INSTRUCTIONAL MATERIALS.—

(b) *Curricular objectives*.—The parent of each public school student has the right to receive effective communication from the school principal as to the manner in which instructional materials are used to implement the school's curricular objectives, in accordance with s. 1006.28(4)(a) ~~the provisions of s. 1006.28(3)(a).~~

(c) *Sale of instructional materials*.—Upon request of the parent of a public school student, the school principal shall ~~must~~ sell to the parent any instructional materials used in the school, in accordance with s. 1006.28(4)(c) ~~the provisions of s. 1006.28(3)(c).~~

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465 Section 6. Section 1006.42, Florida Statutes, is amended to  
466 read:

467 1006.42 Responsibility of students and parents for  
468 instructional materials.—All instructional materials purchased,  
469 leased, licensed, obtained, or used under ~~the provisions of~~ this  
470 part are the property of the district school board. When  
471 distributed to the students, these instructional materials are  
472 on loan to the students while they are pursuing their courses of  
473 study and are to be returned at the direction of the school  
474 principal or the teacher in charge. Each parent of a student to  
475 whom or for whom instructional materials have been issued, is  
476 liable for any loss or destruction of, or unnecessary damage to,  
477 the instructional materials or for failure of the student to  
478 return the instructional materials when directed by the school  
479 principal or the teacher in charge, and shall pay for such loss,  
480 destruction, or unnecessary damage as provided under s.  
481 1006.28(4) ~~s. 1006.28(3)~~.

482 Section 7. This act shall take effect upon becoming a law.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Education

---

BILL: SB 1222

INTRODUCER: Senator Bradley

SUBJECT: School Grades

DATE: March 24, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Androff	Graf	ED	<b>Favorable</b>
2.			AED	
3.			AP	

---

**I. Summary:**

SB 1222 revises the number of students required to establish a school feeder pattern for a qualifying K-3 school from 60 percent of students to a majority of students scheduled to be assigned to the graded school.

The bill takes effect July 1, 2017.

**II. Present Situation:**

School grades provide an easily understandable way to measure the performance of a school.<sup>1</sup> Parents and the general public can use the school grade and its components to understand how well each school is serving its students.<sup>2</sup>

**School Grades in Florida**

Schools are graded using one of the following grades:<sup>3</sup>

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

The State Board of Education (SBE) must periodically review the school grading scale to determine if the scale should be adjusted upward to meet raised expectations and encourage

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<sup>1</sup> Florida Department of Education, *2016 Preliminary School Grades Overview*, available at <http://schoolgrades.fldoe.org/pdf/1516/SchoolGradesOverview16.pdf>.

<sup>2</sup> *Id.*

<sup>3</sup> Section 1008.34(2), F.S.; Rule 6A-1.09981, F.A.C.

increased student performance. The SBE must notify the public of any adjustment, and explain the reasons for such adjustment and the impact of the adjustment on school grades.<sup>4</sup>

Elementary School Grade Model (700 Points) <sup>5</sup>		
English Language Arts (ELA)	Math	Science
Achievement (0% - 100%)	Achievement (0% - 100%)	Achievement (0% - 100%)
Learning Gains (0% - 100%)	Learning Gains (0% - 100%)	
Learning Gains of Low 25% (0% - 100%)	Learning Gains of Low 25% (0% - 100%)	

A school's grade must include only those components for which at least 10 students have complete data. If a school does not meet the 10-student threshold for one component, it will receive a school grade based only on the remaining components.<sup>6</sup>

### Feeder Pattern

A school that serves any combination of K-3 students and that does not receive a school grade as a result of its students not being tested, receives the school grade of a K-3 feeder pattern school determined by the Florida Department of Education (DOE) and verified by the district.<sup>7</sup> A school feeder pattern exists if at least 60 percent of the students are scheduled to be assigned to the graded school.<sup>8</sup> Under the feeder pattern, an ungraded school receives the grade of a feeder school.<sup>9</sup>

Feeder school status is first determined by identifying K-3 schools (schools that only serve students through grade 3) that have 60 percent of their students matriculate to a single school the following year.<sup>10</sup> This is determined by identifying the actual school of enrollment. The DOE does not have information on the schools that the students are scheduled to attend.<sup>11</sup> Once the DOE identifies the feeder patterns, this information is sent to the districts for review and input. Districts may provide additional information that could result in a change to the feeder school list.<sup>12</sup> If a K-3 school receives a school grade, the school is removed from the feeder school list.<sup>13</sup>

<sup>4</sup> Section 1008.34(3)(c)1., F.S.

<sup>5</sup> Florida Department of Education, *2016 Preliminary School Grades Overview*, available at <http://schoolgrades.fldoe.org/pdf/1516/SchoolGradesOverview16.pdf>.

<sup>6</sup> *Id.* at (3)(a).

<sup>7</sup> Section 1008.34(3)(a)2., F.S.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Florida Department of Education, *HB 781 Analysis* (2017), at 2. HB 781 is substantively the same as SB 1222.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

During the 2015-2016 school year, there were 21 schools designated as K-3 feeder schools. Ten of these schools received Florida School Recognition Program Funds.<sup>14</sup>

The School Recognition Program was established to financially reward high-performance schools based on school grades.<sup>15</sup> Under the program, schools that earn a school grade of “A,” improve at least one letter grade, or improve two or more letter grades and maintain the grade the following school year are eligible for an award as appropriated by the Legislature annually.<sup>16</sup>

For the 2016-2017 fiscal year, the Legislature appropriated approximately \$135 million for recognized schools at an amount of up to \$100 per student.<sup>17</sup> School recognition awards may be used for nonrecurring bonuses to school faculty and staff, nonrecurring expenditures for educational equipment or materials, or for temporary personnel to assist the school in maintaining or improving student performance.<sup>18</sup>

### III. Effect of Proposed Changes:

SB 1222 revises the number of students required to establish a school feeder pattern for a qualifying K-3 school from 60 percent of students to a majority of students scheduled to be assigned to the graded school.

Under the bill, a K-3 school would be designated a feeder pattern school if it does not receive a school grade and the majority of the students at that school are scheduled to be assigned to a specific graded school. Consequently, for example, if 51 percent of a K-3 school’s population is scheduled to attend a specific graded school, the K-3 school would be designated as a K-3 feeder pattern school and would receive the school grade of the graded school. A designated feeder pattern school may be eligible to receive Florida School Recognition Program funding. Additionally, a charter school that is an expanded feeder chain of a charter school within the same school district that is currently receiving charter school capital outlay funds may be eligible to receive a charter school capital outlay funding allocation.<sup>19</sup>

The bill may increase the number of schools eligible to receive a school grade through the school grade feeder designation. In turn, this could increase the number of K-3 schools eligible to receive Florida School Recognition Program funding. According to the Department of Education, the change from 60 percent to a majority may result in one additional K-3 feeder school, based on 2015-2016 school year data.<sup>20</sup>

The bill takes effect July 1, 2017.

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<sup>14</sup> Florida Department of Education, *HB 781 Analysis* (2017), at 2. HB 781 is substantively the same as SB 1222.

<sup>15</sup> Florida Department of Education, *Evaluation and Reporting, Florida School Recognition Program, Frequently Asked Questions*, <http://www.fldoe.org/accountability/accountability-reporting/fl-school-recognition-program/FAQ.shtml> (last visited Mar. 24, 2017).

<sup>16</sup> Section 1008.36, F.S.

<sup>17</sup> Specific Appropriation 9, s. 2, ch. 2016-66, L.O.F.

<sup>18</sup> Section 1008.36, F.S.

<sup>19</sup> See s. 1013.62(1)(a)1.c., F.S.

<sup>20</sup> Florida Department of Education, *HB 781 Analysis* (2017), at 2-3. HB 781 is substantively the same as SB 1222.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill's revision to the school feeder pattern requirement may result in additional prekindergarten through grade 3 schools being designated as feeder schools, which would allow the schools to qualify for the Florida School Recognition Program. According to the Florida Department of Education, in 2015-2016, ten of the schools that qualified for the Florida School Recognition Program were designated as feeder schools, receiving a total of \$515,756, or an average of \$51,576 per school.<sup>21</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1008.34 of the Florida Statutes.

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<sup>21</sup> Florida Department of Education, *HB 781 Analysis* (2017), at 4. HB 781 is substantively the same as SB 1222.

**IX. Additional Information:**

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

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

None.

**B. Amendments:**

None.

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

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THE FLORIDA SENATE

APPEARANCE RECORD

3/27/2017

Meeting Date

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

SB 1222

Bill Number (if applicable)

Topic School Grading

Amendment Barcode (if applicable)

Name Bob Cerra

Job Title Governmental Consultant

Address 206 South Monroe Street, #104

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Tallahassee FL 32301  
City State Zip

Email bobcerra@comcast.net

Speaking: ☒ For ☐ Against ☐ Information

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

Representing North East Florida Educational Consortium

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)

By Senator Bradley

5-01028-17

20171222\_\_

A bill to be entitled

An act relating to school grades; amending s. 1008.34, F.S.; providing that a school exhibits a feeder pattern for the purpose of designating school grades if at least a majority of its students are scheduled to be assigned to the graded school; providing an effective date.

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

Section 1. Paragraph (a) of subsection (3) of section 1008.34, Florida Statutes, is amended to read:

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

(3) DESIGNATION OF SCHOOL GRADES.—

(a) Each school must assess at least 95 percent of its eligible students, except as provided under s. 1008.341 for alternative schools. Each school shall receive a school grade based on the school's performance on the components listed in subparagraphs (b)1. and 2. If a school does not have at least 10 students with complete data for one or more of the components listed in subparagraphs (b)1. and 2., those components may not be used in calculating the school's grade.

1. An alternative school may choose to receive a school grade under this section or a school improvement rating under s. 1008.341. For charter schools that meet the definition of an alternative school pursuant to State Board of Education rule, the decision to receive a school grade is the decision of the charter school governing board.

Page 1 of 2

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

5-01028-17

20171222\_\_

2. A school that serves any combination of students in kindergarten through grade 3 that does not receive a school grade because its students are not tested and included in the school grading system shall receive the school grade designation of a K-3 feeder pattern school identified by the Department of Education and verified by the school district. A school feeder pattern exists if at least a majority ~~60 percent~~ of the students in the school serving a combination of students in kindergarten through grade 3 are scheduled to be assigned to the graded school.

3. If a collocated school does not earn a school grade or school improvement rating for the performance of its students, the student performance data of all schools operating at the same facility must be aggregated to develop a school grade that will be assigned to all schools at that location. A collocated school is a school that has its own unique master school identification number, provides for the education of each of its enrolled students, and operates at the same facility as another school that has its own unique master school identification number and provides for the education of each of its enrolled students.

Section 2. This act shall take effect July 1, 2017.

Page 2 of 2

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

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 1290

INTRODUCER: Senator Hutson

SUBJECT: Career and Technical Education

DATE: March 24, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Graf	ED	<b>Favorable</b>
2.			AED	
3.			AP	

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**I. Summary:**

SB 1290 establishes the “CAPE pathway” to mean a sequence of rigorous academic and career courses that lead to industry-recognized certificates or certification and to postsecondary certificates and degrees. Specifically, the bill:

- Requires, beginning with the 2020-2021 school year, each school district to develop at least one CAPE pathway in a regional area of high demand. Additionally, school districts must:
  - Provide students and their families with electronic access to the CAPE pathways offered by the school district.
  - Specify in the CAPE pathway the sequence of rigorous academic and career courses that lead toward industry-recognized certificates or certifications, and transition to a postsecondary certificate or a degree, and identify the occupation that corresponds to the coursework and certificate or certification.
  - Allow a parent to enroll his or her child in and transport such child to any school’s CAPE pathway in the school district, subject to class size requirements.
  - Ensure that each school within the school district has one career education program specialist to coordinate career programs.
  - Report, by November 1, 2019, on expected costs to develop a CAPE pathway; and annually by November 1, on CAPE pathway enrollment and success.
- Expands the goals of career and professional academies and career-themed courses to CAPE pathways; and adds to such goals the intent to provide students a map of required coursework to earn an industry-recognized certificate or certification or a postsecondary certificate or degree in this state.

The bill has no fiscal impact for the 2017-2018 fiscal year, however, the requirement that each school have a career education program specialist may increase costs to school districts to provide those staff in the 2020-2021 fiscal year; the costs are indeterminate at this time.

The bill takes effect on July 1, 2017.

## II. Present Situation:

The federal government and the states provide support to develop and maintain high-quality career and technical education programs

### **Carl D. Perkins Career and Technical Education Act of 2006**

The “Carl D. Perkins Career and Technical Education Act of 2006” (Perkins IV<sup>1</sup>) is the principal source of federal funding to states for the improvement of secondary and postsecondary career and technical education (CTE)<sup>2</sup> programs.<sup>3</sup> Perkins IV is intended to provide an increased focus on the academic achievement of CTE students, strengthen the connections between secondary and postsecondary education, and improve state and local accountability.<sup>4</sup>

#### ***Programs of Study***

Each recipient of federal funds under Perkins IV must offer at least one program of study,<sup>5</sup> which:<sup>6</sup>

- Incorporates secondary education and postsecondary education elements.
- Includes coherent and rigorous content aligned with challenging academic standards and relevant career and technical content in a coordinated, nonduplicative progression of courses that align secondary education with postsecondary education to adequately prepare students to succeed in postsecondary education.
- May include the opportunity for secondary education students to participate in dual or concurrent enrollment programs or other ways to acquire postsecondary education credits. and
- Leads to an industry-recognized credential or certificate at the postsecondary level, or an associate or baccalaureate degree.

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<sup>1</sup> The Smith-Hughes Act of 1917 was the first authorization for the federal funding of vocational education. Subsequent legislation for vocational education (now termed career and technical education) included the *Vocational Act of 1973* and the *Carl D. Perkins Vocational and Education Act of 1984* (Perkins I). Perkins was reauthorized as the *Carl D. Perkins Vocational and Applied Technology Act* (Perkins II) in 1990, the *Carl D. Perkins Vocational and Technical Education Act of 1998* (Perkins III), and the *Carl D. Perkins Career and Technical Education Act of 2006* (Perkins IV). Perkins Collaborative Resource Network, *Perkins Act*, <http://cte.ed.gov/legislation/about-perkins-iv> (last visited March 24, 2017).

<sup>2</sup> CTE is organized educational activities that offer a sequence of courses that provides individuals with the academic and technical knowledge and skills the individuals need to prepare for further education and for careers in current or emerging employment sectors. 20 U.S.C. 2301 et seq., Public Law 109-270, s 3(5)(A) and (B). CTE includes competency-based applied learning that contributes to student’s academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills. *Id.*

<sup>3</sup> Office of Career, Technical, and Adult Education, *Perkins IV – Frequently Asked Questions*, <https://www2.ed.gov/about/offices/list/ovae/pi/cte/factsh/faq-080528.pdf> (last visited March 24, 2017).

<sup>4</sup> U.S. Department of Education, *Carl D. Perkins Career and Technical Education Act of 2006*, <https://www2.ed.gov/policy/sectech/leg/perkins/index.html> (last visited March 24, 2017).

<sup>5</sup> 20 U.S.C. 2301 et seq., Public Law 109-270, s. 134(b)(3)(A).

<sup>6</sup> *Id.* at s. 122(c)(1)(A).

Programs of study were added into Perkins IV to more consistently and thoroughly connect secondary and postsecondary education, require integration of rigorous academic and technical instruction, and encourage the acquisition of postsecondary credits.<sup>7</sup>

### ***Florida Programs of Study***

Florida school districts and Florida College System institutions comply with program of study requirements under Perkins IV through criteria determined by the Department of Education (DOE),<sup>8</sup> which requires programs of study to include, but is not limited to:<sup>9</sup>

- At least one articulation agreement.
- Local area need based on local economic conditions, a targeted or regional occupation list, or a recommendation by the local workforce advisory board.
- Content relating to one of Florida's 17 Career Clusters.<sup>10</sup>
- Relevant and rigorous locally required core academic courses as well as the rigorous CTE courses that prepare students for program-related certification exams and prepares students for postsecondary options.<sup>11</sup>

### **Career and Technical Education in Florida**

The purpose of career education in Florida is to enable students who complete career programs<sup>12</sup> to attain and sustain employment and realize economic self-sufficiency.<sup>13</sup>

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<sup>7</sup> Florida Department of Education, Career and Adult Education, *Programs of Study Question and Answers* <http://www.fldoe.org/core/fileparse.php/3/urlt/pos-qa.pdf> (last visited March 24, 2017).

<sup>8</sup> 20 U.S.C. 2301 et seq., Public Law 109-270, s. 121(a)(4) authorizes the state agency adopt such procedures as the agency considers necessary to implement the activities of the act.

<sup>9</sup> Florida Department of Education, Career and Adult Education, *Programs of Study Webinar*, available at <http://www.fldoe.org/core/fileparse.php/7521/urlt/1617RFA-ProgramStudyWebinar.pdf>.

<sup>10</sup> Florida has defined 17 career clusters: Agriculture, Food & Natural Resources, Architecture & Construction, Arts, A/V Technology & Communication, Business, Management & Administration, Education & Training, Energy, Finance, Government & Public Administration, Health Science, Hospitality & Tourism, Human Services, Information Technology, Law, Public Safety & Security, Manufacturing, Marketing, Sales & Service, Engineering and Technology Education, and Transportation, Distribution & Logistics. Rule 6A-6.0571, F.A.C.

<sup>11</sup> Florida's programs of study are developed using a state-approved template, which incorporates the core elements described in 20 U.S.C. 2301 et seq., Public Law 109-270, s. 122(c)(1)(A)(i-iv). Florida Department of Education, *Programs of Study Question and Answers*, <http://www.fldoe.org/core/fileparse.php/3/urlt/pos-qa.pdf> (last visited March 24, 2017). The template describes, for the CTE program, the secondary coursework leading toward a certificate or industry certification, postsecondary options, sample career specialties, and articulation and dual enrollment opportunities. Florida Department of Education, *Template2017*, available at <http://www.fldoe.org/core/fileparse.php/7521/urlt/template2017-notes.doc>.

<sup>12</sup> A career certificate program is a course of study that leads to at least one occupational completion point. "Occupational completion point" means the occupational competencies that qualify a person to enter an occupation that is linked to a career and technical program. Section 1004.02(21), F.S. The program may also confer credit that may articulate with a diploma or career degree education program, if authorized by rules of the State Board of Education. *Id.* at (20).

<sup>13</sup> Section 1004.92(1), F.S.

In 2007,<sup>14</sup> the Florida Legislature passed the Career and Professional Education Act (CAPE Act) to:<sup>15</sup>

- Improve middle and high school academic performance by providing rigorous and relevant curriculum opportunities.
- Provide rigorous and relevant career-themed courses that articulate to postsecondary-level coursework and lead to industry certification.
- Support local and regional economic development.
- Respond to Florida's critical workforce needs.
- Provide state residents with access to high-wage and high-demand careers.

The CAPE Act requires that each district school board develop a three-year strategic plan to address and meet local and regional workforce demands.<sup>16</sup> This plan must be developed in collaboration with a district's local workforce board and local postsecondary institutions to include, but not be limited to, course alignment to standards, courses leading toward industry certifications,<sup>17</sup> postsecondary credit, and expanded offerings of integrated courses that combine academic content with technical skills.<sup>18</sup>

### ***CAPE Academies and Career-Themed Courses***

Career and professional academies were created in 2006<sup>19</sup> and are defined as a research-based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the Department of Economic Opportunity.<sup>20</sup> Students completing career and professional academy programs must receive a standard high school diploma, the highest available industry certification, and opportunities to earn postsecondary credit if the academy partners with a postsecondary institution approved to operate in the state.<sup>21</sup>

Career-themed courses are courses, or a series of courses, that lead to an industry certification identified on the Career and Professional Education (CAPE) Industry Certification Funding List.<sup>22</sup> Career-themed courses have an industry-specific curriculum aligned directly to priority

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<sup>14</sup> Section 1, ch. 2007-216, L.O.F.

<sup>15</sup> Section 1003.491(1), F.S.

<sup>16</sup> Section 1003.491(2), F.S. The school district must collaborate with local workforce development boards, economic development agencies, and postsecondary institutions approved to operate in the state.

<sup>17</sup> Industry certification is a voluntary process through which students are assessed by an independent, third-party certifying entity using predetermined standards for knowledge, skills, and competencies, resulting in the award of a credential that is nationally recognized and is either within an industry that addresses a critical local or statewide economic need, linked to an occupation that is included in the workforce system's targeted occupation list; or linked to an occupation that is identified as emerging. Section 1003.492(2), F.S.

<sup>18</sup> *Id.* at (2) and (3).

<sup>19</sup> Section 27, ch. 2006-74, L.O.F.

<sup>20</sup> Section 1003.493(1)(a), F.S.

<sup>21</sup> *Id.*

<sup>22</sup> The CAPE Industry Certification Funding List is used to determine annual performance funding distributions to school districts or Florida College System institutions for students who complete specified career-themed courses, digital certificates or industry certifications. Section 1008.44(2), F.S. Included on the Funding List are CAPE Industry Certifications, CAPE Acceleration Industry Certifications, CAPE Digital Tool Certificates, and CAPE Innovation Courses. Rule 6A-6.0573, F.A.C.

workforce needs established by the local workforce development board or DEO. Students completing a career-themed course must be provided opportunities to earn postsecondary credit if the credit for the career-themed course can be articulated to a postsecondary institution approved to operate in the state.

The goals of a career and professional academy and career-themed courses are to:<sup>23</sup>

- Increase student academic achievement and graduation rates through integrated academic and career curricula.
- Prepare graduating high school students to make appropriate choices relative to employment and future educational experiences.
- Focus on career preparation through rigorous academics and industry certification.
- Raise student aspiration and commitment to academic achievement and work ethics through relevant coursework.
- Promote acceleration mechanisms, such as dual enrollment or articulated credit, so that students may earn postsecondary credit while in high school.
- Support the state's economy by meeting industry needs for skilled employees in high-skill, high-wage, and high-demand occupations.

Public schools and school districts must offer career and professional academies,<sup>24</sup> school districts must offer at least two career-themed courses,<sup>25</sup> and secondary schools are encouraged to offer at least one career-themed course.<sup>26</sup> The Florida Virtual Schools is encouraged to develop and offer career-themed courses as appropriate.<sup>27</sup>

### **CareerSource Florida, Inc.**

CareerSource Florida, Inc., is a not-for-profit corporation that serves as Florida's state-level workforce investment board.<sup>28</sup> CareerSource Florida, Inc., is responsible for developing and implementing a 5-year plan for the statewide workforce system and collaborates with the Department of Economic Opportunity, Regional Workforce Boards,<sup>29</sup> and one-stop career centers<sup>30</sup> to ensure that workforce services provided are consistent with state and local plans.

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<sup>23</sup> Section 1003.493(2), F.S.

<sup>24</sup> In academic year 2015-16, 1,807 high school career and professional academies were registered in Florida, and 1,097 (60.4 percent) of these academies reported student enrollments. Florida Department of Education, *Florida Career and Professional Education Act Enrollment and Performance Report, 2015-16, (December 2016)*, available at <http://www.fldoe.org/core/fileparse.php/9904/urlt/1516capepr.pdf> at 8.

<sup>25</sup> In academic year 2015-16, 6,442 unique career-themed courses were registered in Florida, with all of Florida's 67 school districts registering at least one career-themed course with the DOE. There were 379,668 students who were enrolled in at least one career-themed course. *Id.*

<sup>26</sup> Section 1003.493(1) and (2), F.S.

<sup>27</sup> *Id.*

<sup>28</sup> Section 445.004(5)(a), F.S. Prior to 2014, CareerSource Florida, Inc., was known as Workforce Florida, Inc.

<sup>29</sup> Regional Workforce Boards serve as local workforce investment boards and operate under a charter approved by CareerSource Florida, Inc. *See* ss. 445.007(1) and 445.004(11), F.S.

<sup>30</sup> One-stop career service centers provide Floridians access to workforce services, including job placement, career counseling, and skills training. *See* s. 445.009, F.S.

CareerSource Florida, Inc., also provides state-level policy, planning, performance evaluation, and oversight of the delivery of workforce services.<sup>31</sup>

### III. Effect of Proposed Changes:

SB 1290 establishes the “CAPE pathway” to mean a sequence of rigorous academic and career courses that lead to industry-recognized certificates or certification and to postsecondary certificates and degrees. Specifically, the bill:

- Requires, beginning with the 2020-2021 school year, each school district to develop at least one CAPE pathway in a regional area of high demand. Additionally, school districts must:
  - Provide students and their families with electronic access to the CAPE pathways offered by the school district.
  - Specify in the CAPE pathway the sequence of rigorous academic and career courses that lead toward industry-recognized certificates or certifications, and transition to a postsecondary certificate or a degree, and identify the occupation that corresponds to the coursework and certificate or certification.
  - Allow a parent to enroll his or her child in and transport such child to any school’s CAPE pathway in the school district, subject to class size requirements.
  - Ensure that each school within the school district has one career education program specialist to coordinate career programs.
  - Report, by November 1, 2019, on expected costs to develop a CAPE pathway; and annually by November 1, on CAPE pathway enrollment and success.
- Expands the goals of career and professional academies and career-themed courses to CAPE pathways; and adds to such goals the intent to provide students a map of required coursework to earn an industry-recognized certificate or certification or a postsecondary certificate or degree in this state.

The bill requires school districts, to establish at least one CAPE pathway for high school students in the school district, to consult with local businesses and the local Florida College System institution. Additionally, the school district may evaluate an established program of study<sup>32</sup> to determine if that program of study will meet the requirements of the bill. This may also require the school district to consult with technical centers and state universities in the area. However, the bill does not address such consultation.

Additionally, each CAPE pathway must be in an area of regional high demand, as determined by CareerSource Florida, Inc., and the regional boards. Currently, regional targeted occupations are identified by CareerSource Florida, Inc., the Department of Economic Opportunity, and regional workforce boards using labor market data and input from local industry. School districts may be required to evaluate those designated regional targeted occupations to establish CAPE pathways in areas of regional high demand.

The bill also requires school districts to allow a parent to enroll his or her child in and transport such child to participate in a CAPE pathway as long as that school has not reached capacity and

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<sup>31</sup> Section 445.003(2), F.S., and *see* s. 445.004, F.S.

<sup>32</sup> *Supra*, note 7.



that any such enrollment would not cause a class to exceed the maximum class size.<sup>33</sup> While a student will be able to attend any school in Florida that has not reached capacity, the establishment of a CAPE pathway may prompt a student to choose and attend a specific school that offers a CAPE pathway of interest.

The requirement in the bill for each school within the district to have one career education program specialist who serves as the coordinator for career programs to develop, implement, and administer career education at that school. It is unclear if each school employs a career education specialist, or if one specialist may serve this function for multiple schools within a school district. This may require some school districts to add additional staff to perform these duties.

School districts are required to report, by November 1, 2019, to the Legislature on expected costs to develop a CAPE pathway. Once a CAPE pathway is established for the 2020-2021 school year, the school district must annually, by November 1, report to the Commissioner of Education:

- CAPE pathways offered in the school district.
- The number and percentage of students enrolled in each CAPE pathway during the current and prior school year.
- The number and percentage of high school graduates, for the prior school year, who completed the sequence of courses specified under the CAPE pathway which led to students earning one more industry recognized certificates or certification.

The map of required coursework may assist students to take courses purposefully toward an industry certification or postsecondary certificate or degree. Accordingly, the map may also assist with planning for higher education and preparing for future employment.

Additionally, the bill conforms cross references for career-themed courses with statutory provisions regarding the development of career-themed courses by school districts,<sup>34</sup> coordination with relevant and appropriate industry to prepare students for further education or employment,<sup>35</sup> inclusion of such courses in middle school,<sup>36</sup> and funding incentives to school districts for students who complete career-themed courses.<sup>37</sup>

The bill takes effect on July 1, 2017.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

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<sup>33</sup> Section 1002.31, F.S., authorizes, beginning in the 2017-2018 school year, a parent from any school district in the state whose child is not subject to current expulsion or suspension to enroll his or her child in and transport his or her child to any public school, including charter schools, that has not reached capacity in the district, subject to the maximum class size pursuant to sec. 1, Art. IX, Fla. Const. and s. 1003.03, F.S.

<sup>34</sup> Section 1003.491(2), F.S.

<sup>35</sup> Section 1003.492(1), F.S.

<sup>36</sup> Section 1003.4935(1), F.S.

<sup>37</sup> Section 1011.62(1)(o)b., F.S.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

SB 1290 has no fiscal impact for the 2017-2018 fiscal year, however, the requirement that each school have a career education program specialist may increase costs to school districts to provide those staff in the 2020-2021 fiscal year; the costs are indeterminate at this time.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1003.493, 1003.491, 1003.492, 1003.4935, 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.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/27/17

Meeting Date

SB 1590

Bill Number (if applicable)

Topic Career & Technical Education

Amendment Barcode (if applicable)

Name Richard Watson

Job Title Legislative Counsel

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Speaking: ☒ For ☐ Against ☐ Information

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

Representing Associated Builders & Contractors of FL

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)

By Senator Hutson

7-01024A-17

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A bill to be entitled

An act relating to career and technical education; amending s. 1003.493, F.S.; defining the term "CAPE pathway"; specifying goals for a CAPE pathway; requiring CareerSource Florida, Inc., to advise and offer technical assistance for CAPE pathways; requiring each school district, in consultation with local businesses and Florida College System institutions, to develop at least one CAPE pathway in a specified area by a specified school year; requiring each school district to submit a report on the expected costs of a CAPE pathway to the Legislature by a specified date; requiring each district school board to provide students and their parents with specified information regarding CAPE pathways; requiring an annual report to the Commissioner of Education by a specified date; authorizing parents to enroll their children in any school's CAPE pathway in the school district under certain circumstances; requiring each school to have a career education program specialist; amending ss. 1003.491, 1003.492, 1003.4935, and 1011.62, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Section 1003.493, Florida Statutes, is amended to read:  
1003.493 Career and professional academies, ~~and~~ career-

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themed courses, and CAPE pathways.-

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

(a) "CAPE pathway" means a coherent, articulated sequence of rigorous academic and career courses which leads to one or more industry-recognized certificates or certification and transitions to a postsecondary certificate, an associate degree, or a baccalaureate degree at a public postsecondary educational institution in this state.

