

Tab 1	SB 468 by Stargel; (Similar to CS/H 00757) Voluntary Prekindergarten Education					
Tab 2	CS/SB 496 by HP, Brandes (CO-INTRODUCERS) Passidomo; (Similar to CS/CS/H 00209) Medical Faculty Certification					
977766	A	S	RCS	ED, Brandes	Delete L.86 - 203:	04/03 04:25 PM
Tab 3	SB 796 by Bean; (Compare to H 05103) Charter Schools					
839664	D	S		ED, Bean	Delete everything after	04/03 08:06 AM
482436	AA	S		ED, Farmer	Delete L.515 - 554:	04/03 01:28 PM
Tab 4	SB 856 by Broxson; (Identical to H 00373) Education					
Tab 5	SB 868 by Baxley; (Compare to CS/H 00833) Educational Options and Services					
289776	A	S	RCS	ED, Baxley	Delete L.57 - 79:	04/03 04:25 PM
781634	A	S	RCS	ED, Baxley	Delete L.80 - 102:	04/03 04:25 PM
Tab 6	SB 902 by Simmons; Gardiner Scholarship Program					
Tab 7	SB 926 by Flores (CO-INTRODUCERS) Bradley, Perry, Baxley, Stargel; (Similar to CS/H 00773) K-12 Student Assessments					
945386	A	S	RCS	ED, Simmons	Delete L.23 - 31:	04/03 04:25 PM
553330	AA	S	RCS	ED, Lee	After L.48:	04/03 04:25 PM
654648	A	S	RCS	ED, Flores	btw L.31 - 32:	04/03 04:25 PM
723896	A	S	WD	ED, Stewart	btw L.31 - 32:	04/03 04:25 PM
941932	A	S		ED, Flores	btw L.31 - 32:	03/31 02:03 PM
512972	A	S	RS	ED, Simmons	Delete L.40 - 93.	04/03 04:25 PM
351834	SA	S	RCS	ED, Simmons	Delete L.65 - 68:	04/03 04:25 PM
578028	A	S	RS	ED, Simmons	Delete L.59:	04/03 04:25 PM
559976	SA	S	RCS	ED, Simmons	Delete L.59:	04/03 04:25 PM
464772	A	S	RS	ED, Simmons	btw L.93 - 94:	04/03 04:25 PM
748116	SA	S	RCS	ED, Simmons	btw L.93 - 94:	04/03 04:25 PM
747760	A	S	RCS	ED, Flores	Delete L.142 - 147:	04/03 04:25 PM
173108	A	S	RS	ED, Simmons	btw L.167 - 168:	04/03 04:25 PM
565816	SA	S	RCS	ED, Simmons	btw L.167 - 168:	04/03 04:25 PM
521886	A	S	RS	ED, Simmons	btw L.167 - 168:	04/03 04:25 PM
963662	SA	S	RCS	ED, Simmons	btw L.167 - 168:	04/03 04:25 PM
719744	A	S	RCS	ED, Stewart	btw L.167 - 168:	04/03 04:25 PM
121682	A	S	RCS	ED, Flores	btw L.167 - 168:	04/03 04:25 PM
575042	A	S	RCS	ED, Stewart	btw L.167 - 168:	04/03 04:25 PM
Tab 8	SB 984 by Bean (CO-INTRODUCERS) Broxson, Mayfield, Brandes, Baxley, Garcia; (Similar to CS/H 01131) Shared Use of Public School Playground Facilities					
402750	A	S	RCS	ED, Bean	Delete L.103 - 130:	04/03 04:25 PM
Tab 9	CS/SB 1224 by MS, Passidomo; (Similar to CS/H 01079) Public Records and Public Meetings/Campus Emergency Response for Public Postsecondary Institutions					
Tab 10	SB 1276 by Stargel; (Identical to H 01073) Postsecondary Educational Institution Affordability					
Tab 11	SB 1302 by Gibson; (Similar to CS/H 01109) Private School Student Participation in Extracurricular Activities					

Tab 12	SB 1314 by Grimsley; (Compare to CS/CS/H 00015) Educational Options					
881744	A	S	RCS	ED, Grimsley	Delete L.141 - 144:	04/03 04:25 PM
Tab 13	CS/SB 1330 by JU, Stargel; (Similar to CS/H 00849) Concealed Weapons and Firearms on Private School Property					
307950	A	S	RCS	ED, Flores	Delete L.23:	04/04 09:31 AM
Tab 14	SB 1362 by Broxson; (Compare to CS/H 07101) K-12 Education					
143166	D	S		ED, Broxson	Delete everything after	03/31 01:31 PM
Tab 15	SB 1368 by Perry (CO-INTRODUCERS) Mayfield; (Identical to H 00655) Exceptional Student Instruction					
689246	A	S	RCS	ED, Farmer	btw L.10 - 11:	04/03 04:25 PM
Tab 16	SB 1468 by Galvano; Education					
435272	A	S	RCS	ED, Galvano	btw L.47 - 48:	04/03 01:49 PM
Tab 17	SB 1474 by Perry (CO-INTRODUCERS) Mayfield; (Similar to H 01111) Teacher Certification					
Tab 18	SB 1552 by Simmons; (Compare to CS/H 07069) Florida Best and Brightest Teacher and Principal Scholar Award Program					
214866	A	S	RCS	ED, Simmons	Delete L.61 - 64:	04/03 04:25 PM
Tab 19	SB 1586 by Garcia; Student Eligibility for Interscholastic Athletic Competition					
Tab 20	SB 1598 by Brandes; (Similar to CS/H 01331) Education					
430214	A	S	RCS	ED, Brandes	Before L.47:	04/03 04:25 PM
149092	A	S	RCS	ED, Brandes	btw L.531 - 532:	04/03 04:25 PM
Tab 21	SB 1710 by Stargel; (Similar to CS/H 07057) Education					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION
Senator Hukill, Chair
Senator Mayfield, Vice Chair

MEETING DATE: Monday, April 3, 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	SB 468 Stargel (Similar CS/H 757)	Voluntary Prekindergarten Education; Requiring the Just Read, Florida! Office to provide teachers, reading coaches, and principals in prekindergarten through grade 3 with specified training; requiring voluntary prekindergarten providers to provide parents with pre- and post- assessment results within a specified timeframe, etc. ED 04/03/2017 Favorable AED AP RC	Favorable Yeas 9 Nays 0
2	CS/SB 496 Health Policy / Brandes (Similar CS/CS/H 209)	Medical Faculty Certification; Providing criteria for an applicant of a temporary certificate for visiting physicians to obtain medical privileges for instructional purposes who has not been issued a social security number; revising the circumstances under which visiting physicians may be issued a temporary certificate to obtain medical privileges for instructional purposes; revising the list of schools at which certain faculty members are eligible to receive a medical faculty certificate, etc. HP 03/14/2017 Fav/CS ED 04/03/2017 Fav/CS RC	Fav/CS Yeas 9 Nays 0
3	SB 796 Bean (Compare H 5103)	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 ED 04/03/2017 Not Considered AED AP RC	Not Considered

COMMITTEE MEETING EXPANDED AGENDA

Education

Monday, April 3, 2017, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 856 Broxson (Identical H 373)	Education; Prohibiting a district school board from awarding an annual contract for instructional personnel under certain circumstances; prohibiting a district school board from altering or limiting its authority to award or not award an annual contract, etc. ED 04/03/2017 Favorable GO RC	Favorable Yeas 6 Nays 3
5	SB 868 Baxley (Compare CS/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 ED 04/03/2017 Fav/CS AED AP	Fav/CS Yeas 9 Nays 0
6	SB 902 Simmons	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 ED 04/03/2017 Not Considered AED AP RC	Not Considered

COMMITTEE MEETING EXPANDED AGENDA

Education

Monday, April 3, 2017, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 926 Flores (Similar CS/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 ED 04/03/2017 Fav/CS RC	Fav/CS Yeas 9 Nays 0
8	SB 984 Bean (Similar CS/H 1131)	Shared Use of Public School Playground Facilities; Requiring the Department of Education to provide specified assistance to school districts; providing for funding as established in the General Appropriations Act; requiring funding priority to be given to high-need communities; creating the Shared Use Task Force within the department, etc. ED 04/03/2017 Fav/CS AED AP	Fav/CS Yeas 9 Nays 0
9	CS/SB 1224 Military and Veterans Affairs, Space, and Domestic Security / Passidomo (Similar CS/H 1079)	Public Records and Public Meetings/Campus Emergency Response for Public Postsecondary Institutions; Providing an exemption from public records requirements for a public postsecondary educational institution's campus emergency response plan when held by specified custodial agencies; providing an exemption from public meetings requirements for any portion of a public meeting at which certain components of a campus emergency response plan are discussed; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity, etc. MS 03/22/2017 Fav/CS ED 04/03/2017 Favorable GO	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Education

Monday, April 3, 2017, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	SB 1276 Stargel (Identical H 1073)	Postsecondary Educational Institution Affordability; Prohibiting the Board of Trustees of Santa Fe College from increasing its transportation access fee; providing that Florida College System institution boards of trustees may not increase certain student fees after a specified date; providing that state universities may not increase certain student fees after a specified date; requiring a state university to waive certain fees for specified graduate students, etc. ED 04/03/2017 Favorable AHE AP RC	Favorable Yeas 9 Nays 0
11	SB 1302 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 ED 04/03/2017 Favorable AED AP RC	Favorable Yeas 8 Nays 0
12	SB 1314 Grimsley (Compare CS/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 ED 04/03/2017 Fav/CS AED AP RC	Fav/CS Yeas 7 Nays 2

COMMITTEE MEETING EXPANDED AGENDA

Education

Monday, April 3, 2017, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
13	CS/SB 1330 Judiciary / Stargel (Similar CS/H 849)	Concealed Weapons and Firearms on Private School Property; Specifying that concealed weapon and concealed firearm licensees are not prohibited by specified laws from carrying such weapons or firearms on private school property under a specified circumstance, etc. JU 03/22/2017 Fav/CS ED 04/03/2017 Fav/CS RC	Fav/CS Yeas 6 Nays 3
14	SB 1362 Broxson (Compare CS/H 7101)	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 ED 04/03/2017 Not Considered AED AP	Not Considered
15	SB 1368 Perry (Identical H 655)	Exceptional Student Instruction; Prohibiting certain school districts from declining to provide or contract for certain students' educational instruction; providing for funding of such students, etc. ED 04/03/2017 Fav/CS AED AP RC	Fav/CS Yeas 9 Nays 0
16	SB 1468 Galvano	Education; Requiring the Auditor General to conduct annual audits of the Florida School for the Deaf and the Blind; authorizing the Commissioner of Education to coordinate with specified entities to assess needs for resources and assistance in an emergency situation; extending the timeframe by which the Florida Polytechnic University must meet specified criteria established by the Board of Governors of the State University System, etc. ED 04/03/2017 Fav/CS AED AP	Fav/CS Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Education

Monday, April 3, 2017, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
17	SB 1474 Perry (Similar H 1111, Compare CS/H 1331, S 1598)	Teacher Certification; Requiring the Department of Education to issue a temporary educator certificate within a specified period; requiring the department to provide the applicant an official statement of status of eligibility upon issuance of a temporary certificate; authorizing charter schools and charter management organizations to develop a professional development certification and education competency program, etc. ED 04/03/2017 Not Considered AED AP	Not Considered
18	SB 1552 Simmons (Compare CS/H 7069, S 1410)	Florida Best and Brightest Teacher and Principal Scholar Award Program; Creating the Florida Best and Brightest Teacher and Principal Scholar Award Program to be administered by the Department of Education; providing timelines and requirements for program implementation; requiring the State Board of Education to adopt rules, etc. ED 04/03/2017 Fav/CS AED AP RC	Fav/CS Yeas 8 Nays 0
19	SB 1586 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 ED 04/03/2017 Not Considered HP RC	Not Considered
20	SB 1598 Brandes (Similar CS/H 1331, Compare H 1111, S 1474)	Education; Creating the Schools of Excellence Program; providing for designation as a School of Excellence; providing additional authority and responsibilities to the principal of a School of Excellence; providing that successful completion of a specified program demonstrates mastery of certain skills; revising the activities designed to implement the School Community Professional Development Act to include specified training relating to the comprehensive teacher mentorship program, etc. ED 04/03/2017 Fav/CS AED AP	Fav/CS Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Education

Monday, April 3, 2017, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
21	SB 1710 Stargel (Similar CS/H 7057)	Education; Designating the month of September as "American Founders' Month"; revising the duties of the Just Read, Florida! Office to include developing and providing access to certain resources for elementary schools; requiring postsecondary students to demonstrate civic literacy, etc. ED 04/03/2017 Favorable AED AP RC	Favorable Yeas 9 Nays 0

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
Board of Trustees, Florida State University			
22	Duda, Emily F. (Oviedo)	01/06/2021	Recommend Confirm Yeas 7 Nays 0
Board of Trustees, New College of Florida			
23	Miranda, Fermin C. (Bradenton)	01/06/2018	Recommend Confirm Yeas 7 Nays 0
	Worthington, Norman A. III (Sarasota)	01/06/2021	Recommend Confirm Yeas 7 Nays 0

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 468

INTRODUCER: Senator Stargel

SUBJECT: Voluntary Prekindergarten Education

DATE: March 31, 2017

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Benvenisty	Graf	ED	Favorable
2. _____	_____	AED	_____
3. _____	_____	AP	_____
4. _____	_____	RC	_____

I. Summary:

SB 468 revises provisions related to the Voluntary Prekindergarten Education (VPK) program and duties of the Just Read! Florida Office (Just Read! Florida). Specifically, the bill:

- Requires the Just Read, Florida! to train Voluntary Prekindergarten through grade 3 teachers, reading coaches, and school principals on effective research-based instructional strategies.
- Requires the Office of Early Learning (OEL) to determine eligibility for enrollment and reenrollment in the school year VPK program.
- Requires each early learning coalition (ELC) to coordinate with the OEL to assign student identification numbers to each student who enrolls in the program.
- Clarifies that the Department of Education (DOE) must adopt a single statewide kindergarten readiness screening that is a direct assessment of early literacy and numeracy skills.
- Requires private prekindergarten providers and public schools in the VPK program to provide parents with the results of the pre- and post- assessment within 10 days after the administering the assessment.
 - Requires the results of the pre- and post- assessments to be reported at the aggregate level, distributed to the respective ELCs and school districts, and displayed on the OEL's website within 30 days after the administration of the assessment.
- Authorizes a child who is at risk of not attaining the performance standards specified in law to reenroll, at the request of the child's parent, in one of the school-year programs offered by a provider that has met the adopted minimum readiness rate provided in law for the subsequent year.
- Provides for an appropriation of \$10 million dollars from the General Revenue Fund to the DOE for developing training for VPK through grade 3 teachers, reading coaches, and school principals.

The bill takes effect July 1, 2017.

II. Present Situation:

In 2004, the Legislature established the Voluntary Prekindergarten Education (VPK) Program, a voluntary, free prekindergarten program offered to eligible four-year-old children in the year before admission to kindergarten.¹

Voluntary Prekindergarten Education Program

Florida's Office of Early Learning (OEL) governs the day-to-day operations of the VPK program.² The OEL oversees early learning coalitions (ELCs) regarding child enrollment, attendance reporting, and reimbursement of VPK program providers and monitors VPK program providers for compliance with program requirements.³ The OEL administers the accountability requirements of the VPK program at the state level.⁴ The Florida Department of Education (DOE) is responsible for adopting and requiring each school district to administer a statewide kindergarten readiness screening within the first 30 days of each school year.⁵

Local oversight of the VPK program is provided by the early learning coalitions (ELC) and school districts.⁶ Each ELC is the single point of entry for VPK program registration and enrollment in the coalition's county or multi-county service area.⁷ Each ELC must coordinate with each school district in the coalition's service area to develop procedures for enrolling children in public school VPK programs.⁸ Local oversight of individual VPK programs is split, with the ELCs providing administration over programs delivered by the private prekindergarten providers and school districts administering the public school VPK programs.⁹

Child Eligibility and Enrollment

The OEL is responsible for determining eligibility criteria for VPK programs.¹⁰ A child is eligible if he or she is four years of age on or before September 1 of the school year during which he or she is enrolling and until the school year during which the child is eligible for admission or is admitted to kindergarten, whichever occurs first.¹¹

A child involved in a VPK program specified in law may withdraw from the VPK program for good cause¹² and reenroll, provided the child has not completed more than 70 percent of the authorized program hours or expended more than 70 percent of the authorized funds.¹³ A child that has not substantially completed any VPK Program can withdraw from the program due to an

¹ Section 1, ch 2004-484, L.O.F.; part V, ch. 1002, F.S.

² Sections 1001.213 and 1002.75, F.S.

³ Section 1002.75, F.S.

⁴ *Id.*

⁵ Sections 1002.69(1) and 1002.73, F.S.

⁶ Section 1002.53(4), F.S.

⁷ *Id.* at (4)(a).

⁸ *Id.* at (4)(c).

⁹ Sections 1002.55(1), 1002.61(1)(a)-(b) and 1002.63(1), F.S.

¹⁰ Section 1002.75(2)(a).

¹¹ Section 1002.53(2), F.S.

¹² Section 1002.71(4)(b), F.S.

¹³ *Id.* at (4)(a).

extreme hardship beyond the child's or parent's control, reenroll in one of the summer programs and be reported as a full-time equivalent student in the summer program.¹⁴

VPK Program Accountability

The OEL is required to develop and adopt performance standards for students enrolled in a VPK program.¹⁵ The performance standards must address the age-appropriate progress of students in the development of:¹⁶

- The capabilities, capacities, and skills required under Art. IX, s. 1(b), of the Florida Constitution;¹⁷ and
- Emergent literacy skills, including oral communication, knowledge of print and letters, phonemic awareness, and vocabulary and comprehension development.

Florida law requires the DOE to adopt a statewide kindergarten screening (screening) that assesses the readiness of each student for kindergarten based upon the performance standards¹⁸ adopted for the VPK program.¹⁹ The screening must be administered to each kindergarten student in a school district within the first 30 school days of each school year.²⁰ Data from the screening is used to calculate the VPK provider kindergarten readiness rate.²¹

The OEL annually calculates each public school's or private provider's kindergarten readiness rate based on the percentage of students who have met all state readiness measures and student learning gains, as determined by the results of the pre- and post-assessments during at least two years.²² Currently, the instrument is a developmental screening tool based on the Work Sampling System (WSS).²³ A subset of WSS performance indicators is provided in five domains: Personal and Social Development; Language and Literacy; Mathematical Thinking; Scientific Thinking; and Physical Development, Health, and Safety.²⁴

Additionally, each VPK program private prekindergarten provider and public school must administer an evidence-based pre- and post-assessment approved by the State Board of Education, which must be valid, reliable, developmentally appropriate, and designed to measure

¹⁴ Section 1002.71(4)(b), F.S.

¹⁵ Section 1002.67(1)(a), F.S.

¹⁶ *Id.*

¹⁷ An early childhood development and education program means an organized program designed to address and enhance each child's ability to make age appropriate progress in an appropriate range of settings in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities through education in basic skills and such other skills as the Legislature may determine to be appropriate.. Art. IX, s. X, Fla. Const.

¹⁸ Section 1002.67(1), F.S.

¹⁹ Section 1002.69(1), F.S.

²⁰ *Id.*

²¹ *Id.* at (5).

²² *Id.* at (4) – (5).

²³ Email, Florida Department of Education (March 30, 2017).

²⁴ Florida's Office of Early Learning, *VPK Prekindergarten Readiness Rate Resources for Parents*, <https://vpk.fldoe.org/InfoPages/ParentInfo.aspx> (last visited March 31, 2017); Florida's Office of Early Learning, *Florida Kindergarten Readiness Screener (FLKRS)*, http://www.floridaearlylearning.com/providers/provider_resources/florida_kindergarten_readiness_screener.aspx (last visited March 31, 2017).

student progress on a variety of domains, including, but not limited to, early literacy and language.²⁵

Just Read, Florida! Office

In 2006, the Legislature created the Just Read, Florida! Office (Office) within the DOE to oversee implementation of the statewide public school reading requirements.²⁶ The Office is required to, among other things:²⁷

- Provide technical assistance to school districts in the development and implementation of district plans for use of the research-based reading allocation.²⁸
- Review, evaluate, and provide technical assistance to school districts' implementation of the K-12 comprehensive reading plan.
- Work with the Florida Center for Reading Research²⁹ to provide information on research-based reading programs and effective reading in the content area strategies.
- Train kindergarten through grade 12 teachers and school principals on effective content-area-specific reading strategies.

Florida law requires DOE to monitor and track the implementation of each district's K-12 comprehensive reading plan and report its findings annually to the Legislature by February 1.³⁰

III. Effect of Proposed Changes:

SB 468 revises provisions related to the Voluntary Prekindergarten Education (VPK) program and duties of the Just Read! Florida Office (Just Read! Florida). Specifically, the bill:

- Requires the Just Read, Florida! to train Voluntary Prekindergarten through grade 3 teachers, reading coaches, and school principals on effective research-based instructional strategies.
- Requires the Office of Early Learning (OEL) to determine eligibility for enrollment and reenrollment in the school year VPK program.
- Requires each early learning coalition (ELC) to coordinate with the OEL to assign student identification numbers to each student who enrolls in the program.
- Clarifies that the Department of Education must adopt a single statewide kindergarten readiness screening that is a direct assessment of early literacy and numeracy skills.

²⁵ Section 1002.67(1)(a), F.S. The OEL must periodically review and revise the performance standards for the statewide kindergarten screening and align the standards to those established by the State Board of Education for student performance on statewide, standardized assessments. *Id.* at (1)(b).

²⁶ Section 8, ch. 2006-74, L.O.F., *codified as* s. 1001.215, F.S.

²⁷ Section 1001.215, F.S.

²⁸ Each school district is required to annually submit a K-12 comprehensive reading plan for the specific use of the research-based reading instruction allocation. The reading plans are submitted to and approved by the Just Read, Florida! Office. Section 1011.62(9)(d), F.S. The requirements for the reading plans are set forth in rule by the State Board of Education. Rule 6A-6.053, F.A.C.

²⁹ The Florida Center for Reading Research (FCRR) was created at the Florida State University and includes two outreach centers, one at a Florida College System institution in central Florida and one at a south Florida state university. Section 1004.645, F.S. The FCRR conducts basic research on reading, reading growth, reading assessment, and reading instruction; disseminates information about research-based practices related to literacy instruction and assessment; conducts applied research; and provides technical assistance to Florida's schools and the Just Read, Florida! Office. *See* Florida State University, Florida Center for Reading Instruction, *The Center's Four Part Mission*, <http://www.fcrr.org/> (last visited March 31, 2017).

³⁰ Section 1011.62(9)(d), F.S.

- Requires private prekindergarten providers and public schools in the VPK program to provide parents with the results of the pre- and post- assessment within 10 days after the administering the assessment.
 - Requires the results of the pre- and post- assessments to be reported at the aggregate level, distributed to the respective ELCs and school districts, and displayed on the OEL's website within 30 days after the administration of the assessment.
- Authorizes a child who is at risk of not attaining the performance standards specified in law to reenroll, at the request of the child's parent, in one of the school-year programs offered by a provider that has met the adopted minimum readiness rate provided in law for the subsequent year.
- Provides for an appropriation of \$10 million dollars from the General Revenue Fund to the DOE for developing training for VPK through grade 3 teachers, reading coaches, and school principals.

Voluntary Prekindergarten Education Program

The bill authorizes the OEL to determine the eligibility criteria for reenrollment in the school year VPK Education Program. Additionally, the bill requires each ELC to coordinate with the OEL to assign student identification numbers to each VPK student.

The bill requires the statewide kindergarten screening to be a single instrument that emphasizes and directly assesses early literacy and numeracy skills. A single screening instrument may provide greater consistency across the state in assessing the kindergarten readiness rate and greater accountability for VPK programs.

The bill requires that each public and private school in the VPK Education Program provide parents the results of the pre- and post-assessments, including any resources that might be helpful to their students, within 10 days after administration of the assessment. Accordingly, parents may be able to provide instructional support at home to improve student performance outcomes.