~~(b)-(a)~~ A "Career and professional academy" means ~~is~~ a research-based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the Department of Economic Opportunity. Career and professional academies shall be offered by public schools and school districts. The Florida Virtual School is encouraged to develop and offer rigorous career and professional courses as appropriate. Students completing career and professional academy programs must receive a standard high school diploma, the highest available industry certification, and opportunities to earn postsecondary credit if the academy partners with a postsecondary institution approved to operate in the state.

~~(c)-(b)~~ A "Career-themed course" means ~~is~~ a course, or a course in a series of courses, that leads to an industry certification identified in the CAPE Industry Certification Funding List pursuant to rules adopted by the State Board of Education. Career-themed courses have industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the

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Department of Economic Opportunity. School districts shall offer at least two career-themed courses, and each secondary school is encouraged to offer at least one career-themed course. The Florida Virtual School is encouraged to develop and offer rigorous career-themed courses as appropriate. Students completing a career-themed course must be provided opportunities to earn postsecondary credit if the credit for the career-themed course can be articulated to a postsecondary institution approved to operate in the state.

(2) The goals of a career and professional academy, and career-themed courses, and CAPE pathways are to:

(a) Increase student academic achievement and graduation rates through integrated academic and career curricula.

(b) Prepare graduating high school students to make appropriate choices relative to employment and future educational experiences.

(c) Focus on career preparation through rigorous academics and industry certification.

(d) Raise student aspiration and commitment to academic achievement and work ethics through relevant coursework.

(e) Promote acceleration mechanisms, such as dual enrollment or articulated credit, so that students may earn postsecondary credit while in high school.

(f) Support the state's economy by meeting industry needs for skilled employees in high-skill, high-wage, and high-demand occupations.

(g) Provide students a map of the required coursework to earn an industry-recognized certificate or certification and transition to the workforce or to a postsecondary certificate,

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an associate degree, or a baccalaureate degree in this state.

(3) (a) Career-themed courses may be offered in any public secondary school.

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

1. A school-within-a-school career academy, as part of an existing high school, that provides courses in one or more occupational clusters. Students who attend the school are not required to attend the academy.

2. A total school configuration that provides courses in one or more occupational clusters. Every student who attends the school also attends the academy.

(4) Each career and professional academy and secondary school providing a career-themed course must:

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

(b) Include one or more partnerships with postsecondary institutions, businesses, industry, employers, economic development organizations, or other appropriate partners from the local community. Such partnerships with postsecondary institutions shall be delineated in articulation agreements and include any career and professional academy courses or career-themed courses that earn postsecondary credit. Such agreements

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

1. Instruction from highly skilled professionals who possess industry-certification credentials for courses they are teaching.
2. Internships, externships, and on-the-job training.
3. A postsecondary degree, diploma, or certificate.
4. The highest available level of industry certification.
5. Maximum articulation of credits pursuant to s. 1007.23 upon program completion.

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

(d) Provide instruction in careers designated as high-skill, high-wage, and high-demand by the local workforce development board, the chamber of commerce, economic development agencies, or the Department of Economic Opportunity.

(e) Deliver academic content through instruction relevant to the career, including intensive reading and mathematics intervention required by s. 1003.4282, with an emphasis on strengthening reading for information skills.

(f) Offer applied courses that combine academic content with technical skills.

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(g) Provide instruction resulting in competency, certification, or credentials in workplace skills, including, but not limited to, communication skills, interpersonal skills, decisionmaking skills, the importance of attendance and timeliness in the work environment, and work ethics.

(5) All career courses offered in a career and professional academy and each career-themed course offered by a secondary school must lead to industry certification or college credit. If the passage rate on an industry certification examination that is associated with the career and professional academy or a career-themed course falls below 50 percent, the 3-year strategic plan must be amended to include specific strategies to improve the passage rate of the academy or career-themed course.

(6) CareerSource Florida, Inc., shall serve in an advisory role and offer technical assistance in the development and deployment of newly established career and professional academies, ~~and~~ career-themed courses, and CAPE pathways.

(7) Beginning with the 2020-2021 school year, each school district, in consultation with local businesses and the local Florida College System institution, shall develop at least one CAPE pathway in an area of regional high demand, as determined by CareerSource Florida, Inc., and the regional boards so that, at a minimum, students enrolled in high schools in the school district may participate in a CAPE pathway. By November 1, 2019, each school district must submit a report to the Legislature detailing the expected costs to develop a CAPE pathway. Each district school board must do all of the following:

- (a) Provide students and their families with electronic access to the CAPE pathways offered by the school district,

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175 which must specify the sequence of rigorous academic and career  
 176 courses which leads to one or more industry-recognized  
 177 certificates or certification pursuant to ss. 1003.492 and  
 178 1008.44 and to transition to a postsecondary certificate, an  
 179 associate degree, or a baccalaureate degree at a public  
 180 postsecondary educational institution in this state. Each CAPE  
 181 pathway must also identify the occupation that corresponds to  
 182 the specified coursework and industry-recognized certificate or  
 183 certification.

184 (b) Annually, by November 1, report to the Commissioner of  
 185 Education:

186 1. The CAPE pathways offered by the school district;  
 187 2. The number and percentage of students enrolled in each  
 188 CAPE pathway during the current and prior school year; and  
 189 3. The number and percentage of high school graduates, for  
 190 the prior school year, who completed the sequence of courses  
 191 specified under a CAPE pathway which led to such students  
 192 earning one or more industry-recognized certificates or  
 193 certification.

194 (c) Allow a parent from the school district to enroll his  
 195 or her child in and transport his or her child to any school's  
 196 CAPE pathway in the school district that has not reached  
 197 capacity, subject to the maximum class size pursuant to s.  
 198 1003.03 and s. 1, Art. IX of the State Constitution.

199 (d) Ensure that each school within the district has one  
 200 career education program specialist who serves as the  
 201 coordinator for career programs at the school and who is a  
 202 resource to staff, focuses on best practices to enhance student  
 203 achievement and career preparation, and has the following

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204 duties:

205 1. Assists in the coordination, evaluation, and revision,  
 206 when necessary, of school district career education curriculum  
 207 and career programs;

208 2. Assists teachers in methods of diagnosing student  
 209 learning needs;

210 3. Assists teachers in planning, implementing, and  
 211 evaluating instructional programs and activities to enhance  
 212 student learning;

213 4. Models lessons for teachers, other staff, and  
 214 administrators relative to assigned areas using technology  
 215 expertise;

216 5. Administers assigned grants and ensures compliance with  
 217 grant requirements;

218 6. Assists with textbooks and other instructional materials  
 219 for adoption, selection, and training;

220 7. Develops Modified Occupation Completion Points plans for  
 221 exceptional student education students; and

222 8. Guides career education students in their customized  
 223 learning paths.

224 Section 2. Subsection (2) of section 1003.491, Florida  
 225 Statutes, is amended to read:

226 1003.491 Florida Career and Professional Education Act.—The  
 227 Florida Career and Professional Education Act is created to  
 228 provide a statewide planning partnership between the business  
 229 and education communities in order to attract, expand, and  
 230 retain targeted, high-value industry and to sustain a strong,  
 231 knowledge-based economy.

232 (2) Each district school board shall develop, in

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collaboration with local workforce development boards, economic development agencies, and postsecondary institutions approved to operate in the state, a strategic 3-year plan to address and meet local and regional workforce demands. If involvement of a local workforce development board or an economic development agency in the strategic plan development is not feasible, the local school board, with the approval of the Department of Economic Opportunity, shall collaborate with the most appropriate regional business leadership board. Two or more school districts may collaborate in the development of the strategic plan and offer career-themed courses, as defined in s. 1003.493(1) ~~s. 1003.493(1)(b)~~, or a career and professional academy as a joint venture. The strategic plan must describe in detail provisions for the efficient transportation of students, the maximum use of shared resources, access to courses aligned to state curriculum standards through virtual education providers legislatively authorized to provide part-time instruction to middle school students, and an objective review of proposed career and professional academy courses and other career-themed courses to determine if the courses will lead to the attainment of industry certifications included on the Industry Certified Funding List pursuant to rules adopted by the State Board of Education. Each strategic plan shall be reviewed, updated, and jointly approved every 3 years by the local school district, local workforce development boards, economic development agencies, and state-approved postsecondary institutions.

Section 3. Subsection (1) of section 1003.492, Florida Statutes, is amended to read:

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1003.492 Industry-certified career education programs.—  
(1) Secondary schools offering career-themed courses, as defined in s. 1003.493(1) ~~s. 1003.493(1)(b)~~, and career and professional academies shall be coordinated with the relevant and appropriate industry to prepare a student for further education or for employment in that industry.

Section 4. Subsection (1) of section 1003.4935, Florida Statutes, is amended to read:

1003.4935 Middle grades career and professional academy courses and career-themed courses.—

(1) Beginning with the 2011-2012 school year, each district school board, in collaboration with local workforce development boards, economic development agencies, and state-approved postsecondary institutions, shall include plans to implement a career and professional academy or a career-themed course, as defined in s. 1003.493(1) ~~s. 1003.493(1)(b)~~, in at least one middle school in the district as part of the strategic 3-year plan pursuant to s. 1003.491(2). The strategic plan must provide students the opportunity to transfer from a middle school career and professional academy or a career-themed course to a high school career and professional academy or a career-themed course currently operating within the school district. Students who complete a middle school career and professional academy or a career-themed course must have the opportunity to earn an industry certificate and high school credit and participate in career planning, job shadowing, and business leadership development activities.

Section 5. Paragraph (o) of subsection (1) of section 1011.62, Florida Statutes, is amended to read:

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291 1011.62 Funds for operation of schools.—If the annual  
 292 allocation from the Florida Education Finance Program to each  
 293 district for operation of schools is not determined in the  
 294 annual appropriations act or the substantive bill implementing  
 295 the annual appropriations act, it shall be determined as  
 296 follows:

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

301 (o) *Calculation of additional full-time equivalent*  
 302 *membership based on successful completion of a career-themed*  
 303 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*  
 304 *courses with embedded CAPE industry certifications or CAPE*  
 305 *Digital Tool certificates, and issuance of industry*  
 306 *certification identified on the CAPE Industry Certification*  
 307 *Funding List pursuant to rules adopted by the State Board of*  
 308 *Education or CAPE Digital Tool certificates pursuant to s.*  
 309 *1003.4203.—*

310 1.a. A value of 0.025 full-time equivalent student  
 311 membership shall be calculated for CAPE Digital Tool  
 312 certificates earned by students in elementary and middle school  
 313 grades.

314 b. A value of 0.1 or 0.2 full-time equivalent student  
 315 membership shall be calculated for each student who completes a  
 316 course as defined in s. 1003.493(1)(c) ~~s. 1003.493(1)(b)~~ or  
 317 courses with embedded CAPE industry certifications and who is  
 318 issued an industry certification identified annually on the CAPE  
 319 Industry Certification Funding List approved under rules adopted

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320 by the State Board of Education. A value of 0.2 full-time  
 321 equivalent membership shall be calculated for each student who  
 322 is issued a CAPE industry certification that has a statewide  
 323 articulation agreement for college credit approved by the State  
 324 Board of Education. For CAPE industry certifications that do not  
 325 articulate for college credit, the Department of Education shall  
 326 assign a full-time equivalent value of 0.1 for each  
 327 certification. Middle grades students who earn additional FTE  
 328 membership for a CAPE Digital Tool certificate pursuant to sub-  
 329 subparagraph a. may not use the previously funded examination to  
 330 satisfy the requirements for earning an industry certification  
 331 under this sub-subparagraph. Additional FTE membership for an  
 332 elementary or middle grades student may not exceed 0.1 for  
 333 certificates or certifications earned within the same fiscal  
 334 year. The State Board of Education shall include the assigned  
 335 values on the CAPE Industry Certification Funding List under  
 336 rules adopted by the state board. Such value shall be added to  
 337 the total full-time equivalent student membership for grades 6  
 338 through 12 in the subsequent year. CAPE industry certifications  
 339 earned through dual enrollment must be reported and funded  
 340 pursuant to s. 1011.80. However, if a student earns a  
 341 certification through a dual enrollment course and the  
 342 certification is not a fundable certification on the  
 343 postsecondary certification funding list, or the dual enrollment  
 344 certification is earned as a result of an agreement between a  
 345 school district and a nonpublic postsecondary institution, the  
 346 bonus value shall be funded in the same manner as other nondual  
 347 enrollment course industry certifications. In such cases, the  
 348 school district may provide for an agreement between the high

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school and the technical center, or the school district and the postsecondary institution may enter into an agreement for equitable distribution of the bonus funds.

c. A value of 0.3 full-time equivalent student membership shall be calculated for student completion of the courses and the embedded certifications identified on the CAPE Industry Certification Funding List and approved by the commissioner pursuant to ss. 1003.4203(5)(a) and 1008.44.

d. A value of 0.5 full-time equivalent student membership shall be calculated for CAPE Acceleration Industry Certifications that articulate for 15 to 29 college credit hours, and 1.0 full-time equivalent student membership shall be calculated for CAPE Acceleration Industry Certifications that articulate for 30 or more college credit hours pursuant to CAPE Acceleration Industry Certifications approved by the commissioner pursuant to ss. 1003.4203(5)(b) and 1008.44.

2. Each district must allocate at least 80 percent of the funds provided for CAPE industry certification, in accordance with this paragraph, to the program that generated the funds. This allocation may not be used to supplant funds provided for basic operation of the program.

3. For CAPE industry certifications earned in the 2013-2014 school year and in subsequent years, the school district shall distribute to each classroom teacher who provided direct instruction toward the attainment of a CAPE industry certification that qualified for additional full-time equivalent membership under subparagraph 1.:

a. A bonus of \$25 for each student taught by a teacher who provided instruction in a course that led to the attainment of a

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CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.1.

b. A bonus of \$50 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.

c. A bonus of \$75 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 0.3.

d. A bonus of \$100 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 0.5 or 1.0.

Bonuses awarded pursuant to this paragraph shall be provided to teachers who are employed by the district in the year in which the additional FTE membership calculation is included in the calculation. Bonuses shall be calculated based upon the associated weight of a CAPE industry certification on the CAPE Industry Certification Funding List for the year in which the certification is earned by the student. Any bonus awarded to a teacher under this paragraph may not exceed \$3,000 in any given school year and is in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

Section 6. This act shall take effect July 1, 2017.

**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.)

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 1472

INTRODUCER: Senator Galvano

SUBJECT: Medicinal Cannabis Research and Education

DATE: March 24, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Androff	Graf	ED	<b>Favorable</b>
2.			AHS	
3.			AP	

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## **I. Summary:**

SB 1472 creates the Medicinal Cannabis Research and Education Act. Specifically, the bill:

- Establishes the Coalition for Medicinal Cannabis Research and Education (Coalition), within the H. Lee Moffitt Cancer Center and Research Institute, Inc. (MCCRI) and specifies the Coalition's purpose, duties and administration;
- Creates the Medicinal Cannabis Research and Education Board (Board) to direct the Coalition's operations, annually adopt the Medicinal Cannabis Research and Education Plan (Plan), and annually report to the Governor and Legislature;
- Installs a Coalition director to fulfill certain Board-specified duties; and
- Requires the MCCRI to allocate staff, information and assistance to assist the Board.

The bill takes effect July 1, 2017.

## **II. Present Situation:**

In 2014,<sup>1</sup> the Legislature enacted the Compassionate Medical Cannabis Act (CMCA), which authorizes dispensing organizations (DO) approved by the Florida Department of Health (DOH) to manufacture, possess, sell, and dispense low-THC cannabis for medical use by patients suffering from cancer or a condition that chronically produces symptoms of seizures or several and persistent muscle spasms.<sup>2</sup> In 2015,<sup>3</sup> the Legislature enacted the Right to Try Act (RTTA), which authorizes an eligible patient with a terminal condition to receive an investigational drug, biological product, or device, but did not address cannabis.<sup>4</sup> In 2016,<sup>5</sup> the Legislature passed

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<sup>1</sup> Chapter 2014-157, L.O.F.

<sup>2</sup> Section 381.986, F.S.

<sup>3</sup> Chapter 2015-107, L.O.F.

<sup>4</sup> Section 499.0295, F.S.

<sup>5</sup> Chapter 2016-123, L.O.F.

legislation that allows a patient with a terminal condition to use “medical cannabis” under the RTTA.<sup>6</sup>

### **The Office of Compassionate Use and Research on Low-THC Cannabis**

The CMCA required the DOH to establish the Office of Compassionate Use (Office) under the direction of the deputy state health officer to administer the CMCA.<sup>7</sup> The Office is authorized to enhance access to investigational new drugs for Florida patients through approved clinical treatment plans or studies by:<sup>8</sup>

- Creating a network of state universities and medical centers recognized for demonstrating excellence in patient-centered coordinated care for persons undergoing cancer treatment and therapy in this state;<sup>9</sup>
- Completing any necessary application to the United States Food and Drug Administration or pharmaceutical manufacturer to facilitate enhanced access to compassionate use for Florida patients; and
- Entering into agreements necessary to facilitate enhanced access to compassionate use for Florida patients.

The CMCA included several provisions related to research on low-THC cannabis and cannabidiol including:<sup>10</sup>

- Requiring physicians to submit quarterly patient treatment plans to the University of Florida College of Pharmacy (UFCP) for research on the safety and efficacy of low-THC cannabis;
- Authorizing state universities to perform research on cannabidiol and low-THC cannabis and exempting them from certain laws for such research purposes;
- Appropriating \$1 million to the James and Esther King Biomedical Research Program for research on cannabidiol and its effects on intractable childhood epilepsy.<sup>11</sup>

### **The H. Lee Moffitt Cancer Center and Research Institute**

The H. Lee Moffitt Cancer Center and Research Institute (MCCRI) at the University of South Florida (USF) is established as a statewide resource for basic and clinical research and multidisciplinary approaches to patient care.<sup>12</sup>

The sole mission of the MCCRI is to contribute to the prevention and cure of cancer.<sup>13</sup> In 1999, the Moffitt Affiliate Network was established to further enhance the MCCRI’s ability to serve Florida communities by providing tertiary care, clinical trials, medical education, and community education and screening. This affiliate network consists of 14 hospitals located in Florida, one

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<sup>6</sup> Section 381.986, F.S.

<sup>7</sup> Section 358.212, F.S.

<sup>8</sup> *Id.*

<sup>9</sup> *See* s. 381.925, F.S.

<sup>10</sup> Section 381.986(b)(2)(e), F.S.

<sup>11</sup> Chapter 2014-157, L.O.F.

<sup>12</sup> Section 1004.43, F.S.

<sup>13</sup> *See* Moffitt Cancer Center, <https://moffitt.org/> (last visited Mar 24, 2017); Moffitt Cancer Center, *Affiliate Hospitals*, <http://www.moffitt.org/Site.aspx?spid=5CE54FA5D8EE4D27A5BD6C496C99028D> (last visited Mar 24, 2017); Section 1004.43(5)(a), F.S.

hospital in Georgia, one hospital in Pennsylvania, and includes more than 400 community oncologists.<sup>14</sup>

The MCCRI is the only cancer research facility headquartered in Florida that is designated as a Comprehensive Cancer Center by the National Cancer Institute (NCI).<sup>15</sup> The Mayo Clinic, which has a presence in Jacksonville, Florida, is also designated by the NCI as a comprehensive Cancer Center in Minnesota. According to the NCI, “the NCI-designated Cancer Centers are one of the anchors of the nation’s cancer research effort.”<sup>16</sup>

### III. Effect of Proposed Changes:

SB 1472 creates the Medicinal Cannabis Research and Education Act. Specifically, the bill:

- Establishes the Coalition for Medicinal Cannabis Research and Education (Coalition) within the H. Lee Moffitt Cancer Center and Research Institute, Inc. (MCCRI) and provides that the Coalition’s purpose is to conduct rigorous scientific research, provide education, disseminate research, and to guide policy for the adoption of a statewide policy on ordering and dosing practices for the medicinal use of cannabis.
- Creates the Medicinal Cannabis Research and Education Board (Board) to direct the Coalition’s operations. Additionally, the bill specifies Board membership requirements and requires the Board to:
  - Advise the Board of Governors, the State Surgeon General, the Governor, and the Legislature with respect to medicinal cannabis research and education in Florida.
  - Explore methods of implementing and enforcing medicinal cannabis laws in relation to cancer control, research, treatment, and education.
  - Annually adopt a plan for medicinal cannabis research, known as the Medicinal Cannabis Research and Education Plan (Plan) in accordance with state law, and must include recommendations for the coordination and integration of medical, nursing, paramedical, community, and other resources connected with the treatment of debilitating medical conditions, research related to the treatment of such conditions, and education.
  - Issue an annual report, by February 15, to the Governor, the President of the Senate, and the Speaker of the House Representatives on research projects, community outreach initiatives, and future plans for the Coalition.
- Provides that the Coalition must be administered by a director who, subject to Board approval, must:
  - Propose a budget.
  - Foster the collaboration of scientists, researchers, and other appropriate personnel.
  - Identify and prioritize the Coalition’s research.
  - Prepare the Plan for submission to the Board.
  - Apply for grants to obtain funding for the Coalition’s research.
  - Perform other Board specified duties.
- Requires the MCCRI to allocate staff, information, and assistance to assist the Board.

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<sup>14</sup> See Moffitt Cancer Center, *Affiliate Hospitals*, <http://www.moffitt.org/Site.aspx?spid=5CE54FA5D8EE4D27A5BD6C496C99028D> (last visited Mar 24, 2017)

<sup>15</sup> See Moffitt Cancer Center, *Frequently Asked Questions*, <https://www.moffitt.org/about-moffitt/frequently-asked-questions/> (last visited Mar 24, 2017).

<sup>16</sup> See National Cancer Institute, *Mayo Clinic Cancer Center*, <https://www.cancer.gov/research/nci-role/cancer-centers/find/mayoclinic> (last visited Mar 24, 2017).

The bill may increase the amount of data available to support the determination of safe and effective dosages of marijuana for patients seeking relief from pain and other medical symptoms or specific illnesses, including cancer patients, patients suffering from refractory pain, and pediatric patients with refractory epilepsy.

The bill takes effect July 1, 2017.

**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 creates section 1004.4351 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.

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

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/27/17

Meeting Date

1472

Bill Number (if applicable)

Topic Medical Cannabis Research

Amendment Barcode (if applicable)

Name Dr. Nagi Kumar, Moffitt Cancer Center

Job Title Senior Research Scientist

Address 12902 Magnolia

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FL

State

33612

Zip

Email Nagi.kumar@  
moffitt.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Moffitt Cancer Center

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)

Mch 17  
Meeting Date

1472  
Bill Number (if applicable)

Topic Medical ~~Q&A~~ Cannabis Research

Amendment Barcode (if applicable)

Name Barney Bishop

Job Title Pres & CEO

Address 204 S. Monroe  
Street

Phone 850.510.9922

Fall FL 32301  
City State Zip

Email \_\_\_\_\_

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Fla. Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

3/27/17  
Meeting Date

1472  
Bill Number (if applicable)

Topic Medical Cannabis Research

Amendment Barcode (if applicable)

Name Ron Watson

Job Title Lobbyist

Address 3738 Munden Way  
Street  
Tallahassee FL 32309  
City State Zip

Phone 850 567-1202

Email watson.strategies@connect.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Alt Med

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

3.27-17

Meeting Date

1472

Bill Number (if applicable)

Topic mmJ

Amendment Barcode (if applicable)

Name Jon James

Job Title Ex Director

Address ~~26~~ 1375 Cypress Ave

Street

Melbourne FL 32935

City

State

Zip

Phone 321 890 7302

Email James Florida @  
gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Cannabis Action Network

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

S-001 (10/14/14)

By Senator Galvano

21-00525A-17

20171472\_\_

A bill to be entitled

An act relating to medicinal cannabis research and education; creating s. 1004.4351, F.S.; providing a short title; providing legislative intent; defining terms; establishing the Coalition for Medicinal Cannabis Research and Education within the H. Lee Moffitt Cancer Center and Research Institute, Inc.; providing a purpose for the coalition; establishing the Medicinal Cannabis Research and Education Board to direct the operations of the coalition; providing for the appointment of board members; providing for terms of office, reimbursement for certain expenses, and the conduct of meetings of the board; authorizing the board to appoint a coalition director; prescribing the duties of the coalition director; requiring the board to advise specified entities and officials regarding medicinal cannabis research and education in this state; requiring the board to annually adopt a Medicinal Cannabis Research and Education Plan; providing requirements for the plan; requiring the board to issue an annual report to the Governor and the Legislature by a specified date; specifying responsibilities of the H. Lee Moffitt Cancer Center and Research Institute, Inc.; providing an effective date.

WHEREAS, cannabis, also known as marijuana, is produced from the cannabis plant, which produces a resin containing psychoactive compounds called cannabinoids, in addition to other

Page 1 of 6

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

21-00525A-17

20171472\_\_

compounds found in plants, such as terpenes and flavonoids, and

WHEREAS, cannabis is a controlled substance and is classified as a Schedule I agent, a drug with a high potential for abuse, with no scientific evidence for medical use, and

WHEREAS, the United States Food and Drug Administration has not approved the use of cannabis as a treatment for any medical condition, and

WHEREAS, clinical trials conducted on medicinal cannabis are limited, and researchers must file an Investigational New Drug application with the United States Food and Drug Administration, obtain a Schedule I license from the United States Drug Enforcement Administration, and obtain approval from the National Institute on Drug Abuse to conduct clinical drug research with cannabis in the United States, and

WHEREAS, due to the limited number of clinical studies on the medicinal use of marijuana, there is little or no unbiased data available to support the determination of safe and effective dosages of marijuana for specific illnesses, and

WHEREAS, a significant number of Americans are seeking relief from pain and other medical symptoms through the use of cannabis, including cancer patients, patients suffering from refractory pain, and pediatric patients with refractory epilepsy, and

WHEREAS, the electorate of Florida has enshrined in the State Constitution the right to obtain and use marijuana for medicinal purposes, NOW, THEREFORE,

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

Page 2 of 6

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

21-00525A-17

20171472

Section 1. Section 1004.4351, Florida Statutes, is created to read:

1004.4351 Medicinal cannabis research and education.—

(1) SHORT TITLE.—This section shall be known and may be cited as the "Medicinal Cannabis Research and Education Act."

(2) LEGISLATIVE INTENT.—The Legislature finds that:

(a) The present state of knowledge concerning the use of cannabis to alleviate pain and treat illnesses is limited because permission to perform clinical studies on cannabis is difficult to obtain, with access to research-grade cannabis so restricted that little or no unbiased studies have been performed.

(b) Under the State Constitution, cannabis is available for the treatment of certain debilitating medical conditions.

(c) Additional clinical studies are needed to ensure that the residents of this state obtain the correct dosing, formulation, route, modality, frequency, quantity, and quality of cannabis for specific illnesses.

(d) An effective medicinal cannabis research and education program would mobilize the scientific, educational, and medical resources that presently exist in this state to determine the appropriate and best use of cannabis to treat illness.

(3) DEFINITIONS.—As used in this section, unless the context clearly indicates otherwise, the term:

(a) "Board" means the Medicinal Cannabis Research and Education Board.

(b) "Coalition" means the Coalition for Medicinal Cannabis Research and Education.

(c) "Marijuana" or "medicinal cannabis" has the same

21-00525A-17

20171472

meaning as provided in s. 29, Art. X of the State Constitution.

(4) COALITION FOR MEDICINAL CANNABIS RESEARCH AND EDUCATION.—

(a) There is established within the H. Lee Moffitt Cancer Center and Research Institute, Inc., the Coalition for Medicinal Cannabis Research and Education. The purpose of the coalition is to conduct rigorous scientific research; provide education; disseminate research; and to guide policy for the adoption of a statewide policy on ordering and dosing practices for the medicinal use of cannabis. The coalition shall be physically located at the H. Lee Moffitt Cancer Center and Research Institute, Inc.

(b) The Medicinal Cannabis Research and Education Board is established to direct the operations of the coalition. The board shall be composed of seven members appointed by the chief executive officer of the H. Lee Moffitt Cancer Center and Research Institute, Inc. Board members must have experience in a variety of scientific and medical fields, including, but not limited to, oncology, neurology, psychology, pediatrics, nutrition, and addiction. Members shall be appointed to 4-year terms and may be reappointed to serve additional terms. The chair shall be elected by the board from among its members to serve a 2-year term. The board shall meet no less than semiannually, at the call of the chair or, in his or her absence or incapacity, the vice chair. Four members constitute a quorum. A majority vote of the members present is required for all actions of the board. The board may prescribe, amend, and repeal a charter governing the manner in which it conducts its business. A board member shall serve without compensation but is

21-00525A-17 20171472\_\_

entitled to be reimbursed for travel expenses by the coalition or the organization he or she represents in accordance with s. 112.061.

(c) The coalition shall be administered by a coalition director who shall be appointed by and serve at the pleasure of the board. The coalition director shall, subject to the approval of the board:

1. Propose a budget for the coalition.

2. Foster the collaboration of scientists, researchers, and other appropriate personnel in accordance with the coalition's charter.

3. Identify and prioritize the research to be conducted by the coalition.

4. Prepare the Medicinal Cannabis Research and Education Plan for submission to the board.

5. Apply for grants to obtain funding for research conducted by the coalition.

6. Perform other duties as determined by the board.

(d) The board shall advise the Board of Governors, the State Surgeon General, the Governor, and the Legislature with respect to medicinal cannabis research and education in this state. The board shall explore methods of implementing and enforcing medicinal cannabis laws in relation to cancer control, research, treatment, and education.

(e) The board shall annually adopt a plan for medicinal cannabis research, known as the "Medicinal Cannabis Research and Education Plan," which must be in accordance with state law and coordinate with existing programs in this state. The plan must include recommendations for the coordination and integration of

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medical, nursing, paramedical, community, and other resources connected with the treatment of debilitating medical conditions, research related to the treatment of such medical conditions, and education.

(f) By February 15 of each year, the board shall issue a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on research projects, community outreach initiatives, and future plans for the coalition.

(5) RESPONSIBILITIES OF THE H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC.—The H. Lee Moffitt Cancer Center and Research Institute, Inc., shall allocate staff, information, and assistance, as the coalition's budget permits, to assist the board in fulfilling its responsibilities.

Section 2. This act shall take effect July 1, 2017.



# Florida Charter School Sector

**Senate Education Committee**

**March 27, 2017**

Presented by: Adam Miller, Executive Director  
Office of Independent Education and Parental Choice  
Florida Department of Education

## What is a Charter School?

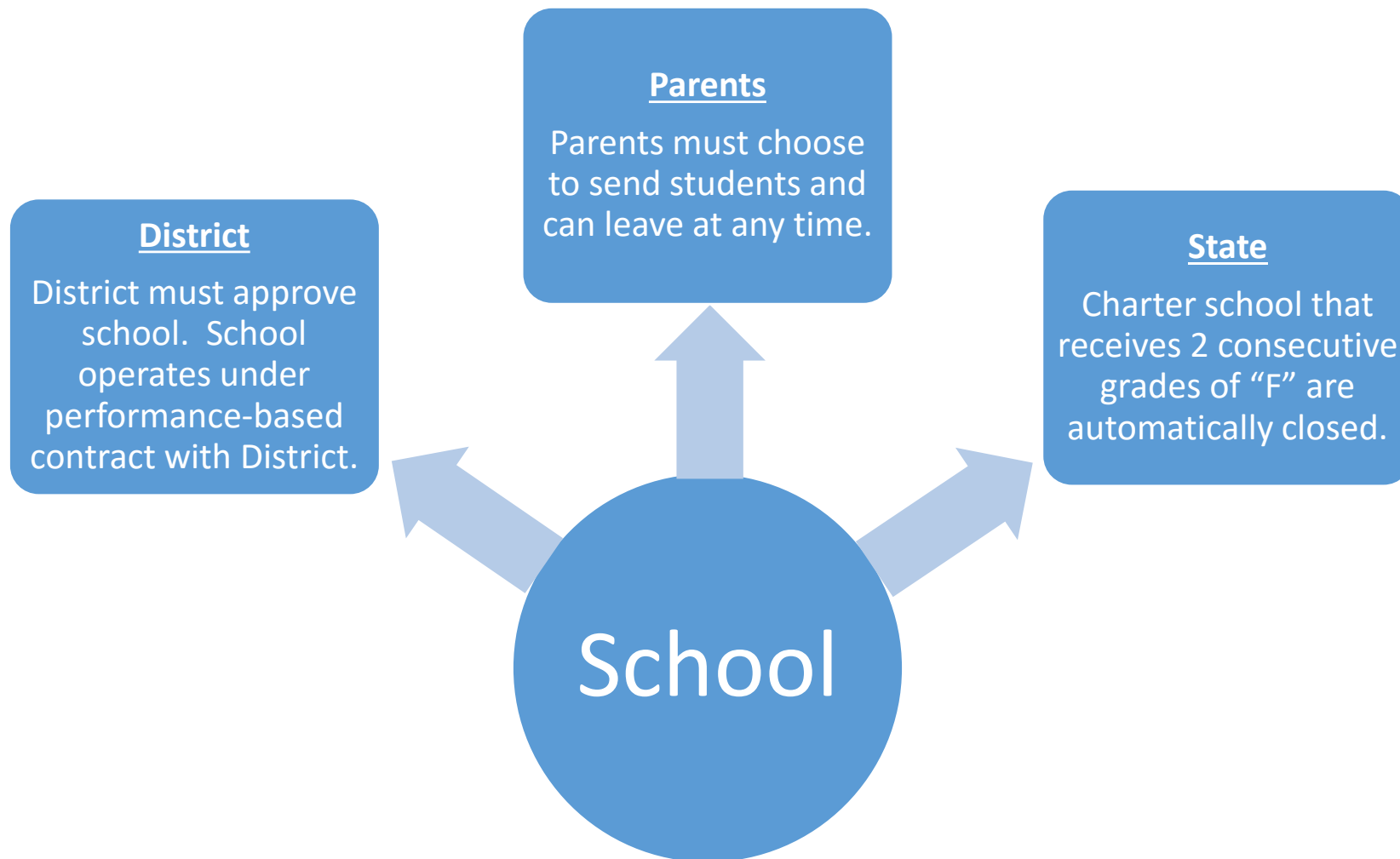
- Is a Public School
- School of choice
- Governed by independent non-profit governing board
- Autonomy in exchange for increased accountability



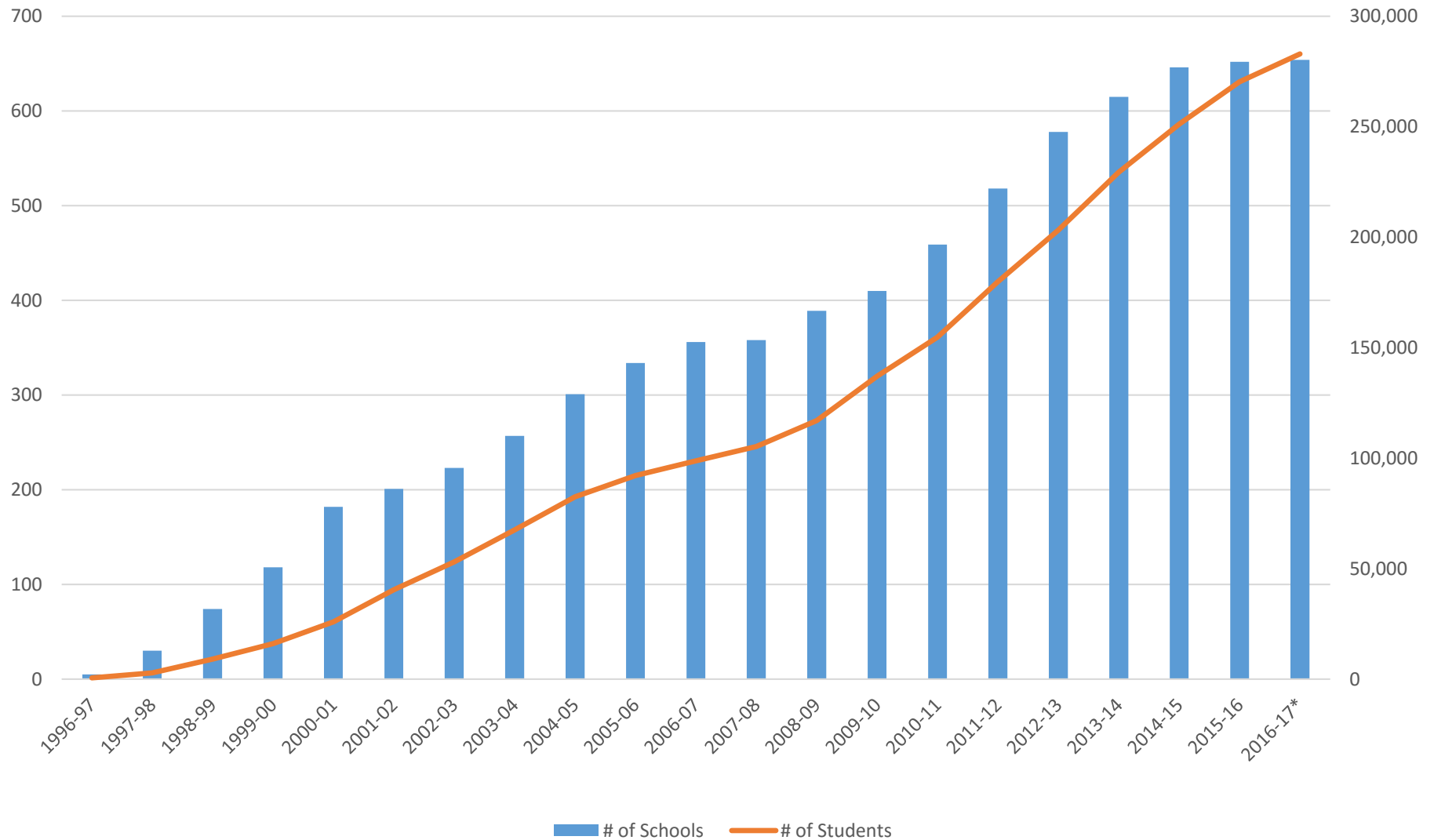
## Charter School Autonomy

- Exempt from School Board policies
- Exempt from portions of Education Code
- Must abide by core requirements for all public schools, such as:
  - Florida Standards
  - State required assessments
  - School grades
  - Graduation requirements
  - Services to students with disabilities
  - Civil rights
  - Teacher certification, evaluation, salary schedules
  - Public records and meetings
  - Class size (measured at school-wide average)

# Multi-Layered Accountability



## Charter School Growth: 1995-2017



# High-Performing vs. High-Impact

	High-Performing Charter School (s. 1002.331)	High-Impact Network
Unit of Analysis for Designation	School	All schools in network
Benefits apply to	School	Network and all schools created by network in critical-need areas
Criteria	<ul style="list-style-type: none"> <li>• 2 Grades of A and nothing less than a B (last 3 years)</li> <li>• 3 Years of clean financial audits</li> </ul>	<ul style="list-style-type: none"> <li>• Non-profit</li> <li>• Successfully operates a system of charter schools that <u>primarily serves economically disadvantaged students</u></li> <li>• SBE will review all schools currently and previously operated by entity, including student demographics, and academic and financial performance, including: <ul style="list-style-type: none"> <li>○ School-wide and subgroup performance for most recent three years compared to all students in other schools and other schools serving similar student populations</li> <li>○ May include: attendance and retention, graduation rates, college attendance and persistence, and other outcome measures</li> </ul> </li> <li>• SBE will adopt rules</li> </ul>
Term	Reassessed every year	Initial designation for 4 years, with renewals available

	High-Performing Charter School (s. 1002.331)	High-Impact Network
Administrative Fee	Reduced administrative fee paid to district: From 5% to 2%	Not addressed
Enrollment	May expand enrollment or grade levels notwithstanding contact	New schools created by network would determine enrollment and grade levels at time of application
Financial Reporting	Quarterly financial statements instead of monthly	Not addressed
Replication	High-performing school may submit an application to open a new school anywhere in the state, <b><u>regardless of academic need</u></b> . District may deny only if supported by clear and convincing evidence.	An entity designated as a high-impact system may submit a single charter application to open multiple schools <b><u>in critical need areas</u></b> . FDOE will develop a new model application for this application.
Federal Funds	Not addressed	<ul style="list-style-type: none"> <li>• May be designated as a Local Education Agency (LEA) and receive all federal funds directly. <ul style="list-style-type: none"> <li>○ Title I</li> <li>○ Title II</li> <li>○ IDEA</li> </ul> </li> <li>• Receive priority in Florida's Charter School Program Grant (approx. \$800,000 start-up grant)</li> </ul>
Facility Funds	Not addressed	Eligible to receive capital outlay funds in first year of operation instead of waiting until third year.

## Turnaround Plan Options (TOP) for Districts

- Convert the school to a district-managed turnaround school;
- Reassign students to another school and monitor the progress of each reassigned student;
- Close the school and reopen the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness;
- Contract with an outside entity that has a demonstrated record of effectiveness to operate the school; or
- Implement a hybrid of turnaround options or other turnaround models that have a demonstrated record of effectiveness.

## 2016-17 TOP Implementers

- Cycle 1: 74 schools are implementing first option
  - Year 1: 69 schools
  - Year 2: 3 schools
  - Year 3: 2 schools (received waiver to implement 3<sup>rd</sup> year)

*\*Year 2 and 3 schools must improve to a C in 2017 or select new option*

- Cycle 2: 41 schools implementing second option
  - All are currently in Year 1 of a two-year plan
  - Must improve to a C by 2018 or select third option



**[www.FLDOE.org](http://www.FLDOE.org)**

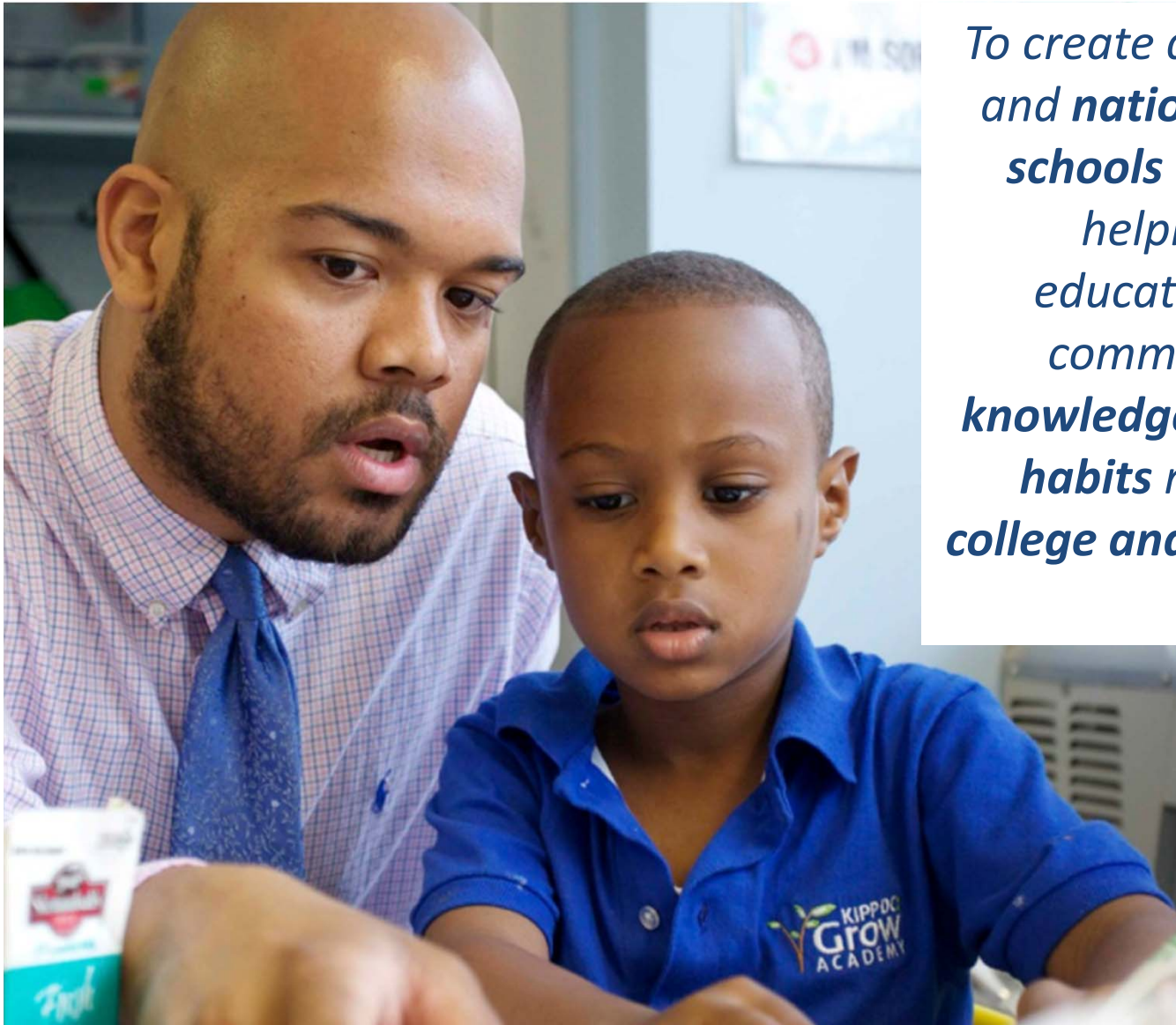




# KIPP:

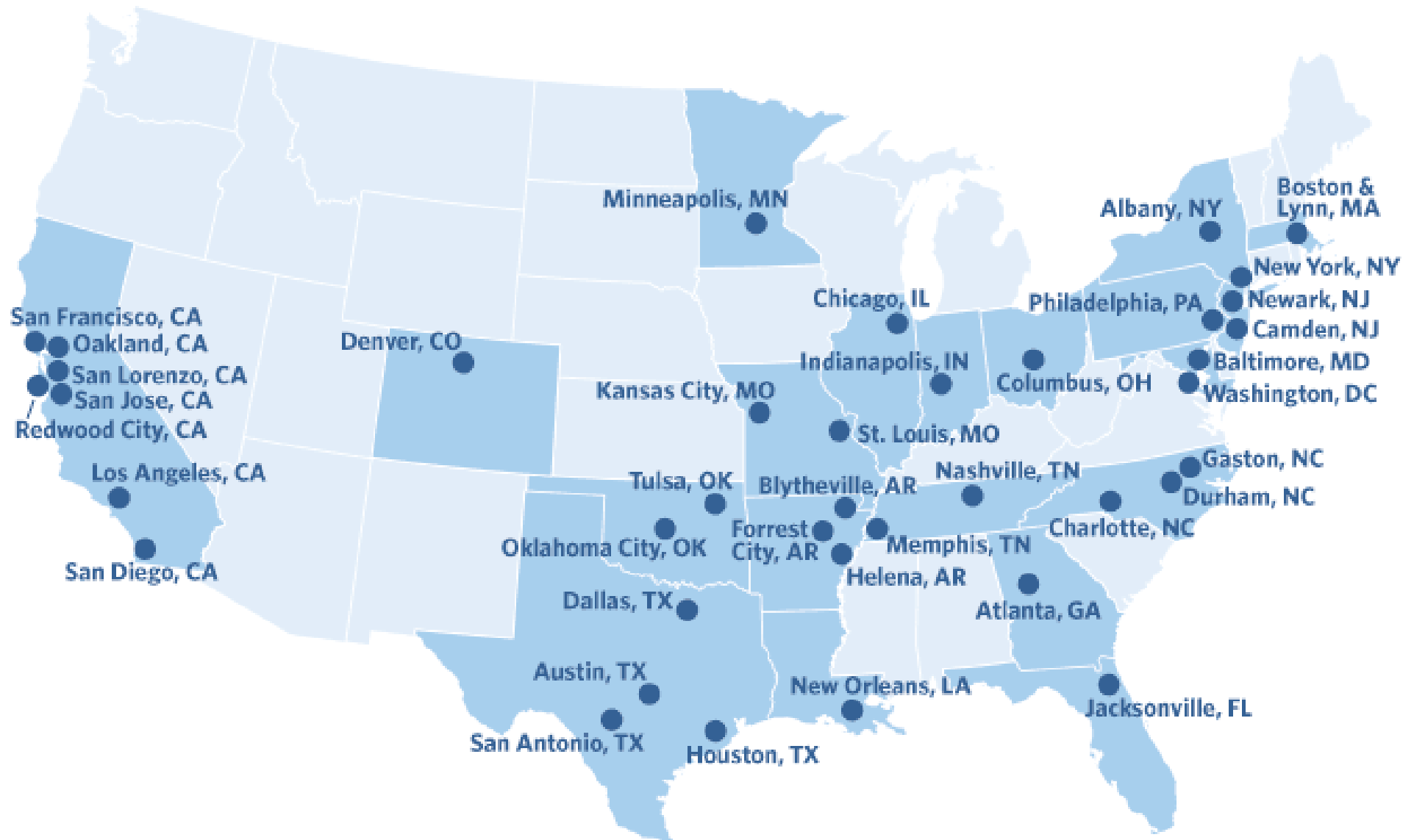


For over twenty years, our pursuit of our mission  
has been unwavering



*To create a respected, influential,  
and **national network of public  
schools** that are successful in  
helping students from  
educationally underserved  
communities develop the  
**knowledge, skills, character, and  
habits** needed to succeed in  
**college and the competitive world  
beyond***

Nearly 80,000 students in 200 KIPP elementary, middle and high schools are proving what's possible



A great education is the best path to a life of opportunity;  
we aim to educate students from underserved communities

Number of Students

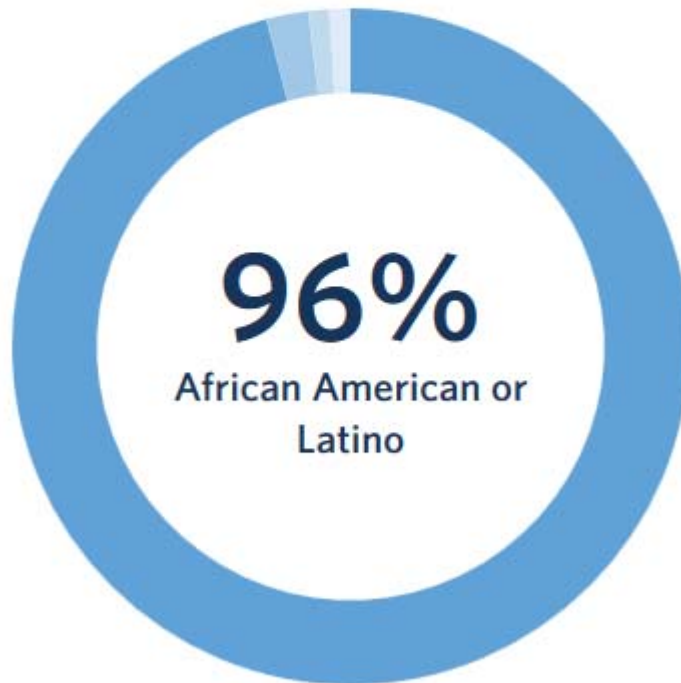
**80,000**

Number of Schools

**200**

Grades Served

**PreK-12**



**88%**

are eligible for Federal Free or  
Reduced Price Lunch (FRPL)\*

**10%**

receive special education  
services\*\*

**17%**

are designated as English  
Language Learners (ELL)

In our country today, fewer than 1 in 10 children from low-income households will earn a college degree



***70% of their peers coming from families in the top income quartile will earn a college degree***



# KIPP alumni are defying the odds

**94%**

have graduated from  
high school

(5+ years after completing 8<sup>th</sup> grade)



**82%**

have matriculated  
to college

(5+ years after completing 8<sup>th</sup> grade)



**45% BA**

**51% BA/AA**

have graduated from college

(10+ years after completing 8<sup>th</sup> grade)



————— *National benchmarks for students from low-income families* —————

**72%**

**45%**

**9% BA**

At present, 10,000 KIPP alumni are attending college



BROWN



MOREHOUSE  
COLLEGE



UNIVERSITY OF  
ARKANSAS



UF UNIVERSITY of  
FLORIDA



THE UNIVERSITY  
of NORTH CAROLINA  
at CHAPEL HILL

DAVIDSON



Spelman College

UNIVERSITY of  
HOUSTON

Duke  
UNIVERSITY

Colby



THE UNIVERSITY OF  
TEXAS  
— AT AUSTIN —

FRANKLIN & MARSHALL

SYRACUSE UNIVERSITY

Berkeley  
UNIVERSITY OF CALIFORNIA



San José State  
UNIVERSITY



Penn  
UNIVERSITY of PENNSYLVANIA

KINGSBOROUGH  
COMMUNITY COLLEGE

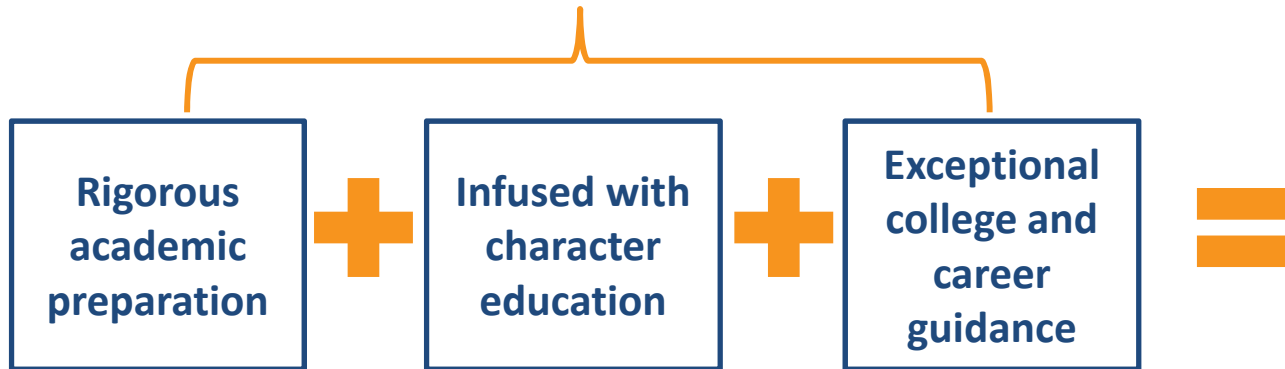
TEXAS A&M  
UNIVERSITY®



MONTCLAIR STATE  
UNIVERSITY

In each KIPP school, we are dedicated to providing KIPPsters a path to and through college

Great schools



Where students are taught by **great teachers** and led by **great leaders**

Life of choice,  
opportunity  
and success





The pillars of our school model are:



**High expectations**



**Strength of character**



**Highly effective teachers  
and leaders**



**Safe, structured and  
nurturing environments**



**KIPP Through College**

We will expand into new markets opportunistically



*We evaluate five key factors to assess a new market:*

Student need



Proven leadership



Supportive market for talent



Funding that enables financial sustainability



Strong charter freedoms

*We will recommend expansion when we believe these factors align*

Our students work hard – and in doing so, transform generations to come



**Our students are reminding the country that there are no shortcuts to success, that hard work pays off for them...**

**...and this hard work will continue to impact the generations that follow**



# REIMAGINING PUBLIC EDUCATION IN THE SOUTH





# WHY WE'RE HERE

REPUBLIC SCHOOLS  
REIMAGINING WHAT'S POSSIBLE 2

We lead public charter schools that have produced **staggering academic results** for kids.

We're not just catching our kids up. We're making a bet on the future by teaching them to **code**.

And we're doing it in the **South**, where the odds for students growing up in low-income communities are lower than anywhere else in the nation.

NASHVILLE



# HISTORIC RESULTS

REPUBLIC SCHOOLS  
REIMAGINING WHAT'S POSSIBLE 3

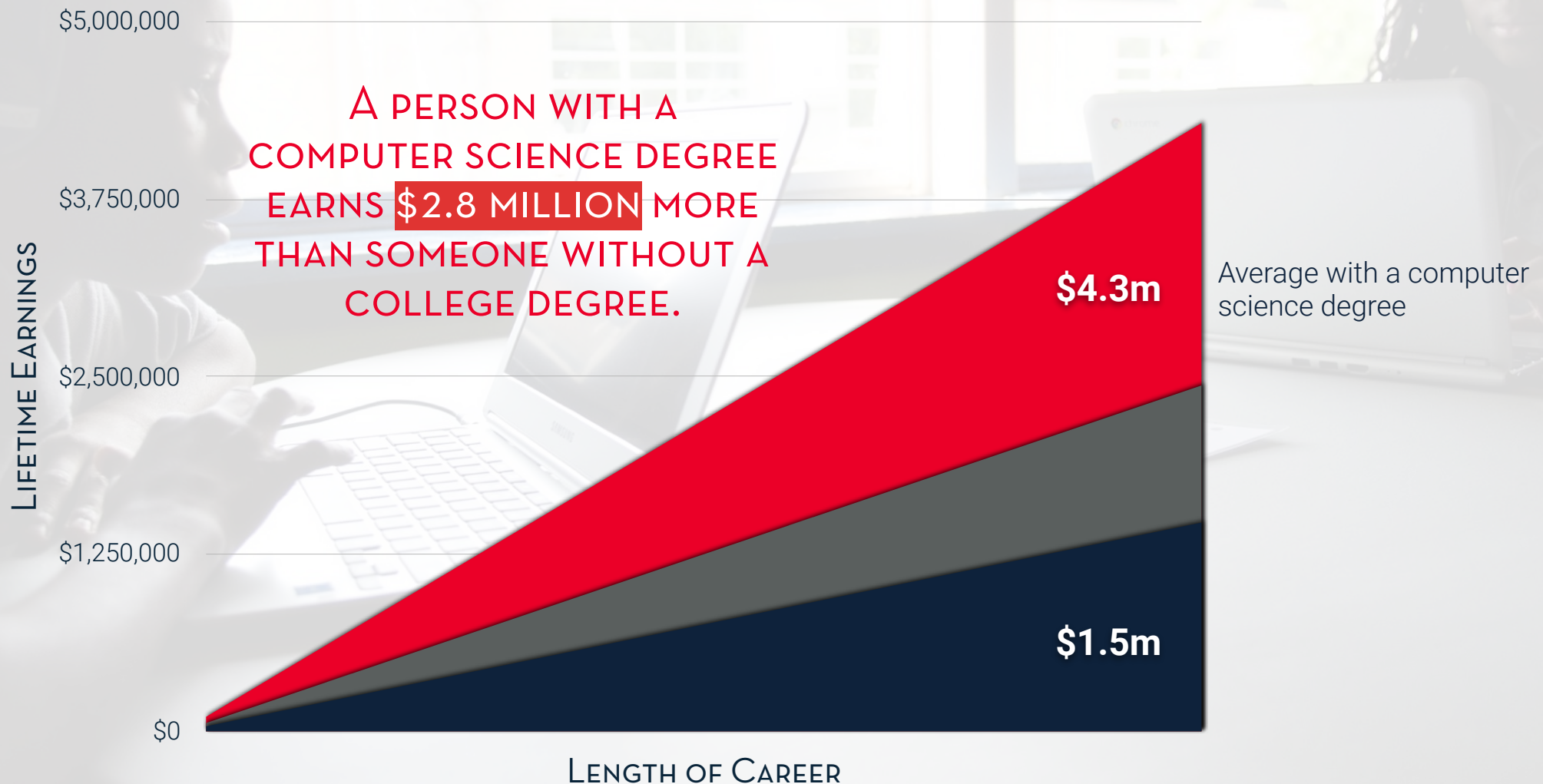
In 2014, Nashville Prep and Liberty scholars were in the **top 5%** in the state for growth and absolute performance. In 2015, Liberty earned this distinction for the **second year** in a row.

In 2015, RePublic's schools, on average, **outperformed the district and state** in every subject by double digits and RePublic 8th graders outperformed the city much more dramatically.

In 2015, Liberty and Nashville Prep were the **two highest performing open enrollment public schools** in Nashville for 8th grade Reading and Science.