The bill requires the results must be reported at the aggregate level, distributed to the respective ELC and districts and be available on the office's website 30 days after administering the assessment. This may result in greater transparency in identifying successful VPK programs.

Just Read, Florida! Office

The bill requires Just Read! Florida to train VPK through grade 3 teachers and reading coaches on:

- Effective research-based reading and intervention strategies;
- Integrating content-rich texts from other core subject areas into the reading instruction;
- Implementing evidence-based reading instruction and intervention programs developed by the office and the Florida Center for Reading Research which must provide an explicit, systematic and sequential teaching approach; and
- Implementing technology tools to improve student reading performance.

Accordingly, the bill appears to be placing a greater emphasis on early reading instruction and intervention.

Additionally, the bill requires the Just Read! Florida to:

- Collaborate with the Florida Center for Reading Research (FCRR) to develop the reading strategy training;
- Consistently deliver the training in an appropriate format;
- Develop reading strategies for secondary teachers for all content areas in the grade 4-12 curriculum;
- Identify evidence-based reading instructional and intervention programs that incorporate explicit, systematic and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and incorporate decodable or phonetic text instructional strategies with the FCRR; and
- Work with the FCRR to develop and provide access to sequenced curriculum programming, instructional practices and resources that help elementary schools use state-adopted content to increase students' knowledge and reading skills.

Accordingly, statewide reading strategy training may increase the likelihood that all teachers throughout the state are utilizing effective, evidence-based practices for reading instruction and intervention.

The bill also changes the date the DOE must report its findings annually to the Legislature from February 1 to December 1, and clarifies that the report must include findings from the previous school year.

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:

According to the Florida Department of Education, Early learning coalitions and private VPK program providers may incur additional costs associated with training program delivery, distribution of pre- and post- assessment reports to parents, and issuing or tracking unique student identifiers.³¹ Associated costs are indeterminable at this time.³²

C. Government Sector Impact:

SB 468 provides an appropriation of \$10 million dollars from the General Revenue Fund to the DOE for the development and training of VPK through grade 3 teachers, reading coaches and school principals on research-based reading instructional strategies and interventions for the 2017-2018 fiscal year.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1001.215, 1002.53, 1002.67, 1002.69, 1002.71, and 1011.62.

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

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

None.

B. Amendments:

None.

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

³¹ Florida Department of Education, *2017 Agency Legislative Bill Analysis for SB 468* (March 17, 2017), at 7.

³² *Id.*

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/3/17

Meeting Date

468

Bill Number (if applicable)

Topic

Pre-school

Amendment Barcode (if applicable)

Name

Beth Overholt

Job Title

Address

Street

4130 Faulkner Lane

Phone

728-0587

City

Tallahassee

State

FL

Zip

32311

Email

overholtbetha@gmail.com

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

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

Representing

Common Ground

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/3/17

Meeting Date

468

Bill Number (if applicable)

121-682

Amendment Barcode (if applicable)

Topic Voluntary Prekindergarten Education

Name Fely Curva, Ph.D.

Job Title Partner, Curva & Associates LLC

Address 1212 Piedmont Dr.

Street

Tallahassee

City

FL

State

32312

Zip

Phone (850) 508-2256

Email fely.curva@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing The Children's Forum (Forum)

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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

~~4/2~~ 4/3/17
Meeting Date

SB 468
Bill Number (if applicable)

Topic SB 468 - Redding / VPK

Amendment Barcode (if applicable)

Name Alexandra Dominguez

Job Title Senior Advocacy Associate

Address 215 S Monroe St.
Tallahassee FL 32301
Street City State Zip

Phone 784-955-7155

Email alexandra@excelsior.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Foundation for FL'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)

468
Meeting Date

468
Bill Number (if applicable)

Topic Pre K

Amendment Barcode (if applicable)

Name John Mixon

Job Title Ex Dir

Address 206 B So Manatee St Phone 822 2591

Street

Tall
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 FL Assoc, Sch, Admin,

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/3/17

Meeting Date

468

Bill Number (if applicable)

Topic Voluntary Pre K

Amendment Barcode (if applicable)

Name Michele White

Job Title COO

Address 206 B S. Monroe St.

Phone 850/224-3621

Tallahassee FL 32301

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City

State

Zip

Email mwhite@fasa.net

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Assoc of Elementary & Middle School Principals

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)

April 3 2017

Meeting Date

SB 468

Bill Number (if applicable)

Topic VPK

Amendment Barcode (if applicable)

Name Marie Claire Leman

Job Title _____

Address 1911 Wabalaw 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

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4-3-17

Meeting Date

468

Bill Number (if applicable)

Topic VPK

Amendment Barcode (if applicable)

Name Catherine Baer

Job Title Chair

Address 1421 Woodgate Way
Street
Tallahassee FL
City State Zip

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing The Tea Party Network / Common Ground

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 Stargel

22-00377B-17

2017468__

A bill to be entitled

An act relating to voluntary prekindergarten education; amending s. 1001.215, F.S.; requiring the Just Read, Florida! Office to provide teachers, reading coaches, and principals in prekindergarten through grade 3 with specified training; amending s. 1002.53, F.S.; requiring each early learning coalition to coordinate with the Office of Early Learning to assign student identification numbers for the Voluntary Prekindergarten Education Program; amending s. 1002.67, F.S.; requiring voluntary prekindergarten providers to provide parents with pre- and post-assessment results within a specified timeframe; providing for the reporting and distribution of the results; requiring the office to determine eligibility criteria for reenrollment; amending s. 1002.69, F.S.; revising requirements for the adoption and use of the statewide kindergarten screening; conforming cross-references; amending s. 1002.71, F.S.; authorizing a child to reenroll in certain school-year programs under certain circumstances; amending s. 1011.62, F.S.; revising the date by which the Department of Education must submit specified information regarding the implementation of school district K-12 comprehensive reading plans to the Legislature; providing an appropriation; providing an effective date.

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

Section 1. Present subsections (3) through (11) of section 1001.215, Florida Statutes, are redesignated as subsections (4)

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through (12), respectively, a new subsection (3) is added to that section, and present subsection (3) of that section is amended, to read:

1001.215 Just Read, Florida! Office.—There is created in the Department of Education the Just Read, Florida! Office. The office shall be fully accountable to the Commissioner of Education and shall:

(3) Train Voluntary Prekindergarten through grade 3 teachers, reading coaches, and school principals on effective research-based reading instructional strategies and interventions for all students. Contingent upon legislative appropriation, this training must be designed to be consistently delivered statewide in an appropriate format. The office shall collaborate with the Office of Early Learning to develop the training.

(4)(3) Train grade 4-12 K-12 teachers and school principals on effective content-area-specific reading strategies. For secondary teachers, emphasis shall be on technical text. These strategies must be developed for all content areas in the grade 4-12 K-12 curriculum.

Section 2. Paragraph (d) is added to subsection (4) of section 1002.53, Florida Statutes, to read:

1002.53 Voluntary Prekindergarten Education Program; eligibility and enrollment.—

(4)

(d) Each early learning coalition shall coordinate with the Office of Early Learning to assign student identification numbers to each student who enrolls in the Voluntary Prekindergarten Education Program.

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Section 3. Paragraphs (a) and (c) of subsection (2) of section 1002.67, Florida Statutes, are amended, paragraphs (d) and (e) are added to subsection (3) of that section, present subsection (4) of that section is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

1002.67 Performance standards; curricula and accountability.—

(2)(a) Each private prekindergarten provider and public school may select or design the curriculum that the provider or school uses to implement the Voluntary Prekindergarten Education Program, except as otherwise required for a provider or school that is placed on probation under paragraph (5)(c) ~~(4)(e)~~.

(c) The office shall review and approve curricula for use by private prekindergarten providers and public schools that are placed on probation under paragraph (5)(c) ~~(4)(e)~~. The office shall maintain a list of the curricula approved under this paragraph. Each approved curriculum must meet the requirements of paragraph (b).

(3)

(d) Each private prekindergarten provider and public school in the Voluntary Prekindergarten Education Program shall provide parents with the results of the pre- and post-assessments, including any resources that might be helpful for their students, within 10 days after administration of the assessment.

(e) The results of the pre- and post-assessments must be reported at the aggregate level, distributed to the respective early learning coalitions and school districts, and displayed on the office's website within 30 days after administration of the assessment.

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(4) The office shall determine the eligibility criteria for enrollment, as authorized by s. 1002.71(4)(c), and for reenrollment in the school year Voluntary Prekindergarten Education Program.

Section 4. Subsections (1) and (2) and paragraphs (a), (e), and (f) of subsection (7) of section 1002.69, Florida Statutes, are amended to read:

1002.69 Statewide kindergarten screening; kindergarten readiness rates; state-approved prekindergarten enrollment screening; good cause exemption.—

(1) The department shall adopt a single statewide kindergarten screening that assesses the readiness of each student for kindergarten based upon the performance standards adopted by the department under s. 1002.67(1) for the Voluntary Prekindergarten Education Program. The department shall require that each school district administer the statewide kindergarten screening to each kindergarten student in the school district within the first 30 school days of each school year. Nonpublic schools may administer the statewide kindergarten screening to each kindergarten student in a nonpublic school who was enrolled in the Voluntary Prekindergarten Education Program.

(2) The statewide kindergarten screening must ~~shall~~ provide objective data concerning each student's readiness for kindergarten and progress in attaining the performance standards adopted by the office under s. 1002.67(1), with an emphasis on early literacy and numeracy skills. The screening must be a direct assessment of these skills.

(7)(a) Notwithstanding s. 1002.67(5)(c)3. ~~s. 1002.67(4)(e)3.~~, the office, upon the request of a private

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prekindergarten provider or public school that remains on probation for 2 consecutive years or more and subsequently fails to meet the minimum rate adopted under subsection (6) and for good cause shown, may grant to the provider or school an exemption from being determined ineligible to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program. Such exemption is valid for 1 year and, upon the request of the private prekindergarten provider or public school and for good cause shown, may be renewed.

(e) A private prekindergarten provider or public school granted a good cause exemption shall continue to implement its improvement plan and continue the corrective actions required under s. 1002.67(5)(c)1. ~~s. 1002.67(4)(c)1.~~, including the use of a curriculum approved by the office, until the provider or school meets the minimum rate adopted under subsection (6).

(f) If a good cause exemption is granted to a private prekindergarten provider who remains on probation for 2 consecutive years, the office shall notify the early learning coalition of the good cause exemption and direct that the coalition, notwithstanding s. 1002.67(5)(c)3. ~~s. 1002.67(4)(c)3.~~, not remove the provider from eligibility to deliver the Voluntary Prekindergarten Education Program or to receive state funds for the program, if the provider meets all other applicable requirements of this part.

Section 5. Paragraph (c) is added to subsection (4) of section 1002.71, Florida Statutes, to read:

1002.71 Funding; financial and attendance reporting.—

(4) Notwithstanding s. 1002.53(3) and subsection (2):

(c) A child who is at risk of not attaining the performance

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standards specified by s. 1002.67(1) may reenroll in one of the school-year programs, which is offered by a provider that has met the adopted minimum readiness rate provided under s. 1002.69(6), for the subsequent year at the request of the child's parent. The prekindergarten program may report the child for funding purposes as a full-time equivalent student in the school-year program for which he or she is enrolled.

A child may reenroll only once in a prekindergarten program under this section. A child who reenrolls in a prekindergarten program under this subsection may not subsequently withdraw from the program and reenroll, unless the child is granted a good cause exemption under this subsection. The Office of Early Learning shall establish criteria specifying whether a good cause exists for a child to withdraw from a program under paragraph (a), whether a child has substantially completed a program under paragraph (b), and whether an extreme hardship exists which is beyond the child's or parent's control under paragraph (b).

Section 6. Paragraph (d) of subsection (9) 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:

(9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

(d) Annually, by a date determined by the Department of

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178 Education but before May 1, school districts shall submit a K-12
 179 comprehensive reading plan for the specific use of the research-
 180 based reading instruction allocation in the format prescribed by
 181 the department for review and approval by the Just Read,
 182 Florida! Office created pursuant to s. 1001.215. The plan
 183 annually submitted by school districts shall be deemed approved
 184 unless the department rejects the plan on or before June 1. If a
 185 school district and the Just Read, Florida! Office cannot reach
 186 agreement on the contents of the plan, the school district may
 187 appeal to the State Board of Education for resolution. School
 188 districts shall be allowed reasonable flexibility in designing
 189 their plans and shall be encouraged to offer reading
 190 intervention through innovative methods, including career
 191 academies. The plan format shall be developed with input from
 192 school district personnel, including teachers and principals,
 193 and shall allow courses in core, career, and alternative
 194 programs that deliver intensive reading remediation through
 195 integrated curricula, provided that the teacher is deemed highly
 196 qualified to teach reading or is working toward that status. No
 197 later than July 1 annually, the department shall release the
 198 school district's allocation of appropriated funds to those
 199 districts having approved plans. A school district that spends
 200 100 percent of this allocation on its approved plan shall be
 201 deemed to have been in compliance with the plan. The department
 202 may withhold funds upon a determination that reading instruction
 203 allocation funds are not being used to implement the approved
 204 plan. The department shall monitor and track the implementation
 205 of each district plan, including conducting site visits and
 206 collecting specific data on expenditures and reading improvement

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207 results. By ~~December~~ February 1 of each year, the department
 208 shall report its findings from the previous school year to the
 209 Legislature.

210 Section 7. For the 2017-2018 fiscal year, the sum of \$10
 211 million from the General Revenue Fund is appropriated to the
 212 Department of Education for the development of training for
 213 Voluntary Prekindergarten through grade 3 teachers, reading
 214 coaches, and school principals on research-based reading
 215 instructional strategies and interventions.

216 Section 8. This act shall take effect July 1, 2017.

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The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Education
ITEM: SB 468
FINAL ACTION: Favorable
MEETING DATE: Monday, April 3, 2017
TIME: 1:30—3:30 p.m.
PLACE: 412 Knott Building

FINAL VOTE			4/03/2017 ¹ Motion to vote "YEA" after Roll Call Simmons					
Yea	Nay	SENATORS	Yea	Nay	Yea	Nay	Yea	Nay
X		Farmer						
X		Flores						
X		Galvano						
X		Lee						
VA		Simmons						
X		Simpson						
X		Stewart						
X		Thurston						
X		Mayfield, VICE CHAIR						
		Hukill, CHAIR						
9	0		FAV	-				
Yea	Nay	TOTALS	Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

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/CS/SB 496

INTRODUCER: Education Committee and Senators Brandes and Passidomo

SUBJECT: Medical Faculty and Medical Assistant Certification

DATE: April 3, 2017

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 496 expands the criteria under which the Department of Health (DOH) may issue a medical faculty certificate to include a medical physician who has been offered, and accepted, a full time faculty position at a specialty-licensed children's hospital, affiliated with any accredited medical school, and its affiliated clinics. Current law authorizes a medical faculty certificate to be issued to a non-Florida licensed physician to practice in conjunction with his or her faculty position at an accredited medical school in Florida and its affiliated clinical facilities or teaching hospitals. The bill corrects the name of the Mayo Clinic College of Medicine and Science in Jacksonville, Florida, and adds the Johns Hopkins All Children's Hospital (All Children's Hospital), in St. Petersburg, Florida, to the list of programs of medicine for which a medical faculty certificate may be issued to a full time faculty appointee.

The bill authorizes the DOH to process an application for a temporary certificate for a visiting physician for the limited purpose of the physician providing educational training for medical residents up to five days in a year, using a unique personal identification number if the physician does not have a social security number, but otherwise meets the credentialing criteria.

The bill requires a medical assistant to obtain a certificate from a certification program accredited by the National Commission for Certifying Agencies to be credentialed as a certified medical assistant.

The bill has an effective date of July 1, 2017.

II. Present Situation:

Medical Faculty Certificates

To become a licensed medical doctor in Florida an individual generally has two paths to licensure: licensure by examination,¹ or licensure by endorsement.² However, s. 458.3145, F.S., provides another limited path to practice in Florida by teaching in a program of medicine. Under s. 458.3145, F.S., the DOH is authorized to issue a medical faculty certificate to a qualified medical physician to practice in conjunction with his or her full time faculty position at a medical school, if the physician has been offered, and accepted, a full time faculty appointment to teach at the following programs in medical schools with campuses in Florida:

- University of Florida;
- University of Miami;
- University of South Florida;
- Florida State University;
- Florida International University;
- University of Central Florida;
- Mayo Medical School at the Mayo Clinic in Jacksonville, Florida; or
- The Florida Atlantic University.^{3,4}

A medical faculty certificate authorizes the holder to practice medicine only in conjunction with his or her faculty position at an accredited medical school, and its affiliated clinical facilities or teaching hospitals that are registered with the Board of Medicine as sites at which certificate holders will be practicing. The medical faculty certificate is valid until the earlier of termination of the physician's relationship with the medical school, or after a period of 24 months. The certificate is renewable, and may be extended for two years, if the physician provides a

¹ See s. 458.311, F.S., and Florida Board of Medicine, *Medical Doctor - Unrestricted*, available at <http://flboardofmedicine.gov/licensing/medical-doctor-unrestricted> (last visited March 31, 2017). Medical licensure by examination is the most frequent method of obtaining a Florida medical license. Licensure by examination requires an applicant, who has passed all parts of a national medical examination (NBME, FLEX, or USMLE), and does not hold a valid medical license in any state, to among other things, meet certain educational and training requirements, demonstrate competency in English if instruction at the medical school was not in English, have completed an approved residency program, and pass certain background screening requirements.

² See s. 458.313, F.S., and Board of Medicine, *Medical Doctor - Unrestricted*, available at <http://flboardofmedicine.gov/licensing/medical-doctor-unrestricted>, (last visited March 31, 2017). Medical licensure by endorsement requirements include, among other things, be a graduate from a qualifying medical school, completed certain residency requirements, have passed a qualifying examination, and is licensed in another jurisdiction to practice medicine.

³ Section 458.3145(1)(i), F.S.

⁴ Section 458.3145(1), F.S., also requires applicants for a *medical faculty certificate* to meet the following additional requirements: 1) Be a graduate of an accredited medical school or its equivalent, or a foreign medical school listed with the World Health Organization; 2) Hold a valid, current license to practice medicine in another jurisdiction; 4) Have completed the application and paid a fee; 5) Have completed an approved residency or fellowship of at least one year or has received training which has been determined by the board to be equivalent to the one-year residency requirement; 6) Are at least 21 years of age; 7) Are of good moral character; 8) Have not committed any act in this or any other jurisdiction which would constitute the basis for disciplinary action; and 9) For those applicants who graduated after October 1, 1992, to have completed before entering medical school, the equivalent of two academic years of pre-professional, postsecondary education, which includes courses in anatomy, biology, and chemistry.⁴

certification from the dean of the medical school that the physician is a distinguished medical scholar and an outstanding practicing physician. The maximum number of extended medical faculty certificate holders is limited to 30 persons per each medical school, with the exception of the Mayo medical school located at the Mayo Clinic in Jacksonville, Florida, which is limited to 10 certificate holders.⁵

A physician holding an unrestricted Florida medical license is not required to obtain a medical faculty certificate to hold a medical faculty teaching position. Additionally, an individual may teach at any Florida medical school, without a Florida medical license or medical faculty certificate, if offered a position, including the medical schools listed in s. 458.3145, F.S., if the person does not practice medicine. Practicing medicine in Florida is defined as the diagnosis, treatment, operation, or prescription for any human disease, pain, injury, deformity, or other physical or mental condition.⁶

As of the date of this analysis, there are 52 physicians holding medical faculty certificates in Florida, with 12 of those residing out-of-state.⁷

Florida Medical Schools and Graduate Medical Education Programs

Medical education programs in the U.S. are approved and recognized by the U.S. Office of Education. The U.S. Office of Education does not accredit medical educational programs; medical education programs are accredited by the Liaison Committee on Medical Education (LCME) and the World Foundation for Medical Education (WFME). LCME accreditation is a voluntary, peer-reviewed process of quality assurance that determines whether a U.S. or Canadian medical education program meets established standards.⁸

Florida has eight LCME accredited allopathic medical schools operating within its borders and they are all listed in s. 458.3145, F.S.

To obtain an unrestricted Florida allopathic medical license a medical school graduate must do, among other things, at least a one year of residency.⁹ The Accreditation Council for Graduate Medical Education (ACGME) sets the standards for U.S. graduate medical education programs (internships, residencies and fellowships) and the institutions that sponsor them. ACGME accreditation provides assurance that a Sponsoring Institution or program meets the quality standards (Institutional and Program Requirements) of the specialty or subspecialty practice(s) for which it prepares its graduates. ACGME accreditation is overseen by a Review Committee made up of volunteer specialty experts from the field that set accreditation standards and provide

⁵ Section 458.3145, F.S.

⁶ Section 458.305(1)(d), F.S.

⁷ Florida Dep't of Health, Division of Medical Quality Assurance, *Annual Report and Long Range Plan Fiscal Year 2015-2016*, p. 10, available at http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/_documents/annual-report-1516.pdf, (last visited March 31, 2017).

⁸ See U.S. Department of Education, *Overview of Accreditation in the United States* (last modified March 8, 2017) available at <https://www2.ed.gov/admins/finaid/accrred/accrreditation.html>, (last visited March 31, 2017).

⁹ See footnote 1.

peer evaluation of Sponsoring Institutions and specialty and subspecialty residency and fellowship programs.¹⁰

A graduate of a U.S. or Canadian medical school, approved and recognized by the U.S. Office of Education, who obtains an internship, residency or house physician¹¹ position in a Florida ACGME approved program, and does not hold a current, active Florida medical license, will begin their graduate medical education as an unlicensed physician.¹² These unlicensed physicians must register with the DOH,¹³ and after one year of residency may apply for an unrestricted Florida medical license.¹⁴ During this first year these unlicensed physicians work under a Florida licensed supervising physician or a physician holding a medical faculty certificate who also holds a full time faculty position with a Florida medical school.¹⁵

According to the ACGME, during the 2016-2017 academic year, Florida had 4,186 total medical residents, in 195 medical and surgical residency programs, in 52 sponsoring institutions.¹⁶ Eleven of the 195 ACGME accredited residency programs provided 479 approved pediatric residencies, which included 36 at All Children's Hospital.¹⁷ Nine of the 11 ACGME accredited pediatric residency programs in Florida are affiliated with Class II Specialty Hospitals for Children, which includes All Children's Hospital.¹⁸

All Children's Hospital is not a Florida campus for Johns Hopkins School of Medicine, but a Florida non-profit hospital corporation that is 100 percent owned by The Johns Hopkins Health System Corporation,¹⁹ a private, multinational non-profit corporation incorporated in Maryland. All Children's Hospital operates a pediatric residency program as a joint venture with Johns Hopkins Medicine (JHM). It is the only JHM affiliated hospital outside of the Baltimore/

¹⁰ Accreditation Council for Graduate Medical Education, *What We Do*, available at <http://www.acgme.org/What-We-Do/Overview> (last visited March 31, 2017).

¹¹ A house physician is a person who holds a degree as a medical doctor, or its equivalent, but who does not have and has never had a license to practice medicine in Florida and is employed and paid by a hospital. Chapter 64B8-6.006 (F.A.C.).

¹² An unlicensed physician is a person holding a degree as a medical doctor or its equivalent, but not licensed by the Board of Medicine. For the purpose of administering this rule chapter, such unlicensed physicians shall embrace and include resident physicians, assistant resident physicians, house physicians, interns, or fellows in fellowship training which leads to subspecialty board certification or in fellowship training in a teaching hospital in this state as defined in s. 408.07(45) or s. 395.805(2), F.S., as these terms are hereinafter defined. See s. 458.345, F.S., and Chapter 64B8-6 (F.A.C.).

¹³ Section 458.345, F.S.

¹⁴ Section 458.311 and 458.313, F.S.

¹⁵ Section 458.3145, F.S.

¹⁶ Graduate Medical Education Totals by State, Academic Year 2016-2017, available at <https://apps.acgme.org/ads/Public/Reports/ReportRun?ReportId=13&CurrentYear=2016&AcademicYearId=2016>, (last visited Mar. 2, 2017).

¹⁷ Accreditation Council for Graduate Medical Education, Advanced Program Search, *Florida, Pediatrics*, available at <https://apps.acgme.org/ads/Public/Programs/Search?stateId=10&specialtyId=65&city=> (last visited Mar. 2, 2017).

¹⁸ The two ACGME accredited pediatric residencies, not children's hospitals are Broward Health Medical Center, Ft. Lauderdale, and Sacred Heart Hospital, Pensacola. Florida Agency for Healthcare Administration, Florida Health Finder, *Facility Locator* <http://www.floridahealthfinder.gov/facilitylocator/ListFacilities.aspx> (last visited Mar. 2, 2017).

¹⁹ The Johns Hopkins Health System Corporation was created in 1986 by the Johns Hopkins Hospital board of trustees to serve as the parent corporation for its six hospitals. In 1997 Johns Hopkins Medicine (JHM) was created through a joint venture between The Johns Hopkins Health System Corporation and The Johns Hopkins University. JHM is an \$8 billion integrated global health care system. See Johns Hopkins Medicine, *About Johns Hopkins Medicine*, available at <http://www.hopkinsmedicine.org/about/index.html>, and *Governance and Leadership*, available at <http://www.hopkinsmedicine.org/about/governance> (last visited Feb. 7, 2017).

Washington D.C. metro area.²⁰ JHM and All Children's Hospital received approval from the ACGME to establish a pediatric residency program at All Children's Hospital July 1, 2013, and the first class of resident physicians entered the program in July 2014.²¹

Temporary Certificates for Visiting Physicians

The DOH is authorized to issue temporary certificates to physicians who are not licensed in Florida for limited privileges for educational purposes, to help teach plastic surgery or other medical or surgical procedures to residents; or residents who are part of a training program at a teaching hospital. Temporary certificates may also be issued to out-of-state and foreign physicians for educational purposes to educate residents within this state in conjunction with a nationally sponsored educational symposium or an educational symposium held by a state medical school or teaching hospital.²²

The DOH grants temporary certificates to physicians for up to five days per year. Each certificate expires one year after issuance and the DOH may not issue more than 12 temporary certificates for a single educational symposium.

The organization sponsoring the educational symposium must pay for any medical judgments incurred by a physician receiving a certificate pursuant to this law if the physician is not licensed to practice medicine in the U.S. The sponsoring organization may demonstrate its ability to meet this requirement by obtaining a surety bond, establishing a certificate of deposit or a guaranteed letter of credit, or providing proof that the physician is covered under a teaching hospital's or medical school's medical malpractice insurance. The amount of the bond, certificate of deposit, or guaranteed letter of credit must be at least \$250,000.

Applicants for a temporary medical certificate must meet all of the following:

- Be a graduate of an LCME accredited medical school, or its equivalent, or a graduate of a foreign medical school listed with the World Health Organization;
- Hold a valid, unencumbered license to practice medicine in another state or country;

²⁰ Johns Hopkins Medicine, News and Publications, *All Children's Hospital Announces New Pediatric Residency Program*, (July 31, 2012) available at http://www.hopkinsmedicine.org/news/media/releases/all_childrens_hospital_announces_new_pediatric_residency_program, (last visited Feb. 7, 2017). The JHM system offers patient care at the following six hospitals and other medical facilities:

- The Johns Hopkins Hospital, Baltimore, MD (including Brady Urological Institute, Johns Hopkins Children's Center, Kimmel Comprehensive Cancer Center and Wilmer Eye Institute);
- Johns Hopkins Bayview Medical Center, Inc., Baltimore, MD;
- Howard County General Hospital, Columbia, MD;
- Sibley Memorial Hospital, D.C.;
- Suburban Hospital, Bethesda, MD;
- The Johns Hopkins All Children's Hospital in St. Petersburg, FL;
- Johns Hopkins Community Physicians, MD and D.C.;
- The Johns Hopkins Home Care Group, MD and D.C.;
- Johns Hopkins Medicine International; and
- The Johns Hopkins University School of Medicine, Baltimore, MD.

See Johns Hopkins Medicine, *Patient Care Locations* http://www.hopkinsmedicine.org/patient_care/hospital_locations.html, (last visited March 31, 2017).

²¹ See footnote 22.

²² Section 458.3137, F.S.

- Be a recognized expert in a specific area of plastic surgery or another field of medicine or surgery, as demonstrated by peer-reviewed publications, invited lectureships, and academic affiliations;
- Have completed an application form adopted by the board and remitted an application fee;
- Have not committed an act in this or any other jurisdiction that would constitute a basis for disciplining a physician; and
- Meet the financial responsibility requirements.

Medical Assistants

A medical assistant is a professional, multi-skilled person that assists in all aspects of a medical practice under the direct supervision and responsibility of a physician.²³ There are no formal educational requirements for becoming a medical assistant in most states, including Florida.²⁴ However, medical assistant education programs are available from community colleges, vocational schools, technical schools, and universities and usually take about one year to complete.²⁵ Florida is third in the United States in the number of medical assistants employed, with 50,550.²⁶

A medical assistant assists with patient care management, executes administrative and clinical procedures, and often performs managerial and supervisory functions. In Florida, a medical assistant may perform the following duties under the direct supervision of a physician:²⁷

- Clinical procedures, including:
 - Performing aseptic procedures;
 - Taking vital signs;
 - Preparing patients for physician care;
 - Performing venipunctures and nonintravenous injections; and
 - Observing and reporting patients' signs and symptoms;
- Administering basic first aid;
- Assisting with patient examinations or treatments;
- Operating office medical equipment;
- Collecting routine laboratory specimens as directed by the physician;
- Administering medication as directed by the physician;
- Performing basic laboratory procedures;
- Performing office procedures including general administrative duties required by the physician; and
- Performing dialysis procedures, including home dialysis.

Medical assistants are not required to be licensed, certified, or registered to practice in Florida.²⁸

²³ Section 458.3485(1), F.S.

²⁴ United States Department of Labor, *Occupational Outlook Handbook: Medical Assistants*, (Dec. 17, 2015), available at <https://www.bls.gov/ooh/healthcare/medical-assistants.htm#tab-4> (last visited April 4, 2017).

²⁵ *Id.*

²⁶ United States Department of Labor, Bureau Labor Statistics, *Occupational Employment and Wages, May 2016*, <https://www.bls.gov/oes/current/oes319092.htm#st>, last visited April 4, 2017.

²⁷ Section 458.3485(2), F.S.

²⁸ Florida Department of Health, *Licensing and Regulation*, <http://www.floridahealth.gov/licensing-and-regulation/index.html> (last visited April 4, 2017).

The Agency for Health Care Administration is required to prescribe minimum qualifications for multiphasic health testing center²⁹ (center) personnel.³⁰ A center may employ as a medical assistant a person who has at least one of the following qualifications:³¹

- Prior experience of not less than 6 months as a medical assistant in the office of a licensed medical doctor or osteopathic physician or in a hospital, an ambulatory surgical center, a home health agency, or a health maintenance organization.
- Certification and registration by the American Medical Technologists Association or other similar professional association approved by the agency.
- Prior employment as a medical assistant in a licensed center for at least 6 consecutive months at some time during the preceding 2 years.

III. Effect of Proposed Changes:

CS/CS/SB 496 expands the criteria under which the DOH may issue medical faculty certificates to practice medicine in Florida to include out-of-state licensed physicians who have been offered, and accepted, a full time faculty position at a specialty-licensed children's hospital affiliated with any accredited medical school, and its affiliated clinics or teaching hospitals. A medical faculty certificate, issued by DOH under current s. 458.3145, F.S., authorizes the holder to practice only in conjunction with his or her medical school faculty position at its affiliated clinics and teaching hospitals in the state.

The bill corrects the name of the Mayo Clinic College of Medicine and Science in Jacksonville, Florida, and adds to the list of Florida medical schools, a Florida hospital, Johns Hopkin All Children's Hospital in St. Petersburg, Florida, which is currently not a Florida medical school, or affiliated with a Florida medical school, but a specialty children's teaching hospital affiliated with an out-of-state accredited medical school. This bill would allow a physician to practice medicine in Florida at that hospital, without obtaining a Florida medical license, if the physician meets the criteria of s. 458.3145(1)(a)-(h), F.S., and has been offered, and accepted, a full time faculty appointment at All Children's Hospital in St. Petersburg, Florida.

The bill applies the cap of 30 medical faculty certificates that may be extended at each institution to All Children's Hospital.

The bill authorizes the DOH to process applications for temporary certificates under s. 458.3137, F.S., for visiting foreign physicians, who are recognized experts in their field, to enable them to provide educational opportunities to the state's medical residents even though the physician does not have a social security number but otherwise meets the credentialing criteria. The bill also authorizes a teaching hospital to directly sponsor the visiting physician without going through a medical school to extend the invitation and submit the application or supporting documentation to the DOH. This will improve efficiencies for the teaching hospital and medical school.

²⁹ A multiphasic health testing center is a fixed or mobile facility where specimens are taken from the human body for delivery to registered clinical laboratories for analysis and where certain measurements such as height and weight determinations, blood pressure determinations, limited audio and visual tests, and electrocardiograms are made. Section 483.288, F.S.

³⁰ Section 483.291(7), F.S.

³¹ *Id.*

The bill also includes provisions related to medical assistants. Specifically, the bill:

- Requires that a medical assistant, in order to earn a credential as a certified medical assistant, must obtain certification from a certification program accredited by the National Commission for Certifying Agencies (NCCA).
- Revises qualifications for employment as a medical assistant in a multiphasic health testing center to authorize such center to employ a medical assistant who has a certificate from a certification program accredited by the NCCA and approved by the Agency for Health Care Administration (AHCA). Additionally, the bill deletes the certification and registration by the American Medical Technologists Association or other similar professional association approved by AHCA as a way to meet the minimum qualifications for medical assistants to work at a multiphasic health testing center.

The effective date of the bill is 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:

All Children's Hospital may be able to enhance its medical faculty by enabling non-Florida licensed physicians, who are equally qualified to both teach and practice medicine in conjunction with a faculty position.

C. Government Sector Impact:

CS/CS/SB 496 may increase the number of medical faculty certificates and temporary certificates applied for in the state and may create an additional, although minimal, expense for the DOH.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. None. Statutes Affected:

CS/CS/SB 496 substantially amends the following sections of the Florida Statutes: 456.013, 458.3137, 458.3145, 458.3485, and 483.291.

IX. Additional Information:

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

CS/CS by Education on April 4, 2017:

The committee substitute:

- Corrects the name of the Mayo Clinic College of Medicine and Science in Jacksonville, Florida.
- Adds provisions relating to medical assistants. Specifically, the committee substitute:
 - Requires that a medical assistant, in order to earn a credential as a certified medical assistant, must obtain certification from a certification program accredited by the National Commission for Certifying Agencies (NCCA).
 - Revises qualifications for employment as a medical assistant in a multiphasic health testing center to authorize such center to employ a medical assistant who has a certificate from a certification program accredited by the NCCA and approved by the Agency for Health Care Administration.

CS by Health Policy on March 14, 2017:

The CS authorizes the DOH to process applications for temporary certificates for visiting foreign physicians, to enable them to provide educational opportunities to the state's medical residents even though they do not have a social security number but otherwise meet the credentialing criteria. It also authorizes teaching hospitals to sponsor the visiting physician directly, without going through the medical school.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
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	.	

The Committee on Education (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 86 - 203
and insert:
Education or the American Osteopathic Association or which is
part of a teaching hospital as defined in s. 408.07; ~~or~~
(b) A teaching hospital as defined in s. 408.07; or
(c) ~~(b)~~ An educational symposium cosponsored by the American
Society of Plastic Surgeons, the Plastic Surgery Educational
Foundation, the American Society for Aesthetic Plastic Surgery,
or any other medical or surgical society in conjunction with a



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medical school or teaching hospital as defined in s. 408.07, may be issued a temporary certificate for limited privileges solely for purposes of providing educational training in plastic surgery or other medical or surgical procedures, as appropriate, in accordance with the restrictions set forth in this section.

Section 3. Section 458.3145, Florida Statutes, is amended to read:

458.3145 Medical faculty certificate.—

(1) A medical faculty certificate may be issued without examination to an individual who:

(a) Is a graduate of an accredited medical school or its equivalent, or is a graduate of a foreign medical school listed with the World Health Organization;

(b) Holds a valid, current license to practice medicine in another jurisdiction;

(c) Has completed the application form and remitted a nonrefundable application fee not to exceed \$500;

(d) Has completed an approved residency or fellowship of at least 1 year or has received training which has been determined by the board to be equivalent to the 1-year residency requirement;

(e) Is at least 21 years of age;

(f) Is of good moral character;

(g) Has not committed any act in this or any other jurisdiction which would constitute the basis for disciplining a physician under s. 458.331;

(h) For any applicant who has graduated from medical school after October 1, 1992, has completed, before entering medical school, the equivalent of 2 academic years of preprofessional,



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postsecondary education, as determined by rule of the board, which must include, at a minimum, courses in such fields as anatomy, biology, and chemistry; and

(i) Has been offered and has accepted a full-time faculty appointment to teach in a program of medicine at:

1. The University of Florida;
2. The University of Miami;
3. The University of South Florida;
4. The Florida State University;
5. The Florida International University;
6. The University of Central Florida;
7. The Mayo Clinic College of Medicine and Science in Jacksonville, Florida; ~~or~~
8. The Florida Atlantic University; or
9. The Johns Hopkins All Children's Hospital in St. Petersburg, Florida.

(2) The certificate authorizes the holder to practice only in conjunction with his or her faculty position at an accredited medical school and its affiliated clinical facilities or teaching hospitals that are registered with the Board of Medicine as sites at which holders of medical faculty certificates will be practicing, or a specialty-licensed children's hospital licensed under chapter 395 that is affiliated with an accredited medical school and its affiliated clinics. Such certificate automatically expires when the holder's relationship with the medical school is terminated or after a period of 24 months, whichever occurs sooner, and is renewable every 2 years by a holder who applies to the board on a form prescribed by the board and provides certification by the



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70 dean of the medical school that the holder is a distinguished
71 medical scholar and an outstanding practicing physician.

72 (3) The holder of a medical faculty certificate issued
73 under this section has all rights and responsibilities
74 prescribed by law for the holder of a license issued under s.
75 458.311, except as specifically provided otherwise by law. Such
76 responsibilities include compliance with continuing medical
77 education requirements as set forth by rule of the board. A
78 hospital or ambulatory surgical center licensed under chapter
79 395, health maintenance organization certified under chapter
80 641, insurer as defined in s. 624.03, multiple-employer welfare
81 arrangement as defined in s. 624.437, or any other entity in
82 this state, in considering and acting upon an application for
83 staff membership, clinical privileges, or other credentials as a
84 health care provider, may not deny the application of an
85 otherwise qualified physician for such staff membership,
86 clinical privileges, or other credentials solely because the
87 applicant is a holder of a medical faculty certificate under
88 this section.

89 (4) In any year, the maximum number of extended medical
90 faculty certificateholders as provided in subsection (2) may not
91 exceed 30 persons at each institution named in subparagraphs
92 (1)(i)1.-6., ~~and 8., and 9.~~ and at the facility named in s.
93 1004.43 and may not exceed 10 persons at the institution named
94 in subparagraph (1)(i)7.

95 (5) Annual review of all such certificate recipients will
96 be made by the deans of the accredited 4-year medical schools
97 provided in paragraph (1)(i) ~~within this state~~ and reported to
98 the Board of Medicine.



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(6) Notwithstanding subsection (1), any physician, when providing medical care or treatment in connection with the education of students, residents, or faculty at the request of the dean of an accredited medical school within this state or at the request of the medical director of a statutory teaching hospital as defined in s. 408.07 or a specialty-licensed children's hospital licensed under chapter 395 that is affiliated with an accredited medical school and its affiliated clinics, may do so upon registration with the board and demonstration of financial responsibility pursuant to s. 458.320(1) or (2) unless such physician is exempt under s. 458.320(5) (a). The performance of such medical care or treatment must be limited to a single period of time, which may not exceed 180 consecutive days, and must be rendered within a facility registered under subsection (2) or within a statutory teaching hospital as defined in s. 408.07. A registration fee not to exceed \$300, as set by the board, is required of each physician registered under this subsection. However, no more than three physicians per year per institution may be registered under this subsection, and an exemption under this subsection may not be granted to a physician more than once in any given 5-year period.

Section 4. Subsection (3) is added to section 458.3485, Florida Statutes, to read:

458.3485 Medical assistant.—

(3) CERTIFICATION.—In order to earn a credential as a certified medical assistant, a medical assistant shall obtain certification from a certification program accredited by the National Commission for Certifying Agencies.



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Section 5. Paragraph (b) of subsection (7) of section 483.291, Florida Statutes, is amended to read:

483.291 Powers and duties of the agency; rules.—The agency shall adopt rules to implement this part and part II of chapter 408, which rules must include the following:

(7) PERSONNEL.—The agency shall prescribe minimum qualifications for center personnel. A center may employ as a medical assistant a person who has at least one of the following qualifications:

(b) Certification and registration from a certification program accredited by the National Commission for Certifying Agencies and approved by the agency ~~by the American Medical Technologists Association or other similar professional association approved by the agency.~~

Section 6. This act shall take effect July 1, 2017.

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

And the title is amended as follows:

Delete lines 2 - 19

and insert:

An act relating to medical faculty and medical assistant certification; amending s. 456.013, F.S.; requiring the Department of Health to process certain applications for a temporary certificate using a personal identification number in lieu of a social security number under specified circumstances; amending s. 458.3137, F.S.; revising the circumstances under which a visiting physician may be issued a temporary certificate to obtain limited medical



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privileges for instructional purposes; amending s.
458.3145, F.S.; revising the list of institutions at
which certain faculty members are eligible to receive
a medical faculty certificate; authorizing a
certificateholder to practice at certain specialty-
licensed children's hospitals; revising provisions to
authorize the medical director of certain specialty-
licensed children's hospitals to request the provision
of medical care and treatment in connection with
education; amending s. 458.3485, F.S.; providing a
requirement to earn a certified medical assistant
credential; amending s. 483.291, F.S.; revising
qualifications for employment as a medical assistant
in a multiphasic health testing center;

THE FLORIDA SENATE
APPEARANCE RECORD

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

April 3, 2017

Meeting Date

SB 496

Bill Number (if applicable)

977766

Amendment Barcode (if applicable)

Topic Medical Faculty Certification

Name Greg Black

Job Title Attorney

Address 119 South Monroe Street, Suite 200

Street

Tallahassee

City

Florida

State

32301

Zip

Phone 850-205-9000

Email greg.black@MHDfirm.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Mayo Clinic

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/3/17

Meeting Date

496

Bill Number (if applicable)

9777166

Amendment Barcode (if applicable)

Topic medical Certification

Name Cynthia Henderson

Job Title _____

Address 108 E Jefferson St

Street

Tall

City

State

Zip

Phone 850 559 0853

Email Cyhenderson@me.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Ascend

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 Brandes and Passidomo

588-02418-17

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A bill to be entitled

An act relating to medical faculty certification; amending s. 456.013, F.S.; providing criteria for an applicant of a temporary certificate for visiting physicians to obtain medical privileges for instructional purposes who has not been issued a social security number; amending s. 458.3137, F.S.; revising the circumstances under which visiting physicians may be issued a temporary certificate to obtain medical privileges for instructional purposes; amending s. 458.3145, F.S.; revising the list of schools at which certain faculty members are eligible to receive a medical faculty certificate; authorizing a certificateholder to practice at certain specialty-licensed children's hospitals; revising provisions to authorize the medical director of certain specialty-licensed children's hospitals to request the provision by physicians, under certain circumstances, of medical care or treatment in connection with education; providing an effective date.

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

Section 1. Subsection (1) of section 456.013, Florida Statutes, is amended to read:

456.013 Department; general licensing provisions.—

(1) (a) Any person desiring to be licensed in a profession within the jurisdiction of the department shall apply to the department in writing to take the licensure examination. The

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

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application shall be made on a form prepared and furnished by the department. The application form must be available on the World Wide Web and the department may accept electronically submitted applications beginning July 1, 2001. The application shall require the social security number of the applicant, except as provided in ~~paragraphs~~ paragraph (b) and (c). The form shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. If an application is submitted electronically, the department may require supplemental materials, including an original signature of the applicant and verification of credentials, to be submitted in a nonelectronic format. An incomplete application shall expire 1 year after initial filing. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department.

(b) If an applicant has not been issued a social security number by the Federal Government at the time of application because the applicant is not a citizen or resident of this country, the department may process the application using a unique personal identification number. If such an applicant is

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otherwise eligible for licensure, the board, or the department when there is no board, may issue a temporary license to the applicant, which shall expire 30 days after issuance unless a social security number is obtained and submitted in writing to the department. Upon receipt of the applicant's social security number, the department shall issue a new license, which shall expire at the end of the current biennium.

(c) Notwithstanding any other provision of law, if an applicant for a temporary certificate as set forth in s. 458.3137 has not been issued a social security number by the Federal Government at the time of application because the applicant is not a citizen or resident of this country, the department shall process the application using a unique personal identification number. If such applicant is otherwise eligible for the temporary certificate, the board, or the department when there is no board, shall issue the temporary certificate without requiring the applicant to provide a social security number.

Section 2. Subsection (1) of section 458.3137, Florida Statutes, is amended to read:

458.3137 Temporary certificate for visiting physicians to obtain medical privileges for instructional purposes in conjunction with certain plastic surgery or other medical or surgical training programs and educational symposiums.—

(1) A physician who has been invited by:

(a) A plastic surgery or other medical or surgical training program affiliated with a medical school in this state which is accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association or ~~which is part of~~ a teaching hospital as defined in s. 408.07; or

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(b) An educational symposium cosponsored by the American Society of Plastic Surgeons, the Plastic Surgery Educational Foundation, the American Society for Aesthetic Plastic Surgery, or any other medical or surgical society in conjunction with a medical school or teaching hospital as defined in s. 408.07,

may be issued a temporary certificate for limited privileges solely for purposes of providing educational training in plastic surgery or other medical or surgical procedures, as appropriate, in accordance with the restrictions set forth in this section.

Section 3. Section 458.3145, Florida Statutes, is amended to read:

458.3145 Medical faculty certificate.—

(1) A medical faculty certificate may be issued without examination to an individual who:

(a) Is a graduate of an accredited medical school or its equivalent, or is a graduate of a foreign medical school listed with the World Health Organization;

(b) Holds a valid, current license to practice medicine in another jurisdiction;

(c) Has completed the application form and remitted a nonrefundable application fee not to exceed \$500;

(d) Has completed an approved residency or fellowship of at least 1 year or has received training which has been determined by the board to be equivalent to the 1-year residency requirement;

(e) Is at least 21 years of age;

(f) Is of good moral character;

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(g) Has not committed any act in this or any other jurisdiction which would constitute the basis for disciplining a physician under s. 458.331;

(h) For any applicant who has graduated from medical school after October 1, 1992, has completed, before entering medical school, the equivalent of 2 academic years of preprofessional, postsecondary education, as determined by rule of the board, which must include, at a minimum, courses in such fields as anatomy, biology, and chemistry; and

(i) Has been offered and has accepted a full-time faculty appointment to teach in a program of medicine at:

1. The University of Florida;
2. The University of Miami;
3. The University of South Florida;
4. The Florida State University;
5. The Florida International University;
6. The University of Central Florida;
7. The Mayo Clinic College of Medicine in Jacksonville, Florida; ~~or~~
8. The Florida Atlantic University; or
9. The Johns Hopkins All Children's Hospital in St. Petersburg, Florida.