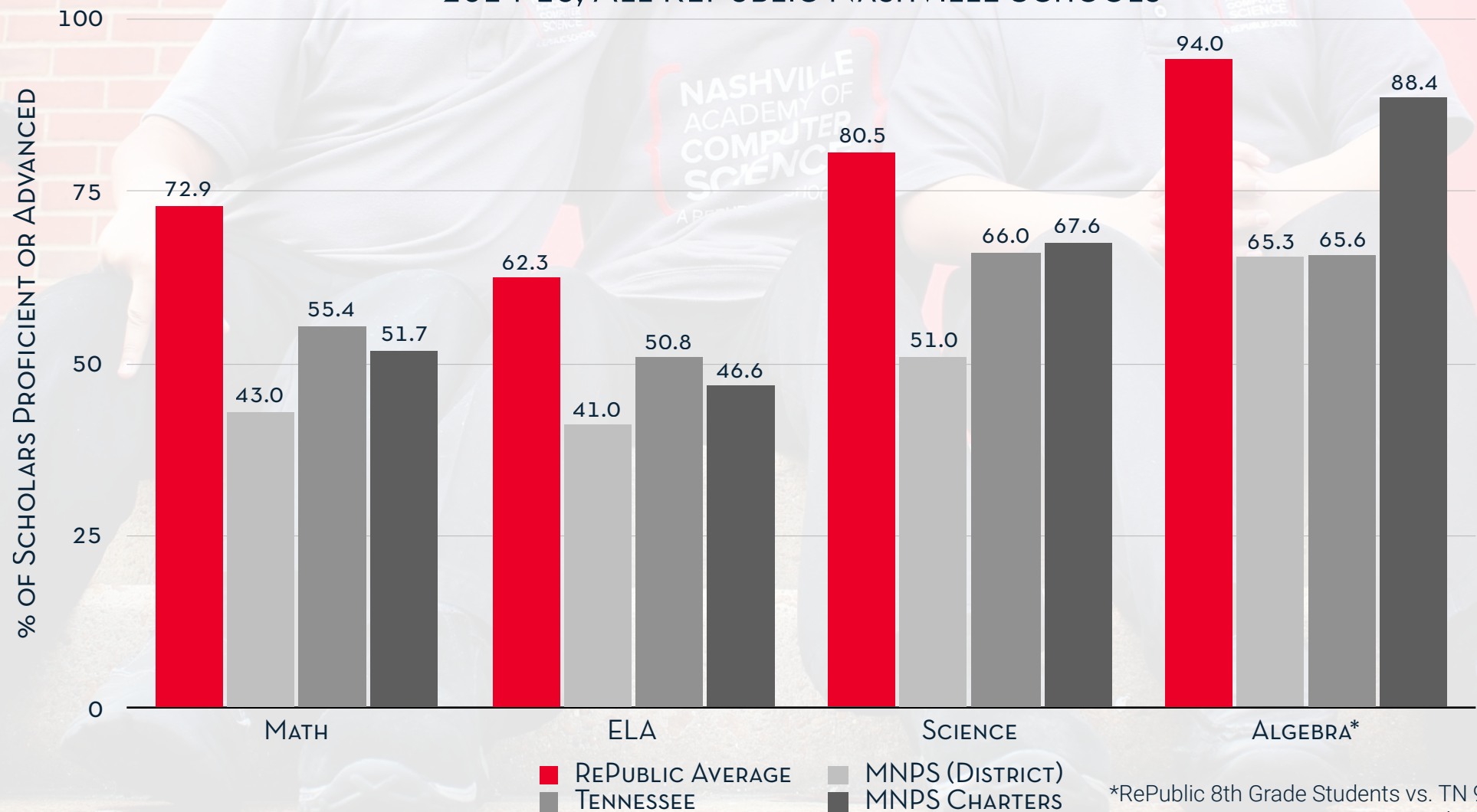
Learning to code builds creativity, problem-solving, and critical thinking skills. And it can **break** the cycle of poverty.



# HISTORIC RESULTS

In 2014-15, RePublic's schools, on average, **outperformed** the district, state, and district charters in **all** tested subjects.

## REPUBLIC ABSOLUTE PERFORMANCE V. DISTRICT, STATE, DISTRICT CHARTERS 2014-15, ALL REPUBLIC NASHVILLE SCHOOLS



\*RePublic 8th Grade Students vs. TN 9th-12th Grade Students



# REPUBLIC AT 40,000 FEET

REPUBLIC SCHOOLS  
REIMAGINING WHAT'S POSSIBLE 7

  
**LIBERTY**  
COLLEGIATE ACADEMY

Founded **2011**  
Grades **5 - 8**  
Enrollment **400**

**NP**  
NASHVILLE  
PREP

Founded **2011**  
Grades **5 - 8**  
Enrollment **400**

**{ NASHVILLE  
ACADEMY OF  
COMPUTER  
SCIENCE }**

Founded **2014**  
Grades **5 - 8** by 2017  
Enrollment **400** by 2017

**RHS**  
REPUBLIC  
HIGH SCHOOL

Founded **2015**  
Grades **9 - 12** by 2018  
Enrollment **980** by 2021

**SP**  
SMILOW  
PREP

Founded **2016**  
Grades **5 - 8** by 2019  
Enrollment **400** by 2019

**R**  
REIMAGINE  
PREP

Founded **2015**  
Grades **5 - 8** by 2018  
Enrollment **400** by 2018



**NASHVILLE,  
TENNESSEE**



**JACKSON,  
MISSISSIPPI**

**82%**

ECONOMICALLY  
DISADVANTAGED

**11%**

STUDENTS WITH  
DISABILITIES

**95%**

AFRICAN AMERICAN  
& HISPANIC

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/27/17  
Meeting Date

N/A  
Bill Number (if applicable)

Topic Charter schools

N/A  
Amendment Barcode (if applicable)

Name Adam Miller

Job Title Director,

Address 325 W. Gaines street

Phone 850-245-9633

Street

Tallahassee

City

FL

State

32399

Zip

Email Adam.miller@fldoe.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing DOE

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

3/31/17

Meeting Date

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

Bill Number (if applicable)

Topic Charter School Presentation

Amendment Barcode (if applicable)

Name Trisha Coad

Job Title National Director New Site Development - KIPP

Address 909 Los Angeles Ave

Foundation

Street

Atlanta GA 30306

City

State

Zip

Phone

Email tcoad@kipp.org

Speaking: ☐ For ☐ Against ☒ Information

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

Representing KIPP Foundation

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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3/27/17

Meeting Date

Bill Number (if applicable)

Topic Charter Schools

Amendment Barcode (if applicable)

Name Kate Cooper

Job Title Director of Growth & Advancement - RePublic Schools

Address 1265 Melwood Place

Phone 703-577-3828

Street

Jackson

MS

39206

City

State

Zip

Email c.cooper@republiccharter

schools.org

Speaking: ☐ For ☐ Against ☒ Information

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

Representing RePublic 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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S-001 (10/14/14)

**WORKSHOP: SCHOOL CHOICE**

ISSUE	SB	DESCRIPTION
<b>CHARTER SCHOOLS</b>		
<b>1. High-Impact Designation</b>	<ul style="list-style-type: none"> <li>• 796 by Bean</li> <li>• 1362 by Broxson</li> </ul>	<ul style="list-style-type: none"> <li>• (796) Creates High-Impact Charter Management Organization designation to serve a critical need area; specifies eligibility requirements and benefits.</li> <li>• (1362) Creates High-Impact Charter Network designation to serve a critical need area specified in law; specifies eligibility requirements and benefits.</li> </ul>
<b>2. Administration and Funding</b>	<ul style="list-style-type: none"> <li>• 538 by Clemens</li> <li>• 796 by Bean</li> <li>• 696 by Baxley</li> <li>• 1362 by Broxson</li> </ul>	<ul style="list-style-type: none"> <li>• (538) Modifies application process to require that a charter school demonstrate that it meets a specific need that the school district does not, or is unable to, meet and to require a charter school to share the results of innovative methods and best practices.</li> <li>• (796) Requires the Department of Education (DOE) to provide technical assistance to school districts for allocation of federal funds to charter schools using an appropriate methodology.</li> <li>• (696) Authorizes a charter school to enter into financial arrangements to secure funds and pledge and encumber its assets; revises funding obligations and authority of district school boards; modifies a charter school sponsor's duties.</li> <li>• (1362) Deletes requirement that DOE compare student performance data of charter schools and traditional schools within a school district.</li> </ul>
<b>HOME EDUCATION PROGRAM</b>		
<b>3. Administration</b>	<ul style="list-style-type: none"> <li>• 1556 by Lee</li> </ul>	<ul style="list-style-type: none"> <li>• (1556) Revises home education program administration related to student attendance and reporting requirements; prohibits school districts from requiring additional information from parents.</li> </ul>
<b>VIRTUAL INSTRUCTION</b>		
<b>4. Eligibility Requirements</b>	<ul style="list-style-type: none"> <li>• 692 by Baxley</li> <li>• 868 by Baxley</li> </ul>	<ul style="list-style-type: none"> <li>• (692) Deletes student eligibility criteria for participation in K-12 virtual instruction; deletes obsolete reporting requirement for the Florida Virtual School (FLVS).</li> <li>• (868) Repeals student eligibility criteria for participation in K-12 virtual instruction; authorizes DOE Commissioner to approve statewide dual enrollment articulation agreement with FLVS.</li> </ul>
<b>K-12 SCHOLARSHIPS and FINANCIAL ASSISTANCE</b>		
<b>5. Gardiner Scholarship</b>	<ul style="list-style-type: none"> <li>• 902 by Simmons</li> </ul>	<ul style="list-style-type: none"> <li>• (902) Expands student eligibility criteria for Gardiner scholarship; expands authorized uses of program funds; appropriates \$200 m. in recurring general revenue funds for Gardiner Scholarships and \$6 m. recurring general revenue funds for administration by scholarship-funding organization.</li> </ul>
<b>6. Florida Tax Credit Scholarship</b>	<ul style="list-style-type: none"> <li>• 1314 by Grimsley</li> </ul>	<ul style="list-style-type: none"> <li>• (1314) Allows a dependent child of a parent or guardian who is a member of the U.S. Armed Forces to apply for the Florida Tax Credit Scholarship at any time; increases award amount; revises program requirements.</li> </ul>
<b>7. Education Savings Account</b>	<ul style="list-style-type: none"> <li>• 1572 by Bean</li> </ul>	<ul style="list-style-type: none"> <li>• (1572) Creates Education Savings Account Program; specifies eligibility criteria for students and educational institutions; responsibilities for parents and students, educational institutions, DOE, commissioner, Chief Financial Officer, and financial institutions; and administration requirements.</li> </ul>
<b>INTERSCHOLASTIC ATHLETICS</b>		
<b>8. Student Participation</b>	<ul style="list-style-type: none"> <li>• 1302 by Gibson</li> <li>• 1586 by Garcia</li> </ul>	<ul style="list-style-type: none"> <li>• (1302) Allows a private school student enrolled in a non-FHSAA member private school to participate in interscholastic or intrascholastic sport at a public school that the student could choose to attend pursuant to controlled open enrollment.</li> <li>• (1586) Requires the preparticipation physical evaluation form to advise a student to complete an electrocardiogram assessment.</li> </ul>

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/27/17  
Meeting Date

SB692  
Bill Number (if applicable)

Topic SB692

Amendment Barcode (if applicable)

Name Nancy Stacey

Job Title Director

Address 113 S. Monroe St. #101  
Street  
Tallahassee FL 32301  
City State Zip

Phone 850 391 0421

Email info@FCSBM.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Coalition of School Bd 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)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3-27-17  
Meeting Date

692  
Bill Number (if applicable)

Topic 692

Amendment Barcode (if applicable)

Name Nancy Stacy

Job Title Director

Address 113 S. Monroe St. #101  
Street  
Tallahassee FL 32301  
City State Zip

Phone 850-391-0421

Email info@FCSBM.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Coalition of School Bd 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.*

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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)

3/27/17

Meeting Date

692

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Amber Kelly

Job Title Director of Policy & Communications

Address 4853 S. Orange Avenue Phone (407) 418-0250

Street

Orlando

City

FL

State

32806

Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FL Family Action

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**

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

3-27-17  
Meeting Date

692  
Bill Number (if applicable)

Topic Student Eligibility for K-12 virtual instruction

Amendment Barcode (if applicable)

Name Holly Sagues

Job Title Exec. Director Gov. Affairs

Address Florida Virtual School  
Street  
Orlando FL 32835  
City State Zip

Phone 321-695-1073

Email hsagues@flvs.net

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Virtual School

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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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)

3/27/17  
Meeting Date

SR 692  
Bill Number (if applicable)

Topic K-12 Virtual Education

Amendment Barcode (if applicable)

Name Bobbie Northam

Job Title Advocacy Director

Address 215 S Monroe St  
Street  
Tul, Fla  
City State Zip

Phone \_\_\_\_\_

Email \_\_\_\_\_

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Founder of Thomas' Future

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

3/28/17.  
Meeting Date

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

SB 796.  
Bill Number (if applicable)

Topic SB 796. Charters

Amendment Barcode (if applicable)

Name Alexandra Dominguez

Job Title Senior Advocacy Associate

Address 215 S. Monroe St  
Street

Phone 781-955-7155

Tallahassee FL 32301  
City State Zip

Email alexandra@excelmed.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

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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)

3-27-17

Meeting Date

868

Bill Number (if applicable)

Topic Educational Options & Services

Amendment Barcode (if applicable)

Name Natahi King

Job Title VP

Address 235 W Blandon Blvd #64D

Phone 813 924 8218

Street

Brandm

City

FL

State

335111

Zip

Email Natahi@natahi.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing The Diversity Initiative

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**

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

3/27/17  
Meeting Date

8B868  
Bill Number (if applicable)

Topic Education Options / Sec. 1+2 Workers' Comp

Amendment Barcode (if applicable)

Name Margaret J. Hooper

Job Title Public Policy Director

Address 124 Marriott Dr. #203  
Street

Phone (850) 922-6703

Tallahassee FL 32301  
City State Zip

Email Margaret.D@fddc.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FL Developmental Disability Council

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

3/27/17

Meeting Date

902

Bill Number (if applicable)

Topic SB 902-0

Amendment Barcode (if applicable)

Name Sara Clements

Job Title Director of External Affairs

Address 1901 Uimerton Rd #180

Street

Clearwater

City

FL

State

33762

Zip

Phone 727-451-9811

Email sclements@sufs.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Step Up For Students

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

3/27/17  
Meeting Date

SB 902  
Bill Number (if applicable)

Topic Gardiner Scholarship

Amendment Barcode (if applicable)

Name Shan Goff

Job Title Asst. Policy Director

Address 215 S Monroe Street  
City Tul, FL State FL Zip 32201

Phone 544-6128

Email shan@exelined

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.*

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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)

3/27/17

Meeting Date

SB 902

Bill Number (if applicable)

Topic Gardiner Scholarship Program

Amendment Barcode (if applicable)

Name James Herzog

Job Title Associate Director for Education

Address 201 W Park Ave

Street

Phone (850) 222-3803

Tallahassee FL 32301

City

State

Zip

Email jherzog@flaccb.org

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.*

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S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

3-27-17 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)  
Meeting Date

902  
Bill Number (if applicable)

Topic GARDINER SCHOLARSHIP

Amendment Barcode (if applicable)

Name JEANNE BOGGS

Job Title PARENT

Address 1709 COUNTRY CLUB DR  
Street

Phone 850.567.7325

TALLAHASSEE FL 32301  
City State Zip

Email jeanne.m.boggs@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing MYSELF

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**

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

3-27-17  
Meeting Date

902  
Bill Number (if applicable)

Topic 902

Amendment Barcode (if applicable)

Name Nancy Stacy Stacy

Job Title Director

Address 113 S. Monroe St #101  
Street  
Tallahassee FL 32301  
City State Zip

Phone 850-391-0421

Email info@FCSBM.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Coalition of School Bd Members

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3/27/17  
Meeting Date

902  
Bill Number (if applicable)

Topic Gardiner Expansion

Amendment Barcode (if applicable)

Name Jennifer Wilnot

Job Title private citizen

Address 2030 Doan Dr

Phone 850 204 4505

Street

Tallahassee  
City

FL  
State

32308  
Zip

Email jeni.wilnot@gmail.com

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

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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)

3/27/17

Meeting Date

SB902

Bill Number (if applicable)

Topic

SB 902

Amendment Barcode (if applicable)

Name

Nancy Stacy

Job Title

Director

Address

113 S Monroe St #101

Phone

850-391-0424

Street

Tallahassee

FL

32301

City

State

Zip

Email

info@FCSBM.org

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

FL Coalition of School Bd Members

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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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)

3/27/17  
Meeting Date

1314  
Bill Number (if applicable)

Topic Florida Tax Credit Scholarships

Amendment Barcode (if applicable)

Name James Mosteller

Job Title Advocacy Associate

Address 415 Monroe St.

Phone 850-727-3712

Tallahassee FL 32301  
City State Zip

Email James.m@excalon.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

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

3/27/17

Meeting Date

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

SB 1314

Bill Number (if applicable)

Topic Educational Options

Amendment Barcode (if applicable)

Name James Herzog

Job Title Associate Director for Education

Address 201 W Park Ave

Street

Tallahassee

City

FL

State

32301

Zip

Phone (850) 222-3803

Email jherzog@flaccb.org

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

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S-001 (10/14/14)

# THE FLORIDA SENATE

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

3 | 27 | 17

1314

Topic SB 1314

Amendment Barcode (if applicable)

Name Sara Clements

Job Title Director of External Affairs

Address 1901 Ulmerton Rd #180  
Street

Phone 727-451-9811

Clearwater FL 33762  
City State Zip

Email sclements@sufs.org

Speaking: ☐ For ☐ Against ☐ Information

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

## Representing Step Up For Students

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

03/27/2017

*Meeting Date*

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

1314

*Bill Number (if applicable)*

Topic Florida Tax Credit Scholarship

*Amendment Barcode (if applicable)*

Name Alyson Hochstedler

Job Title \_\_\_\_\_

Address 1003 Harbert St

Phone 850-933-5755

*Street*

Tallahassee

FL

32303

Email \_\_\_\_\_

*City*

*State*

*Zip*

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.*

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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)

3/27/17  
Meeting Date

SB1314  
Bill Number (if applicable)

Topic SB1314

Amendment Barcode (if applicable)

Name Nancy Stacy

Job Title Director

Address 113 S Monroe St. #101  
Street  
Tallahassee FL 32301  
City State Zip

Phone 850-391-0421

Email info@FCSBM.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Fl. Coalition of School Bd 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.*

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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)

<u>Meeting Date</u>		<u>Bill Number (if applicable)</u>	
Topic <u>Credit Fla Tax 1 Scholarship</u>		<u>Amendment Barcode (if applicable)</u>	
Name <u>Joanna Copenhafer</u>			
Job Title <u>Director of Admissions + Public Relations - Trinity</u>			
Address <u>706 E Broward St</u>		Phone <u>(850) 222-0444</u>	
Street			
City <u>Tallahassee FL</u>	State <u>FL</u>	Zip	Email <u>openhaverj@trinityknights.org</u>
City	State	Zip	Email
Speaking: <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> Information		Waive Speaking: <input type="checkbox"/> In Support <input type="checkbox"/> Against	
		(The Chair will read this information into the record.)	
Representing <u>Trinity Catholic School</u>			

Appearing at request of Chair: ☐ Yes ☐ No      Lobbyist registered with Legislature: ☐ Yes ☐ No  
James Herzog Assoc Dir of Ed - Florida Conference of Catholic Bishops

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)

3/27/17

Meeting Date

1314

Bill Number (if applicable)

Topic 1314

Amendment Barcode (if applicable)

Name Nancy Stacy (Marion County School Bd. Member)

Job Title Director

Address 113 S. Monroe St. #101

Phone 850-391-0421

Tallahassee, FL

Email info@FCSBM.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Coalition of School Bd 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)

By Senator Clemens

31-00354-17

2017538\_\_

A bill to be entitled

An act relating to charter schools; amending s.

1002.33, F.S.; requiring applicants for charter status to demonstrate that they meet certain needs that the local school district does not, or is unable to, meet; authorizing a charter school to share the results of innovative methods and best practices with the school district; providing an effective date.

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

Section 1. Subsection (2) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(2) GUIDING PRINCIPLES; PURPOSE.—In order to obtain charter status, an applicant must clearly demonstrate that it meets a specific instructional need or a need for additional educational facilities as defined in s. 1013.01 which the local school district does not, or is unable to, meet. Accordingly, each charter school in this state:

(a) ~~Charter schools in Florida~~ Shall be guided by the following principles:

1. Meet high standards of student achievement while providing flexibility to parents ~~flexibility~~ to choose among diverse educational opportunities within the state's public school system.

2. Promote enhanced academic success and financial efficiency by aligning responsibility with accountability.

3. Provide parents with sufficient information as to ~~on~~ whether their child is reading at grade level and is gaining ~~whether the child gains~~ at least a year's worth of learning for every year spent in the charter school.

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(b) ~~Charter schools~~ Shall fulfill the following purposes:

1. Improve student learning and academic achievement.

2. Increase learning opportunities for all students, with special emphasis on low-performing students and reading.

3. Encourage the use of innovative learning methods.

4. Require the measurement of learning outcomes.

(c) ~~Charter schools~~ May fulfill the following purposes:

1. Create innovative measurement tools.

2. Provide rigorous competition within the public school district to stimulate continual improvement in all public schools.

3. Expand the capacity of the public school system.

4. Mitigate the educational impact of ~~created by~~ the development of new residential dwelling units.

5. Create new professional opportunities for teachers, including ownership of the learning program at the school site.

6. Share the results of innovative methods and best practices with the school district.

Section 2. This act shall take effect July 1, 2017.

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By Senator Baxley

12-00379A-17

2017692\_\_

A bill to be entitled

An act relating to student eligibility for K-12 virtual instruction; amending s. 1002.37, F.S.; revising eligibility requirements for specified students to receive part-time instruction at the Florida Virtual School; removing provisions requiring the Auditor General to conduct an operational audit of the Florida Virtual School; amending s. 1002.455, F.S.; authorizing all students, including home education and private school students, to participate in specified virtual instruction options; deleting the eligibility criteria for a student to participate in virtual instruction; amending s. 1003.4282, F.S.; revising the options that a district school board or charter school governing board may offer for a student to satisfy certain online course requirements; amending ss. 1002.33, 1002.45, 1003.498, and 1011.62, F.S.; conforming provisions and cross-references to changes made by the act; providing an effective date.

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

Section 1. Paragraph (a) of subsection (8) and subsection (11) of section 1002.37, Florida Statutes, are amended to read:

1002.37 The Florida Virtual School.—

(8) (a) The Florida Virtual School may provide full-time and part-time instruction for students in kindergarten through grade 12. ~~To receive part time instruction in kindergarten through grade 5, a student must meet at least one of the eligibility criteria in s. 1002.455(2).~~

~~(11) The Auditor General shall conduct an operational audit of the Florida Virtual School, including Florida Virtual School~~

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~~Global. The scope of the audit shall include, but not be limited to, the administration of responsibilities relating to personnel, procurement and contracting, revenue production, school funds, including internal funds, student enrollment records, franchise agreements, information technology utilization, assets, and security, performance measures and standards, and accountability. The final report on the audit shall be submitted to the President of the Senate and the Speaker of the House of Representatives no later than January 31, 2014.~~

Section 2. Section 1002.455, Florida Statutes, is amended to read:

1002.455 Student eligibility for K-12 virtual instruction.—

~~(1) All students, including home education and private school students, are eligible to participate in any of the following A student may participate in virtual instruction in the school district in which he or she resides if the student meets the eligibility criteria in subsection (2).~~

~~(2) A student is eligible to participate in virtual instruction if:~~

~~(a) The student spent the prior school year in attendance at a public school in the state and was enrolled and reported by the school district for funding during October and February for purposes of the Florida Education Finance Program surveys;~~

~~(b) The student is a dependent child of a member of the United States Armed Forces who was transferred within the last 12 months to this state from another state or from a foreign country pursuant to a permanent change of station order;~~

~~(c) The student was enrolled during the prior school year~~

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in a virtual instruction program under s. 1002.45 or a full-time Florida Virtual School program under s. 1002.37(8)(a);

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

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

~~(f) The student is eligible to enter grades 2 through 5 and is enrolled full-time in a school district virtual instruction program, virtual charter school, or the Florida Virtual School.~~

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

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

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

(3) ~~(e)~~ Virtual courses offered in the course code directory to students within the school district or to students in other school districts throughout the state pursuant to s. 1003.498.

(4) Florida Virtual School instructional services authorized under s. 1002.37.

Section 3. Paragraph (b) of subsection (4) of section 1003.4282, Florida Statutes, is amended to read:

1003.4282 Requirements for a standard high school diploma.—

(4) ONLINE COURSE REQUIREMENT.—At least one course within the 24 credits required under this section must be completed through online learning.

(b) A district school board or a charter school governing

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board, as applicable, may allow a student offer students the following options to satisfy the online course requirements of this subsection by completing:

1. Completion of a course in which the a student earns a nationally recognized industry certification in information technology that is identified on the CAPE Industry Certification Funding List pursuant to s. 1008.44 or passing passage of the information technology certification examination without enrolling enrollment in or completing completion of the corresponding course or courses, as applicable.

2. Passage of an online content assessment, without enrollment in or completion of the corresponding course or courses, as applicable, by which the student demonstrates skills and competency in locating information and applying technology for instructional purposes.

For purposes of this subsection, a school district may not require a student to take the online course outside the school day or in addition to a student's courses for a given semester. This subsection does not apply to a student who has an individual education plan under s. 1003.57 which indicates that an online course would be inappropriate or to an out-of-state transfer student who is enrolled in a Florida high school and has 1 academic year or less remaining in high school.

Section 4. Subsection (1) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(1) AUTHORIZATION.—Charter schools shall be part of the state's program of public education. All charter schools in

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Florida are public schools. A charter school may be formed by creating a new school or converting an existing public school to charter status. A charter school may operate a virtual charter school pursuant to s. 1002.45(1)(d) to provide full-time online instruction to ~~eligible~~ students, pursuant to s. 1002.455, in kindergarten through grade 12. An existing charter school that is seeking to become a virtual charter school must amend its charter or submit a new application pursuant to subsection (6) to become a virtual charter school. A virtual charter school is subject to the requirements of this section; however, a virtual charter school is exempt from subsections (18) and (19), subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and s. 1003.03. A public school may not use the term charter in its name unless it has been approved under this section.

Section 5. Subsection (5) of section 1002.45, Florida Statutes, is amended to read:

1002.45 Virtual instruction programs.—

(5) STUDENT ELIGIBILITY.—A student may enroll in a virtual instruction program provided by the school district or by a virtual charter school operated in the district in which he or she resides ~~if the student meets eligibility requirements for virtual instruction~~ pursuant to s. 1002.455.

Section 6. Subsection (2) of section 1003.498, Florida Statutes, is amended to read:

1003.498 School district virtual course offerings.—

(2) School districts may offer virtual courses for students enrolled in the school district. These courses must be identified in the course code directory. Students ~~who meet the eligibility requirements of s. 1002.455~~ may participate in these

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virtual course offerings pursuant to s. 1002.455.

(a) Any ~~eligible~~ student who is enrolled in a school district may register and enroll in an online course offered by his or her school district.

(b)1. Any ~~eligible~~ student who is enrolled in a school district may register and enroll in an online course offered by any other school district in the state. The school district in which the student completes the course shall report the student's completion of that course for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and the home school district shall not report the student for funding for that course.

2. The full-time equivalent student membership calculated under this subsection is subject to the requirements in s. 1011.61(4). The Department of Education shall establish procedures to enable interdistrict coordination for the delivery and funding of this online option.

Section 7. Subsection (11) of section 1011.62, Florida Statutes, is amended to read:

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

(11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may annually provide in the Florida Education Finance Program a virtual education contribution. The amount of the virtual education contribution shall be the difference between the amount per FTE established in the General Appropriations Act for

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178 virtual education and the amount per FTE for each district and  
179 the Florida Virtual School, which may be calculated by taking  
180 the sum of the base FEFP allocation, the discretionary local  
181 effort, the state-funded discretionary contribution, the  
182 discretionary millage compression supplement, the research-based  
183 reading instruction allocation, and the instructional materials  
184 allocation, and then dividing by the total unweighted FTE. This  
185 difference shall be multiplied by the virtual education  
186 unweighted FTE for programs and options identified in s.  
187 1002.455 ~~s. 1002.455(3)~~ and the Florida Virtual School and its  
188 franchises to equal the virtual education contribution and shall  
189 be included as a separate allocation in the funding formula.

190 Section 8. This act shall take effect July 1, 2017.



By Senator Baxley

12-00758-17

2017696\_\_

A bill to be entitled

An act relating to charter schools; amending s. 1002.33, F.S.; requiring a sponsor to honor irrevocable instructions by a charter school to deposit certain funds; providing that certain sponsor policies and charter contract provisions are void and unenforceable; providing legislative intent; requiring a sponsor to honor security interests, liens, and encumbrances on charter school property, including security interests and liens on public funds, before it reverts to the sponsor; authorizing a charter school to enter into certain financial arrangements; providing for liberal construction; providing that a charter school that pledges or assigns future payment of its funding is not pledging the credit or taxing power of the state or a school district; providing an exception to the requirement that a district school board make timely and efficient payment and reimbursement to a charter school; requiring that a district school board issue payment within a specified period after receiving funds distributed through the Florida Education Finance Program; providing an effective date.

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

Section 1. Paragraph (b) of subsection (5), paragraph (e) of subsection (8), subsection (14), and paragraph (e) of subsection (17) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(5) SPONSOR; DUTIES.—

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(b) *Sponsor duties.*—

1.a. The sponsor shall monitor and review the charter school in its progress toward the goals established in the charter.

b. The sponsor shall monitor the revenues and expenditures of the charter school and perform the duties provided in s. 1002.345.

c. The sponsor may approve a charter for a charter school before the applicant has identified space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working funds.

d. The sponsor shall not apply its policies to a charter school unless mutually agreed to by both the sponsor and the charter school. If the sponsor subsequently amends any agreed-upon sponsor policy, the version of the policy in effect at the time of the execution of the charter, or any subsequent modification thereof, shall remain in effect and the sponsor may not hold the charter school responsible for any provision of a newly revised policy until the revised policy is mutually agreed upon.

e. The sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 1000.03(5).

f. The sponsor shall ensure that the charter school participates in the state's education accountability system. If a charter school falls short of performance measures included in the approved charter, the sponsor shall report such shortcomings to the Department of Education.

g. The sponsor shall not be liable for civil damages under

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state law for personal injury, property damage, or death resulting from an act or omission of an officer, employee, agent, or governing body of the charter school.

h. The sponsor shall not be liable for civil damages under state law for any employment actions taken by an officer, employee, agent, or governing body of the charter school.

i. The sponsor's duties to monitor the charter school shall not constitute the basis for a private cause of action.

j. The sponsor shall not impose additional reporting requirements on a charter school without providing reasonable and specific justification in writing to the charter school.

k. The sponsor shall submit an annual report to the Department of Education in a web-based format to be determined by the department.

(I) The report shall include the following information:

(A) The number of draft applications received on or before May 1 and each applicant's contact information.

(B) The number of final applications received on or before August 1 and each applicant's contact information.

(C) The date each application was approved, denied, or withdrawn.

(D) The date each final contract was executed.

(II) Beginning August 31, 2013, and each year thereafter, the sponsor shall submit to the department the information for the applications submitted the previous year.

(III) The department shall compile an annual report, by district, and post the report on its website by November 1 of each year.

1. The sponsor shall honor irrevocable instructions by a

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charter school to deposit funds due to the charter school pursuant to subsection (17). Any sponsor policy or provision in a charter contract that conflicts with this sub-subparagraph is void and unenforceable. It is the intent of the Legislature that charter schools be authorized to enter into financial arrangements that are consistent with this sub-subparagraph and the guiding principles described in subsection (2).

2. Immunity for the sponsor of a charter school under subparagraph 1. applies only with respect to acts or omissions not under the sponsor's direct authority as described in this section.

3. This paragraph does not waive a district school board's sovereign immunity.

4. A Florida College System institution may work with the school district or school districts in its designated service area to develop charter schools that offer secondary education. These charter schools must include an option for students to receive an associate degree upon high school graduation. If a Florida College System institution operates an approved teacher preparation program under s. 1004.04 or s. 1004.85, the institution may operate no more than one charter school that serves students in kindergarten through grade 12. In kindergarten through grade 8, the charter school shall implement innovative blended learning instructional models in which, for a given course, a student learns in part through online delivery of content and instruction with some element of student control over time, place, path, or pace and in part at a supervised brick-and-mortar location away from home. A student in a blended learning course must be a full-time student of the charter

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school and receive the online instruction in a classroom setting at the charter school. District school boards shall cooperate with and assist the Florida College System institution on the charter application. Florida College System institution applications for charter schools are not subject to the time deadlines outlined in subsection (6) and may be approved by the district school board at any time during the year. Florida College System institutions may not report FTE for any students who receive FTE funding through the Florida Education Finance Program.

5. A school district may enter into nonexclusive interlocal agreements with federal and state agencies, counties, municipalities, and other governmental entities that operate within the geographical borders of the school district to act on behalf of such governmental entities in the inspection, issuance, and other necessary activities for all necessary permits, licenses, and other permissions that a charter school needs in order for development, construction, or operation. A charter school may use, but may not be required to use, a school district for these services. The interlocal agreement must include, but need not be limited to, the identification of fees that charter schools will be charged for such services. The fees must consist of the governmental entity's fees plus a fee for the school district to recover no more than actual costs for providing such services. These services and fees are not included within the services to be provided pursuant to subsection (20).

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

(e) When a charter is not renewed or is terminated, the

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school shall be dissolved under the provisions of law under which the school was organized, and any unencumbered public funds, except for capital outlay funds and federal charter school program grant funds, from the charter school shall revert to the sponsor. Capital outlay funds provided pursuant to s. 1013.62 and federal charter school program grant funds that are unencumbered shall revert to the department to be redistributed among eligible charter schools. In the event a charter school is dissolved or is otherwise terminated, all district school board property and improvements, furnishings, and equipment purchased with public funds shall automatically revert to full ownership by the district school board, subject to complete satisfaction of any lawful liens or encumbrances. Any unencumbered public funds from the charter school, district school board property and improvements, furnishings, and equipment purchased with public funds, or financial or other records pertaining to the charter school, in the possession of any person, entity, or holding company, other than the charter school, shall be held in trust upon the district school board's request, until any appeal status is resolved. The sponsor shall honor any lawful security interests, liens, and encumbrances on property, including security interests and liens on public funds, held by a charter school before such property reverts to the sponsor.

(14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR TAXING POWER NOT TO BE PLEDGED.—

(a) In addition to the powers prescribed in s. 617.0302, and notwithstanding any other provision of law, a charter school authorized in this section may enter into arrangements to borrow

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178 or otherwise secure funds and to assign, pledge, and encumber  
 179 its assets consistent with s. 617.0302(7). This paragraph shall  
 180 be liberally construed.  
 181 (b) Any arrangement entered into to borrow or otherwise  
 182 secure funds for a charter school authorized in this section  
 183 from a source other than the state or a school district shall  
 184 indemnify the state and the school district from any and all  
 185 liability, including, but not limited to, financial  
 186 responsibility for the payment of the principal or interest. Any  
 187 loans, bonds, or other financial agreements are not obligations  
 188 of the state or the school district but are obligations of the  
 189 charter school authority and are payable solely from the sources  
 190 of funds pledged by such agreement. The credit or taxing power  
 191 of the state or the school district shall not be pledged and no  
 192 debts shall be payable out of any moneys except those of the  
 193 legal entity in possession of a valid charter approved by a  
 194 district school board pursuant to this section. A charter school  
 195 that pledges or assigns the future payment of its funding is not  
 196 deemed to be pledging the credit or taxing power of the state or  
 197 a school district. This paragraph does not relieve the sponsor  
 198 of its obligations to fund a charter school pursuant to this  
 199 section or to honor any lawful security interests, liens, and  
 200 encumbrances on property, including security interests and liens  
 201 on public funds, held by the charter school in accordance with  
 202 paragraph (8) (e).

203 (17) FUNDING.—Students enrolled in a charter school,  
 204 regardless of the sponsorship, shall be funded as if they are in  
 205 a basic program or a special program, the same as students  
 206 enrolled in other public schools in the school district. Funding

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207 for a charter lab school shall be as provided in s. 1002.32.  
 208 (e) District school boards shall make timely and efficient  
 209 payment and reimbursement to charter schools, including  
 210 processing paperwork required to access special state and  
 211 federal funding for which they may be eligible, unless a charter  
 212 school's contract has been terminated and the charter school has  
 213 failed to file a timely appeal pursuant to subsection (8).  
 214 Payments of funds under paragraph (b) shall be made monthly or  
 215 twice a month, beginning with the start of the district school  
 216 board's fiscal year. Each payment shall be one-twelfth, or one  
 217 twenty-fourth, as applicable, of the total state and local funds  
 218 described in paragraph (b) and adjusted as set forth therein.  
 219 For the first 2 years of a charter school's operation, if a  
 220 minimum of 75 percent of the projected enrollment is entered  
 221 into the sponsor's student information system by the first day  
 222 of the current month, the district school board shall distribute  
 223 funds to the school for the months of July through October based  
 224 on the projected full-time equivalent student membership of the  
 225 charter school as submitted in the approved application. If less  
 226 than 75 percent of the projected enrollment is entered into the  
 227 sponsor's student information system by the first day of the  
 228 current month, the sponsor shall base payments on the actual  
 229 number of student enrollment entered into the sponsor's student  
 230 information system. Thereafter, the results of full-time  
 231 equivalent student membership surveys shall be used in adjusting  
 232 the amount of funds distributed monthly to the charter school  
 233 for the remainder of the fiscal year. The payments shall be  
 234 issued no later than 10 working days after the district school  
 235 board receives a distribution of state or federal funds,

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236 including funds distributed through the Florida Education  
237 Finance Program pursuant to s. 1011.66, or the date the payment  
238 is due pursuant to this subsection. If a warrant for payment is  
239 not issued within 10 working days after receipt of funding by  
240 the district school board, the school district shall pay to the  
241 charter school, in addition to the amount of the scheduled  
242 disbursement, interest at a rate of 1 percent per month  
243 calculated on a daily basis on the unpaid balance from the  
244 expiration of the 10 working days until such time as the warrant  
245 is issued. The district school board may not delay payment to a  
246 charter school of any portion of the funds provided in paragraph  
247 (b) based on the timing of receipt of local funds by the  
248 district school board.

249 Section 2. This act shall take effect July 1, 2017.

By Senator Bean

4-00439-17

2017796\_\_

A bill to be entitled

An act relating to charter schools; amending s. 1002.33, F.S.; revising charter school contract and funding requirements; creating s. 1002.333, F.S.; defining terms; authorizing certain entities to apply for designation as a High-Impact Charter Management Organization; requiring the State Board of Education to adopt rules; providing criteria for an initial and renewal designation; providing that the charter school may receive charter school capital outlay; authorizing certain administrative fees to be waived under certain conditions; requiring the Department of Education to give priority to certain charter schools applying for specified grants; amending s. 1013.62, F.S.; revising the standards that a charter school must meet to be eligible for a funding allocation; providing an effective date.

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

Section 1. Paragraph (n) of subsection (9) and paragraph (c) of subsection (17) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(9) CHARTER SCHOOL REQUIREMENTS.—

(n)1. The director and a representative of the governing board of a charter school that has earned a grade of "D" or "F" pursuant to s. 1008.34 shall appear before the sponsor to present information concerning each contract component having noted deficiencies. The director and a representative of the governing board shall submit to the sponsor for approval a school improvement plan to raise student performance. Upon

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approval by the sponsor, the charter school shall begin implementation of the school improvement plan. The department shall offer technical assistance and training to the charter school and its governing board and establish guidelines for developing, submitting, and approving such plans.

2.a. If a charter school earns three consecutive grades of "D," two consecutive grades of "D" followed by a grade of "F," or two nonconsecutive grades of "F" within a 3-year period, the charter school governing board shall choose one of the following corrective actions:

(I) Contract for educational services to be provided directly to students, instructional personnel, and school administrators, as prescribed in state board rule;

(II) Contract with an outside entity that has a demonstrated record of effectiveness to operate the school;

(III) Reorganize the school under a new director or principal who is authorized to hire new staff; or

(IV) Voluntarily close the charter school.

b. The charter school must implement the corrective action in the school year following receipt of a third consecutive grade of "D," a grade of "F" following two consecutive grades of "D," or a second nonconsecutive grade of "F" within a 3-year period.

c. The sponsor may annually waive a corrective action if it determines that the charter school is likely to improve a letter grade if additional time is provided to implement the intervention and support strategies prescribed by the school improvement plan. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" is

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subject to subparagraph 4.

d. A charter school is no longer required to implement a corrective action if it improves by at least one letter grade. However, the charter school must continue to implement strategies identified in the school improvement plan. The sponsor must annually review implementation of the school improvement plan to monitor the school's continued improvement pursuant to subparagraph 5.

e. A charter school implementing a corrective action that does not improve by at least one letter grade after 2 full school years of implementing the corrective action must select a different corrective action. Implementation of the new corrective action must begin in the school year following the implementation period of the existing corrective action, unless the sponsor determines that the charter school is likely to improve a letter grade if additional time is provided to implement the existing corrective action. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" while implementing a corrective action is subject to subparagraph 4.

3. A charter school with a grade of "D" or "F" which that improves by at least one letter grade must continue to implement the strategies identified in the school improvement plan. The sponsor must annually review implementation of the school improvement plan to monitor the school's continued improvement pursuant to subparagraph 5.

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

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a. The charter school is established to turn around the performance of a district public school pursuant to s. 1008.33(4)(b)3. Such charter schools shall be governed by s. 1008.33;

b. The charter school is designated under s. 1002.333 as a High-Impact Charter Management Organization to serve a critical need area or serves a student population the majority of which resides in a school zone served by a district public school that earned a grade of "F" in the year before the charter school opened and the charter school earns at least a grade of "D" in its third year of operation. The exception provided under this sub-subparagraph does not apply to a charter school in its fourth year of operation and thereafter; or

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

The sponsor shall notify the charter school's governing board, the charter school principal, and the department in writing when a charter contract is terminated under this subparagraph. The letter of termination must meet the requirements of paragraph

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(8) (c). A charter terminated under this subparagraph must follow the procedures for dissolution and reversion of public funds pursuant to paragraphs (8) (e)-(g) and (9) (o).

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

6. Notwithstanding any provision of this paragraph except sub-subparagraphs 4.a.-c., the sponsor may terminate the charter at any time pursuant to subsection (8).

(17) FUNDING.—Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district. Funding for a charter lab school shall be as provided in s. 1002.32.

(c) If the district school board is providing programs or services to students funded by federal funds, any eligible students enrolled in charter schools in the school district shall be provided federal funds for the same level of service provided students in the schools operated by the district school board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all charter schools shall receive all federal funding for which the school is otherwise eligible, including Title I funding, not

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later than 5 months after the charter school first opens and within 5 months after any subsequent expansion of enrollment. Unless otherwise mutually agreed to by the charter school and its sponsor, and consistent with state and federal rules and regulations governing the use and disbursement of federal funds, the sponsor shall reimburse the charter school on a monthly basis for all invoices submitted by the charter school for federal funds available to the sponsor for the benefit of the charter school, the charter school's students, and the charter school's students as public school students in the school district. Such federal funds include, but are not limited to, Title I, Title II, and Individuals with Disabilities Education Act (IDEA) funds. The department shall provide school districts with technical assistance to ensure the federal funds are allocated to charter schools using an appropriate methodology. To receive timely reimbursement for an invoice, the charter school must submit the invoice to the sponsor at least 30 days before the monthly date of reimbursement set by the sponsor. In order to be reimbursed, any expenditures made by the charter school must comply with all applicable state rules and federal regulations, including, but not limited to, the applicable federal Office of Management and Budget Circulars; the federal Education Department General Administrative Regulations; and program-specific statutes, rules, and regulations. Such funds may not be made available to the charter school until a plan is submitted to the sponsor for approval of the use of the funds in accordance with applicable federal requirements. The sponsor has 30 days to review and approve any plan submitted pursuant to this paragraph.



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178 Section 2. Section 1002.333, Florida Statutes, is created  
 179 to read:  
 180 1002.333 High-Impact Charter Management Organization.—  
 181 (1) As used in this section, the term:  
 182 (a) "Critical need area" means an area designated as such  
 183 by the Legislature or an area that is served by one or more  
 184 public schools that are subject to the turnaround options  
 185 specified in s. 1008.33(4) (b).  
 186 (b) "Entity" means a nonprofit organization with tax exempt  
 187 status under s. 501(c)(3) of the Internal Revenue Code which is  
 188 authorized by law to operate a public charter school.  
 189 (2) An entity that successfully operates a system of  
 190 charter schools which primarily serves educationally  
 191 disadvantaged students who are eligible for free or reduced-  
 192 price lunch under the Richard B. Russell National School Lunch  
 193 Act, may apply to the State Board of Education for status as a  
 194 High-Impact Charter Management Organization.  
 195 (3) The State Board of Education shall adopt rules  
 196 prescribing the process and criteria for the initial designation  
 197 and renewal designation of a High-Impact Charter Management  
 198 Organization. The criteria for initial designation must include  
 199 a review of the data from all schools currently and previously  
 200 operated by the entity during the past 3 years and the  
 201 comparison of student-level data to the data of similar students  
 202 in other schools. The initial designation period may not exceed  
 203 5 years. The criteria for initial and renewal designation must  
 204 include, but need not be limited to, all of the following:  
 205 (a) Student demographic and achievement data, including  
 206 performance on statewide assessments and nationally norm-

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207 referenced assessments.  
 208 (b) Student attendance, promotion, retention, and  
 209 graduation rates.  
 210 (c) Other student outcome data, such as college attendance  
 211 rates and completion rates.  
 212 (d) Annual finance statements and audits.  
 213 (4) An entity that is designated as a High-Impact Charter  
 214 Management Organization may:  
 215 (a) Submit an application to a local school board pursuant  
 216 to s. 1002.33 to establish and operate charter schools in  
 217 critical need areas;  
 218 (b) Take the actions described in s. 1002.331(2); and  
 219 (c) Notwithstanding the criteria in s. 1002.33(25), be  
 220 designated as a local educational agency for the purpose of  
 221 receiving federal funds.  
 222 (5) Notwithstanding s. 1013.62(1)(a), a charter school  
 223 operated by a High-Impact Charter Management Organization is  
 224 eligible to receive charter school capital outlay.  
 225 (6) The administrative fee provided for in s.  
 226 1002.33(20) (a)2. shall be waived for a charter school  
 227 established by a High-Impact Charter Management Organization in  
 228 a critical need area if the entity maintains its status as a  
 229 High-Impact Charter Management Organization.  
 230 (7) The department shall give priority to charter schools  
 231 operated by a High-Impact Charter Management Organization in the  
 232 department's Public Charter School Grant Program competitions.  
 233 Such priority treatment may be provided only for a new charter  
 234 school that will operate in a critical need area.  
 235 (8) If an entity seeks status renewal, the State Board of

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236 Education shall review the academic and financial performance of  
 237 the charter schools established in critical need areas  
 238 consistent with subsection (3).

239 (9) The State Board of Education shall adopt rules under  
 240 ss. 120.536(1) and 120.54 to administer this section.

241 Section 3. Paragraph (a) of subsection (1) of section  
 242 1013.62, Florida Statutes, is amended to read:

243 1013.62 Charter schools capital outlay funding.-

244 (1) In each year in which funds are appropriated for  
 245 charter school capital outlay purposes, the Commissioner of  
 246 Education shall allocate the funds among eligible charter  
 247 schools as specified in this section.

248 (a) To be eligible for a funding allocation, a charter  
 249 school must:

250 1.a. Have been in operation for 2 or more years;

251 b. Be governed by a governing board established in the  
 252 state for 3 or more years which operates both charter schools  
 253 and conversion charter schools within the state;

254 c. Be an expanded feeder chain of a charter school within  
 255 the same school district that is currently receiving charter  
 256 school capital outlay funds;

257 d. Have been accredited by the Commission on Schools of the  
 258 Southern Association of Colleges and Schools; or

259 e. Serve students in facilities that are provided by a  
 260 business partner for a charter school-in-the-workplace pursuant  
 261 to s. 1002.33(15)(b).

262 2. Have an annual audit that does not reveal any of the  
 263 financial emergency conditions provided in s. 218.503(1) for the  
 264 most recent fiscal year for which such audit results are

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265 available.

266 ~~3. Have satisfactory student achievement based on state~~  
 267 ~~accountability standards applicable to the charter school.~~

268 ~~3.4.~~ Have received final approval from its sponsor pursuant  
 269 to s. 1002.33 for operation during that fiscal year.

270 ~~4.5.~~ Serve students in facilities that are not provided by  
 271 the charter school's sponsor.

272 Section 4. This act shall take effect July 1, 2017.

By Senator Baxley

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1 A bill to be entitled  
 2 An act relating to educational options and services;  
 3 amending s. 413.011, F.S.; providing that a  
 4 participant in an adult or youth work experience  
 5 activity in the Division of Blind Services is  
 6 considered an employee of the state for workers'  
 7 compensation coverage; creating s. 413.209, F.S.;  
 8 providing that a participant in an adult or youth work  
 9 experience activity in vocational rehabilitation  
 10 programs is considered an employee of the state for  
 11 workers' compensation coverage; amending ss. 1002.37  
 12 and 1002.45, F.S.; revising student eligibility  
 13 requirements for the Florida Virtual School and  
 14 virtual instruction programs; repealing s. 1002.455,  
 15 F.S., relating to student eligibility for K-12 virtual  
 16 instruction; amending s. 1003.4282, F.S.; specifying  
 17 diploma designation and work experience options  
 18 available for a student with a disability; amending s.  
 19 1003.52, F.S.; revising the type of programs and  
 20 participants served in Department of Juvenile Justice  
 21 education programs; amending s. 1004.015, F.S.;  
 22 revising the membership of the Higher Education  
 23 Coordinating Council; amending s. 1004.04, F.S.;  
 24 requiring an institution that seeks initial approval  
 25 after a specified date to offer a graduate-level  
 26 teacher preparation program to offer students certain  
 27 options; amending s. 1007.27, F.S.; requiring Advanced  
 28 International Certificate of Education Program and  
 29 International General Certificate of Secondary  
 30 Education Program courses that a student may receive  
 31 credit for to be specified in the statewide  
 32 articulation agreement; amending s. 1007.271, F.S.;

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33 specifying that career dual enrollment is an option  
 34 for students to earn career certificates leading to  
 35 industry certifications; expanding the rulemaking  
 36 authority of the State Board of Education; authorizing  
 37 the Commissioner of Education to approve a statewide  
 38 dual enrollment articulation agreement for the Florida  
 39 Virtual School; amending ss. 1002.33, 1003.498, and  
 40 1011.62, F.S.; conforming provisions to changes made  
 41 by the act; providing an effective date.  
 42

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

45 Section 1. Subsection (2) of section 413.011, Florida  
 46 Statutes, is amended to read:

47 413.011 Division of Blind Services, legislative policy,  
 48 intent; internal organizational structure and powers;  
 49 Rehabilitation Council for the Blind.—

50 (2) PROGRAM OF SERVICES.—

51 (a) It is the intent of the Legislature to establish a  
 52 coordinated program of services which will be available to  
 53 individuals throughout this state who are blind. The program  
 54 must be designed to maximize employment opportunities for such  
 55 individuals and to increase their independence and self-  
 56 sufficiency.

57 (b) A participant in an adult or youth work experience  
 58 activity that is administered under this section shall be deemed  
 59 an employee of the state for purposes of workers' compensation  
 60 coverage. In determining the average weekly wage, all  
 61 remuneration received from the employer must be considered a

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gratuity, and the participant is not entitled to any benefits otherwise payable under s. 440.15, regardless of whether the participant may be receiving wages and remuneration from other employment with another employer and regardless of his or her future wage-earning capacity.

Section 2. Section 413.209, Florida Statutes, is created to read:

413.209 Workers' compensation coverage for customers in an adult or youth work experience.—A participant in an adult or youth work experience activity that is administered under this part shall be deemed an employee of the state for purposes of workers' compensation coverage. In determining the average weekly wage, all remuneration received from the employer must be considered a gratuity, and the participant is not entitled to any benefits otherwise payable under s. 440.15, regardless of whether the participant may be receiving wages and remuneration from other employment with another employer and regardless of his or her future wage-earning capacity.

Section 3. Subsection (8) of section 1002.37, Florida Statutes, is amended to read:

1002.37 The Florida Virtual School.—

(8) (a) The Florida Virtual School may provide full-time and part-time instruction for students in kindergarten through grade 12. ~~To receive part-time instruction in kindergarten through grade 5, a student must meet at least one of the eligibility criteria in s. 1002.455(2).~~

(b) For students receiving part-time instruction in kindergarten through grade 5 and students receiving full-time instruction in kindergarten through grade 12 from the Florida

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Virtual School, the full-time equivalent student enrollment calculated under this subsection is subject to the requirements in s. 1011.61(4).

Section 4. Subsection (5) of section 1002.45, Florida Statutes, is amended to read:

1002.45 Virtual instruction programs.—

(5) STUDENT ELIGIBILITY.—A student may enroll in a full-time or part-time virtual instruction program in kindergarten through grade 12 which is provided by the school district or by a virtual charter school operated in the district in which he or she resides ~~if the student meets eligibility requirements for virtual instruction pursuant to s. 1002.455.~~

Section 5. Section 1002.455, Florida Statutes, is repealed.

Section 6. Paragraphs (a), (b), and (c) of subsection (10) of section 1003.4282, Florida Statutes, are amended to read:

1003.4282 Requirements for a standard high school diploma.—

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

(a) A parent of the student with a disability shall, in collaboration with the individual education plan (IEP) team during the transition planning process pursuant to s. 1003.5716, declare an intent for the student to graduate from high school with ~~either~~ a standard high school diploma. The student must also be offered the option to pursue a scholar or merit designation pursuant to s. 1003.4285 or a certificate of completion. ~~A student with a disability who does not satisfy the standard high school diploma requirements pursuant to this section shall be awarded a certificate of completion.~~

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(b) The following options, in addition to the other options specified in this section, may be used to satisfy the standard high school diploma requirements, as specified in the student's individual education plan:

1. For a student with a disability for whom the IEP team has determined that the Florida Alternate Assessment is the most appropriate measure of the student's skills:

a. A combination of course substitutions, assessments, industry certifications, other acceleration options, or occupational completion points appropriate to the student's unique skills and abilities that meet the criteria established by State Board of Education rule.

b. A portfolio of quantifiable evidence that documents a student's mastery of academic standards through rigorous metrics established by State Board of Education rule. A portfolio may include, but is not limited to, documentation of work experience, internships, community service, and postsecondary credit.

2. For a student with a disability for whom the IEP team has determined that mastery of academic and employment competencies is the most appropriate way for a student to demonstrate his or her skills:

a. Documented completion of the minimum high school graduation requirements, including the number of course credits prescribed by rules of the State Board of Education.

~~b. Documented achievement of all annual goals and short-term objectives for academic and employment competencies, industry certifications, and occupational completion points specified in the student's transition plan. The documentation~~

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~~must be verified by the IEP team.~~

~~b.e.~~ Documented successful employment for the number of hours per week specified in the student's employment transition plan, for the equivalent of 1 semester, and payment of a minimum wage in compliance with the requirements of the federal Fair Labor Standards Act or documented work experience in a structured work-study, internship, or preapprenticeship program for the number of hours per week specified in the student's employment transition plan, for the equivalent of 1 semester.

~~c.d.~~ Documented mastery of the academic and employment competencies, industry certifications, and occupational completion points specified in the student's transition plan. The documentation must be verified by the IEP team, the employer, and the teacher. The transition plan must be developed and signed by the student, parent, teacher, and employer before placement in employment and must identify the following:

(I) The expected academic and employment competencies, industry certifications, and occupational completion points;

(II) The criteria for determining and certifying mastery of the competencies;

(III) The work schedule and the minimum number of hours to be worked per week; and

(IV) A description of the supervision to be provided by the school district.

3. Any change to the high school graduation option specified in the student's IEP must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.

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

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

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

The State Board of Education shall adopt rules under ss.

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

Section 7. Subsections (5) and (7) of section 1003.52, Florida Statutes, are amended to read:

1003.52 Educational services in Department of Juvenile Justice programs.—

(5) The educational program ~~must~~ shall provide instruction based on each student's individualized transition plan, assessed educational needs, and the education programs available in the school district in which the student will return. Depending on the student's needs, educational programming may consist of remedial courses, academic courses required for grade advancement, CAPE courses, high school equivalency examination

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preparation, or exceptional student education curricula and related services which support the transition goals and reentry and which may lead to completion of the requirements for receipt of a high school diploma or its equivalent. Prevention and day treatment juvenile justice education programs, at a minimum, shall provide career readiness and exploration opportunities as well as truancy and dropout prevention intervention services. Residential juvenile justice education programs with a contracted minimum length of stay of 9 months shall provide CAPE courses that lead to preapprentice certifications and industry certifications. Programs with contracted lengths of stay of less than 9 months may provide career education courses that lead to preapprentice certifications and CAPE industry certifications. If the duration of a detention program is less than 40 days, the educational component may be limited to tutorial remediation activities, career employability skills instruction, education counseling, and transition services that prepare students for a return to school, the community, and their home settings based on the students' needs.

(7) An individualized progress monitoring plan shall be developed for all students ~~not classified as exceptional education students~~ upon entry in a juvenile justice education program and upon reentry in the school district. These plans shall address academic, literacy, and career and technical skills and shall include provisions for intensive remedial instruction in the areas of weakness.

Section 8. Present paragraphs (d) through (i) of subsection (2) of section 1004.015, Florida Statutes, are redesignated as paragraphs (e) through (j), respectively, and a new paragraph

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(d) is added to that subsection, to read:

1004.015 Higher Education Coordinating Council.—

(2) Members of the council shall include:

(d) The Chancellor of Career and Adult Education.

Section 9. Present paragraph (c) of subsection (3) of section 1004.04, Florida Statutes, is redesignated as paragraph (d), and a new paragraph (c) is added to that subsection, to read:

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

(3) INITIAL STATE PROGRAM APPROVAL.—

(c) Beginning July 1, 2017, an institution that seeks initial approval to offer only a graduate-level teacher preparation program in an educator certification area that does not require a graduate-level degree shall provide students an option to complete the initial preparation program at the bachelor's level. An existing state-approved program must also meet this requirement when it seeks continued approval pursuant to subsection (4).

Section 10. Subsection (8) of section 1007.27, Florida Statutes, is amended to read:

1007.27 Articulated acceleration mechanisms.—

(8) The Advanced International Certificate of Education Program and the International General Certificate of Secondary Education (pre-AICE) Program shall be the curricula in which eligible secondary students are enrolled in programs of study offered through the Advanced International Certificate of Education Program or the International General Certificate of Secondary Education (pre-AICE) Program administered by the

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University of Cambridge Local Examinations Syndicate. The State Board of Education and the Board of Governors shall specify in the statewide articulation agreement required by s. 1007.23(1) the cutoff scores and Advanced International Certificate of Education examinations which will be used to grant postsecondary credit at Florida College System institutions and universities. Any changes to the cutoff scores, which changes have the effect of raising the required cutoff score or of changing the Advanced International Certification of Education examinations which will be used to grant postsecondary credit, shall apply to students taking Advanced International Certificate of Education examinations after such changes are adopted by the State Board of Education and the Board of Governors. Students shall be awarded a maximum of 30 semester credit hours pursuant to this subsection. The specific course for which a student may receive such credit shall be specified in the statewide articulation agreement required by s. 1007.23(1) ~~determined by the Florida College System institution or university that accepts the student for admission.~~ Students enrolled in either program of study pursuant to this subsection shall be exempt from the payment of any fees for administration of the examinations regardless of whether the student achieves a passing score on the examination.