(2) The certificate authorizes the holder to practice only in conjunction with his or her faculty position at an accredited medical school and its affiliated clinical facilities or teaching hospitals that are registered with the Board of Medicine as sites at which holders of medical faculty certificates will be practicing, or a specialty-licensed children's hospital licensed under chapter 395 that is

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affiliated with an accredited medical school and its affiliated clinics. Such certificate automatically expires when the holder's relationship with the medical school is terminated or after a period of 24 months, whichever occurs sooner, and is renewable every 2 years by a holder who applies to the board on a form prescribed by the board and provides certification by the dean of the medical school that the holder is a distinguished medical scholar and an outstanding practicing physician.

(3) The holder of a medical faculty certificate issued under this section has all rights and responsibilities prescribed by law for the holder of a license issued under s. 458.311, except as specifically provided otherwise by law. Such responsibilities include compliance with continuing medical education requirements as set forth by rule of the board. A hospital or ambulatory surgical center licensed under chapter 395, health maintenance organization certified under chapter 641, insurer as defined in s. 624.03, multiple-employer welfare arrangement as defined in s. 624.437, or any other entity in this state, in considering and acting upon an application for staff membership, clinical privileges, or other credentials as a health care provider, may not deny the application of an otherwise qualified physician for such staff membership, clinical privileges, or other credentials solely because the applicant is a holder of a medical faculty certificate under this section.

(4) In any year, the maximum number of extended medical faculty certificateholders as provided in subsection (2) may not exceed 30 persons at each institution named in subparagraphs (1) (i) 1.-6., 8., and 9. ~~and 8.~~ and at the facility named in s.

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1004.43 and may not exceed 10 persons at the institution named
in subparagraph (1)(i)7.

(5) Annual review of all such certificate recipients will
be made by the deans of the accredited 4-year medical schools
provided in paragraph (1)(i) within this state and reported to
the Board of Medicine.

(6) Notwithstanding subsection (1), any physician, when
providing medical care or treatment in connection with the
education of students, residents, or faculty at the request of
the dean of an accredited medical school within this state or at
the request of the medical director of a statutory teaching
hospital as defined in s. 408.07 or a specialty-licensed
children's hospital licensed under chapter 395 which is
affiliated with an accredited medical school and its affiliated
clinics, may do so upon registration with the board and
demonstration of financial responsibility pursuant to s.
458.320(1) or (2) unless such physician is exempt under s.
458.320(5)(a). The performance of such medical care or treatment
must be limited to a single period of time, which may not exceed
180 consecutive days, and must be rendered within a facility
registered under subsection (2) or within a statutory teaching
hospital as defined in s. 408.07. A registration fee not to
exceed \$300, as set by the board, is required of each physician
registered under this subsection. However, no more than three
physicians per year per institution may be registered under this
subsection, and an exemption under this subsection may not be
granted to a physician more than once in any given 5-year
period.

Section 4. This act shall take effect July 1, 2017.

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Education
ITEM: CS/SB 496
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Monday, April 3, 2017
TIME: 1:30—3:30 p.m.
PLACE: 412 Knott Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 796

INTRODUCER: Senator Bean

SUBJECT: Charter Schools

DATE: March 31, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Androff	Graf	ED	Pre-meeting
2.			AED	
3.			AP	
4.			RC	

I. Summary:

SB 796 creates the High-Impact Charter Management Organization (HICMO) designation, authorizes certain entities to apply for the designation, and defines related terms. Specifically, the bill:

- Establishes the process and criteria for the initial designation and renewal of the designation.
- Provides incentives for HICMO entities to operate in Florida.
- Requires the Florida Department of Education (DOE) to provide school districts with technical assistance to ensure that federal funds are allocated to charter schools using an appropriate methodology.
- Removes the requirement that a charter school must have satisfactory student achievement based on state accountability standards to receive charter school capital outlay funding.
- Directs the State Board of Education to adopt rules to administer the HICMO provisions.

The bill takes effect July 1, 2017.

II. Present Situation:

The Florida Legislature has enacted legislation to promote school choice and strengthen education accountability.

Charter Schools

Charter schools are nonsectarian, public schools that operate under a performance contract with a sponsor, called a charter.¹ A guiding principle of charter schools is to meet high standards of

¹ Section 1002.33(5)(a), (6)(h), (7) and (9)(a), F.S.

student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system.²

Charter School Application Process

Florida law establishes an application process for establishing a new charter school.³ An applicant must submit a charter school application to the sponsor.⁴ The sponsor must review or deny the application.⁵ The law requires sponsors and applicants to use a standard charter school application and application evaluation instrument.⁶ The standard application is designed to enable the sponsor to evaluate the applicant's educational plan, organizational plan, financial viability, and business plan.⁷

In order to facilitate greater collaboration in the application process, an applicant may submit a draft charter school application by May 1 with an application fee of \$500.⁸ Otherwise, a sponsor is prohibited from charging an applicant any fee for the processing or consideration of an application.⁹

Charter school sponsors evaluate a variety of factors when considering an application to open a charter school.¹⁰ The standard application requires the applicant to:¹¹

- List each proposed member of the charter school's governing board and his or her background and qualifications.
- Indicate to what extent the governing board will contract with a management company, summarize the management company's history of operating charter schools, and list other charter schools managed by the company along with student achievement and financial performance data of such schools.

Charter School Accountability

Florida law establishes several requirements designed to hold charter schools accountable both financially and academically, including:¹²

- A detailed application and rigorous review and approval process.
- The execution and maintenance of charter agreements between the charter school and its sponsor.
- Annual reporting, annual financial audits, and sponsor monitoring of monthly financial statements.
- Participation in statewide assessments and Florida's school grading system.
- Interventions for unsatisfactory academic performance and financial instability.

² Section 1002.33(2)(a)1., F.S.

³ *Id.* at (6)(a).

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Section 1002.33(6)(b), F.S. The deadline for applications is August 1, although a sponsor may receive applications later if it so chooses. *Id.*

⁹ *Id.*

¹⁰ *Id.* at (6)(a), (7), (8), (9).

¹¹ *Id.* at (6).

¹² Sections 1002.33(6), (7), (9), (16), (21), (23), (24), (26), and 1002.345, F.S.

- Reporting of student performance information to parents and the public.
- Compliance with ethical standards for employees and governing board members.

Florida assigns each public school, including charter schools, a school grade in order to help parents and the public measure the performance of a school.¹³

Schools are graded using one of the following grades:¹⁴

- “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.

In Florida, the lowest performing schools receive more comprehensive, state-provided intervention and support than schools that are closer to meeting state determined student achievement goals.¹⁵ A school district must select a turnaround option when a traditional public school earns a grade of “F”, two consecutive grades of “D”, or a single grade of “F” immediately followed by a grade of “D” in the most recent grade release.¹⁶ The first full school year after such grade is a planning year during which the school district must implement intervention and support strategies, select a school turnaround option, and submit a plan for implementing the turnaround option to the DOE for approval.¹⁷ If the school does not improve by at least one letter grade at the end of the planning year, the turnaround option must be implemented in the following school year.¹⁸ Florida law specifies the turnaround options that a school district may select.¹⁹

Charter School Capital Outlay

State funds are the primary source of funding for charter school capital outlay.²⁰ Eligibility, allocation methodology, and allowable uses are defined by state law.²¹

¹³ Florida Department of Education, *2016 Preliminary School Grades Overview*, available at <http://schoolgrades.fldoe.org/pdf/1516/SchoolGradesOverview16.pdf>.

¹⁴ Section 1008.34(2), F.S.; rule 6A-1.09981, F.A.C.

¹⁵ Section 1008.33(2)(b) and (4), F.S.; see rule 6A-2.09981(2)(h), F.A.C. School improvement requirements were originally established under the federal 2002 reauthorization of Every Student Succeeds Act, otherwise known as the No Child Left Behind Act of 2001. Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002).

¹⁶ Section 1008.33(4); rule 6A-1.099811(4)(b), F.A.C.

¹⁷ Section 1008.33(4); rule 6A-1.099811(4)(b), F.A.C.

¹⁸ Section 1008.33(4)(c)-(e); rule 6A-1099811(4)(c) and (5)(b), F.A.C.

¹⁹ Section 1008.33(4)(b).

²⁰ Section 1013.62, F.S.

²¹ *Id.*

Eligibility

To be eligible for charter school capital outlay funding, a charter school must:²²

- Have been in operation for 2 or more years,²³ be governed by a governing board established in the state for 3 or more years which operates both charter schools and conversion charter schools within the state, be an expanded feeder chain²⁴ of a charter school within the same school district that is currently receiving charter school capital outlay funds, have been accredited by the Commission on Schools of the Southern Association of Colleges and Schools, or serve students in facilities that are provided by a business partner for a charter school-in-the-workplace.
- Have an annual audit that does not reveal any specified financial emergency conditions²⁵ for the most recent fiscal year for which such audits are available.
- Have satisfactory student achievement²⁶ based on state accountability standards applicable to the charter school.
- Have received final approval from its sponsor for operation during that fiscal year.
- Serve students in facilities that are not provided by the charter school's sponsor.

A charter school is not eligible for a funding allocation if it was created by the conversion of a public school and operates in facilities provided by the charter school's sponsor for a nominal fee, or at no charge, or if it is directly or indirectly operated by the school district.²⁷

III. Effect of Proposed Changes:

SB 796 creates the High-Impact Charter Management Organization (HICMO) designation, authorizes certain entities to apply for the designation, and defines related terms. Specifically, the bill:

- Establishes the process and criteria for the initial designation and renewal of the designation.
- Provides incentives for HICMO entities to operate in Florida.
- Requires the Florida Department of Education (DOE) to provide school districts with technical assistance to ensure that federal funds are allocated to charter schools using an appropriate methodology.
- Removes the requirement that a charter school must have satisfactory student achievement based on state accountability standards to receive charter school capital outlay funding.
- Directs the State Board of Education to adopt rules to administer the HICMO provisions.

²² Section 1013.62(1)(a), F.S.

²³ Chapter 2016-237, L.O.F., effective July 1, 2016, reduced the eligibility period from 3 years to 2 years.

²⁴ Rule 6A-2.0020, F.A.C., provides that a charter school may be considered part of an expanded feeder chain if it either sends or receives a majority of its students directly to or from a charter school that is currently receiving capital outlay funding.

²⁵ The financial emergency conditions are provided in s. 218.503(1), F.S.

²⁶ Rule 6A-2.0020, F.A.C., provides that the eligibility requirement for student achievement must be determined in accordance with the language in the charter contract and the charter school's current school improvement plan if the school has a current school improvement plan. A charter school receiving an "F" grade designation through the state accountability system, as defined in s. 1008.34, F.S., must not be eligible for capital outlay funding for the school year immediately following the designation. *Id.*

²⁷ Section 1013.62(1)(b), F.S.

High-Impact Charter Management Organization

The bill establishes a High-Impact Charter Management Organization (HICMO) designation, authorizes certain entities to apply for the designation, and defines related terms. The bill defines critical need area as an area designated as such by the Legislature or an area served by one or more public schools that are subject to turnaround options. Entity, for purposes of HICMO, is defined as a nonprofit organization with tax exempt status under the federal Internal Revenue Code, which is authorized by law to operate a public charter school.

Under the bill, an entity that successfully operates a system of charter schools which primarily serves educationally disadvantaged students who are eligible for free or reduced-price lunch under the Richard B. Russell National School Lunch Act, may apply to the State Board of Education (SBE) for HICMO status.

Application and Review Process

The bill authorizes the SBE to adopt rules prescribing the process and criteria for initial designation of an HICMO and renewal of the designation. The bill states that the initial designation criteria must include a review of the data from all schools currently and previously operated by the entity during the past 3 years and the comparison of student-level data to the data of similar students in other schools. The bill provides that the initial designation period may not exceed 5 years and the criteria for initial and renewal designation must include, but need not be limited to, the following:

- Student demographic and achievement data, including performance on statewide assessments and nationally norm-referenced assessments.
- Student attendance, promotion, retention, and graduation rates.
- Other student outcome data, such as college attendance rates and completion rates.
- Annual finance statements and audits.

The bill provides that if an entity seeks renewal of its HICMO status, the SBE must review the academic and financial performance for the charter schools established in critical need areas consistent with the initial designation criteria.

Incentives

The bill grants the following incentives to HICMO entities:

- Authorizes an HICMO to apply to a district school board to establish and operate charter schools in critical need areas.
- Allows the HICMO to be designated as a local educational agency for the purposes of receiving federal funds.
- Provides that an HICMO-operated charter school is eligible to receive charter school capital outlay immediately, rather than after 2 years of operation.
- Waives the administrative fee provided in law for HICMO charter schools if the entity maintains its HICMO status.
- Requires the Florida Department of Education (DOE) to give priority to new charter schools operated by HICMO in a critical need area in the Florida Public Charter School Grant Program competitions.

- Adds HICMO-operated charter schools to an exception authorized in current law that allows a charter school that earns two consecutive grades of “F” to continue to operate in Florida if the school serves a specified student population and the school earns at least a grade of “D” in its third year of operation.²⁸

The establishment of the HICMO designation may result in the creation of additional charter schools to serve students in critical need areas. The number of charter schools that may open in critical need areas is not known.

Charter School Capital Outlay

The bill removes the requirement that a charter school must have satisfactory student achievement based on state accountability standards to receive charter school capital outlay funding. This may increase the number of charter schools that are eligible for and receive charter school capital outlay funds. In 2016-2017, 557 of the charter schools that applied to receive capital outlay funds were approved while 38 were denied for a failure to meet eligibility requirements and 15 of those were denied because of such schools’ failure to meet the requirement for satisfactory student achievement.²⁹

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.

²⁸ Section 1002.33(9)(n)4.b., F.S.

²⁹ Florida Department of Education, *SB 796 Analysis* (2017), at 5 and Florida Department of Education, *SB 1362 Analysis* (2017), at 6. The Department’s SB 1362 Analysis contains the most recent data regarding the number of charter schools receiving charter school capital outlay allocations; thus, the number from this analysis is used here.

C. Government Sector Impact:

SB 796 provides that new charter schools opened by High-Impact Charter Management Organizations in critical needs areas will be eligible for charter school capital outlay, notwithstanding the statutory requirements. It is not known how many such schools will be opened under the bill and will be eligible for charter school capital outlay funding.

The bill removes the requirement that a charter school must have satisfactory student achievement based on state accountability standards to receive charter school capital outlay funding. This may increase the number of charter schools that are eligible for and receive charter school capital outlay. In 2016-2017, 557 of the charter schools that applied to receive capital outlay funds were approved while 38 were denied for a failure to meet eligibility requirements and 15 of those were denied because of failure to meet the requirement for satisfactory student achievement.³⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.33 and 1013.62.

This bill creates section 1002.333 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

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

³⁰ Florida Department of Education, *SB 796 Analysis* (2017), at 5 and Florida Department of Education, *SB 1362 Analysis* (2017), at 6. The Department's SB 1362 Analysis contains the most recent data regarding the number of charter schools receiving charter school capital outlay allocations; thus, the number from this analysis is used here.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (18) and (21) of section 1001.42,
Florida Statutes, are amended to read:

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

(18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
Maintain a system of school improvement and education



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accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 1008.385, 1010.01, and 1011.01. This system of school improvement and education accountability shall comply with the provisions of ss. 1008.33, 1008.34, 1008.345, and 1008.385 and include the following:

(a) *School improvement plans.*—

~~1.~~ The district school board shall annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district which has a school grade of "D" or "F"; ~~—If a school~~ has a significant gap in achievement on statewide, standardized assessments administered pursuant to s. 1008.22 by one or more student subgroups, as defined in the federal Elementary and Secondary Education Act (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not significantly increased the percentage of students passing statewide, standardized assessments; has not significantly increased the percentage of students demonstrating Learning Gains, as defined in s. 1008.34 and as calculated under s. 1008.34(3)(b), who passed statewide, standardized assessments; or has significantly lower graduation rates for a subgroup when compared to the state's graduation rate. The, that school's improvement plan of a school that meets the requirements of this paragraph shall include strategies for improving these results. The state board shall adopt rules establishing thresholds and for determining compliance with this subparagraph.

~~2. A school that includes any of grades 6, 7, or 8 shall~~



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~~include annually in its school improvement plan information and data on the school's early warning system required under paragraph (b), including a list of the early warning indicators used in the system, the number of students identified by the system as exhibiting two or more early warning indicators, the number of students by grade level that exhibit each early warning indicator, and a description of all intervention strategies employed by the school to improve the academic performance of students identified by the early warning system. In addition, a school that includes any of grades 6, 7, or 8 shall describe in its school improvement plan the strategies used by the school to implement the instructional practices for middle grades emphasized by the district's professional development system pursuant to s. 1012.98(4)(b)9.~~

(b) *Early warning system.*—

1. A school that serves any students in kindergarten through grade ~~includes any of grades 6, 7, or 8~~ shall implement an early warning system to identify students in such grades ~~6, 7, and 8~~ who need additional support to improve academic performance and stay engaged in school. The early warning system must include the following early warning indicators:

a. Attendance below 90 percent, regardless of whether absence is excused or a result of out-of-school suspension.

b. One or more suspensions, whether in school or out of school.

c. Course failure in English Language Arts or mathematics during any grading period.

d. A Level 1 score on the statewide, standardized assessments in English Language Arts or mathematics or, for



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students in kindergarten through grade 3, a substantial reading deficiency under s. 1008.25(5)(a).

A school district may identify additional early warning indicators for use in a school's early warning system. The system must include data on the number of students identified by the system as exhibiting two or more early warning indicators, the number of students by grade level who exhibit each early warning indicator, and a description of all intervention strategies employed by the school to improve the academic performance of students identified by the early warning system.

2. A school-based team responsible for implementing the requirements of this paragraph shall monitor the data from the early warning system. The team may include a school psychologist. When a student exhibits two or more early warning indicators, the team, in consultation with the student's parent, shall ~~school's child study team under s. 1003.02 or a school-based team formed for the purpose of implementing the requirements of this paragraph shall convene to~~ determine appropriate intervention strategies for the student unless the student is already being served by an intervention program at the direction of a school-based, multidisciplinary team. Data and information relating to a student's early warning indicators must be used to inform any intervention strategies provided to the student ~~The school shall provide at least 10 days' written notice of the meeting to the student's parent, indicating the meeting's purpose, time, and location, and provide the parent the opportunity to participate.~~

(21) EDUCATIONAL AUTHORITY TO DECLARE AN EMERGENCY. ~~May~~



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~~declare an emergency in cases in which one or more schools in~~
~~the district are failing or are in danger of failing and~~
Negotiate special provisions of its contract with the
appropriate bargaining units to free ~~these~~ schools with a school
grade of "D" or "F" from contract restrictions that limit the
school's ability to implement programs and strategies needed to
improve student performance. The negotiations shall result in a
memorandum of understanding that addresses the selection,
placement, and expectations of instructional personnel and
school administrators. For purposes of this subsection, an
educational emergency exists in a school district if one or more
schools in the district have a school grade of "D" or "F."

Section 2. Subsections (3), (4), and (5) of section
1008.33, Florida Statutes, are amended to read:

1008.33 Authority to enforce public school improvement.—

(3) (a) The academic performance of all students has a
significant effect on the state school system. Pursuant to Art.
IX of the State Constitution, which prescribes the duty of the
State Board of Education to supervise Florida's public school
system, the state board shall equitably enforce the
accountability requirements of the state school system and may
impose state requirements on school districts in order to
improve the academic performance of all districts, schools, and
students based upon the provisions of the Florida K-20 Education
Code, chapters 1000-1013; the federal ESEA and its implementing
regulations; and the ESEA flexibility waiver approved for
Florida by the United States Secretary of Education.

(b) ~~Beginning with the 2011-2012 school year,~~ The
Department of Education shall annually identify each public



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school in need of intervention and support to improve student academic performance. All schools earning a grade of "D" or "F" pursuant to s. 1008.34 are schools in need of intervention and support.

(c) The state board shall adopt by rule a differentiated matrix of intervention and support strategies for assisting traditional public schools identified under this section and rules for implementing s. 1002.33(9)(n), relating to charter schools. The intervention and support strategies must address student performance and may include improvement planning, leadership quality improvement, educator quality improvement, professional development, curriculum alignment and pacing, and the use of continuous improvement and monitoring plans and processes. In addition, the state board may prescribe reporting requirements to review and monitor the progress of the schools. The rule must define the intervention and support strategies for school improvement for schools earning a grade of "D" or "F" and the roles for the district and department. ~~The rule shall differentiate among schools earning consecutive grades of "D" or "F," or a combination thereof, and provide for more intense monitoring, intervention, and support strategies for these schools.~~

(4)(a) The state board shall apply intensive ~~the most intense~~ intervention and support strategies to schools earning a grade of "D" or "F." In the first full school year after a school initially earns a grade of "D" or "F," the school district must immediately implement intervention and support strategies prescribed in rule under paragraph (3)(c) and, by September 1, provide, ~~select a turnaround option from those~~



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~~provided in subparagraphs (b) 1., 5., and submit a plan for~~
~~implementing the turnaround option to the department with the~~
~~memorandum of understanding negotiated pursuant to s.~~
~~1001.42(21) and a district-managed turnaround plan for approval~~
~~by the state board. Upon approval by the state board, the school~~
~~district must implement the plan for the remainder of the school~~
~~year and continue the plan for 1 full school year. The state~~
~~board may allow a school an additional year of implementation~~
~~before the school must implement a turnaround option required~~
~~under paragraph (b) if it determines that the school is likely~~
~~to improve to a grade of "C" or higher after the first full~~
~~school year of implementation. for approval by the state board.~~
~~Upon approval by the state board, the turnaround option must be~~
~~implemented in the following school year.~~

(b) Unless an additional year of implementation is provided
pursuant to paragraph (a), ~~The turnaround options available to a~~
~~school district to address a school that earns three consecutive~~
~~grades below a "C" must implement one of the following a grade~~
~~of "F" are:~~

~~1. Convert the school to a district-managed turnaround~~
~~school;~~

~~1.2.~~ Reassign students to another school and monitor the
progress of each reassigned student;

2. Contract with an outside entity that has a demonstrated
record of effectiveness to operate the school; or

3. 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.†

~~4. Contract with an outside entity that has a demonstrated~~



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~~record of effectiveness to operate the school; or~~

~~5. Implement a hybrid of turnaround options set forth in subparagraphs 1. 4. or other turnaround models that have a demonstrated record of effectiveness.~~

~~(c) A school earning a grade of "F" shall have a planning year followed by 2 full school years to implement the initial turnaround option selected by the school district and approved by the state board.~~ Implementation of the turnaround option is no longer required if the school improves to a grade of "C" or higher ~~by at least one letter grade.~~

~~(d) A school earning a grade of "F" that improves its letter grade must continue to implement strategies identified in its school improvement plan pursuant to s. 1001.42(18)(a). The department must annually review implementation of the school improvement plan for 3 years to monitor the school's continued improvement.~~

~~(d)(e)~~ If a school earning a grade of "D" or "F" does not improve to a grade of "C" or higher ~~by at least one letter grade~~ after 2 full school years of implementing the turnaround option selected by the school district under paragraph (b), the school district must implement ~~select a different option and submit another turnaround option implementation plan to the department for approval by the state board.~~ Implementation of the turnaround option approved plan must begin the school year following the implementation period of the existing turnaround option, unless the state board determines that the school is likely to improve to a "C" or higher ~~a letter grade~~ if additional time is provided to implement the existing turnaround option.



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~~(5) A school that earns a grade of "D" for 3 consecutive years must implement the district-managed turnaround option pursuant to subparagraph (4)(b)1. The school district must submit an implementation plan to the department for approval by the state board.~~

Section 3. Paragraph (d) of subsection (6) of section 1008.345, Florida Statutes, is amended to read:

1008.345 Implementation of state system of school improvement and education accountability.—

(6)

(d) The commissioner shall assign a community assessment team to each school district or governing board with a school that earned a grade of "D" or "F" ~~or three consecutive grades of "D"~~ pursuant to s. 1008.34 to review the school performance data and determine causes for the low performance, including the role of school, area, and district administrative personnel. The community assessment team shall review a high school's graduation rate calculated without high school equivalency diploma recipients for the past 3 years, disaggregated by student ethnicity. The team shall make recommendations to the school board or the governing board and to the State Board of Education based on the interventions and support strategies identified pursuant to subsection (5) to which address the causes of the school's low performance and to incorporate the strategies ~~and may be incorporated~~ into the school improvement plan. The assessment team shall include, but not be limited to, a department representative, parents, business representatives, educators, representatives of local governments, and community activists, and shall represent the demographics of the community



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from which they are appointed.