Section 11. Subsections (1), (7), and (12) of section 1007.271, Florida Statutes, are amended, and subsection (26) is added to that section, to read:

1007.271 Dual enrollment programs.—

(1) The dual enrollment program is the enrollment of an eligible secondary student or home education student in a

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 294 postsecondary course creditable toward high school completion  
 295 and a career certificate leading to an industry certification or  
 296 an associate or baccalaureate degree as specified by State Board  
 297 of Education rule. A student who is enrolled in postsecondary  
 298 instruction that is not creditable toward a high school diploma  
 299 may not be classified as a dual enrollment student.

(7) Career dual enrollment shall be provided as a  
 301 curricular option for secondary students to pursue in order to  
 302 earn career certificates leading to industry certifications  
 303 adopted pursuant to s. 1008.44, which count as credits toward  
 304 the high school diploma. ~~Career dual enrollment shall be~~  
 305 ~~available for secondary students seeking a degree and industry~~  
 306 ~~certification through a career education program or course.~~

(12) The State Board of Education shall adopt rules  
 308 necessary to administer this section, including rules related to  
 309 student eligibility and participation, courses and programs,  
 310 funding, and articulation agreements for any dual enrollment  
 311 ~~programs involving requirements for high school graduation.~~

(26) The Commissioner of Education may approve a statewide  
 313 dual enrollment articulation agreement for the Florida Virtual  
 314 School to enroll Florida Virtual School full-time students at a  
 315 postsecondary institution eligible to participate in the dual  
 316 enrollment program pursuant to s. 1011.62(1)(i).

Section 12. Subsection (1) of section 1002.33, Florida  
 318 Statutes, is amended to read:

1002.33 Charter schools.—

(1) AUTHORIZATION.—Charter schools shall be part of the  
 321 state's program of public education. All charter schools in  
 322 Florida are public schools. A charter school may be formed by

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 323 creating a new school or converting an existing public school to  
 324 charter status. A charter school may operate a virtual charter  
 325 school pursuant to s. 1002.45(1)(d) to provide full-time online  
 326 instruction to eligible students, ~~pursuant to s. 1002.455,~~ in  
 327 kindergarten through grade 12. An existing charter school that  
 328 is seeking to become a virtual charter school must amend its  
 329 charter or submit a new application pursuant to subsection (6)  
 330 to become a virtual charter school. A virtual charter school is  
 331 subject to the requirements of this section; however, a virtual  
 332 charter school is exempt from subsections (18) and (19),  
 333 subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and  
 334 s. 1003.03. A public school may not use the term charter in its  
 335 name unless it has been approved under this section.

Section 13. Subsection (2) of section 1003.498, Florida  
 337 Statutes, is amended to read:

1003.498 School district virtual course offerings.—

(2) School districts may offer virtual courses for students  
 340 enrolled in the school district. These courses must be  
 341 identified in the course code directory. ~~Students who meet the~~  
 342 ~~eligibility requirements of s. 1002.455 may participate in these~~  
 343 ~~virtual course offerings.~~

(a) Any eligible student who is enrolled in a school  
 345 district may register and enroll in an online course offered by  
 346 his or her school district.

(b)1. Any eligible student who is enrolled in a school  
 348 district may register and enroll in an online course offered by  
 349 any other school district in the state. The school district in  
 350 which the student completes the course shall report the  
 351 student's completion of that course for funding pursuant to s.



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352 1011.61(1)(c)1.b.(VI), and the home school district may ~~shall~~  
 353 not report the student for funding for that course.

354 2. The full-time equivalent student membership calculated  
 355 under this subsection is subject to the requirements in s.  
 356 1011.61(4). The Department of Education shall establish  
 357 procedures to enable interdistrict coordination for the delivery  
 358 and funding of this online option.

359 Section 14. Subsection (11) of section 1011.62, Florida  
 360 Statutes, is amended to read:

361 1011.62 Funds for operation of schools.—If the annual  
 362 allocation from the Florida Education Finance Program to each  
 363 district for operation of schools is not determined in the  
 364 annual appropriations act or the substantive bill implementing  
 365 the annual appropriations act, it shall be determined as  
 366 follows:

367 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may  
 368 annually provide in the Florida Education Finance Program a  
 369 virtual education contribution. The amount of the virtual  
 370 education contribution shall be the difference between the  
 371 amount per FTE established in the General Appropriations Act for  
 372 virtual education and the amount per FTE for each district and  
 373 the Florida Virtual School, which may be calculated by taking  
 374 the sum of the base FEFP allocation, the discretionary local  
 375 effort, the state-funded discretionary contribution, the  
 376 discretionary millage compression supplement, the research-based  
 377 reading instruction allocation, and the instructional materials  
 378 allocation, and then dividing by the total unweighted FTE. This  
 379 difference shall be multiplied by the virtual education  
 380 unweighted FTE for school district-operated part-time and full-

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

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381 time virtual instruction programs, full-time virtual charter  
 382 school programs, virtual courses offered, ~~programs and options~~  
 383 ~~identified in s. 1002.455(3)~~ and the Florida Virtual School and  
 384 its franchises to equal the virtual education contribution and  
 385 shall be included as a separate allocation in the funding  
 386 formula.

387 Section 15. This act shall take effect July 1, 2017.

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

By Senator Simmons

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A bill to be entitled

An act relating to the Gardiner Scholarship Program; amending s. 1002.385, F.S.; redefining the terms "disability" and "IEP"; revising program eligibility requirements; prohibiting a student who is enrolled in the Florida School for the Deaf and the Blind from being eligible for the program; authorizing a parent to select certain additional specialized services; revising the date upon which certain private schools must submit a required report; specifying that certain actions of the private school are a basis for program ineligibility; revising funding calculation requirements; providing an appropriation; providing an effective date.

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

Section 1. Paragraphs (d) and (h) of subsection (2) and paragraph (a) of subsection (3) of section 1002.385, Florida Statutes, are amended, paragraph (e) is added to subsection (4) of that section, and paragraph (c) of subsection (5) and subsections (8) and (13) of that section are amended, to read:

1002.385 The Gardiner Scholarship.—

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

(d) "Disability" means, for a 3- or 4-year-old child or for a student in kindergarten to grade 12, autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association; cerebral palsy, as defined in s. 393.063(6); Down

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syndrome, as defined in s. 393.063(15); an intellectual disability, as defined in s. 393.063(24); Phelan-McDermid syndrome, as defined in s. 393.063(28); Prader-Willi syndrome, as defined in s. 393.063(29); spina bifida, as defined in s. 393.063(40); being a high-risk child, as defined in s. 393.063(23) (a); muscular dystrophy; ~~and~~ Williams syndrome; a rare disease or condition, as defined by the Orphan Drug Act of 1983, Pub. L. No. 97-414; anaphylaxis; or identification as orthopedically impaired, deaf, visually impaired, hospital or homebound, dual sensory impaired, traumatic brain injured, or other health impaired, as defined by rules of the State Board of Education and evidenced by reports from local school districts.

(h) "IEP" means individual education plan, regardless of whether the plan has been reviewed or revised within the last 12 months.

(3) PROGRAM ELIGIBILITY.—A parent of a student with a disability may request and receive from the state a Gardiner Scholarship for the purposes specified in subsection (5) if:

(a) The student:

1. Is a resident of this state;
2. Is 3 or 4 years of age on or before September 1 of the year in which the student applies for program participation or is eligible to enroll in kindergarten through grade 12 in a public school in this state;
3. Has a disability as defined in paragraph (2) (d) or is 5 years of age or older and has previously been identified as a high-risk child, as defined in s. 393.063(23) (a); and
4. Is the subject of an IEP written in accordance with rules of the State Board of Education or with the applicable

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59 rules of another state or has received a diagnosis of a  
 60 disability from a physician who is licensed under chapter 458 or  
 61 chapter 459, ~~or~~ a psychologist who is licensed under chapter  
 62 490, or a physician who holds an active license issued by  
 63 another state or territory of the United States, the District of  
 64 Columbia, or the Commonwealth of Puerto Rico.

65 (4) PROGRAM PROHIBITIONS.—A student is not eligible for the  
 66 program if he or she is:

67 (e) Enrolled in the Florida School for the Deaf and the  
 68 Blind.

69 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be  
 70 used to meet the individual educational needs of an eligible  
 71 student and may be spent for the following purposes:

72 (c) Specialized services by approved providers that are  
 73 selected by the parent. These specialized services may include,  
 74 but are not limited to:

75 1. Applied behavior analysis services as provided in ss.  
 76 627.6686 and 641.31098.

77 2. Services provided by speech-language pathologists as  
 78 defined in s. 468.1125.

79 3. Occupational therapy services as defined in s. 468.203.

80 4. Services provided by physical therapists as defined in  
 81 s. 486.021.

82 5. Services provided by listening and spoken language  
 83 specialists and an appropriate acoustical environment for a  
 84 child who is deaf or hard of hearing and who has received an  
 85 implant or assistive hearing device.

86 6. Services provided by a therapist who is certified by the  
 87 Certification Board for Music Therapists or who has credentials

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88 from the Art Therapy Credentials Board.

89 7. Services provided at a center that is a member of the  
 90 Professional Association of Therapeutic Horsemanship  
 91 International.  
 92

93 A provider of any services receiving payments pursuant to this  
 94 subsection may not share, refund, or rebate any moneys from the  
 95 Gardiner Scholarship with the parent or participating student in  
 96 any manner.

97 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible  
 98 private school may be sectarian or nonsectarian and shall:

99 (a) Comply with all requirements for private schools  
 100 participating in state school choice scholarship programs  
 101 pursuant to s. 1002.421.

102 (b) Provide to the organization, upon request, all  
 103 documentation required for the student's participation,  
 104 including the private school's and student's fee schedules.

105 (c) Be academically accountable to the parent for meeting  
 106 the educational needs of the student by:

107 1. At a minimum, annually providing to the parent a written  
 108 explanation of the student's progress.

109 2. Annually administering or making provision for students  
 110 participating in the program in grades 3 through 10 to take one  
 111 of the nationally norm-referenced tests identified by the  
 112 Department of Education or the statewide assessments pursuant to  
 113 s. 1008.22. Students with disabilities for whom standardized  
 114 testing is not appropriate are exempt from this requirement. A  
 115 participating private school shall report a student's scores to  
 116 the parent.

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3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

a. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10.

b. A participating private school shall submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

(e) Annually contract with an independent certified public accountant to perform the agreed-upon procedures developed under s. 1002.395(6)(o) and produce a report of the results if the private school receives more than \$250,000 in funds from scholarships awarded under this section in the 2014-2015 state fiscal year or a state fiscal year thereafter. A private school subject to this paragraph must submit the report by September 15, 2015, and annually thereafter by August 15 to the organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

~~If The inability of~~ a private school is unable to meet the

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requirements of this subsection or has in consecutive years had material exceptions listed in its agreed-upon procedures reports, ~~there is constitutes~~ a basis for the ineligibility of the private school to participate in the program as determined by the commissioner.

(13) FUNDING AND PAYMENT.—

(a)1. The maximum funding amount granted for an eligible student with a disability, pursuant to subsection (3), shall be equivalent to the base student allocation in the Florida Education Finance Program multiplied by the appropriate cost factor for the educational program that ~~which~~ would have been provided for the student in the district school to which he or she would have been assigned, multiplied by the district cost differential.

2. In addition, an amount equivalent to a share of the guaranteed allocation for exceptional students in the Florida Education Finance Program shall be determined and added to the amount in subparagraph 1. The calculation shall be based on the methodology and the data used to calculate the guaranteed allocation for exceptional students for each district in chapter 2000-166, Laws of Florida. Except as provided in subparagraph 3., the calculation shall be based on the student's grade, the matrix level of services, and the difference between the 2000-2001 basic program and the appropriate level of services cost factor, multiplied by the 2000-2001 base student allocation and the 2000-2001 district cost differential for the sending district. The calculated amount must also include an amount equivalent to the per-student share of supplemental academic instruction funds, instructional materials funds, technology

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funds, and other categorical funds as provided in the General Appropriations Act.

3. ~~Except as otherwise provided in subsection (7),~~ The calculation for a student ~~all students~~ participating in the program shall be based on the student's matrix level of services. The funding for a student without a matrix of services shall be based on the matrix that assigns the student to support Level III of services. If a parent chooses to request and receive a matrix of services from the school district, when the school district completes the matrix, the amount of the payment shall be adjusted as needed.

(b) The amount of the awarded funds shall be 90 percent of the calculated amount. One hundred percent of the funds appropriated for the program shall be released to the department at the beginning of the first quarter of each fiscal year.

(c) Upon notification from the organization that a parent has filed a final verification document pursuant to paragraph (3)(b) or upon notification from the organization that a 3- or 4-year-old child's application has been approved for the program, the department shall release the student's scholarship funds to the organization to be deposited into the student's account.

(d) For initial eligibility for the program, students determined eligible by the organization for a Gardiner Scholarship by:

1. September 1 shall receive 100 percent of the total awarded funds.

2. November 1 shall receive 75 percent of the total awarded funds.

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3. February 1 shall receive 50 percent of the total awarded funds.

4. April 1 shall receive 25 percent of the total awarded funds.

(e) A student who is 3 years of age or older after September 1 and who the organization has determined is eligible for a Gardiner Scholarship may receive a prorated scholarship consistent with paragraph (c).

(f) ~~(e)~~ Accrued interest in the student's account is in addition to, and not part of, the awarded funds. Program funds include both the awarded funds and accrued interest.

(g) ~~(f)~~ The organization may develop a system for payment of benefits by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment that the department deems to be commercially viable or cost-effective. A student's scholarship award may not be reduced for debit card or electronic payment fees. Commodities or services related to the development of such a system shall be procured by competitive solicitation unless they are purchased from a state term contract pursuant to s. 287.056.

(h) ~~(g)~~ In addition to funds appropriated for scholarship awards and subject to a separate, specific legislative appropriation, an organization may receive an amount equivalent to not more than 3 percent of the amount of each scholarship award from state funds for administrative expenses if the organization has operated as a nonprofit entity for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under s. 1002.395(6)(m). Such administrative expenses must

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be reasonable and necessary for the organization's management and distribution of scholarships under this section. Funds authorized under this paragraph may not be used for lobbying or political activity or expenses related to lobbying or political activity. An organization may not charge an application fee for a scholarship. Administrative expenses may not be deducted from funds appropriated for scholarship awards.

(i) ~~(h)~~ Moneys received pursuant to this section do not constitute taxable income to the qualified student or parent of the qualified student.

Section 2. For the 2017-2018 fiscal year, the sum of \$200 million in recurring funds from the General Revenue Fund is appropriated to the Department of Education for scholarship awards under the Gardiner Scholarship Program. In addition to the funds appropriated for the scholarship awards, the sum of \$6 million in recurring funds from the General Revenue Fund is appropriated to the Department of Education for each scholarship-funding organization's reasonable and necessary administrative expenses to manage and distribute scholarship awards under the program; however, the amount paid to each scholarship-funding organization may not exceed 3 percent of the amount of each scholarship award.

Section 3. This act shall take effect July 1, 2017.

By Senator Gibson

6-01135A-17

20171302\_\_

A bill to be entitled

An act relating to private school student participation in extracurricular activities; amending s. 1006.15, F.S.; revising the eligibility requirements for certain private school students to participate in interscholastic or intrascholastic sports at specified public schools; providing an effective date.

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

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

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

(8) (a) The Florida High School Athletic Association (FHSAA), in cooperation with each district school board, shall facilitate a program in which a middle school or high school student who attends a private school shall be eligible to participate in an interscholastic or intrascholastic sport at a public high school, a public middle school, or a 6-12 public school to which the student would be assigned according to district school board attendance area policies or which the student could choose to attend pursuant to s. 1002.31 ~~that is zoned for the physical address at which the student resides~~ if:

1. The private school in which the student is enrolled is not a member of the FHSAA.

2. The private school student meets the guidelines for the

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conduct of the program established by the FHSAA's board of directors and the district school board. At a minimum, such guidelines shall provide:

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

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

Section 2. This act shall take effect July 1, 2017.

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By Senator Grimsley

26-00935A-17

20171314\_\_

1 A bill to be entitled  
 2 An act relating to educational options; amending s.  
 3 1002.395, F.S.; specifying the Department of  
 4 Education's duty to approve or deny an application for  
 5 the Florida Tax Credit Scholarship Program within a  
 6 specified time; specifying the department's duties  
 7 regarding the carryforward tax credit; requiring an  
 8 eligible nonprofit scholarship-funding organization to  
 9 allow certain dependent children to apply for a  
 10 scholarship at any time; revising parent and student  
 11 responsibilities for program participation; revising  
 12 the date upon which certain private schools must  
 13 submit a required report; specifying that certain  
 14 actions of the private school are a basis for program  
 15 ineligibility; authorizing the Learning Systems  
 16 Institute to receive compensation for research under  
 17 certain circumstances; revising the calculation of a  
 18 scholarship award; increasing the limit of a  
 19 scholarship award for certain students; revising  
 20 payment method options; amending s. 1012.98, F.S.;  
 21 authorizing specified eligible nonprofit scholarship-  
 22 funding organizations to develop a professional  
 23 development system; providing an effective date.  
 24  
 25 Be It Enacted by the Legislature of the State of Florida:  
 26  
 27 Section 1. Paragraph (b) of subsection (5) of section  
 28 1002.395, Florida Statutes, is amended, present paragraph (f) of  
 29 that subsection is redesignated as paragraph (g) and a new

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30 paragraph (f) is added to that subsection, and paragraph (h) of  
 31 subsection (6), paragraph (f) of subsection (7), subsection (8),  
 32 paragraph (j) of subsection (9), and paragraphs (a) and (b) of  
 33 subsection (12) of that section are amended, to read:  
 34 1002.395 Florida Tax Credit Scholarship Program.—  
 35 (5) SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS.—  
 36 (b) A taxpayer may submit an application to the department  
 37 for a tax credit or credits under one or more of s. 211.0251, s.  
 38 212.1831, s. 220.1875, s. 561.1211, or s. 624.51055.  
 39 1. The taxpayer shall specify in the application each tax  
 40 for which the taxpayer requests a credit and the applicable  
 41 taxable year for a credit under s. 220.1875 or s. 624.51055 or  
 42 the applicable state fiscal year for a credit under s. 211.0251,  
 43 s. 212.1831, or s. 561.1211. The department shall approve tax  
 44 credits on a first-come, first-served basis and must obtain the  
 45 division's approval before approving a tax credit under s.  
 46 561.1211.  
 47 2. Within 10 days after approving or denying an  
 48 application, the department shall provide a copy of its approval  
 49 or denial letter to the eligible nonprofit scholarship-funding  
 50 organization specified by the taxpayer in the application.  
 51 (f) Within 10 days after approving or denying an  
 52 application for a carryforward tax credit under paragraph (c),  
 53 the conveyance, transfer, or assignment of a tax credit under  
 54 paragraph (d), or the rescindment of a tax credit under  
 55 paragraph (e), the department shall provide a copy of its  
 56 approval or denial letter to the eligible nonprofit scholarship-  
 57 funding organization specified by the taxpayer in the  
 58 application. The department shall also include the eligible

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nonprofit scholarship-funding organization specified by the taxpayer in the application on all letters or correspondence of acknowledgment for tax credits under s. 212.1831.

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

(h) Must allow a student in foster care, ~~or~~ out-of-home care, or who is a dependent child of a parent or guardian who is a member of the United States Armed Forces, to apply for a scholarship at any time.

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

(7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—

(f) Upon receipt of a scholarship warrant from the eligible nonprofit scholarship-funding organization, the parent to whom the warrant is made must restrictively endorse the warrant to the private school for deposit into the account of the private school. If payments are made by funds transfer, the parent must approve each payment before the scholarship funds may be deposited. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to endorse a scholarship warrant or approve a funds transfer. A participant who fails to comply with this paragraph forfeits the scholarship.

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(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and must:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the eligible nonprofit scholarship-funding organization, upon request, all documentation required for the student's participation, including the private school's and student's fee schedules.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the scholarship program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Department of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school must report a student's scores to the parent. A participating private school must annually report by August 15 the scores of all participating students to the Learning System Institute described in paragraph (9)(j).

3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

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a. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10.

b. A participating private school must submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

(e) Annually contract with an independent certified public accountant to perform the agreed-upon procedures developed under paragraph (6) (o) and produce a report of the results if the private school receives more than \$250,000 in funds from scholarships awarded under this section in the 2010-2011 state fiscal year or a state fiscal year thereafter. A private school subject to this paragraph must submit the report by each August 15 by September 15, 2011, and annually thereafter to the scholarship-funding organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

The inability of a private school to meet the requirements of this subsection, or the listing of material exceptions in its agreed-upon procedures reports, constitutes ~~shall constitute~~ a basis for the ineligibility of the private school to participate in the scholarship program as determined by the Department of

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Education.

(9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of Education shall:

(j) Issue a project grant award to the Learning System Institute at the Florida State University, to which participating private schools must report the scores of participating students on the nationally norm-referenced tests or the statewide assessments administered by the private school in grades 3 through 10. The project term is 2 years, and the amount of the project is up to \$500,000 per year. The Learning Systems Institute may be compensated for additional research as determined through the project grant award process. The project grant award must be reissued in 2-year intervals in accordance with this paragraph.

1. The Learning System Institute must annually report to the Department of Education on the student performance of participating students and any additional research included in the project grant award issued by the Department of Education:

a. On a statewide basis. The report shall also include, to the extent possible, a comparison of scholarship students' performance to the statewide student performance of public school students with socioeconomic backgrounds similar to those of students participating in the scholarship program. To minimize costs and reduce time required for the Learning System Institute's analysis and evaluation, the Department of Education shall coordinate with the Learning System Institute to provide data to the Learning System Institute in order to conduct analyses of matched students from public school assessment data and calculate control group student performance using an agreed-

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upon methodology with the Learning System Institute; and

b. On an individual school basis. The annual report must include student performance for each participating private school in which at least 51 percent of the total enrolled students in the private school participated in the Florida Tax Credit Scholarship Program in the prior school year. The report shall be according to each participating private school, and for participating students, in which there are at least 30 participating students who have scores for tests administered. If the Learning System Institute determines that the 30-participating-student cell size may be reduced without disclosing personally identifiable information, as described in 34 C.F.R. s. 99.12, of a participating student, the Learning System Institute may reduce the participating-student cell size, but the cell size must not be reduced to less than 10 participating students. The department shall provide each private school's prior school year's student enrollment information to the Learning System Institute no later than June 15 of each year, or as requested by the Learning System Institute.

2. The sharing and reporting of student performance data under this paragraph must be in accordance with requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act, and the applicable rules and regulations issued pursuant thereto, and shall be for the sole purpose of research and creating the annual report required by subparagraph 1. All parties must preserve the confidentiality of such information as required by law. The annual report must not disaggregate data to a level that will identify individual

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participating schools, except as required under sub-subparagraph 1.b., or disclose the academic level of individual students.

3. The annual report required by subparagraph 1. shall be published by the Department of Education on its website.

(12) SCHOLARSHIP AMOUNT AND PAYMENT.—

(a) Except as provided in subparagraph 2., the amount of a scholarship provided to any student for any single school year by an eligible nonprofit scholarship-funding organization from eligible contributions shall be for total costs authorized under paragraph (6)(d), not to exceed annual limits, which shall be determined as follows:

1.a. For a scholarship awarded to a student enrolled in an eligible private school, the limit shall be determined as a percentage by multiplying the unweighted FTE funding amount in that state fiscal year by the percentage used to determine the limit in the prior state fiscal year. However, in each state fiscal year that the tax credit cap amount increases pursuant to paragraph (5)(a), the prior year percentage shall be increased by 4 percentage points and the increased percentage shall be used to determine the limit for that state fiscal year. If the percentage so calculated reaches 80 percent in a state fiscal year, no further increase in the percentage is allowed and the limit shall be 80 percent of the unweighted FTE funding amount for that state fiscal year and thereafter. Beginning in the 2016-2017 state fiscal year, the amount of a scholarship awarded to a student enrolled in an eligible private school shall be equal to 82 percent of the unweighted FTE funding amount for that state fiscal year and thereafter as follows:

(I) Eighty-eight percent for a student enrolled in

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kindergarten through grade 5.

(II) Ninety-two percent for a student enrolled in grade 6, grade 7, or grade 8.

(III) Ninety-six percent for a student enrolled in grades 9 through 12.

b. For a scholarship awarded to a student enrolled in a Florida public school that is located outside the district in which the student resides or in a lab school as defined in s. 1002.32, the limit shall be \$750 ~~\$500~~.

2. The annual limit for a scholarship under sub-subparagraph 1.a. shall be reduced by:

a. Twenty-five percent if the student's household income level is equal to or greater than 200 percent, but less than 215 percent, of the federal poverty level.

b. Fifty percent if the student's household income level is equal to or greater than 215 percent, but equal to or less than 230 percent, of the federal poverty level.

3. For the 2016-2017 state fiscal year and thereafter, the annual limit for a scholarship under sub-subparagraph 1.a. shall be reduced by:

a. Twelve percent if the student's household income level is greater than or equal to 200 percent, but less than 215 percent, of the federal poverty level.

b. Twenty-six percent if the student's household income level is greater than or equal to 215 percent, but less than 230 percent, of the federal poverty level.

c. Forty percent if the student's household income level is greater than or equal to 230 percent, but less than 245 percent, of the federal poverty level.

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d. Fifty percent if the student's household income level is greater than or equal to 245 percent, but less than or equal to 260 percent, of the federal poverty level.

(b) Payment of the scholarship by the eligible nonprofit scholarship-funding organization shall be by individual warrant made payable to the student's parent or by funds transfer, including, but not limited to, debit card, electronic payment card, or any other means of payment that the department deems to be commercially viable or cost-effective. A student's scholarship award may not be reduced for debit card or electronic payment fees. If the payment is made by warrant ~~parent chooses that his or her child attend an eligible private school~~, the warrant must be delivered by the eligible nonprofit scholarship-funding organization to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school. An eligible nonprofit scholarship-funding organization shall ensure that the parent to whom the warrant is made restrictively endorsed the warrant to the private school for deposit into the account of the private school or that the parent has approved a funds transfer before any scholarship funds are deposited.

Section 2. Subsection (6) of section 1012.98, Florida Statutes, is amended to read:

1012.98 School Community Professional Development Act.—

(6) An organization of private schools or consortium of charter schools which has no fewer than 10 member schools in this state, or an eligible nonprofit scholarship-funding organization as defined in s. 1002.395, which publishes and files with the Department of Education copies of its standards,

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291 and the member schools of which comply with the provisions of  
292 part II of chapter 1003, relating to compulsory school  
293 attendance, may also develop a professional development system  
294 that includes a master plan for inservice activities. The system  
295 and inservice plan must be submitted to the commissioner for  
296 approval pursuant to state board rules.

297 Section 3. This act shall take effect July 1, 2017.

By Senator Broxson

1-00608-17

20171362\_\_

1 A bill to be entitled  
 2 An act relating to K-12 education; amending s.  
 3 1002.33, F.S.; removing a requirement that the  
 4 Department of Education compare certain charter school  
 5 student performance data to certain traditional public  
 6 schools; removing notice requirements relating to such  
 7 charter school performance data; removing a  
 8 requirement that the State Board of Education adopt  
 9 rules to administer such notice requirements; creating  
 10 s. 1002.333, F.S.; defining terms; authorizing certain  
 11 entities to apply to the State Board of Education for  
 12 designation as a High-Impact Charter Network;  
 13 requiring the state board to adopt rules; providing  
 14 criteria for an initial and renewal designation;  
 15 providing the period during which an initial  
 16 designation is valid; authorizing entities designated  
 17 as High-Impact Charter Networks to establish and  
 18 operate charter schools under certain circumstances;  
 19 authorizing entities with the designation to submit an  
 20 application to establish and operate charter schools;  
 21 providing that charter schools operated by designated  
 22 entities are eligible to receive charter school  
 23 capital outlay; requiring the department to give  
 24 priority to certain charter schools applying for  
 25 specified grants; requiring the governing board of an  
 26 entity designated as a High-Impact Charter Network to  
 27 be considered a local educational agency for receiving  
 28 federal funds, under certain conditions; providing for  
 29 rulemaking; amending s. 1007.35, F.S.; revising the

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30 exams each public high school is required to  
 31 administer to all enrolled 10th grade students to  
 32 include the preliminary ACT, rather than the ACT  
 33 Aspire; amending s. 1008.34, F.S.; clarifying  
 34 accountability requirements for collocated schools;  
 35 providing an effective date.  
 36

37 Be It Enacted by the Legislature of the State of Florida:  
 38

39 Section 1. Paragraph (b) of subsection (21) of section  
 40 1002.33, Florida Statutes, is amended to read:

41 1002.33 Charter schools.—

42 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

43 (b)1. The Department of Education shall report to each  
 44 charter school receiving a school grade pursuant to s. 1008.34  
 45 or a school improvement rating pursuant to s. 1008.341 the  
 46 school's student assessment data.

47 2. The charter school shall report the information in  
 48 subparagraph 1. to each parent of a student at the charter  
 49 school, the parent of a child on a waiting list for the charter  
 50 school, the district in which the charter school is located, and  
 51 the governing board of the charter school. This paragraph does  
 52 not abrogate the provisions of s. 1002.22, relating to student  
 53 records, or the requirements of 20 U.S.C. s. 1232g, the Family  
 54 Educational Rights and Privacy Act.

55 ~~3.a. Pursuant to this paragraph, the Department of~~  
 56 ~~Education shall compare the charter school student performance~~  
 57 ~~data for each charter school in subparagraph 1. with the student~~  
 58 ~~performance data in traditional public schools in the district~~

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59 ~~in which the charter school is located and other charter schools~~  
 60 ~~in the state. For alternative charter schools, the department~~  
 61 ~~shall compare the student performance data described in this~~  
 62 ~~paragraph with all alternative schools in the state. The~~  
 63 ~~comparative data shall be provided by the following grade~~  
 64 ~~groupings:~~

65 ~~(I) Grades 3 through 5;~~  
 66 ~~(II) Grades 6 through 8; and~~  
 67 ~~(III) Grades 9 through 11.~~

68 ~~b. Each charter school shall provide the information~~  
 69 ~~specified in this paragraph on its Internet website and also~~  
 70 ~~provide notice to the public at large in a manner provided by~~  
 71 ~~the rules of the State Board of Education. The State Board of~~  
 72 ~~Education shall adopt rules to administer the notice~~  
 73 ~~requirements of this subparagraph pursuant to ss. 120.536(1) and~~  
 74 ~~120.54. The website shall include, through links or actual~~  
 75 ~~content, other information related to school performance.~~

76 Section 2. Section 1002.333, Florida Statutes, is created  
 77 to read:

78 1002.333 High-Impact Charter Network.—  
 79 (1) As used in this section, the term:  
 80 (a) "Critical need area" means an area that is served by  
 81 one or more nonalternative, traditional public schools that  
 82 received a school grade of "D" or "F" pursuant to s. 1008.34 in  
 83 4 of the last 5 years or whose school district is required to  
 84 implement a turnaround option pursuant to s. 1008.33(4)(b).  
 85 (b) "Entity" means a nonprofit organization with tax-exempt  
 86 status under s. 501(c)(3) of the Internal Revenue Code which is  
 87 authorized by law to operate a public charter school.

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88 (2) An entity that successfully operates a system of  
 89 charter schools which primarily serves educationally  
 90 disadvantaged students who are eligible for free or reduced-  
 91 price school lunches under the National School Lunch Act may  
 92 apply to the State Board of Education for designation as a High-  
 93 Impact Charter Network. The state board shall adopt rules  
 94 prescribing a review process for determining whether the entity  
 95 meets the requirements for the designation as a High-Impact  
 96 Charter Network under this section. The review process:

97 (a) Must include student demographic information and a  
 98 review of all schools currently and previously operated by the  
 99 entity, including school-level financial performances and  
 100 schoolwide and subgroup performance on all statewide assessments  
 101 for the most recent 3 years as compared to all students in other  
 102 schools at the same grade level and as compared with other  
 103 schools serving similar demographics of students.

104 (b) May include student performance on nationally norm-  
 105 referenced tests, attendance and retention rates, graduation  
 106 rates, college attendance rates, college persistence rates, and  
 107 other outcome measures as determined by the state board.

108 (3) The initial High-Impact Charter Network status  
 109 designation is valid for up to 4 years. If an entity seeks  
 110 status renewal, the state board shall review the academic and  
 111 financial performance of the charter schools established in  
 112 critical need areas consistent with the process described in  
 113 subsection (2).

114 (4) An entity that is designated as a High-Impact Charter  
 115 Network pursuant to this section may submit an application to a  
 116 district school board pursuant to s. 1002.33 to establish and

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operate charter schools in critical need areas or, under s. 1008.33(4)(b)3., charter schools as turnaround options for schools that earn a grade of "F" in the school district. Notwithstanding s. 1013.62(1)(a), a charter school operated by a High-Impact Charter Network in a critical need area is eligible to receive charter school capital outlay.

(5) The department shall give priority to charter schools operated by a High-Impact Charter Network in the department's Florida Public Charter Schools Grant Program competitions. Such priority treatment may be provided only for a new charter school that will operate in a critical need area.

(6) Notwithstanding the criteria in s. 1002.33(25), the governing board of an entity designated as a High-Impact Charter Network shall be designated as a local educational agency for the purposes of receiving federal funds if the governing board has adopted and filed a resolution with its sponsoring district school board and the department. The resolution must contain provisions indicating that the governing board accepts the full responsibility for all local educational agency requirements and that the charter schools for which the governing board will perform local education agency responsibilities are all located in the same county.

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

Section 3. Subsection (5), paragraph (j) of subsection (6), and paragraph (a) of subsection (8) of section 1007.35, Florida Statutes, are amended to read:

1007.35 Florida Partnership for Minority and Underrepresented Student Achievement.-

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(5) Each public high school, including, but not limited to, schools and alternative sites and centers of the Department of Juvenile Justice, shall provide for the administration of the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), or the preliminary ACT Aspire to all enrolled 10th grade students. However, a written notice shall be provided to each parent which must ~~that shall~~ include the opportunity to exempt his or her child from taking the PSAT/NMSQT or the preliminary ACT Aspire.

(a) Test results will provide each high school with a database of student assessment data which certified school counselors will use to identify students who are prepared or who need additional work to be prepared to enroll and be successful in AP courses or other advanced high school courses.

(b) Funding for the PSAT/NMSQT or the preliminary ACT Aspire for all 10th grade students shall be contingent upon annual funding in the General Appropriations Act.

(c) Public school districts must choose either the PSAT/NMSQT or the preliminary ACT Aspire for districtwide administration.

(6) The partnership shall:

(j) Provide information to students, parents, teachers, counselors, administrators, districts, Florida College System institutions, and state universities regarding PSAT/NMSQT or the preliminary ACT Aspire administration, including, but not limited to:

1. Test administration dates and times.

2. That participation in the PSAT/NMSQT or the preliminary ACT Aspire is open to all 10th grade students.



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3. The value of such tests in providing diagnostic feedback on student skills.

4. The value of student scores in predicting the probability of success on AP or other advanced course examinations.

(8) (a) By September 30 of each year, the partnership shall submit to the department a report that contains an evaluation of the effectiveness of the delivered services and activities. Activities and services must be evaluated on their effectiveness at raising student achievement and increasing the number of AP or other advanced course examinations in low-performing middle and high schools. Other indicators that must be addressed in the evaluation report include the number of middle and high school teachers trained; the effectiveness of the training; measures of postsecondary readiness of the students affected by the program; levels of participation in 10th grade PSAT/NMSQT or the preliminary ACT Aspire testing; and measures of student, parent, and teacher awareness of and satisfaction with the services of the partnership.

Section 4. Paragraph (a) of subsection (3) of section 1008.34, Florida Statutes, is amended to read:

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

(3) DESIGNATION OF SCHOOL GRADES.—

(a) Each school must assess at least 95 percent of its eligible students, except as provided under s. 1008.341 for alternative schools. Each school shall receive a school grade based on the school's performance on the components listed in subparagraphs (b)1. and 2. If a school does not have at least 10

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students with complete data for one or more of the components listed in subparagraphs (b)1. and 2., those components may not be used in calculating the school's grade.

1. An alternative school may choose to receive a school grade under this section or a school improvement rating under s. 1008.341. For charter schools that meet the definition of an alternative school pursuant to State Board of Education rule, the decision to receive a school grade is the decision of the charter school governing board.

2. A school that serves any combination of students in kindergarten through grade 3 that does not receive a school grade because its students are not tested and included in the school grading system shall receive the school grade designation of a K-3 feeder pattern school identified by the Department of Education and verified by the school district. A school feeder pattern exists if at least 60 percent of the students in the school serving a combination of students in kindergarten through grade 3 are scheduled to be assigned to the graded school.

3. If a collocated school does not earn a school grade or school improvement rating for the performance of its students, the student performance data of all schools operating at the same facility must be aggregated to develop a school grade, or a school improvement rating if all schools at the site are eligible for a school improvement rating and do not elect to be graded, which ~~that~~ will be assigned to all schools at that location. A collocated school is a school that has its own unique master school identification number, provides for the education of each of its enrolled students, and operates at the same facility as another school that has its own unique master

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233 school identification number and provides for the education of  
234 each of its enrolled students.

235 Section 5. This act shall take effect July 1, 2017.

By Senator Lee

20-00990B-17

20171556\_\_

1 A bill to be entitled  
 2 An act relating to education; amending s. 1002.41,  
 3 F.S.; prohibiting a district school board from  
 4 requiring any additional information or verification  
 5 from a home education program parent under certain  
 6 circumstances; authorizing a school district to  
 7 provide home education program students with access to  
 8 certain courses and programs offered by the school  
 9 district; requiring reporting by the school district  
 10 and funding through the Florida Education Finance  
 11 Program; requiring that home education program  
 12 students be provided access to certain certifications  
 13 and assessments offered by the school district;  
 14 amending s. 1003.21, F.S.; providing an exception for  
 15 certain children from the age verification  
 16 requirements for school attendance; amending s.  
 17 1003.27, F.S.; requiring a school and school district  
 18 to comply with specified provisions before instituting  
 19 criminal prosecution against certain parents relating  
 20 to compulsory school attendance; prohibiting the  
 21 Department of Highway Safety and Motor Vehicles from  
 22 issuing a driver license or learner's driver license  
 23 to minor students who fail to satisfy compulsory  
 24 school attendance requirements; amending s. 1007.271,  
 25 F.S.; exempting dual enrollment students from paying  
 26 technology fees; prohibiting dual enrollment course  
 27 and program limitations for home education students  
 28 from exceeding limitations for other students;  
 29 providing an exemption from the grade point average

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30 requirement for initial enrollment in a dual  
 31 enrollment program for certain home education  
 32 students; providing an effective date.  
 33

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

35  
 36 Section 1. Paragraph (a) of subsection (1) of section  
 37 1002.41, Florida Statutes, is amended, and subsections (11) and  
 38 (12) are added to that section, to read:

39 1002.41 Home education programs.—

40 (1) A "home education program" is defined in s. 1002.01.  
 41 The parent is not required to hold a valid regular Florida  
 42 teaching certificate.

43 (a) The parent shall notify the district school  
 44 superintendent of the county in which the parent resides of her  
 45 or his intent to establish and maintain a home education  
 46 program. The notice must ~~shall~~ be in writing, signed by the  
 47 parent, and must ~~shall~~ include the full legal names, addresses,  
 48 and birthdates of all children who shall be enrolled as students  
 49 in the home education program. The district may not require any  
 50 additional information or verification from the parent unless  
 51 the student chooses to participate in a publicly funded program  
 52 or service. The notice must ~~shall~~ be filed in the district  
 53 school superintendent's office within 30 days after ~~of~~ the  
 54 establishment of the home education program. The parent shall  
 55 file a written notice of termination of the home education  
 56 program ~~shall be filed~~ in the district school superintendent's  
 57 office within 30 days after such ~~said~~ termination.

58 (11) A school district may provide access to career and

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technical courses and programs for a home education program  
student who enrolls in a public school solely for the career and  
technical courses or programs. The school district providing the  
career and technical courses and programs shall report each  
student as a full-time equivalent student in the class and in a  
manner prescribed by the department, and funding shall be  
provided through the Florida Education Finance Program pursuant  
to s. 1011.62.

(12) Industry certifications, national assessments, and  
statewide, standardized assessments offered by the school  
district shall be available to home education program students.  
Each school district shall notify home education program  
students of the available certifications and assessments; the  
date, time, and locations for the administration of each  
certification and assessment; and the deadline for notifying the  
school district of the student's intent to participate and the  
student's preferred location.

Section 2. Subsection (4) of section 1003.21, Florida  
 Statutes, is amended to read:

1003.21 School attendance.—

(4) Before admitting a child to kindergarten, the principal  
 shall require evidence that the child has attained the age at  
 which he or she should be admitted in accordance with the  
 provisions of subparagraph (1)(a)2. The district school  
 superintendent may require evidence of the age of any child whom  
 he or she believes to be within the limits of compulsory  
 attendance as provided for by law, except those meeting regular  
attendance as defined by s. 1003.01(13)(b)-(e). If the first  
 prescribed evidence is not available, the next evidence

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obtainable in the order set forth below shall be accepted:

(a) A duly attested transcript of the child's birth record  
 filed according to law with a public officer charged with the  
 duty of recording births;

(b) A duly attested transcript of a certificate of baptism  
 showing the date of birth and place of baptism of the child,  
 accompanied by an affidavit sworn to by the parent;

(c) An insurance policy on the child's life that has been  
 in force for at least 2 years;

(d) A bona fide contemporary religious record of the  
 child's birth accompanied by an affidavit sworn to by the  
 parent;

(e) A passport or certificate of arrival in the United  
 States showing the age of the child;

(f) A transcript of record of age shown in the child's  
 school record of at least 4 years prior to application, stating  
 date of birth; or

(g) If none of these evidences can be produced, an  
 affidavit of age sworn to by the parent, accompanied by a  
 certificate of age signed by a public health officer or by a  
 public school physician, or, if these are not available in the  
 county, by a licensed practicing physician designated by the  
 district school board, which states that the health officer or  
 physician has examined the child and believes that the age as  
 stated in the affidavit is substantially correct. Children and  
 youths who are experiencing homelessness and children who are  
 known to the department, as defined in s. 39.0016, shall be  
 given temporary exemption from this section for 30 school days.

Section 3. Subsection (2) of section 1003.27, Florida

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Statutes, is amended to read:

1003.27 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this part, relating to compulsory school attendance, shall be as follows:

(2) NONENROLLMENT AND NONATTENDANCE CASES.—

(a) In each case of nonenrollment or of nonattendance upon the part of a student who is required to attend some school, when no valid reason for such nonenrollment or nonattendance is found, the district school superintendent shall institute a criminal prosecution against the student's parent. However, criminal prosecution may not be instituted against the student's parent until the school and school district have complied with s. 1003.26.

(b) Each public school principal or the principal's designee shall notify the district school board of each minor student under its jurisdiction who accumulates 15 unexcused absences in a period of 90 calendar days. ~~Each designee of the governing body of each private school, and each parent whose child is enrolled in a home education program, may provide the Department of Highway Safety and Motor Vehicles with the legal name, sex, date of birth, and social security number of each minor student under his or her jurisdiction who fails to satisfy relevant attendance requirements and who fails to otherwise satisfy the requirements of s. 322.091.~~ The district school superintendent must provide the Department of Highway Safety and Motor Vehicles the legal name, sex, date of birth, and social security number of each minor student who has been reported under this paragraph and who fails to otherwise satisfy the

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requirements of s. 322.091. The Department of Highway Safety and Motor Vehicles may not issue a driver license or learner's driver license to, and shall suspend any previously issued driver license or learner's driver license of, any such minor student, pursuant to the provisions of s. 322.091.

(c) Each designee of the governing body of each private school and each parent whose child is enrolled in a home education program may provide the Department of Highway Safety and Motor Vehicles with the legal name, sex, date of birth, and social security number of each minor student under his or her jurisdiction who fails to satisfy relevant attendance requirements and who fails to otherwise satisfy the requirements of s. 322.091. The Department of Highway Safety and Motor Vehicles may not issue a driver license or learner's driver license to, and shall suspend any previously issued driver license or learner's driver license of, any such minor student, pursuant to s. 322.091.

Section 4. Subsections (2), (10), and (11), paragraph (b) of subsection (13), and subsection (16) of section 1007.271, Florida Statutes, are amended to read:

1007.271 Dual enrollment programs.—

(2) For the purpose of this section, an eligible secondary student is a student who is enrolled in any of grades 6 through 12 in a Florida public school or in a Florida private school that is in compliance with s. 1002.42(2) and provides a secondary curriculum pursuant to s. 1003.4282. A student ~~Students~~ who is ~~are~~ eligible for dual enrollment pursuant to this section may enroll in dual enrollment courses conducted during school hours, after school hours, and during the summer

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term. However, if the student is projected to graduate from high school before the scheduled completion date of a postsecondary course, the student may not register for that course through dual enrollment. The student may apply to the postsecondary institution and pay the required registration, tuition, and fees if the student meets the postsecondary institution's admissions requirements under s. 1007.263. Instructional time for dual enrollment may vary from 900 hours; however, the full-time equivalent student membership value is ~~shall be~~ subject to the ~~provisions in~~ s. 1011.61(4). A student enrolled as a dual enrollment student is exempt from the payment of registration, tuition, technology, and laboratory fees. Applied academics for adult education instruction, developmental education, and other forms of precollegiate instruction, as well as physical education courses that focus on the physical execution of a skill rather than the intellectual attributes of the activity, are ineligible for inclusion in the dual enrollment program. Recreation and leisure studies courses shall be evaluated individually in the same manner as physical education courses for potential inclusion in the program.

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

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enrolled pursuant to this subsection is ~~are~~ exempt from the payment of registration, tuition, technology, and laboratory fees.

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

(13)

(b) Each postsecondary institution eligible to participate in the dual enrollment program pursuant to s. 1011.62(1)(i) must enter into a home education articulation agreement with each home education student seeking enrollment in a dual enrollment course and the student's parent. By August 1 of each year, the eligible postsecondary institution shall complete and submit the home education articulation agreement to the Department of Education. The home education articulation agreement must include, at a minimum:

1. A delineation of courses and programs available to dually enrolled home education students. Courses and programs

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may be added, revised, or deleted at any time by the  
postsecondary institution. Any course or program limitations may  
not exceed the limitations for other dually enrolled students.

2. The initial and continued eligibility requirements for  
home education student participation, not to exceed those  
required of other dually enrolled students. A high school grade  
point average may not be required for home education students  
who meet the minimum score on a common placement test adopted by  
the State Board of Education which indicates that the student is  
ready for college-level coursework; however, home education  
student eligibility requirements for continued enrollment in  
college credit dual enrollment courses must include the  
maintenance of the minimum postsecondary grade point average  
established by the postsecondary institution.

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

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

(16) Public school, private school, or home education  
program students who meet the eligibility requirements of this  
section and who choose to participate in dual enrollment  
programs are exempt from the payment of registration, tuition,  
technology, and laboratory fees.

Section 5. This act shall take effect July 1, 2017.

By Senator Bean

4-01781-17

20171572\_\_

1 A bill to be entitled  
 2 An act relating to the Education Savings Account  
 3 Program; creating s. 1002.387, F.S.; defining terms;  
 4 specifying criteria for student eligibility and  
 5 student ineligibility for the program; authorizing a  
 6 parent to direct a financial institution trustee of  
 7 his or her child's account to use funds for specified  
 8 costs of attending specified private schools or  
 9 programs, for participating in a dual enrollment  
 10 program, or to make a contribution to the child's  
 11 college savings plan or to a contract under the  
 12 Stanley G. Tate Florida Prepaid College Program;  
 13 requiring a financial institution to transfer an  
 14 account to another participating financial institution  
 15 upon the request of a parent as provided by the Chief  
 16 Financial Officer by rule; providing for the  
 17 distribution of unspent program funds; requiring a  
 18 parent to apply for the program to the Department of  
 19 Education; specifying responsibilities of a parent or  
 20 student for using funds in an account to attend a  
 21 private school or private virtual school; requiring  
 22 certain students to take norm-referenced tests  
 23 required by the department; specifying  
 24 responsibilities of a parent or student for using  
 25 funds in an account to hire a private tutor or private  
 26 tutoring program and for participating in a dual  
 27 enrollment program; specifying eligibility criteria  
 28 for private schools, private tutors, private tutoring  
 29 programs, and private postsecondary institutions to

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30 participate in the program; providing that all public  
 31 postsecondary institutions are eligible to participate  
 32 in the program; providing duties of the department;  
 33 requiring the department to process student  
 34 applications, submit a list of eligible institutions  
 35 to participating financial institutions, notify the  
 36 financial institutions of students approved to  
 37 participate in the program, and submit a report to the  
 38 Governor and the Legislature by specified dates;  
 39 providing duties of the Chief Financial Officer;  
 40 requiring the Chief Financial Officer to provide a  
 41 list of participating financial institutions to the  
 42 department by a specified date each year and to make  
 43 payments to the accounts of participating students in  
 44 specified situations; providing obligations of  
 45 financial institutions; limiting the fees that may be  
 46 charged by a financial institution for its services  
 47 under the program; requiring a financial institution  
 48 to make timely quarterly payments directly to a  
 49 private school, private tutor, private tutoring  
 50 program, or postsecondary institution or to a selected  
 51 college savings plan or the Stanley G. Tate Florida  
 52 Prepaid College Program; requiring a financial  
 53 institution to notify the department of the identity  
 54 of certain students at specified dates; requiring a  
 55 financial institution to annually notify the Chief  
 56 Financial Officer of its intent to continue to  
 57 participate in, or intent to withdraw from, the  
 58 program; requiring a financial institution to provide

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59 advance notice to the Chief Financial Officer and  
 60 parents of students participating in the program  
 61 before withdrawing from the program; specifying  
 62 criteria and procedures by which the Commissioner of  
 63 Education may deny, suspend, or revoke a private  
 64 school's participation in the program; specifying  
 65 procedures by which a private school may challenge the  
 66 decision of the commissioner to deny, suspend, or  
 67 revoke the school's participation in the program;  
 68 requiring the director of the Division of  
 69 Administrative Hearings to expedite a hearing in  
 70 certain situations; authorizing the commissioner to  
 71 order participating financial institutions to  
 72 immediately suspend payments from a student's account  
 73 to a participating private school under certain  
 74 circumstances; providing for appeal against a payment  
 75 suspension; authorizing the Office of Inspector  
 76 General of the department to release otherwise  
 77 confidential student information under certain  
 78 circumstances involving allegations of fraudulent  
 79 activity under the program; specifying a formula to be  
 80 used in determining the amount of annual payments made  
 81 to a student's account under the program; providing  
 82 for the random selection of applicants to the program  
 83 who are attending a home education program or a  
 84 private school; providing a calculation to determine  
 85 the number of such students who may participate in the  
 86 program; authorizing the Legislative Budget Commission  
 87 to transfer funds in excess of amounts required to

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88 fully fund the accounts of all participating students  
 89 to the Florida Education Finance Program; requiring  
 90 the department and the Department of Financial  
 91 Services to develop an agreement to assist in the  
 92 administration of the program; requiring the State  
 93 Board of Education to adopt rules for the Department  
 94 of Education and the commissioner to administer the  
 95 program; requiring the Chief Financial Officer to  
 96 adopt rules to administer its responsibilities under  
 97 the program; providing for the enrollment period and  
 98 for the number of eligible students for the 2017-2018  
 99 school year; requiring the department to randomly  
 100 select participating students in specified situations;  
 101 authorizing the state board to adopt emergency rules  
 102 for the department and the commissioner to implement  
 103 the program; providing an effective date.  
 104  
 105 WHEREAS, the Legislature finds that it has a duty to  
 106 provide for a high-quality education for all children residing  
 107 in this state, and  
 108 WHEREAS, the Legislature finds that it has a duty to  
 109 provide for the establishment, maintenance, and operation of  
 110 institutions of higher learning, and  
 111 WHEREAS, a high-quality education for children is  
 112 facilitated by parents' involvement in educational choices for  
 113 their children, competition among schools and other learning  
 114 environments, and the measurement and evaluation of student  
 115 learning gains, and  
 116 WHEREAS, the Legislature finds that competition between

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117 public schools and private schools will enhance the quality of  
 118 education at public schools by encouraging innovation,  
 119 flexibility, and efficiency, and  
 120 WHEREAS, providing a child with an opportunity to attend a  
 121 public school or with funds to pay for private schooling or  
 122 tutoring enables the child to access the high-quality education  
 123 best suited for his or her specific needs, and  
 124 WHEREAS, the Legislature finds that, under the right to  
 125 religious freedom in the State Constitution, the state may not  
 126 prohibit a person from using private funds to pay the cost of  
 127 private schooling or tutoring at an institution having any  
 128 religious affiliation, NOW, THEREFORE,  
 129  
 130 Be It Enacted by the Legislature of the State of Florida:  
 131  
 132 Section 1. Section 1002.387, Florida Statutes, is created  
 133 to read:  
 134 1002.387 Education Savings Account Program.—  
 135 (1) DEFINITIONS.—As used in this section, the term:  
 136 (a) "Account" means an education savings account belonging  
 137 to a student who is participating in, or who participated in,  
 138 the program. Funds in an account are private funds.  
 139 (b) "College savings plan" means a qualified tuition plan  
 140 under s. 529 of the Internal Revenue Code which allows the  
 141 establishment of an account for a beneficiary for the purpose of  
 142 paying the beneficiary's eligible college expenses.  
 143 (c) "Department" means the Department of Education.  
 144 (d) "Eligible private postsecondary institution" means a  
 145 private postsecondary institution that is a member of the

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146 Independent Colleges and Universities of Florida and is located  
 147 in this state.  
 148 (e) "Eligible private school" means a private school that  
 149 offers an education to students in kindergarten through grade  
 150 12, is located in this state, and meets the requirements in  
 151 subsection (6).  
 152 (f) "Financial institution" has the same meaning as defined  
 153 in s. 655.005.  
 154 (g) "Program" means the Education Savings Account Program.  
 155 (2) ELIGIBLE STUDENTS.—  
 156 (a) A student is eligible to receive funds under the  
 157 program if the student resides in this state and:  
 158 1. Is eligible to enter kindergarten or first grade;  
 159 2. Is the sibling of a student who participates in the  
 160 program and who resides in the same household;  
 161 3. Was counted as a full-time equivalent student during the  
 162 previous state fiscal year for purposes of state per-student  
 163 funding; or  
 164 4. Attends a home education program or a private school and  
 165 was randomly selected to participate in the program pursuant to  
 166 subsection (13).  
 167 (b) A student remains eligible for the program until he or  
 168 she graduates from high school and as long as the student does  
 169 not enroll in a public school, a charter school, or a virtual  
 170 instruction program, excluding the Florida Virtual School, which  
 171 receives state funding as a result of the student's  
 172 participation.  
 173 (3) INELIGIBLE STUDENTS.—A student may not participate in  
 174 the program if he or she:

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- 175 (a) Is enrolled in a school operating to provide  
 176 educational services to youth in a commitment program for the  
 177 Department of Juvenile Justice;  
 178 (b) Participates in a virtual school, correspondence  
 179 school, or distance learning program that receives state funding  
 180 for the student's participation;  
 181 (c) Is enrolled in the Florida School for the Deaf and the  
 182 Blind; or  
 183 (d) Is receiving an educational scholarship pursuant to  
 184 chapter 1002.  
 185 (4) PARENT AND STUDENT OPTIONS.-  
 186 (a) A parent may direct a financial institution trustee of  
 187 his or her child's account to use the funds in such account, in  
 188 whole or in combination, to:  
 189 1. Pay the tuition and fees for the child to attend an  
 190 eligible private school;  
 191 2. Pay the tuition and fees for the child to attend an  
 192 eligible private virtual school;  
 193 3. Pay a private tutor or private tutoring program  
 194 qualified under s. 1002.43 for supplemental educational  
 195 services;  
 196 4. Pay the cost of tuition, books, or fees for the child to  
 197 enroll in a dual enrollment program at a public postsecondary  
 198 institution;  
 199 5. Pay the cost of tuition, books, or fees for the child to  
 200 enroll in a dual enrollment program at an eligible private  
 201 postsecondary institution;  
 202 6. Contribute to the child's college savings plan; or  
 203 7. Make a payment toward the purchase of a contract under

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- 204 the Stanley G. Tate Florida Prepaid College Program in s.  
 205 1009.98.  
 206 (b) A parent may direct the trustee to transfer the account  
 207 to another financial institution participating in the program as  
 208 provided by the Chief Financial Officer by rule.  
 209 (c) Within 3 months after his or her child graduates from  
 210 high school or no longer participates in the program, a parent  
 211 may direct the trustee to donate any unspent funds in the  
 212 account to any private school, private virtual school, private  
 213 tutor, private tutoring program, or public or private  
 214 postsecondary institution identified in subparagraphs (a)1.-  
 215 (a)5. or to the school district for the county in which the  
 216 child last resided before the child's participation in the  
 217 program was terminated. If a parent fails to identify an  
 218 institution to which the trustee must donate the funds, the  
 219 trustee must donate the funds to the school district for the  
 220 county in which the child last resided before the child's  
 221 participation in the program was terminated.  
 222 (5) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
 223 PARTICIPATION.-  
 224 (a) A parent must annually apply to the department on  
 225 behalf of his or her child during the annual enrollment period.  
 226 As part of the enrollment, the parent must identify the  
 227 educational option chosen to meet the compulsory attendance  
 228 requirements of state law whether through attendance at a  
 229 private school or private virtual school, enrollment in a home  
 230 education program under s. 1002.41, or a private tutoring  
 231 program under s. 1002.43.  
 232 (b)1. If a parent elects for his or her child to attend an

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233 eligible private school or private virtual school, the parent or  
 234 the child must:

235 a. Select an eligible private school or private virtual  
 236 school and apply for admission;

237 b. Inform the child's school district when the parent  
 238 withdraws the child to attend the private school or private  
 239 virtual school;

240 c. Remain in attendance in the selected school throughout  
 241 the school year unless excused by the school for illness or  
 242 other good cause;

243 d. Comply with the school's published policies;

244 e. Ensure that the child participating in the program takes  
 245 the nationally norm-referenced tests administered by the school  
 246 which are required by the department. The parent may also choose  
 247 to have the child participate in a statewide assessment pursuant  
 248 to s. 1008.22. If the parent requests that the child take a  
 249 statewide assessment, the parent is responsible for transporting  
 250 the child to the testing site designated by the school district;  
 251 and

252 f. Pay the balance of the school's tuition and fees in  
 253 excess of the funds in the child's account.

254 2. A parent who chooses to comply with the compulsory  
 255 attendance requirements by enrolling his or her child in a  
 256 private school or private virtual school may also choose to  
 257 enroll the child in a dual enrollment program through a public  
 258 postsecondary institution or an eligible private postsecondary  
 259 institution and use funds from the child's account for such  
 260 purpose. The parent and child must register and apply for  
 261 admission during the institution's registration or application

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262 period and are responsible for paying the balance of tuition and  
 263 fees which is not covered by payments from the child's account.

264 (c)1. If a parent elects for his or her child to  
 265 participate in a home education program, the parent and child  
 266 must comply with s. 1002.41.

267 2. A parent who chooses to comply with the compulsory  
 268 attendance requirements by enrolling his or her child in a home  
 269 education program may also choose to enroll the child in a dual  
 270 enrollment program through a public postsecondary institution or  
 271 an eligible private postsecondary institution and use funds from  
 272 the child's account for such purpose. The parent and child must  
 273 register and apply for admission during the institution's  
 274 registration or application period and are responsible for  
 275 paying the balance of tuition and fees which is not covered by  
 276 payments from the child's account.

277 (d)1. If a parent elects for his or her child to receive an  
 278 education from an eligible private tutor or private tutoring  
 279 program, the parent and the child must comply with this chapter.