Section 4. Paragraph (n) of subsection (9) of section 1002.33, Florida Statutes, is 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 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 below a "C," ~~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



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(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 below a "C" ~~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 subject to subparagraph 3. 4.

d. A charter school is no longer required to implement a corrective action if it improves to a "C" or higher ~~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 4. 5.

e. A charter school implementing a corrective action that does not improve to a "C" or higher ~~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 to a "C" or higher ~~a letter grade~~ if additional time is provided to implement the existing corrective action.



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Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" while implementing a corrective action is subject to subparagraph 3. ~~4.~~

~~3. A charter school with a grade of "D" or "F" 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.~~

3.4. 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:

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 serves a student population the majority of which resides in a school zone served by a district public school subject to s. 1008.33(4) ~~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



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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 (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).

~~4.5.~~ 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.

~~5.6.~~ Notwithstanding any provision of this paragraph except sub-subparagraphs 3.a.-c. ~~4.a.-e.~~, the sponsor may terminate the charter at any time pursuant to subsection (8).

Section 5. Effective upon this act becoming a law, section 1002.333, Florida Statutes, is created to read:



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1002.333 Persistently low-performing schools.—

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

(a) "Hope operator" means an entity identified by the department pursuant to subsection (2).

(b) "Persistently low-performing school" means a school that has been subject to a differentiated matrix of intervention and support strategies for more than 3 years and a school that was closed pursuant to s. 1008.33(4) within 2 years after the submission of a notice of intent.

(c) "School of hope" means a charter school operated by a hope operator which serves students from one or more persistently low-performing schools; is located in the attendance zone of a persistently low-performing school or within a 5-mile radius of such school, whichever is greater; and is a Title I eligible school.

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

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

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

2. The average college attendance rate at all schools currently operated by the operator exceeds 80 percent, if such



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data is available;

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

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

5. The audited financial statements of the operator are free of material exceptions and going concern issues; and

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

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

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

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

An entity that meets the requirements of paragraph (b), paragraph (c), or paragraph (d) before the adoption by the state board of measurable criteria pursuant to paragraph (a) shall be designated as a hope operator. After the adoption of the measurable criteria, an entity shall be designated as a hope operator if it meets the criteria or is selected by a district school board in accordance with s. 1008.33.

(3) DESIGNATION OF HOPE OPERATOR.—Initial status as a hope



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operator is valid for 5 years from the opening of a school of hope. If a hope operator seeks the renewal of its status, such renewal shall solely be based upon the academic and financial performance of all schools established by the operator in the state since its initial designation.

(4) ESTABLISHMENT OF SCHOOLS OF HOPE.—A hope operator may submit a notice of intent to open a school of hope to the school district in which a persistently low-performing school has been identified by the State Board of Education pursuant to subsection (10).

(a) The notice of intent must include:

1. An academic focus and plan.
2. A financial plan.
3. Goals and objectives for increasing student achievement for the students from low-income families.
4. A completed or planned community outreach plan.
5. The organizational history of success in working with students with similar demographics.
6. The grade levels to be served and enrollment projections.
7. The proposed location or geographic area proposed for the school and its proximity to the persistently low-performing school.

8. A staffing plan.

(b) Notwithstanding the requirements of s. 1002.33, a school district shall enter into a performance-based agreement with a hope operator to open schools to serve students from persistently low-performing schools.

(5) PERFORMANCE-BASED AGREEMENT.—The following shall



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comprise the entirety of the performance-based agreement:

(a) The notice of intent, which is incorporated by reference and attached to the agreement.

(b) The location or geographic area proposed for the school of hope and its proximity to the persistently low-performing school.

(c) An enumeration of the grades to be served in each year of the agreement and whether the school will serve children in the school readiness or prekindergarten programs.

(d) A plan of action and specific milestones for student recruitment and the enrollment of students from persistently low-performing schools, including enrollment preferences and procedures for conducting transparent admissions lotteries that are open to the public. Students from persistently low-performing schools shall be exempt from any enrollment lottery to the extent permitted by federal grant requirements.

(e) A delineation of the current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used.

(f) A description of the methods of involving parents and expected levels for such involvement.

(g) The grounds for termination, including failure to meet the requirements for student performance established pursuant to paragraph (e), generally accepted standards of fiscal management, or material violation of terms of the agreement. The nonrenewal or termination of a performance-based agreement must comply with the requirements of s. 1002.33(8).

(h) A provision allowing the hope operator to open additional schools to serve students enrolled in or zoned for a



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persistently low-performing school if the hope operator maintains its status under subsection (3).

(i) A provision establishing the initial term as 5 years. The agreement shall be renewed, upon the request of the hope operator, unless the school fails to meet the requirements for student performance established pursuant to paragraph (e) or generally accepted standards of fiscal management or the school of hope materially violates the law or the terms of the agreement.

(j) A requirement to provide transportation consistent with the requirements of ss. 1006.21-1006.27 and s. 1012.45. The governing body of the school of hope may provide transportation through an agreement or contract with the district school board, a private provider, or parents of enrolled students.

Transportation may not be a barrier to equal access for all students residing within reasonable distance of the school.

(k) A requirement that any arrangement entered into to borrow or otherwise secure funds for the school of hope from a source other than the state or a school district shall indemnify the state and the school district from any and all liability, including, but not limited to, financial responsibility for the payment of the principal or interest.

(l) A provision that any loans, bonds, or other financial agreements are not obligations of the state or the school district but are obligations of the school of hope and are payable solely from the sources of funds pledged by such agreement.

(m) A prohibition on the pledge of credit or taxing power of the state or the school district.



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(6) STATUTORY AUTHORITY.—

(a) A school of hope may be designated as a local education agency, if requested, for the purposes of receiving federal funds and, in doing so, accepts the full responsibility for all local education agency requirements and the schools for which it will perform local education agency responsibilities. Students enrolled in a school established by a hope operator designated as a local educational agency are not eligible students for purposes of calculating the district grade pursuant to s. 1008.34(5).

(b) For the purposes of tort liability, the hope operator, the school of hope, and its employees or agents shall be governed by s. 768.28. The sponsor shall not be liable for civil damages under state law for the employment actions or personal injury, property damage, or death resulting from an act or omission of a hope operator, the school of hope, or its employees or agents.

(c) A school of hope may be either a private or a public employer. As a public employer, the school of hope may participate in the Florida Retirement System upon application and approval as a covered group under s. 121.021(34). If a school of hope participates in the Florida Retirement System, the school of hope's employees shall be compulsory members of the Florida Retirement System.

(d) A hope operator may employ school administrators and instructional personnel who do not meet the requirements of s. 1012.56 if the school administrators and instructional personnel are not ineligible for such employment under s. 1012.315.

(e) Compliance with s. 1003.03 shall be calculated as the



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average at the school level.

(f) Schools of hope operated by a hope operator shall be exempt from chapters 1000-1013 and all school board policies. However, a hope operator shall be in compliance with the laws in chapters 1000-1013 relating to:

1. The student assessment program and school grading system.

2. Student progression and graduation.

3. The provision of services to students with disabilities.

4. Civil rights, including s. 1000.05, relating to discrimination.

5. Student health, safety, and welfare.

6. Public meetings and records, public inspection, and criminal and civil penalties pursuant to s. 286.011. The governing board of a school of hope must hold at least two public meetings per school year in the school district in which the school of hope is located. Any other meetings of the governing board may be held in accordance with s. 120.54(2)(b)2.

7. Public records pursuant to chapter 119.

8. The code of ethics for public officers and employees pursuant to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).

(7) FACILITIES.—

(a) A school of hope shall use facilities that comply with the Florida Building Code, except for the State Requirements for Educational Facilities. A school of hope that uses school district facilities must comply with the State Requirements for Educational Facilities only if the school district and the hope operator have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management



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plan shall contain a provision by which the district school board agrees to maintain the school facilities in the same manner as its other public schools within the district. The local governing authority shall not adopt or impose any local building requirements or site-development restrictions, such as parking and site-size criteria, which are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. A local governing authority must treat schools of hope equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon public schools. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use shall be the local municipality or, if in an unincorporated area, the county governing authority. If an official or employee of the local governing authority refuses to comply with this paragraph, the aggrieved school or entity has an immediate right to bring an action in circuit court to enforce its rights by injunction. An aggrieved party that receives injunctive relief may be awarded reasonable attorney fees and court costs.

(b) Any facility, or portion thereof, used to house a school of hope shall be exempt from ad valorem taxes pursuant to s. 196.1983. Library, community service, museum, performing arts, theatre, cinema, church, Florida College System institution, college, and university facilities may provide space to schools of hope within their facilities under their preexisting zoning and land use designations without obtaining a special exception, rezoning, land use charter, or other form of approval.



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(c) School of hope facilities are exempt from assessments of fees for building permits, except as provided in s. 553.80; fees for building and occupational licenses; impact fees or exactions; service availability fees; and assessments for special benefits.

(d) No later than October 1, each school district shall annually provide to the Department of Education a list of all underused, vacant, or surplus facilities owned or operated by the school district. A hope operator establishing a school of hope may use an educational facility identified in this paragraph at no cost or at a mutually agreeable cost not to exceed \$600 per student. A hope operator using a facility pursuant to this paragraph may not sell or dispose of such facility without the written permission of the school district. For purposes of this paragraph, "underused, vacant, or surplus facility" means an entire facility or portion thereof which is not fully used or is used irregularly or intermittently by the school district for instructional or program use.

(8) NONCOMPLIANCE.—A school district that does not enter into a performance-based agreement within 60 days after receipt of a notice of intent shall reduce the administrative fees withheld pursuant to s. 1002.33(20) to 1 percent for all charter schools operating in the school district. Upon execution of the performance-based agreement, the school district may resume withholding the full amount of administrative fees, but may not recover any fees that would have otherwise accrued during the period of noncompliance. Any charter school that had administrative fees withheld in violation of this subsection may recover attorney fees and costs to enforce the requirements of



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this subsection. A school district subject to the requirements of this section shall file a monthly report detailing the reduction in the amount of administrative fees withheld.

(9) FUNDING.—

(a) Schools of hope shall be funded in accordance with s. 1002.33(17).

(b) Schools of hope shall receive priority in the department's Public Charter School Grant Program competitions.

(c) Schools of hope shall be considered charter schools for purposes of s. 1013.62, except charter capital outlay may not be used to purchase real property or for the construction of school facilities.

(d) Schools of hope shall receive funds from the "Special Categories: Grants and Aids-Schools of Hope" which is created in addition to the categories enumerated in s. 216.011(1)(c). Eligible expenditures from an appropriation in the "Special Categories: Grants and Aids-Schools of Hope" shall include:

1. Preparing teachers, school leaders, and specialized instructional support personnel, including costs associated with:

a. Providing professional development.

b. Hiring and compensating teachers, school leaders, and specialized instructional support personnel for services beyond the school day and year.

2. Acquiring supplies, training, equipment, and educational materials, including developing and acquiring instructional materials.

3. Providing one-time startup costs associated with providing transportation to students to and from the charter



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school.

4. Carrying out community engagement activities, which may include paying the cost of student and staff recruitment.

5. Providing funds to cover the nonvoted ad valorem millage that would otherwise be required for schools and the required local effort funds calculated pursuant to s. 1011.62 when the State Board of Education enters into an agreement with a hope operator pursuant to subsection (5).

(e) If a school of hope is not renewed or is terminated, any unencumbered funds and all equipment and property purchased with the funds shall revert to the ownership of the state. The reversion of such equipment, property, and furnishings shall focus on tangible or irrecoverable costs such as rental or leasing fees, normal maintenance, and limited renovations. The reversion of all property secured with grant funds is subject to the complete satisfaction of all lawful liens or encumbrances.

(f) Notwithstanding s. 216.301 and pursuant to s. 216.351, the balance of any appropriation from the Grants and Aids-Schools of hope funding appropriation category which is not disbursed by June 30 of the fiscal year in which the funds are appropriated may be carried forward for up to 5 years after the effective date of the original appropriation.

(10) STATE BOARD OF EDUCATION AUTHORITY AND OBLIGATIONS.— Pursuant to Art. IX of the State Constitution, which prescribes the duty of the State Board of Education to supervise the public school system, the State Board of Education shall:

(a) Publish an annual list of persistently low-performing schools after the release of preliminary school grades.

(b) Adopt a standard notice of intent and performance-based



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agreement that must be used by hope operators and district school boards to eliminate regulatory and bureaucratic barriers that delay access to high quality schools for students in persistently low-performing schools.

(c) Resolve disputes between a hope operator and a school district arising from a performance-based agreement or a contract between a charter operator and a school district under the requirements of s. 1008.33. The Commissioner of Education shall appoint a special magistrate who is a member of The Florida Bar in good standing and who has at least 5 years' experience in administrative law. The special magistrate shall hold hearings to determine facts relating to the dispute and to render a recommended decision for resolution to the State Board of Education. The recommendation may not alter in any way the provisions of the performance agreement under subsection (5). The special magistrate may administer oaths and issue subpoenas on behalf of the parties to the dispute or on his or her own behalf. Within 15 calendar days after the close of the final hearing, the special magistrate shall transmit a recommended decision to the State Board of Education and to the representatives of both parties by registered mail, return receipt requested. The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than 7 calendar days and no more than 30 days after the date the recommended decision is transmitted. The decision by the State Board of Education is a final agency action that may be appealed to the District Court of Appeal, First District in accordance with s. 120.68. A charter school may recover attorney fees and costs if the State Board of



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Education determines that the school district unlawfully implemented or otherwise impeded implementation of the performance-based agreement pursuant to this paragraph.

(d) Provide students in persistently low-performing schools with a public school that meets accountability standards. The State Board of Education may enter into a performance-based agreement with a hope operator when a school district has not improved the school through the interventions and support provided under s. 1008.33 or has not complied with the requirements of subsection (4). Upon the State Board of Education entering into a performance-based agreement with a hope operator, the school district shall transfer to the school of hope the proportionate share of state funds allocated from the Florida Education Finance Program.

(11) RULES.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

Section 6. Section 1001.292, Florida Statutes, is created to read:

1001.292 Schools of Hope Revolving Loan Program.—

(1) The Schools of Hope Revolving Loan Program is established within the Department of Education to provide assistance to hope operators, as defined in s. 1002.333, to meet school building construction needs and pay for expenses related to the startup of a new charter school. The program shall consist of funds appropriated by the Legislature, money received from the repayment of loans made from the program, and interest earned.

(2) Funds provided pursuant to this section may not exceed 25 percent of the total cost of the project, which shall be



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calculated based on 80 percent of the cost per student station established by s. 1013.64(6)(b) multiplied by the capacity of the facility.

(3) The department may contract with a third-party administrator to administer the program. If the department contracts with a third-party administrator, funds shall be granted to the third-party administrator to create a revolving loan fund for the purpose of financing projects that meet the requirements of subsection (4). The third-party administrator shall report to the department annually. The department shall continue to administer the program until a third-party administrator is selected.

(4) Hope operators that have been designated by the State Board of Education and have executed a performance-based agreement pursuant to s. 1002.333 shall be provided a loan up to the amount provided in subsection (2) for projects that are located in the attendance area of a persistently low-performing school or within a 5-mile radius of such school and primarily serve students from the persistently low-performing school.

(5) The department shall post on its website the projects that have received loans, the geographic distribution of the projects, the status of the projects, the costs of the program, and student outcomes for students enrolled in the school of hope receiving funds.

(6) All repayments of principal and interest shall be returned to the loan fund and made available for loans to other applicants.

(7) Interest on loans provided under this program may be used to defray the costs of administration and shall be the



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lower of:

(a) The rate paid on moneys held in the fund; or

(b) A rate equal to 50 percent of the rate authorized under the provisions of s. 215.84.

(8) Notwithstanding s. 216.301 and pursuant to s. 216.351, funds appropriated for this purpose which are not disbursed by June 30 of the fiscal year in which the funds are appropriated may be carried forward for up to 5 years after the effective date of the original appropriation.

Section 7. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect the remaining provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 8. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2017.

===== 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 school improvement; amending s.
1001.42, F.S.; revising provisions relating to school
improvement plans; requiring only specified schools to
submit a school improvement plan; deleting a



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requirement that certain information be included in the improvement plans of certain schools; revising the grade levels required to implement an early warning system; revising the required content of an early warning system; requiring a specified team to monitor specified data; authorizing a psychologist to be a member of the team; revising what constitutes an educational emergency and establishing duties of district school boards relating to such emergency; amending s. 1008.33, F.S.; providing that intervention and support services apply consistently to any school meeting specified criteria; revising the required timeline for the implementation of a district-managed turnaround plan; providing turnaround options available to school districts meeting specified criteria; amending s. 1008.345, F.S.; revising the criteria a school must meet to have a community assessment team; revising the duties of a community assessment team; amending 1002.33, F.S.; revising the criteria a charter school must meet to require corrective action; revising requirements for corrective action by charter schools; revising criteria for waiver of automatic charter termination; creating s. 1002.333, F.S., relating to persistently low-performing schools; providing definitions; providing eligibility criteria for hope operators; providing for the designation and redesignation of a hope operator; authorizing hope operators to establish schools of hope in specified areas; providing the



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process for the establishment of a school of hope;
providing the requirements for a performance-based
agreement; authorizing a school of hope to be
designated as a local education agency; providing that
a sponsor is not liable for specified damages;
providing that a school of hope may be a private or
public employer; authorizing a school of hope to
participate in the Florida Retirement System;
authorizing a hope operator to employ certain staff;
providing specific statutory exemptions for schools of
hope; providing requirements for facilities used by
schools of hope; requiring districts to annually
provide a list of specified property to the Department
of Education; providing that schools of hope shall be
funded through the Florida Education Finance Program;
establishing additional funding sources and guidelines
for eligible expenditures; providing a mechanism to
address school district noncompliance; providing
authority and obligations of the State Board of
Education; providing a mechanism for the resolution of
disputes; providing for rulemaking; creating s.
1001.291, F.S.; establishing the Schools of Hope
Revolving Loan Program; providing criteria for
administration of the program; providing for
severability; providing effective dates.



482436

LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Farmer) recommended the following:

Senate Amendment to Amendment (839664) (with title amendment)

Delete lines 515 - 554

and insert:

(b) A school of hope may be either a private or a public employer. As a public employer, the school of hope may participate in the Florida Retirement System upon application and approval as a covered group under s. 121.021(34). If a school of hope participates in the Florida Retirement System, the school of hope's employees shall be compulsory members of



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the Florida Retirement System.

(c) A hope operator may employ school administrators and instructional personnel who do not meet the requirements of s. 1012.56 if the school administrators and instructional personnel are not ineligible for such employment under s. 1012.315.

(d) Compliance with s. 1003.03 shall be calculated as the average at the school level.

(e) Schools of hope operated by a hope operator shall be

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

And the title is amended as follows:

Delete lines 827 - 828

and insert:

designated as a local education agency;

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/3/17

Meeting Date

796

Bill Number (if applicable)

Topic Charter Schools

Amendment Barcode (if applicable)

Name Bill Bunkley

Job Title President

Address PO Box 341644

Phone 813-264-2977

Street

Tampa

FL

33696

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Ethics & Religious Liberty Commission

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/3/17

Meeting Date

796

Bill Number (if applicable)

Topic Charter Schools

Amendment Barcode (if applicable)

Name Kelly Quintero

Job Title Legislative advocate

Address 540 Beverly Ct

Phone 772 204 1222

Street

Tallahassee

City

FL

State

32301

Zip

Email lwvradvocate@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

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/3/17

Meeting Date

SB 796

Bill Number (if applicable)

Topic SB 796 - Charter Schools.

Amendment Barcode (if applicable)

Name Alexander Dominguez

Job Title Senior Advocacy Associate

Address 2B S Monroe St.

Phone 786-955-7155.

Street

Tallahassee

City

FL

State

32301.

Zip

Email alexander@excellent.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Foundation for FL'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

4-3-2017

Meeting Date

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

796

Bill Number (if applicable)

Topic Charter schools

Amendment Barcode (if applicable)

Name Shawn Frost

Job Title president

Address 113 S. Monroe St #101

Phone _____

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 Board Members

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

April 3 2017
Meeting Date

SB 796
Bill Number (if applicable)

Topic Charter School

Amendment Barcode (if applicable)

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

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)

SB 796

Meeting Date _____

Bill Number (if applicable)

839 664

Topic

Sovereign Immunity

Name

Roy Wasson

Amendment Barcode (if applicable)

(Section 4)

Job Title _____

Address

28 W. Flagler

Street

Miami

FL

33130

City

State

Zip

Phone

305-519-8897

Email

royewassonandgssociafer.com

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

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

Representing

Florida Justice 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)

4-3-17

Meeting Date

796

269796

Bill Number (if applicable)

839664

Amendment Barcode (if applicable)

Topic Charter School

Name Cathy Boehme (say: Bame)

Job Title Legislative Specialist + retired teacher

Address 213 S. Adam, St.

Street

Tallahassee, FL

City

State

Zip

Phone 850-229-2800

Email ~~to~~ 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)

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

Page 1 of 10

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

4-00439-17

2017796__

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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2017796__

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

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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.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 856

INTRODUCER: Senator Broxson

SUBJECT: Education

DATE: March 31, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Benvenisty	Graf	ED	Favorable
2.			GO	
3.			RC	

I. Summary:

SB 856 clarifies that a district school board must issue contracts on an annual basis to instructional personnel hired on or after July 1, 2011, by specifying that the district school board may not:

- Award an annual contract based on a contingency or condition that is not expressed in s. 1012.335, F.S.; or
- Alter or limit its authority to award or not award an annual contract as provided in s. 1012.335, F.S.

The bill takes effect upon becoming law.

II. Present Situation:

Instructional personnel provide direct instructional services or direct instructional support to K-12 students.¹ Instructional personnel include:²

- Classroom teachers;³
- Staff who provide student personal services (e.g., guidance counselors, social workers, career specialists, and school psychologists);
- Librarians and media specialists; and
- Other instructional staff (e.g., learning resource specialists);⁴ and
- Education paraprofessionals.⁵

¹ Section 1012.01(2), F.S.

² *Id.* at (2)(a)-(e).

³ Classroom teachers include substitute teachers. Section 1012.01(2)(a), F.S.

⁴ *Id.* at (2)(d).

⁵ Educational paraprofessionals are individuals who are under the direct supervision of an instructional staff member, aiding in the instructional process. *Id.* at (2)(e). The term include classroom paraprofessionals in regular instruction, exceptional

Three types of contracts are used to employ instructional personnel in Florida: continuing contracts,⁶ professional service contracts⁷, and annual contracts.⁸

An annual contract is an employment contract for a period of no longer than one school year that a district school board may choose to award or not award without cause.⁹ As of July 1, 2011, instructional personnel under an annual contract and personnel hired thereafter may only be employed on an annual contract basis.¹⁰ The first annual contract for newly hired instructional personnel is a one-year probationary contract, which may be terminated without cause or from which the employee may resign without breach of contract.¹¹ “Newly hired instructional personnel” include employees new to the profession or employees with experience who are new to the school district.¹²

Upon successful completion of the one-year probationary contract, district school boards may award subsequent annual contracts if the employee:¹³

- Holds an active professional certificate or temporary certificate issued pursuant to Florida law and rules of the State Board of Education.
- Has been recommended by the superintendent based upon his or her performance evaluation, and approved by the district school board.
- Has not received two consecutive annual performance evaluation ratings of unsatisfactory, two annual performance evaluation ratings of unsatisfactory within a 3-year period, or three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory pursuant to Florida law.

III. Effect of Proposed Changes:

SB 856 clarifies that a district school board must issue contracts on an annual basis to instructional personnel hired on or after July 1, 2011, by specifying that the district school board may not:

- Award an annual contract based on a contingency or condition that is not expressed in s. 1012.335, F.S.; or
- Alter or limit its authority to award or not award an annual contract as provided in s. 1012.335, F.S.

Additionally, the bill specifies that the provisions enumerated above only apply to collective bargaining agreements entered into or renewed by a district school board on or after this legislation is enacted. Accordingly, instructional personnel hired after the effective date of this

education paraprofessionals, career education paraprofessionals, adult education paraprofessionals, library paraprofessionals, physical education and playground paraprofessionals, and other school-level paraprofessionals. *Id.*

⁶ Section 1012.33(3)(a)1.-3., F.S. (2010).

⁷ Section 231.36(1) and (3)(a)1.-4., F.S. (1981).

⁸ Section 1012.335(1)(a), F.S.

⁹ *Id.*

¹⁰ *Id.* at (2)(a)-(b), F.S.

¹¹ *Id.* at (1)(c).

¹² Section 1012.335(1)-(2), F.S. For the purpose of awarding annual contracts, the term “instructional personnel” does not include substitute teachers. Section 1012.335(1)(b), F.S.

¹³ *Id.* at (2)(c).

bill may not be awarded an annual contract based on a contingency or condition that is not currently authorized in law.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1012.335 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/3/17
Meeting Date

856
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Spencer Pylant

Job Title Communications + Government Relations Liaison

Address 7227 Land O' Lakes Blvd.
Street

Phone 813-794-2259

Land O' Lakes FL 34638
City State Zip

Email spylant@pasco.k12.fl.us

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Pasco County 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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/3/17

Meeting Date

SB 856

Bill Number (if applicable)

Topic SB 856

Amendment Barcode (if applicable)

Name Roush, Ted

Job Title Superintendent of Schools - Suwannee

Address 8820 141st Dr.

Phone 386-344-3842

Street

Live Oak

FL

32060

City

State

Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Suwannee Co. School District

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/3/17
Meeting Date

856
Bill Number (if applicable)

Topic Annual contract renewal

Amendment Barcode (if applicable)

Name Joe Minor

Job Title Labor & Legislative Relations Spec.

Address 2200 Biscayne Blvd.
Street

Phone 305-332-6663

Miami, FL 33137
City State Zip

Email Joe@UTD-ORL

Speaking: ☐ For ☒ Against ☐ Information

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

Representing United Teachers of Dade

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

4-3-2017
Meeting Date

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

856
Bill Number (if applicable)

Topic Relating to Educ

Amendment Barcode (if applicable)

Name Andrea Messina

Job Title Exec. Dir

Address 203 S. Monroe St
Talley FL 32301
City State Zip

Phone 850 566 1860

Email messina@FSBA.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Sch Bds Assn

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 Broxson

1-01397-17

2017856__

A bill to be entitled

An act relating to education; amending s. 1012.335, F.S.; prohibiting a district school board from awarding an annual contract for instructional personnel under certain circumstances; prohibiting a district school board from altering or limiting its authority to award or not award an annual contract; providing applicability; providing a directive to the Division of Law Revision and Information; providing an effective date.

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

Section 1. Paragraph (d) is added to subsection (2) of section 1012.335, Florida Statutes, to read:

1012.335 Contracts with instructional personnel hired on or after July 1, 2011.—

(2) EMPLOYMENT.—

(d) A district school board may not:

1. Award an annual contract on the basis of any contingency or condition not expressly authorized in this section; or

2. Alter or limit its authority to award or not award an annual contract as provided in this section.

This paragraph applies only to a collective bargaining agreement entered into or renewed by a district school board on or after the effective date of this act.

Section 2. The Division of Law Revision and Information is directed to replace the phrase “the effective date of this act” as it occurs in section 1 of this act with the date this act takes effect.

Section 3. This act shall take effect upon becoming a law.

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Education
ITEM: SB 856
FINAL ACTION: Favorable
MEETING DATE: Monday, April 3, 2017
TIME: 1:30—3:30 p.m.
PLACE: 412 Knott Building

FINAL VOTE								
Yea	Nay	SENATORS	Yea	Nay	Yea	Nay	Yea	Nay
	X	Farmer						
X		Flores						
X		Galvano						
X		Lee						
X		Simmons						
X		Simpson						
	X	Stewart						
	X	Thurston						
X		Mayfield, VICE CHAIR						
		Hukill, CHAIR						
6	3	TOTALS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

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 868

INTRODUCER: Education Committee and Senator Baxley

SUBJECT: Educational Options and Services

DATE: April 4, 2017

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 868 expands educational options and services to prepare students for higher education and entry into the workforce. Specifically, the bill:

- Removes the eligibility criteria for students to participate in virtual instruction programs.
- Removes the requirement that student enrollment in a virtual instruction program be limited to a program provided by a school district or virtual charter school operated by the district in which the student resides.
- Clarifies that students with disabilities must be offered the option to pursue a scholar or merit designation, removes the option for a certificate of completion, and modifies the criteria to document mastery of academic and employment competencies.
- Requires an individualized progress monitoring plan be developed for all students in a juvenile justice education program, including those with disabilities.
- Adds the Chancellor of Career and Adult Education to the Higher Education Coordinating Council.
- Requires that any institution seeking initial or continued approval of a graduate-level teacher education program in a certification area that does not require a graduate degree must provide students the option to complete the initial preparation program at the bachelor's level.
- Revises the dual enrollment program to clarify the description of career dual enrollment, authorize the Commissioner of Education to establish a statewide articulation agreement for the Florida Virtual School, and expand the rulemaking authority of the State Board of Education to specify rulemaking relating to student eligibility and participation, courses and programs, funding, and articulation agreements.

- Deems participants in on-the-job training activities administered by the Division of Blind Services and the Division of Vocational Rehabilitation as employees of the state for purposes of workers' compensation coverage.

This bill takes effect on July 1, 2017.

II. Present Situation:

The present situation for the relevant portions of the bill is discussed in the Effect of Proposed Changes section of this bill analysis.

III. Effect of Proposed Changes:

Virtual Instruction

Present Situation

A student is eligible to participate in the Florida Virtual School (FLVS) or in a virtual instruction program offered by the school district or by a virtual charter school operated in the district in which the student resides¹ if he or she meets one of the following:²

- The student spent the prior school year in attendance at a public school in the state.
- The student is a dependent child of a member of the United States Armed Forces who transferred within the last 12 months to this state from another state or from a foreign country.
- The student was enrolled during the prior school year in a virtual instruction program³ or a full-time FLVS program.⁴
- 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.
- The student is eligible to enter kindergarten or first grade.
- 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 FLVS.

Effect of the Bill

The bill removes the eligibility requirements specified in law for student participation in virtual instruction through the Florida Virtual School and in virtual instruction programs. As a result, all students enrolled in public or private schools, or in a home education program may become

¹ Virtual instruction programs are included as options under provisions relating to “controlled open enrollment.” Section 1002.31(2)(a), F.S.

² Sections 1002.37(8), 1002.45(5), and 1002.455(2), F.S. These requirements apply to FLVS part-time instruction in kindergarten through grade 5 (section 1002.37(8)(a), F.S.); a virtual instruction program provided by the school district or by a virtual charter school operated in the district (section 1002.45(5), F.S.); school district operated part-time or full-time kindergarten through grade 12 virtual instruction programs for students enrolled in the school district (section 1002.455(3)(a), F.S.); full-time virtual charter school instruction (*Id.* at (3)(b)); and virtual courses offered in the course code directory to students within the school district or to students in other school districts throughout the state (*Id.* at (3)(c)).

³ Section 1002.45, F.S.

⁴ Section 1002.37(8)(a), F.S.

eligible to participate in virtual instruction. The bill does not address funding to expand student participation in virtual instruction.

Additionally, the bill modifies the student eligibility and student participation requirements related to virtual instruction program. Specifically, the bill:

- Removes the requirement that student enrollment in a virtual instruction program be limited to a program provided by a school district or virtual charter school operated by the district in which the student resides. As a result, the bill allows a student to enroll in virtual instruction provided by any school district or virtual charter school.
- Expands the requirement that each student enrolled in a virtual instruction program or virtual charter school take state assessment tests to allow such student to take state assessment tests in the district in which the student enrolls. Additionally, the bill specifies that if requested by the provider, the district of residence must provide the student with access to the district's testing facilities.

Controlled Open Enrollment

Present Situation

Controlled open enrollment is a public education delivery system that allows school districts to make student school assignments using parents' indicated preferential school choice as a significant factor.⁵ School districts have the option to offer controlled open enrollment within the public schools in addition to existing choice programs⁶ such as virtual instruction programs, magnet schools, alternative schools, special programs, collegiate high school programs, advanced placement, and dual enrollment.⁷ The district school board must adopt by rule and post on the district website a controlled open enrollment plan.⁸

Effect of the Bill

The bill modifies available controlled open enrollment options to include virtual charter schools and district virtual programs.

High School Graduation Requirements for Students with Disabilities

Present Situation

By the time a student with an individual education plan (IEP)⁹ reaches 14 years old, the IEP team¹⁰ must begin planning for that student's successful transition to postsecondary education and career opportunities.¹¹ Florida law governing high school graduation for students with a disability requires that the IEP team, during the transition planning process for the student, declare an intent for the student to graduate from high school with either a standard high school diploma or a certificate of completion. A student with a disability who does not satisfy standard

⁵ Section 1002.31(1), F.S.

⁶ Section 1002.20(6)(a), F.S.

⁷ Section 1002.31(2)(a), F.S.

⁸ *Id.* at (3)

⁹ Section 1003.5715(1), F.S.

¹⁰ The IEP team is defined in 20 U.S.C. 1414(d)(1)(B).

¹¹ Section 1003.5716(1), F.S.

high school diploma requirements is awarded a certificate of completion.¹² Such student may also defer graduation subject to certain criteria.¹³

Florida law authorizes the IEP team to determine that mastery of academic and employment competencies is the most appropriate way for a student to demonstrate his or her skills, such employment and competencies include, but are not limited to:¹⁴

- 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.
- Documented successful employment for the number of hours per week specified in the student's transition plan and payment of a minimum wage in compliance with federal requirements.

Effect of the Bill

The bill removes the certificate of completion option for a student with an IEP. The bill also requires that, as a part of transition planning, the student must be offered the option to pursue a scholar or merit designation. This change aligns with a similar law¹⁵ that requires IEP transition planning to prepare a student with an IEP to graduate from high school with a standard diploma, with a scholar or merit designation. The bill also makes a technical change to clarify that only students with disabilities may defer the receipt of a standard high school diploma if he or she meets the conditions specified in law.

The bill removes the option to document mastery of academic and employment competencies through the achievement of annual goals and short-term objectives, industry certifications, and occupational completion points specified in the student's transition plan. However, the bill expands the existing option regarding successful employment by specifying in the student's employment transition plan, paid or non-paid work in a structured work-study, internship, or preapprenticeship program for the required number of hours per week. Current law specifies documentation of successful employment only through paid employment. Rural areas may not be able to offer enough paid employment opportunities to all students.¹⁶

¹² Section 1003.4282(10)(a), F.S. Additional law requires that the process include, but is not limited to, preparation for the student to graduate from high school with a standard high school diploma with a scholar designation unless the parent chooses a merit designation. Section 1003.5716(1)(b), F.S. The scholar and merit designations are in addition to the standard high school diploma for a student who meet certain performance criteria. Section 1003.4285, F.S.

¹³ Section 1003.4282(10)(c), F.S.

¹⁴ Section 1003.4282(10)(b) and (c), F.S.

¹⁵ Section 1003.5716(b), F.S.

¹⁶ Email, Florida Department of Education, *2017 Agency Bill Analysis for SB 868* (March 29, 2017).

Juvenile Justice Education Programs

Present Situation

Students in Department of Juvenile Justice (DJJ) residential education programs,¹⁷ depending on the length of stay, must be provided with career education courses that lead to preapprentice certifications and industry certifications.¹⁸ If the duration of a 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.

An individualized progress monitoring plan must be developed for all students excluding those classified as exceptional education students, upon entry in a juvenile justice education program and upon reentry in the school district. Such plan must address academic, literacy, and career and technical skills.¹⁹

Effect of the Bill

The bill clarifies that the services offered for a program of less than 40 days applies to a detention program. This will exclude the authorization for limited educational services options for students in day treatment, prevention, or residential juvenile justice programs.²⁰ Accordingly, the IEP for a student who is not in a detention program may need to be revised to reflect the education and transition services that are required in law for DJJ programs longer than 40 days.²¹

The bill requires an individualized progress monitoring plan to be developed for all students upon entry in a DJJ facility or upon reentry in the school district. This modification aligns with requirements for free appropriate public education by allowing all students, including students with disabilities, to be provided the same offered services and provisions.²²

¹⁷ Students may be placed in graduated levels of restrictiveness, which includes minimum-risk nonresidential, nonsecure residential, high-risk residential, and maximum-risk residential. Detention is the custody status for youth who are held pursuant to a court order or after being taken into custody for a violation of the law. In Florida, a youth may be detained only when specific statutory criteria, outlined in section 985.215, Florida Statutes, are met. Criteria for detention include current offenses, prior history, legal status, and any aggravating or mitigating factors. Department of Juvenile Justice, *Detention Services Overview*, <http://www.djj.state.fl.us/services/detention> (last visited March 31, 2017).

¹⁸ Section 1003.52(5), F.S.

¹⁹ Section 1003.52(7), F.S. The plan must be developed within 10 school days of a student's entry into a DJJ prevention, residential, or day treatment program or no later than three school days after the administration of the entry assessment. This plan must be based upon the student's entry assessments and past educational history. The plan must include, specific, individualized academic and career objectives; remedial strategies, as needed; progress monitoring evaluation procedures; and, an implementation schedule for determining progress toward meeting the goals of academic and career objectives, including specific monitoring responsibilities. An ESE student's progress monitoring plan must be consistent with the student's individual educational plan (IEP). Rule 6A-6.05281, F.A.C.

²⁰ Email, Florida Department of Education, *2017 Agency Bill Analysis for SB 868* (March 29, 2017).

²¹ *Id.*

²² Email, Florida Department of Education, *2017 Agency Bill Analysis for SB 868* (March 29, 2017). See also 20 U.S.C. s. 1412(a)(1), and Rule 6A-6.03028, F.A.C.

Higher Education Coordinating Council

Present Situation

The Higher Education Coordinating Council (HECC) is created²³ for the purposes of identifying unmet needs; facilitating solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers; and facilitating solutions to data issues identified by the Articulation Coordinating Committee to improve the K-20 education performance accountability system.²⁴ The HECC includes the following members:²⁵

- One member of the Board of Governors, appointed by the chair of the Board of Governors.
- The Chancellor of the State University System.
- The Chancellor of the Florida College System.
- One member of the State Board of Education (SBE), appointed by the chair of the SBE.
- The Executive Director of the Florida Association of Postsecondary Schools and Colleges.
- The president of the Independent Colleges and Universities of Florida.
- The president of Workforce Florida, Inc., or his or her designee.
- The president of Enterprise Florida, Inc., or a designated member of the Stakeholders Council appointed by the president.
- Three representatives of the business community, one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives, and one appointed by the Governor, who are committed to developing and enhancing world class workforce infrastructure necessary for Florida's citizens to compete and prosper in the ever-changing economy of the 21st century.

Effect of the Bill

The bill adds the Chancellor of Career and Adult Education to the membership of the HECC. This addition will likely strengthen representation of workforce education delivered by technical centers on the HECC, and improve coordination among various postsecondary education delivery systems.

Teacher Education Programs

Present Situation

Each Florida teacher preparation program must be approved²⁶ by the Florida Department of Education (DOE) and must meet the requirements for continued approval, which include:²⁷

- Documentation that each program candidate met specified admission requirements.²⁸

²³ Section 12, ch. 2010-78, L.O.F.

²⁴ Section 1004.015(1), F.S.

²⁵ *Id.* at (2).

²⁶ Initial and continued approval means that a teacher preparation program has been granted the authority to operate for a five-year period. Rule 6A-5.066(1)(g) and (p), F.A.C.

²⁷ Section 1004.04(4)(a), F.S., see also Rule 6A-5.066, F.A.C.

²⁸ *Id.* at (3)(b)1., F.S. These include a grade point average of at least 2.5 on a 4.0 scale for the general education component of undergraduate studies or have completed the requirements for a baccalaureate degree with a minimum grade point average of 2.5 on a 4.0 scale from any college or university accredited by a regional

- Documentation that each program completer met specified performance requirements.²⁹
- Evidence of performance in each of the following areas:
 - Placement rate of program completers into instructional positions in Florida public schools and private schools, if available.
 - Rate of retention for employed program completers in instructional positions in Florida public schools.
 - Performance of students in prekindergarten through grade 12 on statewide assessments using the results of the student learning growth formula established in law.³⁰
 - Performance of students in prekindergarten through grade 12 aggregated by student subgroup³¹ as a measure of how well the program prepares teachers to work with a diverse population of students in a variety of settings in Florida public schools.
 - Results of program completers' annual evaluations in accordance with the timeline as set forth in law.³²
 - Production of program completers in statewide critical teacher shortage areas as identified in law.³³

Effect of the Bill

The bill modifies the initial state program approval criteria to require that, beginning on 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 must provide students with an option to complete the program at the bachelor's level. Additionally, the bill requires an existing state-approved program to also meet the specified requirements for continued approval. Currently, there are no current restrictions for institutions seeking to offer a state-approved graduate level teacher preparation program.³⁴

accrediting association as defined by State Board of Education rule or any college or university otherwise approved pursuant to State Board of Education rule.

²⁹ Id. at (3)(b)2., F.S. These include mastery of general knowledge sufficient for entry into the program, including the ability to read, write, and perform in mathematics, by passing the General Knowledge Test of the Florida Teacher Certification Examination or, for a graduate level program, obtain a baccalaureate degree from an institution that is accredited or approved pursuant to the rules of the State Board of Education. Have a grade point average of at least 2.5 on a 4.0 scale for the general education component of undergraduate studies or have completed the requirements for a baccalaureate degree with a minimum grade point average of 2.5 on a 4.0 scale from any college or university accredited by a regional accrediting association.

³⁰ Section 1012.34, F.S.

³¹ Subgroups are defined in the federal Elementary and Secondary Education Act (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II),

³² Section 1012.34, F.S.

³³ Section 1012.07, F.S.

³⁴ Email, Florida Department of Education, *2017 Agency Bill Analysis for SB 868* (March 29, 2017).

Articulated Acceleration Mechanisms

Present Situation

The Florida statewide articulation agreement³⁵ governs the use of acceleration mechanisms, including nationally standardized examinations through which students may earn credit.³⁶

The DOE must annually identify and publish the minimum scores, maximum credit, and course or courses for which credit is to be awarded to include, but not limited to, examinations under the College Board Advanced Placement (AP), Advanced International Certificate of Education (AICE), and International Baccalaureate (IB) programs.³⁷

Florida law³⁸ requires that, for AP and IB examinations, the specific course for which a student may receive such credit must be specified in the statewide articulation agreement. The law governing the award of AICE credit authorizes that the specific course for which a student may receive such credit must be determined by the Florida College System institution or university that accepts the student for admission.³⁹

Effect of the Bill

The bill modifies the award of postsecondary credit for successful completion of an AICE examination and requires that the specific course for which a student may receive credit must be specified in the statewide articulation agreement. This revision requires that postsecondary credit awarded for an AICE examination must be awarded in the same manner as for AP and IB examinations.

Dual Enrollment Programs

Present Situation

Dual enrollment is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward high school completion and a career certificate or an associate or baccalaureate degree.⁴⁰ As a component of dual enrollment, career dual enrollment is provided as an option for secondary students to earn industry certifications,⁴¹ which may count toward credits required to earn a standard high school diploma. Career dual enrollment is available for secondary students seeking a degree and industry certification through a career education program or course.⁴²

³⁵ Section 1007.23, F.S.

³⁶ Id. at (1)(e). Examinations include advanced placement, credit by examination, the International Baccalaureate Program, and the Advanced International Certificate of Education Program. Section 1007.27(1), F.S.

³⁷ Section 1007.27(2), F.S. The *Articulation Coordinating Committee Credit-by-Exam Equivalencies* contains a list of examinations, minimum scores for guaranteed transfer credit, maximum credits guaranteed to transfer, and recommended postsecondary course equivalents. Rule 6A-10.024, F.A.C.

³⁸ Section 1007.27(5) and (7), F.S.

³⁹ Id. at (8).

⁴⁰ Section 1007.271(1), F.S.

⁴¹ Section 1008.44, F.S., which establishes the CAPE Industry Certification Funding List and CAPE Postsecondary Industry Certification Funding List.

⁴² Section 1007.271(7), F.S.

Articulation agreements govern participation in dual enrollment at an eligible postsecondary institution by public school students,⁴³ private school students,⁴⁴ and home education students.⁴⁵ However, the Commissioner of Education (Commissioner) may approve dual enrollment agreements for limited course offerings that have statewide appeal. Such programs must be limited to a single site with multiple county participation.⁴⁶

The Florida Virtual School full-time program (FLVS Full Time) is a fully accredited K-12 public school offering comprehensive, full time online learning for all Florida students.⁴⁷ FLVS Full Time students who meet Florida graduation requirements are able to receive a standard diploma.⁴⁸

The State Board of Education has rulemaking authority for dual enrollment programs involving requirements for high school graduation.⁴⁹

Effect of the Bill

The bill revises the description of career dual enrollment to specify that such enrollment is in non-college-credit career certificates leading to an industry certification as specified in rule by the SBE. This clarifies that students who are enrolled in college credit dual enrollment that leads to a career degree, such as an associate in science or associate in applied science degree, do not also have to earn an industry certification.

Additionally, the bill authorizes the Commissioner to approve a statewide dual enrollment articulation agreement for the FLVS to enroll FLVS Full Time students at a postsecondary institution eligible to participate in dual enrollment. As a result, the FLVS will not be required to negotiate a separate agreement with each eligible postsecondary education institution for students to participate in dual enrollment. Additionally, the Florida Virtual School may be required to pay the standard tuition for FLVS Full Time students participating in dual enrollment at a public postsecondary institution,⁵⁰ and may be required to provide instructional materials for such students.⁵¹

The bill expands SBE rulemaking to require rulemaking relating to student eligibility and participation, courses and programs, funding, and articulation agreements.

⁴³ Section 1007.271(21), F.S.

⁴⁴ Section 1007.271(24)(b), F.S.

⁴⁵ Section 1007.271(13)(b), F.S.

⁴⁶ Section 1007.271(19), F.S., e.g., Boys State and Girls State, Lou Frey Institute of Politics and Government Civic Leadership Academy, the University of Florida Young Entrepreneurs for Leadership and Sustainability, and the University of Florida Student Science Training Program.

⁴⁷ Email, Florida Department of Education, *2017 Agency Bill Analysis for SB 868* (March 29, 2017).

⁴⁸ *Id.*

⁴⁹ Section 1007.271(12), F.S.

⁵⁰ Section 1007.271(21)(n), F.S.

⁵¹ *Id.* at (17).

Worker's Compensation Coverage

Present Situation

Florida law requires organizations, including the Division of Vocational Rehabilitation (VR) and the Division of Blind Services (DBS),⁵² to cooperate to better assist individuals with disabilities in the workplace.⁵³ The DBS and the VR each provide community-based work experiences to their adult and youth clients.⁵⁴

Generally, employers are required to provide medical and indemnity benefits to a worker who is injured due to an accident arising out of and during the course of employment.⁵⁵ For such injuries, an employer is responsible for providing medical treatment,⁵⁶ and compensation in the event of employee disability or death.⁵⁷ Specific employer coverage requirements are based on the type of industry, number of employees, and entity organization.⁵⁸

Effect of the Bill

The bill requires that individuals who participate in an on-the-job training activity through the DBS or the VR be deemed an employee of the state for purposes of workers' compensation coverage. This may encourage more employers to provide work experience opportunities to youth and adults with disabilities.⁵⁹

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁵² Both divisions are divisions within the Florida Department of Education. Section 20.15(3), F.S.