280 2. A parent who chooses to comply with the compulsory  
 281 attendance requirements through the use of a private tutor or  
 282 private tutoring program may also choose to enroll his or her  
 283 child in a dual enrollment program through a public  
 284 postsecondary institution or an eligible private postsecondary  
 285 institution and use funds from the child's account for such  
 286 purpose. The parent and child must register and apply for  
 287 admission during the institution's registration or application  
 288 period and are responsible for paying the balance of tuition and  
 289 fees which is not covered by payments from the child's account.

290 (e) If a parent elects to use any portion of his or her

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291 child's account as payment for private tutoring through an  
 292 eligible supplemental educational services provider, the parent  
 293 is responsible for payments to the provider which are not  
 294 covered by the child's account.

295 (f) If a parent elects for his or her child to participate  
 296 in dual enrollment at a public postsecondary institution or an  
 297 eligible private postsecondary institution, the parent or the  
 298 child must:

299 1. Register and apply for admission during the  
 300 institution's registration or application period.

301 2. Inform the child's school district when the parent  
 302 withdraws the child to attend the postsecondary institution.

303 3. Remain in attendance in the postsecondary institution  
 304 throughout the school year unless excused by the institution for  
 305 illness or other good cause.

306 4. Comply with the institution's published policies.

307 5. Pay the balance of the postsecondary institution's  
 308 tuition and fees in excess of the funds in the child's account.

309 (g) If a parent elects to use any of the funds in his or  
 310 her child's account to make a contribution to a college savings  
 311 plan, the parent must comply with all federal and state laws  
 312 related to contributions to a college savings plan.

313 (h) If a parent elects to use any of the funds in his or  
 314 her child's account toward the purchase of a contract under the  
 315 Stanley G. Tate Florida Prepaid College Program, the parent must  
 316 comply with all rules and requirements of the program and is  
 317 responsible for payments in excess of the funds in the account.

319 A child may return to the public school system at any time and

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320 quarterly payments to the child's account shall cease. The  
 321 parent of a child who chooses to return to the public school  
 322 system is responsible for the payment of any outstanding balance  
 323 owed to the private school, private virtual school, private  
 324 tutor, private tutoring program, public postsecondary  
 325 institution, or private postsecondary education institution  
 326 which was in excess of the funds in the account when payments to  
 327 the account ceased.

328 (6) EDUCATIONAL INSTITUTION ELIGIBILITY AND OBLIGATIONS.-

329 (a) A private school is eligible to participate in the  
 330 program, whether sectarian or nonsectarian, if the school:

331 1. Is accredited by the Southern Association of Colleges  
 332 and Schools or is eligible to participate in the Florida Tax  
 333 Credit Scholarship Program or the John M. McKay Scholarships for  
 334 Students with Disabilities Program; and

335 2. Complies with rules adopted by the State Board of  
 336 Education for participation in the program.

337 (b) A private virtual school is eligible to participate in  
 338 the program, whether sectarian or nonsectarian, if the school:

339 1. Is approved by the department to participate in the  
 340 school district virtual instruction program under s. 1002.45;  
 341 and

342 2. Complies with rules adopted by the State Board of  
 343 Education for participation in the program.

344 (c) A private tutor or private tutoring program is eligible  
 345 to participate in the program if the private tutor or private  
 346 tutoring program:

347 1. Is qualified under s. 1002.43;

348 2. Complies with rules adopted by the State Board of

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Education for participation in the program; and

3. Is a supplemental educational services provider under the federal Elementary and Secondary Education Act.

(d) All public postsecondary institutions are eligible to participate in the program and must comply with rules adopted by the State Board of Education for participation in the program.

(e) A private postsecondary institution is eligible to participate in the program, whether sectarian or nonsectarian, if the institution is a member of the Independent Colleges and Universities of Florida and complies with rules adopted by the State Board of Education for participation in the program.

(7) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of Education shall:

(a) Establish an annual enrollment period and a process in which a parent may apply to enroll his or her child in the program. The enrollment period must begin by January 1 and end by March 1 before the school year in which funding for the child's account is sought. All applications must be processed by May 1 of each year.

(b) Randomly select students attending a home education program or private school who are eligible under subparagraph

(2)(a)4. to participate in the program if the appropriation to the program is sufficient to fully fund the accounts of all other applicants but is insufficient to fully fund the accounts of all applicants who are attending a home education program or private school.

(c) Annually verify the eligibility of private schools, private virtual schools, private tutors, private tutoring programs, and postsecondary institutions to participate in the

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program and publish a list of eligible schools, tutors, tutoring programs, and postsecondary institutions.

(d) Annually, by March 15, submit to participating financial institutions a list of eligible private schools, private virtual schools, private tutors, private tutoring programs, and private postsecondary institutions.

(e) Notify participating financial institutions of students who are approved to participate in the program. The notice must be made annually, by May 1, after the department processes all applications to participate in the program.

(f) Establish a toll-free hotline that provides parents and private schools with information on the program.

(g) Establish a process by which a person may notify the department of any violation of laws or rules relating to participation in the program. The department shall conduct an inquiry of all signed, written, and legally sufficient complaints that allege a violation of this section, or must make a referral to the appropriate agency for an investigation. A complaint is legally sufficient if it states ultimate facts showing that this section or a rule adopted under this section has been violated.

(h) Require participating private schools and private virtual schools to annually certify compliance with the requirements of the program. The certification must be made in a sworn and notarized statement by the head of the private school.

(i) Compare the list of students participating in the program with the public school enrollment lists to avoid duplicate payments.

(j) Maintain a list of nationally norm-referenced tests

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identified by the department which must be administered by a participating private school or private virtual school to students participating in the program. The tests must meet industry standards of quality under rules of the State Board of Education.

(k) Select an independent research organization, which may be a public or private entity or university, to which participating private schools and private virtual schools must report the scores of participating students on the nationally norm-referenced tests administered by the schools in grades 3 through 10.

1. The independent research organization must annually issue a report to the department which includes:

a. The year-to-year learning gains of students in the program;

b. To the extent possible, a comparison of the learning gains of students in the program to the statewide learning gains of public school students having backgrounds similar to those of the students in the program. In order to minimize the costs and time that the independent research organization requires for analysis and evaluation, the department shall conduct analyses of assessment data from matched students in public schools and shall calculate learning gains of control groups using a methodology outlined in the contract with the independent research organization; and

c. The aggregate year-to-year learning gains of students in the program in each participating private school in which there are at least 30 participating students having scores for tests for 2 consecutive years at that private school.

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2. The sharing and reporting of the learning gains of students pursuant to this paragraph must be in accordance with s. 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act, and may be for the sole purpose of creating the annual report required by subparagraph 1. The department and the independent research organization shall preserve the confidentiality of such information as required by law. The organization may not disaggregate data in its annual report to a level that will identify individual participating schools, except as required under sub-subparagraph 1.c., or disclose the academic level of individual students.

3. The department shall publish the annual report on its website.

(l) Conduct random site visits to private schools, private tutors, private tutoring programs, and private postsecondary institutions participating in the program. During a site visit, the department may conduct only activities to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, and the results of criminal history record checks of teachers.

(m) Annually, by December 15, submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives describing the implementation of accountability mechanisms for the program; identifying any violations of a law or rule governing the program concerning the enrollment and attendance of students, the credentials of teachers, or the background screening of teachers; and describing the corrective actions taken by the department relating to violations of a law or rule governing the program.

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(8) CHIEF FINANCIAL OFFICER OBLIGATIONS.—The Chief Financial Officer shall:

(a) Process applications from financial institutions applying to participate in the program.

(b) Provide a list of participating financial institutions to the department by March 1 of each year.

(c) Conduct random audits of financial institutions participating in the program to ensure compliance with this section.

(d) Revoke the eligibility of a financial institution that fails to comply with its obligations under this section.

(e) Upon notice from the department, make payments to the accounts of participating students in four equal installments by September 1, November 1, February 1, and April 1.

(9) OBLIGATIONS OF FINANCIAL INSTITUTIONS.—

(a) A financial institution must apply to the Chief Financial Officer for approval to participate in the program. The Chief Financial Officer must approve the application of a financial institution if the institution agrees to do all of the following:

1. Serve as a trustee of the funds in a student's account.  
2. Limit its fees imposed on each account to 3 percent or less of each payment it makes from an account.

3. Make timely quarterly payments directly to the eligible private school, private virtual school, private tutor, private tutoring program, or eligible private postsecondary institution selected by the parent. The amount of the quarterly payment to these institutions may not exceed:

a. The amount of the state quarterly payment to the

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financial institution, less the financial institution's fees; or

b. The reported tuition and fee schedule provided to the department for the educational institution.

4. Make timely quarterly payments directly to a public postsecondary institution selected by the parent for the payment of books, tuition, and fees charged for a student's participation in a dual enrollment program. The amount of the quarterly payment to these institutions may not exceed:

a. The amount of the state quarterly payment to the financial institution, less the financial institution's fees; or

b. The full cost of books, tuition, and fees charged for the student's participation in the dual enrollment program.

5. Make timely quarterly payments directly to the selected college savings plan or the Stanley G. Tate Florida Prepaid College Program. The amount of such quarterly payment may not exceed the amount of the state quarterly payment to the financial institution, less the financial institution's fees.

6. Notify the department by February 1, July 1, September 1, and December 1 of the identity of students who have accounts with the institution under this section.

(b) A participating financial institution must annually notify the Chief Financial Officer of its intent to continue participating in or its intent to withdraw from the program. A financial institution must provide 180 days' notice to the Chief Financial Officer and to the parents of students having an account at the institution before it may withdraw from the program. The institution must also transfer each account to another participating institution selected by a parent or to another participating institution randomly selected by the Chief



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Financial Officer if the parent fails to make a timely selection.

(10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

(a)1. The Commissioner of Education shall deny, suspend, or revoke the participation of a private school, private virtual school, private tutor, or private tutoring program in the program if the commissioner determines that the school, tutor, or tutoring program has failed to comply with this section or the rules of the department adopted under this section. However, if the noncompliance is correctable within a reasonable amount of time and the health, safety, or welfare of the students is not threatened, the commissioner may issue a notice of noncompliance that shall provide the school, tutor, or tutoring program with a timeframe within which to show evidence of compliance before action may be taken to suspend or revoke the school's, tutor's, or tutoring program's participation in the program.

2. The commissioner may deny, suspend, or revoke a private school's participation in the program if the commissioner determines that an owner or operator of the private school is operating or has operated an educational institution in this state or another state in a manner that is contrary to the health, safety, or welfare of the public. In making this determination, the commissioner may consider factors including, but not limited to, acts or omissions by the owner or operator which led to a previous denial or revocation of participation in an education scholarship program or an education savings account program; an owner's or operator's failure to reimburse a student's account for funds improperly received or retained by a

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school; imposition of a prior criminal or civil administrative sanction related to an owner's or operator's management or operation of an educational institution; or the existence of other types of criminal proceedings in which the owner or operator was found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to any offense involving fraud, deceit, dishonesty, or moral turpitude.

(b) The commissioner's determination to deny, suspend, or revoke a private school's participation in the program is subject to the following:

1. The department must notify the private school of the proposed action in writing by certified mail and regular mail to the private school's address of record with the department. The notice shall state the reasons for the proposed action and notice of the timelines and procedures set forth in this paragraph.

2. The private school that is adversely affected by the proposed action has 15 days after receipt of the notice of proposed action to file with the clerk of the department a request for a proceeding pursuant to ss. 120.569 and 120.57. If the private school is entitled to a hearing under s. 120.57(1), the department shall forward the request to the Division of Administrative Hearings.

3. Upon receipt of a request for a proceeding referred pursuant to this paragraph, the director of the Division of Administrative Hearings shall expedite the hearing and assign an administrative law judge who shall commence a hearing within 30 days after the receipt of the formal written request from the department and enter a recommended order within 30 days after

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581 the hearing or within 30 days after receipt of the hearing  
 582 transcript, whichever is later. Each party may submit written  
 583 exceptions to the recommended order within 10 days after the  
 584 recommended order is entered. The department shall enter a final  
 585 order within 30 days after the entry of the recommended order.  
 586 The provisions of this subparagraph may be waived upon  
 587 stipulation by all parties.

588 (c) The commissioner may order participating financial  
 589 institutions to suspend payment of funds from accounts to a  
 590 private school if the commissioner finds that probable cause of  
 591 any of the following exists:

592 1. An imminent threat to the health, safety, and welfare of  
 593 a student; or

594 2. Fraudulent activity on the part of the private school.

595  
 596 The commissioner's order suspending payment pursuant to this  
 597 paragraph may be appealed pursuant to the same procedures and  
 598 timelines as the notice of proposed action set forth in  
 599 paragraph (b).

600 (11) AUTHORIZED RELEASE OF CONFIDENTIAL INFORMATION.—  
 601 Notwithstanding s. 1002.22, in incidents of alleged fraudulent  
 602 activity relating to participation in the program, the Office of  
 603 Inspector General of the department may release personally  
 604 identifiable records or reports of students to the following  
 605 persons or organizations:

606 (a) A court of competent jurisdiction in compliance with an  
 607 order of that court or the attorney of record in accordance with  
 608 a lawfully issued subpoena, consistent with the Family  
 609 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

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610 (b) A person or entity authorized by a court of competent  
 611 jurisdiction in compliance with an order of that court or the  
 612 attorney of record pursuant to a lawfully issued subpoena,  
 613 consistent with the Family Educational Rights and Privacy Act,  
 614 20 U.S.C. s. 1232g.

615 (c) A person, entity, or authority issuing a subpoena for  
 616 law enforcement purposes if the court or other issuing agency  
 617 has ordered that the existence or the contents of the subpoena  
 618 or the information furnished in response to the subpoena not be  
 619 disclosed, consistent with the Family Educational Rights and  
 620 Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

621 (12) EDUCATION SAVINGS ACCOUNT AMOUNT.—The total amount of  
 622 payments to a participating student's account for a single  
 623 school year shall be equal to 40 percent of the base student  
 624 allocation under the Florida Education Finance Program  
 625 multiplied by the appropriate cost factor for the educational  
 626 program that would have been provided for the student in the  
 627 district school to which he or she was assigned, multiplied by  
 628 the district cost differential plus the per-student share of  
 629 instructional materials funds and other categorical funds as  
 630 appropriated in the General Appropriations Act.

631 (13) RANDOM SELECTION OF PROGRAM PARTICIPANTS.—By April 1  
 632 of each year, the department shall randomly select applicants to  
 633 participate in the program who are in home education programs  
 634 and private schools and who did not participate in the program  
 635 during the prior school year. The number of spaces available for  
 636 these students shall equal the number of students who enrolled  
 637 in the program during the annual enrollment period and were  
 638 counted as full-time equivalent students at a public school

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during the previous state fiscal year for purposes of state per-  
 student funding. For purposes of this calculation, the number of  
 new participants in the program who were public school students  
 does not include kindergarten and first grade students and  
 siblings of other students participating in the program.

(14) LEGISLATIVE BUDGET COMMISSION.—Each quarter the  
Legislative Budget Commission may transfer any funds  
appropriated for the program in excess of amounts required to  
fully fund the accounts of all participating students to the  
Florida Education Finance Program.

(15) ADMINISTRATION; RULES.—

(a) The department and the Department of Financial Services  
shall develop a cooperative agreement to assist in the  
administration of this section.

(b) The State Board of Education shall adopt rules  
necessary for the department and the Commissioner of Education  
to administer this section, including rules relating to the  
establishment of the enrollment period, enrollment forms, and  
reporting requirements for financial institutions and schools.

(c) The Chief Financial Officer shall adopt rules necessary  
to administer this section, including rules relating to the  
eligibility and auditing of participating financial  
institutions.

Section 2. Enrollment period for the 2017-2018 school  
year.—

(1) Notwithstanding s. 1002.387(7), Florida Statutes, the  
enrollment period to participate in the Education Savings  
Account Program for the 2017-2018 school year is July 1 through  
July 31. The number of students who may participate is limited

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to the number of participants specified in the General  
 Appropriations Act.

(2) Notwithstanding s. 1002.387(2), Florida Statutes, the  
students eligible to participate in the Education Savings  
Account Program during the 2017-2018 school year are limited to  
students identified in s. 1002.387(2)a.1. and 3., Florida  
Statutes.

(3) If the Department of Education receives more  
applications for eligible students during the enrollment period  
for the 2017-2018 school year than the number specified in the  
General Appropriations Act, the department shall randomly select  
the students who may participate in the program.

(4) (a) The State Board of Education may adopt emergency  
rules for the department and the Commissioner of Education to  
implement the program.

(b) The Chief Financial Officer may adopt emergency rules  
to implement the program.

Section 3. This act shall take effect upon becoming a law.

By Senator Garcia

36-01567A-17

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A bill to be entitled

An act relating to student eligibility for interscholastic athletic competition; amending s. 1006.20, F.S.; revising requirements for the bylaws of the Florida High School Athletic Association governing student eligibility to participate in interscholastic athletic competition; revising the information that must be included on the preparticipation physical evaluation form; providing an effective date.

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

Section 1. Paragraph (c) of subsection (2) of section 1006.20, Florida Statutes, is amended to read:

1006.20 Athletics in public K-12 schools.—

(2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

(c) The FHSAA shall adopt bylaws that require all students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to satisfactorily pass a medical evaluation each year before ~~prior~~ ~~to~~ participating in interscholastic athletic competition or engaging in any practice, tryout, workout, or other physical activity associated with the student's candidacy for an interscholastic athletic team. A practitioner licensed under chapter 458, chapter 459, or chapter 460 or certified under s. 464.012 who is in good standing with his or her professional regulatory board shall administer this ~~Such~~ medical evaluation ~~may be administered only by a practitioner licensed under chapter 458, chapter 459, chapter 460, or s. 464.012, and in~~

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~~good standing with the practitioner's regulatory board.~~ The bylaws must ~~shall~~ establish requirements for eliciting a student's medical history and performing the medical evaluation required under this paragraph, which must ~~shall~~ include a physical assessment of the student's physical capabilities to participate in interscholastic athletic competition as contained in a uniform preparticipation physical evaluation and history form. The evaluation form must ~~shall~~ incorporate the recommendations of the American Heart Association for participation cardiovascular screening and must ~~shall~~ provide a place for the signature of the practitioner performing the evaluation with an attestation that each examination procedure listed on the form was performed by the practitioner or by someone under the direct supervision of the practitioner. The form must ~~shall~~ also contain a place for the practitioner to indicate if a referral to another practitioner was made in lieu of completion of a certain examination procedure. The form must ~~shall~~ provide a place for the practitioner to whom the student was referred to complete the remaining sections and attest to that portion of the examination. The preparticipation physical evaluation form must contain information that advises a student ~~shall advise students~~ to complete a cardiovascular assessment, including an electrocardiogram. The preparticipation physical ~~evaluation form must also and shall~~ include information concerning alternative cardiovascular evaluation and diagnostic tests. Results of such medical evaluation must be provided to the school. A student is not eligible to participate, as provided in s. 1006.15(3), in any interscholastic athletic competition or engage in any practice, tryout, workout, or other

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59 physical activity associated with the student's candidacy for an  
60 interscholastic athletic team until the results of the medical  
61 evaluation have been received and approved by the school.

62 Section 2. This act shall take effect July 1, 2017.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Education, *Chair*  
Regulated Industries, *Vice Chair*  
Appropriations Subcommittee on the Environment  
and Natural Resources  
Health Policy  
Transportation

### JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

**SENATOR DOROTHY L. HUKILL**

14th District

March 24, 2017

The Honorable Joe Negron  
President  
The Florida Senate  
Suite 409 Capitol  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear President Negron:

This letter will serve as my formal request to be excused from the Senate Committee on Education meeting scheduled for Monday, March 27, 2017. I am making this request due to a medical condition that restricts my ability to travel.

As chair of the committee and pursuant to Rule 2.25, I am designating Senator Wilton Simpson as acting chair for this meeting. I will continue to work with committee staff on all other matters related to my role as chair of this committee.

Sincerely,

A handwritten signature in cursive script that reads "Dorothy L. Hukill".

Dorothy L. Hukill  
Chair, Senate Committee on Education

cc: The Honorable Wilton Simpson, State Senator, District 10  
The Honorable Debbie Mayfield, Vice Chair, Senate Committee on Education  
The Honorable Lizbeth Benacquisto, Chair, Senate Committee on Rules  
Shruti Graf, Staff Director, Senate Committee on Education  
John Phelps, Staff Director, Senate Committee on Rules

### REPLY TO:

☐ 209 Dunlawton Avenue, Unit 17, Port Orange, Florida 32127 (386) 304-7630 FAX: (888) 263-3818  
☐ 406 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5014

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore

# CourtSmart Tag Report

**Room:** KN 412

**Caption:** Senate Committee on Education

**Case No.:**

**Judge:**

**Type:**

**Started:** 3/27/2017 1:32:53 PM

**Ends:** 3/27/2017 3:30:34 PM

**Length:** 01:57:42

1:32:52 PM Meeting called to order  
1:32:53 PM Sen. Simpson is in the Chair  
1:33:14 PM Quorum is present  
1:33:20 PM Sen. Hukill is excused  
1:33:28 PM Pledge of Allegiance  
1:33:50 PM Chairman  
1:33:59 PM Tab 8 - SB 1290 Sen. Hutson  
1:35:09 PM Richard Watson, Legislative Counsel, Associated Builders and Contractors of FL  
1:35:19 PM Sen. Hutson waives to close  
1:35:25 PM Roll Call on SB 1290 - Favorable  
1:35:56 PM Tab 5 - SB 978 Sen. Powell  
1:36:36 PM Late filed Amendment # 728964 by Sen. Powell  
1:36:53 PM Chairman  
1:36:58 PM Sen. Powell waives close  
1:37:03 PM Late filed Amendment is adopted  
1:37:07 PM Back on bill as amended  
1:37:22 PM Andrew Watt, Palm Beach school district, waives in support  
1:37:32 PM Sen. Powell waives to close  
1:37:38 PM Roll Call on CS/SB 978 - favorable  
1:38:23 PM Tab 3 -SB 782 by Sen. Mayfield  
1:38:44 PM Chair  
1:39:05 PM Nancy Lawther, Florida PTA, waives against  
1:39:07 PM Mark Landreth, Sr. Director, Gov. Relations, American Heart Association, waives in opposition  
1:39:23 PM Fely Curvo, Ph.D, Partner Curve and Associates, SHAPE, speak against  
1:40:53 PM Laurie Cox, SHAPE, speaking against  
1:42:16 PM Senator Thurston, question of Laurie  
1:42:45 PM Laurie Cox in response  
1:43:54 PM Sen. Mayfield to close  
1:45:22 PM Roll Call on SB 782 - favorable  
1:45:52 PM Tab 9 - SB 1472 by Sen. Galvano  
1:46:47 PM Sen. Thurston question of sponsor  
1:48:03 PM Sen. Galvano in response  
1:48:11 PM Sen. Thurston  
1:48:27 PM Sen. Galvano  
1:48:33 PM Chair  
1:48:42 PM Jodi James, Fla. Cannabis Action Network, waives in support  
1:48:45 PM Ron Watson, Lobbyist, Alt Med, waives in support  
1:49:05 PM Barney Bishop, Fla. Smart Justice Alliance speaking in support  
1:50:50 PM Dr. Nazi Komar, Senior Research Scientist, Moffitt Cancer Center, speaking for the bill  
1:53:49 PM Sen. Thurston  
1:54:12 PM Dr. Komar in response  
1:54:24 PM Sen. Thurston  
1:54:47 PM Dr. Komar  
1:54:55 PM Sen. Thurston  
1:55:31 PM Dr. Komar  
1:56:12 PM Sen. Thurston  
1:58:14 PM Sen. Stewart  
1:58:23 PM Dr. Komar  
1:58:27 PM Sen. Lee  
1:59:36 PM Sen. Thurston  
2:00:32 PM Sen. Galvano to close  
2:01:58 PM Roll Call on SB 1472 - Favorable

2:02:26 PM Tab 1 - CS/SB 328 by Sen. Grimsely  
 2:03:26 PM Chair  
 2:03:53 PM Carrie Graham, DeVry Univ. waives in support  
 2:03:55 PM Alisa LaPolt, Lobbyist, Fla. Nurses Association, waives in support  
 2:03:57 PM Martha DeCastro, VP for Nursing, Fla. Hospital Association, waives in support  
 2:03:59 PM Chair  
 2:04:01 PM Roll Call on CS/SB 328 - Favorable  
 2:05:20 PM Tab 6 - SB 1210 by Sen. Lee  
 2:05:34 PM Sen. Lee to explain procedure  
 2:06:04 PM Late filed Amendment # 833208 no objection  
 2:06:17 PM Sen. Lee to explain amendment  
 2:08:46 PM Chair  
 2:09:15 PM Sen. Thurston question of sponsor  
 2:10:02 PM Sen. Lee in response  
 2:10:34 PM Sen. Thurston  
 2:11:01 PM Sen. Lee  
 2:11:11 PM Chair  
 2:12:18 PM Amendment- to- Amendment #554964 by Sen. Lee  
 2:13:47 PM Chair  
 2:14:05 PM Sen. waives to close on amendment to amendment  
 2:14:16 PM Amendment to Amendment is adopted  
 2:14:20 PM Amendment #834124 by Sen. Lee  
 2:15:13 PM Chair  
 2:15:28 PM Sen. Lee to close on amendment- to- amendment  
 2:15:39 PM Amendment is adopted  
 2:15:42 PM Back on bill as amended  
 2:15:56 PM Sen. Thurston  
 2:16:38 PM Sen. Lee  
 2:17:54 PM Sen. Thurston  
 2:20:27 PM Sen. Lee  
 2:20:52 PM Chair  
 2:20:59 PM Sen. Stewart  
 2:21:23 PM Sen. Lee  
 2:21:43 PM Sen. Stewart  
 2:23:42 PM Nancy Stacy, Fla. Coalition of School Board Members, waives in support  
 2:23:45 PM Hamilton Boone, Fla. Citizens Alliance, speaking for bill  
 2:27:36 PM Janet McDonald, Flagler Co. School Board, speaking for bill  
 2:35:58 PM Sen. Thurston  
 2:36:59 PM Janet McDonald  
 2:38:15 PM Sen, Thurston  
 2:38:26 PM Janet McDonald  
 2:39:50 PM Sen. Thurston  
 2:39:56 PM Janet McDonald  
 2:41:16 PM Dennis McDonald, FLCA  
 2:44:00 PM Ed Wilson, Florida Citizens Alliance, speaking for the bill  
 2:46:26 PM Sen. Farmer  
 2:47:27 PM Ed Wilson  
 2:48:28 PM Keith O Flaugh, FLCA  
 2:50:35 PM Sen. Farmer  
 2:50:41 PM Keith O Flaugh, FLCA  
 2:53:17 PM Bob Root, American Patriot News, waives in support of bill  
 2:53:41 PM Velinda Root, Florida Citizen Alliance, waives in support  
 2:54:09 PM Sen. Mayfield  
 2:54:48 PM Sen. Farmer  
 2:55:46 PM Sen. Lee to close on amendment  
 2:56:54 PM Roll Call on CS/SB 1210 - Favorable  
 2:57:20 PM Tab 7 - SB 1222 by Sen. Bradley  
 2:58:40 PM Bob Cerra, NE Fla. Ed. Consortium, waives in support  
 2:59:08 PM Roll call - SB 1222- Favorable  
 2:59:18 PM Tab 2- SB 668 - Sen. Bean  
 3:00:15 PM Amendment # 744338 by Sen. Bean -  
 3:00:41 PM Dr. Ed Moore, ICUF, waives in support of amendment



**3:00:50 PM** Sen. Bean waives to close  
**3:00:55 PM** Amendment is adopted  
**3:01:12 PM** Carrie Graham, Legislative Assistant for Bob Harris, DeVry University, waives in support  
**3:01:20 PM** Janet Owen, VP Gov. Affairs, Univ. of North FL, waives in support  
**3:01:27 PM** Kathleen Daly, AVP, Univ. Relations, FSU, waives in support  
**3:01:32 PM** Sen. Bean waives to close on the amendment  
**3:01:33 PM** Amendment adopted  
**3:01:34 PM** Stephen Shiver, AIF, waives in support  
**3:01:35 PM** Brian Logan, Dir. Leg. Affairs, Fla. Board of Governors, waives in support  
**3:01:37 PM** Roll Call on CS/SB 668 - favorable  
**3:02:13 PM** Tab 4 - SB 926 by Sen. Flores  
**3:02:25 PM** Sen. Lee - TP of 926 - roll call - by vote the bill is TP'd  
**3:02:29 PM** Roll call for TP of SB 926 - Favorable  
**3:03:52 PM** Tab 10- Presentation on Charter Schools, Adam Miller, Executive Director, Office of Independent Education and Parental Choice, FDOE  
**3:10:28 PM** Sen. Thurston  
**3:11:04 PM** Adam in response  
**3:11:11 PM** Sen. Thurston  
**3:11:18 PM** Adam in response  
**3:11:32 PM** Sen. Thurston  
**3:12:52 PM** Adam in response  
**3:12:55 PM** Sen. Thurston  
**3:18:06 PM** Trisha Coad, National Director, New Site Development, KIPP Foundation, Presentation  
**3:22:06 PM** Sen. Mayfield in Chair  
**3:22:08 PM** WORKSHOP BILLS  
**3:22:20 PM** Tab 19 - SB 1362 by Sen. Broxson  
**3:23:55 PM** Tab 21 - SB 1572 by Sen. Bean  
**3:24:47 PM** Tab 11 - SB 538 - by Sen. Clemmons  
**3:26:09 PM** Tab 20- SB 1556 by Sen. Lee  
**3:27:25 PM** Tab18- SB 1314 Sen. Grimsley  
**3:27:52 PM** Tab 17 -SB 1302 Sen. Gibson  
**3:28:23 PM** Tab 16 - SB 902 Sen. Simmons  
**3:28:53 PM** Tab 12 - SB 692 Sen. Baxley  
**3:29:20 PM** Tab 12 - SB 692 by Sen. Baxley  
**3:29:33 PM** Tab 15 - SB 868 by Sen. Baxley  
**3:30:01 PM** Tab 22 - SB 1586 Sen. Garcia  
**3:30:21 PM** Sen. Lee moves to adjourn