⁵³ Section 413.80, F.S.

⁵⁴ Vocational Rehabilitation, *2015-2016 Annual Report*, at 6, available at <http://www.rehabworks.org/docs/AnnualReport16.pdf> and Florida Department of Education, Division of Blind Services, *Employer Services*, <http://dbs.myflorida.com/Employer/index.html> (last visited March 31, 2017).

⁵⁵ Section 440.09(1), F.S.

⁵⁶ Section 440.13, F.S.

⁵⁷ Section 440.15, F.S.

⁵⁸ Division of Workers' Compensation, *Coverage Requirements*, <http://www.myfloridacfo.com/division/wc/Employer/coverage.htm#.WLc13vkrKCg> (last visited March 31, 2017).

⁵⁹ Email, Florida Department of Education, *2017 Agency Bill Analysis for SB 868* (March 31, 2017).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Under CS/SB 868, private sector entities would experience a cost savings by not having to provide workers compensation coverage.

C. Government Sector Impact:

The bill revises s. 1002.455, F.S., relating to student eligibility for K-12 virtual instruction. These changes will open various virtual education options that are not currently available to students who did not attend public school in the prior year. The estimated fiscal impact to the Florida Education Finance Program (FEFP) to fund the expansion of student eligibility for public virtual education is expected to be incorporated within the FEFP calculation, and is estimated at \$4,363,075.

The bill deems adult and youth participating in a specified work experience activity as state employees for workers' compensation purposes. The Florida Department of Financial Services estimates that, based on claim costs for a similar program,⁶⁰ annual costs to cover only medical claims would be \$92,000.⁶¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 413.011, 1002.31, 1002.33, 1002.37, 1002.45, 1003.4282, 1003.498, 1003.52, 1004.015, 1004.04, 1007.27, 1007.271, and 1011.62.

This bill creates section 413.209 of the Florida Statutes.

This bill repeals section 1002.455 of the Florida Statutes.

⁶⁰ Participants in an adult or youth work experience activity administered by the one-stop delivery system for workforce services under CareerSource Florida, Inc., are deemed an employee of the state for purposes of workers compensation coverage, and are not entitled to compensation benefits. Section 445.009(11), F.S.

⁶¹ Florida Department of Financial Services, *Senate Bill 868* (Feb. 22, 2017).

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 April 3, 2017:

The committee substitute:

- Deems clients who participate in on-the-job training administered by the Division of Blind Services and the Division of Vocational Rehabilitation, as state employees for the purposes of workers' compensation.
- Modifies the student eligibility and student participation requirements related to virtual instruction program. Specifically, the committee substitute:
 - Removes the requirement that student enrollment in a virtual instruction program be limited to a program provided by a school district or virtual charter school operated by the district in which the student resides.
 - Expands the requirement that each student enrolled in a virtual instruction program or virtual charter school take state assessment tests to allow such student to take state assessment tests in the district in which the student enrolls. Additionally, the bill specifies that if requested by the provider, the district of residence must provide the student with access to the district's testing facilities.
- Modifies available controlled open enrollment options to include virtual charter schools and district virtual programs.

B. Amendments:

None.



289776

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
	.	
	.	
	.	

The Committee on Education (Baxley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 57 - 79
and insert:

(b) A client of the division who is participating in on-the-job training shall be deemed an employee of the state for purposes of workers' compensation coverage.

Section 2. Section 413.209, Florida Statutes, is created to read:

413.209 Workers' compensation coverage for clients in on-the-job training.-A client of the Division of Vocational



289776

Rehabilitation of the Department of Education who is
participating in on-the-job training as a vocational
rehabilitation service shall be deemed an employee of the state
for purposes of workers' compensation coverage.

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

And the title is amended as follows:

Delete lines 4 - 10

and insert:

client of the Division of Blind Services is considered
an employee of the state for workers' compensation
coverage; creating s. 413.209, F.S.; providing that a
specified client of the Division of Vocational
Rehabilitation is considered an employee of the state
for



781634

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
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	.	
	.	

The Committee on Education (Baxley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 80 - 102
and insert:

Section 3. Paragraph (a) of subsection (2) of section
1002.31, Florida Statutes, is amended to read:

1002.31 Controlled open enrollment; Public school parental
choice.—

(2) (a) Beginning by the 2017-2018 school year, as part of a
school district's or charter school's controlled open enrollment
process, and in addition to the existing public school choice



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programs provided in s. 1002.20(6)(a), each district school board or charter school shall allow a parent from any school district in the state whose child is not subject to a current expulsion or suspension to enroll his or her child in and transport his or her child to any public school, including charter schools, virtual charter schools, and district virtual programs, that have ~~has~~ not reached capacity in the district, subject to the maximum class size pursuant to s. 1003.03 and s. 1, Art. IX of the State Constitution, if applicable. The school district or charter school shall accept the student, pursuant to that school district's or charter school's controlled open enrollment process, and report the student for purposes of the school district's or charter school's funding pursuant to the Florida Education Finance Program. A school district or charter school may provide transportation to students described under this section.

Section 4. 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 Virtual School, the full-time equivalent student enrollment calculated under this subsection is subject to the requirements



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in s. 1011.61(4).

Section 5. Subsection (5) and paragraph (b) of subsection (6) of section 1002.45, Florida Statutes, are 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 a ~~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.~~

(6) STUDENT PARTICIPATION REQUIREMENTS.—Each student enrolled in a virtual instruction program or virtual charter school must:

(b) Take state assessment tests within the school district in which such student resides or enrolls, as contractually specified. If requested by the provider, the district of residence ~~which~~ must provide the student with access to the district's testing facilities.

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

And the title is amended as follows:

Delete line 11

and insert:

workers' compensation coverage; amending s. 1002.31, F.S.; revising available controlled open enrollment options to include virtual charter schools and district virtual programs; amending ss. 1002.37

THE FLORIDA SENATE
APPEARANCE RECORD

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

4-3-17

Meeting Date

SB 868

Bill Number (if applicable)

Topic Relating to Educational Options

Amendment Barcode (if applicable)

Name Holly Sagues (Say-gus)

Job Title Exec. Director Gov. Affairs

Address Metro Center Blvd

Street

Phone hsagues@flus.net

Orlando

City

FL

State

32344

Zip

Email 321-695-1073

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.

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

4/3/17

Meeting Date

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

868

Bill Number (if applicable)

Topic Education al Optims

Amendment Barcode (if applicable)

Name Amber Kelly

Job Title Dir. of Policy & Communications

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Street
Orlando, FL City 32608 State Zip

Phone 850-567-8143

Email amberk@florida

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Family Action

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

4-3-17

Meeting Date

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

868

Bill Number (if applicable)

Topic Virtual Education

Amendment Barcode (if applicable)

Name Dobbie Mortman

Job Title Advocacy Director

Address 215 S Monroe St.

Phone _____

Street

MH 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 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)

04/03/2017

Meeting Date

SB 868

Bill Number (if applicable)

Topic Educational Options and Services

Amendment Barcode (if applicable)

Name Tanya Cooper

Job Title Director, Governmental Relations

Address 325 W. Gaines St.

Phone 850.245.0507

Street

Tallahassee

FL

32399

Email Tanya.Cooper@fldoe.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Department of Education

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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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)

4/3/17

Meeting Date

SB 868

Bill Number (if applicable)

Topic Educational Options

Amendment Barcode (if applicable)

Name Brewster BevisJob Title Senior Vice PresidentAddress 516 N Adams St

Street

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State

32301

Zip

Phone 224-7173Email bbevis@aif.comSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)Representing Associated Industries of FloridaAppearing 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.

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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)

04/03/2017

Meeting Date

SB 868

Bill Number (if applicable)

289776

Amendment Barcode (if applicable)

Topic Educational Options and Services

Name Tanya Cooper

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Phone 850.245.0507

Email Tanya.Cooper@fldoe.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Department of Education

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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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)

04/03/2017

Meeting Date

SB 868

Bill Number (if applicable)

781634

Amendment Barcode (if applicable)

Topic Educational Options and Services

Name Tanya Cooper

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Email Tanya.Cooper@fldoe.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Department of Education

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/3/2017
Meeting Date

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

868
Bill Number (if applicable)
781634
Amendment Barcode (if applicable)

Topic Educational Options and Services

Name Tillie Elrum

Job Title President

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City State Zip

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Email tillie@publicschooloptions.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Public School Options.org

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)

By Senator Baxley

12-00905-17

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A bill to be entitled

An act relating to educational options and services; amending s. 413.011, F.S.; 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; creating s. 413.209, F.S.; providing that a participant in an adult or youth work experience activity in vocational rehabilitation programs is considered an employee of the state for workers' compensation coverage; amending ss. 1002.37 and 1002.45, F.S.; revising student eligibility requirements for the Florida Virtual School and virtual instruction programs; repealing s. 1002.455, F.S., relating to student eligibility for K-12 virtual instruction; amending s. 1003.4282, F.S.; specifying diploma designation and work experience options available for a student with a disability; amending s. 1003.52, F.S.; revising the type of programs and participants served in Department of Juvenile Justice education programs; amending s. 1004.015, F.S.; revising the membership of the Higher Education Coordinating Council; amending s. 1004.04, F.S.; requiring an institution that seeks initial approval after a specified date to offer a graduate-level teacher preparation program to offer students certain options; amending s. 1007.27, F.S.; requiring Advanced International Certificate of Education Program and International General Certificate of Secondary Education Program courses that a student may receive credit for to be specified in the statewide articulation agreement; amending s. 1007.271, F.S.;

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specifying that career dual enrollment is an option for students to earn career certificates leading to industry certifications; expanding the rulemaking authority of the State Board of Education; authorizing the Commissioner of Education to approve a statewide dual enrollment articulation agreement for the Florida Virtual School; amending ss. 1002.33, 1003.498, and 1011.62, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Subsection (2) of section 413.011, Florida Statutes, is amended to read:

413.011 Division of Blind Services, legislative policy, intent; internal organizational structure and powers; Rehabilitation Council for the Blind.—

(2) PROGRAM OF SERVICES.—

(a) It is the intent of the Legislature to establish a coordinated program of services which will be available to individuals throughout this state who are blind. The program must be designed to maximize employment opportunities for such individuals and to increase their independence and self-sufficiency.

(b) A participant in an adult or youth work experience activity that is administered under this section 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

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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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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.

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Education
ITEM: SB 868
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Monday, April 3, 2017
TIME: 1:30—3:30 p.m.
PLACE: 412 Knott Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 902

INTRODUCER: Senator Simmons

SUBJECT: Gardiner Scholarship Program

DATE: March 31, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Androff	Graf	ED	Pre-meeting
2.			AED	
3.			AP	
4.			RC	

I. Summary:

SB 902 modifies the Gardiner Scholarship Program (GSP) to:

- Expand the definition of disability for purposes of the GSP.
- Revise student eligibility criteria for participation in the GSP.
- Authorize the procurement of additional services using GSP funds.
- Provide that a private school with material exceptions to its agreed-upon procedures reports in consecutive years or that is unable to comply with GSP requirements may be deemed ineligible for GSP participation by the Commissioner of Education.
- Clarify GSP award amount calculation.

Additionally, the bill provides for an appropriation of \$200 million in recurring funds from the General Revenue Fund to the Department of Education (DOE) for GSP scholarship awards and an additional \$6 million to the DOE for each Scholarship-Funding Organization's administration of the scholarship program.

The bill takes effect July 1, 2017.

II. Present Situation:

The Gardiner Scholarship Program (GSP) provides parents of eligible students with disabilities more flexibility to customize their child's education.¹ Funds are distributed to qualified² Scholarship Funding Organizations (SFOs) to establish accounts for eligible students.³ Parents can use funds from the student's account to choose from a variety of approved items or services

¹ Section 1002.385(1), F.S.

² *Id.* at (2)(e).

³ Section 1002.385, F.S.

for their students including, but not limited to: specialized services, curriculum, instructional materials, tuition, and contracted services.⁴

Eligibility

The parent of a student, who is a Florida resident, may request and receive an account if the student:⁵

- Is 3 or 4 years old or eligible to enroll in kindergarten through grade 12 in a Florida public school;
- Has one of the following disabilities:
 - Autism spectrum disorder,
 - Cerebral palsy,
 - Down syndrome,
 - An intellectual disability,
 - Phelan-McDermid syndrome,
 - Prader-Willi syndrome,
 - Spina bifida,
 - Muscular dystrophy,
 - Is identified as a high-risk child, or
 - Williams syndrome; and
- Has an Individualized Education Plan (IEP) written in accordance with the State Board of Education or has received a diagnosis of one of the above disabilities from a licensed physician or a licensed psychologist.

A student is not eligible for the GSP:⁶

- While enrolled in a public school.
- While enrolled in a Department of Juvenile Justice schools commitment program.
- While receiving a scholarship from the Florida Tax Credit Scholarship Program or the McKay Scholarship for Students with Disabilities Program.
- Or while receiving any other educational scholarship under Chapter 1002 of the Florida Statutes.

The parent of a student with a disability who does not have an IEP or who seeks a reevaluation of an existing IEP may request an IEP meeting and evaluation from the school district in order to obtain or revise a matrix of services.⁷

Parents must apply to an eligible SFO to participate in the program by February 1 before the school year in which the student wishes to participate, or an alternative date set by the SFO.⁸ Scholarship awards are provided on a first-come, first-served basis.⁹

⁴ Section 1002.385(5), F.S.

⁵ *Id.* at (3).

⁶ *Id.* at (4).

⁷ Section 1002.385(7)(a)1., F.S.

⁸ *Id.* at (3)(b).

⁹ *Id.* at 12(b).

Award Amount

An individual student scholarship is calculated, in part, using the appropriate cost for the educational program which would have been provided for the student in the school district.¹⁰ Unless a parent requests and receives an IEP and matrix of services from a district, each student's scholarship amount is based on support Level III of services.¹¹

Allowable Expenditures

GSP funds must be used to meet the individual education needs of the student.¹² Program funds may be spent for the following authorized purposes:¹³

- Instructional materials and curriculum.
- Specialized services by approved providers, including but not limited to, applied behavior analysis, speech language pathologist, occupational therapy, physical therapy, and services provided by spoken and listening language specialists.
- Enrollment in, or tuition and fees for enrollment in, a home education program, an eligible private school or postsecondary institution or a program offered by the institution, a private tutoring program, or virtual education programs or courses.
- Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.
- Contributions to the Stanley G. Tate Florida Prepaid College Program or the Florida College Savings Program.
- Contracted services provided by a public school or school district, including classes.
- Tuition and fees for part-time tutoring services provided by an individual who has a valid Florida educator's certificate, an adjunct teaching certificate, or has demonstrated mastery of subject area knowledge.
- Fees for specialized summer or after-school education programs.
- Fees for transition services provided by job coaches.
- Fees for an annual evaluation used by home education students.
- Tuition and fees associated with programs offered by VPK education and school readiness providers.

Eligible Service Providers

Currently, entities eligible to provide specialized services or educational programs include:¹⁴

- A provider approved by the Agency for Persons with Disabilities, a health care practitioner or a provider approved by the Florida Department of Education (DOE) to offer specialized instructional services for children with disabilities.
- A postsecondary educational institution including a Florida College System institution; a state university; a school district technical center; a school district adult general education

¹⁰ Section 1002.385(13)(a)1., F.S.

¹¹ *Id.* at (13)(a)3.

¹² *Id.* at (11).

¹³ *Id.* at (5).

¹⁴ Section 1002.285(2), F.S.

center; an independent college or university eligible to participate in the William L. Boyd, IV Florida Resident Access Grant Program; or an accredited, independent postsecondary educational institution which is licensed to operate in this state.

- A private school that is located in this state, offers education to students in any grade from kindergarten to grade 12, meets all the requirements of a private school operating in Florida, and meets all the requirements of a private school participating in the John M. McKay Scholarship Program or the Florida Tax Credit Scholarship Program.

III. Effect of Proposed Changes:

SB 902 modifies the Gardiner Scholarship Program (GSP) to:

- Expand the definition of disability, for purposes of the GSP, to include a child:
 - Diagnosed with rare diseases or condition, as defined by the Orphan Drug Act;¹⁵
 - Diagnosed as Anaphylaxis; or
 - Identified 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.
- Specify that a student's individual education plan (IEP) is not required to be reviewed or revised within the last 12 months in order for the student to be eligible for the GSP.
- Revise GSP eligibility criteria to include a student that is five years of age or older and previously identified as high-risk.
- Allow a student with an IEP from another state or physician licensed in another state to qualify for the GSP, if the student meets the other eligibility requirements.
- Authorize the use of GSP funds to procure services provided by a certified music therapist, art therapist, or services provided at a center that is a member of the Professional Association of Therapeutic Horsemanship International.
- Provide that if a private school is unable to meet the requirements in law or has consecutive years of material exceptions listed in its agreed-upon procedures reports, the Commissioner of the Department of Education (DOE) may determine that the school is ineligible to participate in the GSP.
- Specify that the calculation for GSP award shall be based on the student's matrix level of services and the funding for a student without a matrix shall be based on the Level III matrix.

Additionally, the bill provides for an appropriation of \$200 million in recurring funds from the General Revenue Fund to the Department of Education (DOE) for scholarship awards under the GSP for the 2017-2018. In addition to the funds appropriated for the scholarship awards, the sum of \$6 million in recurring funds from the General Revenue funds to the DOE for each Scholarship-Funding Organization's (SFO's) reasonable and necessary administrative expenses to manage and distribute scholarship awards under the program. The amount paid to each SFO cannot exceed 3 percent of each scholarship award.

The bill may result in additional students qualifying for awards under the GSP and allow students and parents to procure additional services from licensed music therapists, art therapists,

¹⁵ Pub. L. No. 97-414.

or a center that is a member of the Professional Association of Therapeutic Horsemanship International.

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:

SB 902 may result in additional students qualifying for an award through the Gardiner Scholarship Program (GSP). In the 2016-17 fiscal year, the average GSP award is approximately \$10,000.¹⁶ The bill may also allow specified therapists and centers to receive funds from GSP program participants that choose to procure specialized services from such providers.

C. Government Sector Impact:

The bill appropriates \$200 million in recurring funds from the General Revenue Fund to the Department of Education for scholarship awards under the GSP for the 2017-2018 fiscal year. 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 DOE for each Scholarship-Funding Organization's (SFO's) reasonable and necessary administrative expenses to manage and distribute scholarship awards under the program. The amount paid to each SFO cannot exceed 3 percent of each scholarship award.

SPB 2500, the proposed Senate General Appropriations Bill, appropriates \$107,416,063 to the Gardiner Scholarship Program.

¹⁶ Florida Department of Education, *HB 15 Analysis* (2017), at 9. The GSP provisions in HB 15 are substantively similar to SB 1314.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1002.385 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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

902
Bill Number (if applicable) _____

Topic Gardner Scholarship

Amendment Barcode (if applicable) _____

Name Rabbi Moshe Matz

Job Title Exec. Director

Address 4541 N. Bay Rd

Phone 305 532 2500

Street

M.B. FL 33140

City

State

Zip

Email mmatz@agudathIsraelfla.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Agudath Israel 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)

4/3/17

Meeting Date

SB 902

Bill Number (if applicable)

Topic Gardiner Scholarship

Amendment Barcode (if applicable)

Name Kenneth Johns

Job Title Dialysis Nurse

Address 415253 Weaver Circle

Street

Callahan

City

FL

State

32011

Zip

Phone (904) 614-9826

Email nursejohns@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

4.3.17

Meeting Date

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

SB 902

Bill Number (if applicable)

Topic GARDINER SCHOLARSHIP

Amendment Barcode (if applicable)

Name BILL MATTOX

Job Title JAMES MADISON INSTITUTE

Address 100 N. DUVAL
Street

Phone 850-386-3131

TALLY FL 32303
City State Zip

Email bimattox@jamesmadison.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing JMI

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)

4
12/3/17
Meeting Date

902
Bill Number (if applicable)

Topic SB 902

Amendment Barcode (if applicable)

Name Sara Clements

Job Title Director, External Affairs

Address 1901 Ulmerton Rd #180
Street

Phone 727-451-9811

Clearwater
City

FL
State

33762
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

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)

4-3-17

Meeting Date

SB 902

Bill Number (if applicable)

Topic Gardiner

Amendment Barcode (if applicable)

Name Skylar Zander

Job Title Deputy State Director

Address 8200 W College Ave

Phone 850-728-4522

Street

Tallahassee

City

FL

State

32301

Zip

Email szander@afphq.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Americans for Prosperity

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

4/3/17

Meeting Date

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

902

Bill Number (if applicable)

Topic Gardiner Scholarship

Amendment Barcode (if applicable)

Name Bill Bonkley

Job Title President

Address PO Box 341644

Phone 813-264-2977

Street

Tampa

FL

33696

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against

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

Representing Florida Ethics & Religious Liberty Commission

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

4/3/2017

Meeting Date

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

902

Bill Number (if applicable)

Topic Gardiner Scholarship Program

Amendment Barcode (if applicable)

Name James B. Herzog

Job Title Associate Director for Education

Address 201 W. Park Ave.

Street

Phone (850) 222-3803

Tallahassee

City

FL

State

32301

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

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

4/3/17

Meeting Date

SB 902

Bill Number (if applicable)

Topic SB 902 - Gardiner Scholarship

Amendment Barcode (if applicable)

Name Alexandra Dominguez

Job Title Senior Advocacy Associate

Address 215 S Monroe St.

Phone 786-955-7155

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 Foundation for FL'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

4-3-17 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)
Meeting Date

902
Bill Number (if applicable)

Topic GARDNER SCHOLARSHIP

Amendment Barcode (if applicable)

Name JEANNE BOGGS

Job Title PARENT

Address 1709 COUNTRY CLUB DR
Street

Phone 850.567.7325

TALLAHASSEE FL 3230
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 _____

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)

By Senator Simmons

9-00468B-17

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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.

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 926

INTRODUCER: Education Committee and Senator Flores and others

SUBJECT: Education

DATE: April 5, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Benvenisty	Graf	ED	Fav/CS
2.			RC	

I. Summary:

CS/SB 926 modifies provisions related to K-12 student assessments and the minority teacher education scholars program; and adds provisions related to early childhood development, intensive reading instruction, and visitation of schools by individual school board members.

Specifically, the bill includes the following provisions related to K-12 student assessments:

- Shortening of the testing window: Requires, beginning with the 2017-2018 school year, the English Language Arts (ELA) and mathematics assessments for the specified grades to be administered no earlier than the last 3 weeks of the school year, as determined by district school board policy.
- Reporting of assessment results: Requires a school district to provide student performance results on statewide, standardized assessments to students' parents and specified teachers in an easy-to-read and understandable format, and the report must include specified information. Additionally, a school district must also provide student performance results on district-required local assessments to students' teachers within one week after administering such assessments.
- Determination of alternative assessments: Requires the Commissioner of Education (commissioner) to contract for an independent study to determine nationally recognized high school assessment alternatives for Florida Standards Assessment (i.e., grade 9 and grade 10 ELA) and Algebra I end-of-course (EOC) assessments for high school students; and to submit a report on the findings of the study to the Governor and the Legislature by January 1, 2018.
- Determination of concordant and comparative scores: Requires the commissioner to identify, by the first day of the 2017-2018 school year, concordant or comparative scores on specified articulated acceleration mechanisms, which satisfy high school graduation requirements; and requires the scores of students who pass such assessment to be incorporated into the school grade calculations.
- Elimination of certain EOC assessments: Eliminates Geometry, Algebra II, and United States History EOC assessments for purposes of meeting high school graduation requirements and

earning scholar designation on the standard high school diploma except that a student must take one statewide, standardized mathematics assessment in high school, which must be Algebra I, Geometry, or Algebra II. Additionally, the bill eliminates the Civics EOC assessment for purposes of middle grades promotion.

- Provision of nonelectronic assessment option: Requires the commissioner to make available a nonelectronic option for all statewide assessments to reduce the time spent on testing, increase instructional time for students, and ensure students demonstrate a mastery of standards assessed. Additionally, a district school superintendent must notify the commissioner that the district will use a 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.
- Study of student achievement levels: Requires the Department of Education (DOE) to study each of the achievement levels used for statewide, standardized assessments to better communicate the meaning of such levels to students, parents, and teachers.
- Criteria for personnel evaluation: For purposes of personnel evaluations, authorizes each school district to measure student learning growth using formulas developed by the commissioner.

Additionally, the bill:

- Expands the minority teacher education scholars program (program) to authorize a student to use the program scholarship toward a graduate degree with a major in education, leading to an initial certification.
- Creates the Committee on Early Childhood Development (committee), within the DOE, to develop a proposal for establishing and implementing a coordinated system focused on developmental milestones and outcomes for the school readiness program, the Voluntary Prekindergarten Education Program, and the Kindergarten Readiness Screener. The committee must submit a report of its findings and recommendations to the Governor and the Legislature by December 1, 2017.
- Authorizes a school district to provide the required intensive reading instruction for a minimum of 90 minutes daily over the course of the school day to students who are retained in grade 3, and eliminates the requirement to provide such instruction for 90 continuous minutes daily.
- Authorizes an individual member of a district school board to visit any district or charter school in his or her school district on any day and at any time, at his or her pleasure.

The bill takes effect July 1, 2017.

II. Present Situation:

The present situation for the relevant portions of the bill is discussed in the Effect of Proposed Changes section of the bill analysis.

III. Effect of Proposed Changes:

K-12 Student Assessments

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.¹

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.² 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.³

Statewide Standardized Assessment Requirements

The statewide, standardized assessment program consists of:

- Statewide, standardized comprehensive assessments:⁴
 - 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).⁵
- End-of-Course (EOC) assessments:⁶
 - Civics (at the middle grade level);
 - U.S. History EOC;
 - Algebra I EOC;
 - Algebra II EOC;⁷
 - Geometry EOC; and
 - Biology I EOC.

¹ Section 1008.22, F.S.

² *Id.* at (1).

³ *Id.* at (3).

⁴ *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>.

⁵ 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.

⁶ Section 1008.22(3)(b), F.S.

⁷ 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.

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.⁸

Contracts

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.⁹ The commissioner may enter into contracts for the continued administration of assessments that are authorized and funded by the Legislature.¹⁰ 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.¹¹ 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.¹²

Administration of Assessments and Reporting of Student Performance

Statewide Standardized Assessments

The commissioner must establish schedules for the administration of statewide, standardized assessments and the reporting of student assessment results.¹³ 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 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).¹⁴

District-Required Local Assessments

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.¹⁵ 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

⁸ 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).

⁹ *Id.* at (3)(g)1.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.* at (7)(a).

¹⁴ *Id.* at (3)(g)2.

¹⁵ *Id.* at (6).

assessments, unless the superintendent determines in writing that extenuating circumstances exist and reports the extenuating circumstances to the district school board.¹⁶

Authorized Alternative Assessments

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

Nationally Developed Comprehensive 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,¹⁷ 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.¹⁸ The state board must adopt in rule the use of such examinations as EOC assessments.¹⁹

Concordant and Comparative Scores

To fulfill statewide, standardized assessment requirements, the state board has adopted:²⁰

- Concordant scores on SAT²¹ and ACT,²² which if attained by a student satisfies the grade 10 statewide, standardized Reading²³ assessment, and
- Comparative scores on the Postsecondary Education Readiness Test (PERT), which if attained by a student satisfies the Algebra I EOC assessment requirement.

¹⁶ Section 1008.22(7)(f), F.S.

¹⁷ 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>.

¹⁸ Section 1008.22(3)(b)3., F.S.

¹⁹ *Id.*

²⁰ *Id.* at (9)-(10), F.S.; *see also* Rule 6A-1.094223, F.A.C.

²¹ 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.

²² 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.

²³ 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.

The SAT and ACT, and PERT substitutions are authorized for the two assessments in high school²⁴ that students must pass to graduate with a standard high school diploma.²⁵ 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.²⁶

Use of Assessments

The Florida Legislature has established accountability mechanisms to assess the effectiveness of the state's K-20 education delivery system.²⁷ The law specifies annual educator performance evaluations²⁸ and the evaluation criteria for instructional personnel, which must include student performance, instructional practice, and professional and job responsibilities.²⁹ In addition, the Legislature has also established mechanisms to measure school performance by assigning school grades,³⁰ school improvement ratings,³¹ and district grades³² based on student performance on statewide, standardized assessments. Student performance data are analyzed and reported to parents, the community, and the state.³³

Student Achievement Levels

All statewide, standardized assessments and EOC assessments must use scaled scores and achievement levels.³⁴ Achievement levels must 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.³⁵

Personnel Evaluations

Florida law requires a district school superintendent to establish procedures for evaluation of the performance of duties and responsibilities of all instructional, administrative, and supervisory personnel employed by the school district.³⁶ Annually, the commissioner must publish on the DOE's website the status of each school district's instructional personnel and school administrator evaluation systems, which must include performance evaluation results for the prior school year using the four levels of performance³⁷ specified in law.³⁸

²⁴ 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.

²⁵ *Id.* at (3).

²⁶ Section 1008.22(9)-(10), F.S.

²⁷ Section 1008.31, F.S.

²⁸ Section 1012.34, F.S.

²⁹ *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.

³⁰ Section 1008.34, F.S.

³¹ Section 1008.341, F.S.

³² Section 1008.34(5), F.S.

³³ Section 1008.22(4), F.S.

³⁴ *Id.* at (3)(e) and Rule 6A-1.09422, F.A.C.

³⁵ Section 1008.22(3)(e), F.S. and Rule 6A-1.09422, F.A.C.

³⁶ Section 1012.34(1)(a), F.S.

³⁷ The four levels of performance are highly effective, effective, needs improvement or developing, and unsatisfactory. *Id.* at (2)(e).

³⁸ *Id.* at (2)(c).

Evaluation of instructional personnel and school administrators must be based upon the performance of students assigned to their classrooms or schools.³⁹ The commissioner must develop a formula to measure individual student learning growth on the statewide, standardized assessments in ELA and mathematics.⁴⁰ The formula must take into consideration each student's prior academic performance.⁴¹ In practice, this is referred to the value-added model (VAM).⁴²

Effect of Proposed Changes

Statewide Standardized Assessment Requirements

The bill eliminates Geometry, Algebra II, and United States History EOC assessments for purposes of meeting high school graduation requirements and earning scholar designation on the standard high school diploma, except that a student must take one statewide, standardized mathematics assessment in high school, which must be Algebra I, Geometry, or Algebra II. Additionally, the bill eliminates the Civics EOC assessment for purposes of middle grades promotion. Accordingly, a student must take at most one EOC in mathematics. As a result, the bill reduces the number of assessments that a student must take for student progression and high school graduation.

Contracts

The bill requires that beginning with any new contract for the ELA and mathematics assessments for specified grades, entered into after July 1, 2017, each new assessment must be available once per quarter for students who have been identified through competency-based education as having mastered the content and who are prepared to take the applicable assessment.

Administration of Assessments and Reporting of Student Performance

Statewide Standardized Assessments

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 not be longer than 3 weeks and exempts the grade 3 “reading” assessment from the requirements of the bill. The bill does not expressly include state EOC assessments under such requirements. Compressing the testing window may result in freeing-up more time for delivering instruction, which may facilitate student success.

The bill also requires:

- The commissioner to make available and provide an alternative, nonelectronic option to the school district for successful and timely administration of statewide, standardized assessment and EOC exams, and the reporting of assessment results to the DOE.
- The district school superintendent to notify the commissioner that the district will use a nonelectronic option for the entire district or for specific grade levels throughout the district

³⁹ Section 1012.34(3), F.S.

⁴⁰ *Id.* at (7)(a).

⁴¹ *Id.*

⁴² Florida Department of Education, *Performance Evaluation, Florida's Value-Added Models (VAM) Frequently Asked Questions*, <http://www.fldoe.org/teaching/performance-evaluation/> (last visited April 4, 2017).

by the beginning of the school year in which the nonelectronic option is used and that the superintendent provide to the commissioner with the reasons for implementing the nonelectronic test option.

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 parent, current teacher of record, and to each student's teacher of record for the subsequent school year before the start of the school year. Additionally, the bill specifies that the report must be prepared by the DOE and 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.
- 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.

District-Required Local Assessments

Additionally, the bill 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 with the opportunity to use student assessment results to inform instructional strategies including, but not limited to, targeted individualized instructional strategies to address the specific academic needs of students.

Authorized Alternative Assessments

Nationally Developed Comprehensive Assessments

The bill requires the commissioner 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 (i.e., grade 9 and grade 10 ELA) and Algebra 1 end-of-course (EOC) assessment for high school students. Additionally, the commissioner must submit a report on the findings of the study and any recommendations to the Governor and the Legislature by January 1, 2018.

Concordant and Comparative Scores

The bill:

- Exempts a high school student who takes and passes an AP, IB, AICE, or national industry certification or any other articulated acceleration mechanism, or achieves the required concordant scores on the ACT or SAT examination from taking the statewide, standardized assessments in the subject areas covered by those examinations.
- Requires scores of students who pass the specified examinations or assessments to be incorporated into the school grade calculations.
- Requires the commissioner to identify concordant or comparative scores, as appropriate, on AP, IB, AICE, or national industry certification or any other articulated acceleration mechanism by the first day of the 2017-2018 school year.

Use of Assessments

Student Achievement Levels

The bill requires DOE to study each achievement level used for the statewide, standardized assessments and more specifically to define the achievement level to communicate the meaning of such levels to students, parents, and teachers and submit the report, including recommendations, to the Governor, the Legislature, and the State Board of Education by July 1, 2018.

Personnel Evaluations

For purposes of personnel evaluations, the bill authorizes each school district to measure student learning growth using formulas developed by the commissioner. In effect, the bill authorizes, but does not require, district school boards to incorporate the Value Added Model (VAM)⁴³ in the districts, teacher evaluation system.

Minority Teacher Education Scholars Program

Present Situation

Florida law establishes the minority teacher education scholars program, which is a collaborative performance-based scholarship program for African-American, Hispanic-American, Asian-American, and Native American Students.⁴⁴ The minority teacher education scholars program must provide an annual scholarship in an amount not to exceed \$4,000 for each approved student who is enrolled in one of Florida's public or private universities in the junior year and is admitted into a teacher education program.⁴⁵

A student may receive a scholarship from the program for three consecutive years if the student remains enrolled full-time in the program and makes satisfactory progress toward a baccalaureate

⁴³ The Value Added Model was adopted to measure student learning growth for the purpose of personnel evaluations. Florida Department of Education, *Performance Evaluation, Florida's Value-Added Models (VAM) Frequently Asked Questions*, <http://www.fldoe.org/teaching/performance-evaluation/> (last visited April 5, 2017).

⁴⁴ Section 1009.60, F.S.

⁴⁵ *Id.* at (1).

degree with a major in education.⁴⁶ Upon graduation, a recipient is required to teach one year in a Florida public school for each year the scholarship was received.⁴⁷ If a recipient does not graduate within the two to three years of receiving scholarship funding, or if a recipient does not teach in a Florida public school, the recipient will be required to repay the total amount of the scholarship received at an annual interest rate of eight percent, paid within ten years.⁴⁸

Effect of Proposed Changes

The bill:

- Modifies student eligibility requirements for the minority teacher education scholars program (program) to:
 - Remove the requirement that students enrolled in an approved teacher education program must be in their junior year to be eligible for the award, and
 - Require that the student may not have earned more than 18 credit hours of upper-division education courses.
- Authorizes a student to use the scholarship to pursue a graduate degree with a major in education. As a result, more minority students who choose to pursue a career in education may become eligible for this program.

Early Learning

Present Situation

School Readiness

The School Readiness Program was established in 1999⁴⁹ to provide subsidies for childcare services and early childhood education for children of low-income families; children in protective services who are at risk of abuse, neglect, or abandonment; and children with disabilities.⁵⁰ The School Readiness Program offers financial assistance for child care to support working families and children to develop skills for success in school and provides developmental screening and referrals to health and education specialists where needed.⁵¹ These services are provided in conjunction with other programs for young children, which includes, but is not limited to, the Voluntary Prekindergarten Education (VPK) Program.⁵²

Voluntary Prekindergarten Education

In 2004, the Legislature established the VPK Program, a voluntary, free prekindergarten program offered to eligible four-year-old children in the year before admission to kindergarten.⁵³ Florida law requires the DOE to adopt a statewide kindergarten screening (screening) that assesses the

⁴⁶ *Id.* at (4).

⁴⁷ Section 1009.60(5), F.S.

⁴⁸ *Id.* at (6).

⁴⁹ Section 1, ch. 99-357, L.O.F.

⁵⁰ Section 1002.87, F.S.

⁵¹ Florida Office of Early Learning, *School Readiness Program*,

http://www.floridaeearlylearning.com/parents/early_learning_programs_and_services/school_readiness.aspx (last visited April 5, 2017).

⁵² *Id.*

⁵³ Section 1, ch. 2004-484, L.O.F.; part V, ch. 1002, F.S.

readiness of each student for kindergarten based upon the performance standards⁵⁴ adopted for the VPK program.⁵⁵ The screening must be administered to each kindergarten student in a school district within the first 30 school days of each school year.⁵⁶ Data from the screening is used to calculate the VPK provider kindergarten readiness rate.⁵⁷

Effect of Proposed Changes

The bill creates the Committee on Early Childhood Development within the DOE to develop a proposal for establishing and implementing a coordinated system focused on developmental milestones and outcomes for the school readiness program, Voluntary Prekindergarten Education program, and Florida Kindergarten Readiness Screener. The bill requires the Committee to submit a report of its findings and recommendations to the Governor and the Legislature by December 1, 2017. As a result, the bill may assist with coordinating efforts to improve early childhood development.

Intensive Reading Intervention

Present Situation

Each school district must provide third grade students who are retained with intensive instructional services and supports to remediate the identified areas of reading deficiency, including participation in the school district's summer reading camp and a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction which includes phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district.⁵⁸

Effect of Proposed Changes

The bill removes the requirement for school districts to provide 90 minutes of uninterrupted reading instruction daily to students retained in grade 3. As a result, the bill authorizes a school district to provide 90 minutes of reading instruction over the course of the school day. This may provide teachers additional flexibility in planning instruction.

School Visitation

Present Situation

The district school board, acting as a board, must visit the schools, observe the management and instruction, give suggestions for improvement, and advise citizens with the view of promoting interest in education and improving the school.⁵⁹

⁵⁴ Section 1002.67(1), F.S.

⁵⁵ Section 1002.69(1), F.S.

⁵⁶ *Id.*

⁵⁷ *Id.* at (5).

⁵⁸ Section 1008.25(7)(b)1., F.S.

⁵⁹ Section 1001.42(27), F.S.

Effect of Proposed Changes

The bill authorizes an individual school board member, acting on his or her own pleasure to fulfill statutory responsibilities, to visit any district school or charter school in his or her own school district. Accordingly, the bill may afford individual school board members, as partners in school district efforts, greater opportunity to improve teaching and student learning.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The fiscal impact of CS/SB 926 is 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: 1003.4156, 1003.4285, 1008.22, 1008.25, 1009.60, 1009.605, and 1012.34.

This bill creates the following sections of the Florida Statutes: 1001.4205 and 1008.222.

This 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.)

CS by Education on April 3, 2017:

The committee substitute differs from the bill in the following ways:

- Adds provisions related to K-12 student assessments to:
 - Require a school district to provide student performance results on statewide, standardized assessments to students' parents in an easy-to-read and understandable format.
 - Require the Commissioner of Education (commissioner) to contract for an independent study to determine nationally recognized high school assessment alternatives for Florida Standards Assessment (i.e., grade 9 and grade 10 ELA) and Algebra I end-of-course (EOC) assessments for high school students; and to submit a report on the findings of the study to the Governor and the Legislature by January 1, 2018.
 - Require the commissioner to identify, by the first day of the 2017-2018 school year, concordant or comparative scores on specified articulated acceleration mechanisms, which satisfy high school graduation requirements; and requires the scores of students who pass such assessments to be incorporated into the school grade calculations.
 - Eliminate the Geometry, Algebra II, and United States History EOC assessments for purposes of meeting high school graduation requirements and earning scholar designation on the standard high school diploma except that a student must take one statewide, standardized mathematics assessment in high school, which must be Algebra I, Geometry, or Algebra II. Additionally, the bill eliminates the Civics EOC assessment for purposes of middle grades promotion.
 - Require the commissioner to make available a nonelectronic option for all statewide assessments to reduce the time spent on testing, increase instructional time for students, and ensure students demonstrate a mastery of standards assessed. Additionally, a district school superintendent must notify the commissioner that the district will use a 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.
 - Require the Department of Education (DOE) to study each of the achievement levels used for statewide, standardized assessments to better communicate the meaning of such levels to students, parents, and teachers.
 - Authorize each school district to measure student learning growth using formulas developed by the commissioner.
- Adds provisions related to:
 - Minority teacher education scholars program (program) to expand the program to authorize a student to use the program scholarship toward a graduate degree with a major in education, leading to an initial certification.

- Committee on Early Childhood Development to create the committee within the DOE, to develop a proposal for establishing and implementing a coordinated system focused on developmental milestones and outcomes for the school readiness program, the Voluntary Prekindergarten Education Program, and the Kindergarten Readiness Screener.
- Intensive reading instruction to authorizes a school district to provide the required intensive reading instruction for the 90 minutes daily over the course of the school day to students who are retained in grade 3, and eliminates the requirement to provide such instruction for 90 continuous minutes daily.
- School visitation to authorize an individual member of a district school board to visit any district or charter school in his or her school district on any day and at any time, at his or her pleasure.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
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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,



553330

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
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The Committee on Education (Lee) recommended the following:

Senate Amendment to Amendment (945386) (with title amendment)

After line 48

insert:

Section 2. Section 1008.222, Florida Statutes, is created to read:

1008.222 Student assessments for students of articulated acceleration mechanisms.—

(1) Notwithstanding any other provision of law, a student who takes and passes an advanced placement, International



553330

Baccalaureate, Advanced International Certificate of Education, or national industry certification examination; takes and passes any other articulated acceleration mechanism authorized under s. 1007.27; or achieves the required concordant scores on the ACT or SAT examinations pursuant to s. 1008.22(8), is exempt from taking the statewide, standardized assessments in the subject areas covered by those examinations.

(2) By the first day of the 2017-2018 school year, the Commissioner of Education shall identify concordant scores or comparative scores, as appropriate, so that those scores satisfy the high school graduation requirements under s. 1003.4282 for an examination or assessment identified in subsection (1).

(3) The scores of students who pass the examinations or assessments identified in subsection (1) shall be incorporated into the school grade calculations under s. 1008.34.

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

And the title is amended as follows:

Delete line 63

and insert:

a specified date; creating s. 1008.222, F.S.;
exempting students in certain articulated acceleration
mechanisms from taking certain statewide, standardized
assessments; requiring the commissioner to establish
certain concordant or comparative scores; providing
that certain scores are included in school grade
calculations; amending s. 1008.22,



654648

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
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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,



723896

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/03/2017	.	
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The Committee on Education (Stewart) recommended the following:

Senate Amendment (with title amendment)

Between lines 31 and 32
insert:

Section 2. Section 1003.573, Florida Statutes, is amended
to read:

1003.573 Seclusion and Use of restraint of and seclusion on
students with disabilities in public schools.—

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

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

(b) "Exclusionary time" means the period during which an



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individual is removed from an event, activity, or instructional environment to encourage reflection on behavior and allow space and time for understanding of choices and consequences.

(c) "Imminent risk of serious injury or death" means the impending risk of a significant injury, such as a laceration, bone fracture, substantial hematoma, or injury to an internal organ, or death.

(d) "Manual physical restraint" means the use of physical restraint techniques that involve physical force applied by a teacher or other staff member to restrict the movement of all or part of a student's body.

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

1. Medical protective equipment.

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

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

4. Equipment used for safety during transportation, such as



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41 seatbelts or wheelchair tie-downs.

42 (f) "Medical protective equipment" means health-related
43 protective devices prescribed by a physician or dentist for use
44 as student protection in response to an existing medical
45 condition.

46 (g) "Nonexclusionary time" means a period during which the
47 individual remains in the event or instructional environment but
48 is redirected from the activities so that he or she has an
49 opportunity to reflect on the behavior and is given space and
50 time for understanding of choices and consequences.

51 (h) "Seclusion" means the removal of a student from an
52 educational environment, involuntary confinement of the student
53 in a room or area, and prevention of the student from leaving
54 the room or area if achieved by locking the door or otherwise
55 physically blocking the student's way, threatening physical
56 force or other consequences, or using physical force.

57 (i) "Student" means a student with a disability.

58 (2) LEGISLATIVE FINDINGS AND INTENT.—

59 (a) The Legislature finds that public schools have a
60 responsibility to ensure that each student is treated with
61 respect and dignity in a trauma-informed environment that
62 provides for the physical safety and security of the student and
63 others.

64 (b) The Legislature also finds that there is the potential
65 for increased risk of injury or harm when seclusion or restraint
66 is implemented by staff who are not adequately trained.

67 (3) MANUAL PHYSICAL RESTRAINT.—

68 (a) Manual physical restraint may be used only when there
69 is an imminent risk of serious injury or death to the student or



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70 others and only for the period of time necessary to eliminate
71 such risk.

72 (b) The degree of force applied during manual physical
73 restraint must be only that degree of force necessary to protect
74 the student or others from bodily injury or death.

75 (c) Manual physical restraint shall be used only by school
76 personnel who are qualified and certified to use the methods
77 authorized under this section, for the appropriate application
78 of specific restraint techniques.

79 (d) School personnel who have received training that is not
80 associated with their employment with the school district, such
81 as a former law enforcement officer who is now a teacher, shall
82 be certified in the specific district-approved techniques and
83 may not apply techniques or procedures acquired elsewhere.

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

- 86 1. Prone and supine restraint.
- 87 2. Pain inducement to obtain compliance.
- 88 3. Bone locks.
- 89 4. Hyperextension of joints.
- 90 5. Peer restraint.
- 91 6. Mechanical restraint.
- 92 7. Pressure or weight on the chest, lungs, sternum,
93 diaphragm, back, or abdomen, causing chest compression.
- 94 8. Straddling or sitting on any part of the body or any
95 maneuver that places pressure, weight, or leverage on the neck
96 or throat, on an artery, or on the back of the head or neck or
97 that otherwise obstructs or restricts the circulation of blood
98 or obstructs an airway.



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99 9. Any type of choking, including hand chokes, and any type
100 of neck or head hold.

101 10. Any technique that involves pushing anything on or into
102 the mouth, nose, eyes, or any part of the face or that involves
103 covering the face or body with anything, including soft objects
104 such as pillows or washcloths.

105 11. Any maneuver that involves punching, hitting, poking,
106 pinching, or shoving.

107 12. Any type of mat or blanket restraint.

108 13. Water or lemon sprays.

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

113 (4) SECLUSION; exclusionary and nonexclusionary time.—

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

115 (b) School personnel may place a student in exclusionary or
116 non-exclusionary time if all of the following conditions are
117 met:

118 1. The exclusionary or nonexclusionary time is part of a
119 positive behavioral intervention plan developed for the student
120 from a functional behavioral assessment and referenced in the
121 student's individual education plan.

122 2. There is documentation that the exclusionary or
123 nonexclusionary time was preceded by the use of other positive
124 behavioral supports that were not effective.

125 3. The exclusionary or nonexclusionary time takes place in
126 a classroom or in another environment where class educational
127 activities are taking place.



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4. The student is not physically prevented from leaving the exclusionary or nonexclusionary time area.

5. The student is observed on a constant basis by an adult for the duration of the exclusionary or nonexclusionary time.

6. The exclusionary or nonexclusionary time area and process are free of any action that is likely to embarrass or humiliate the student.

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

(d) Exclusionary or nonexclusionary time may not be used as a punishment or negative consequence of a student's behavior.

(5) TRAINING AND CERTIFICATION.—

(a) Each school district shall report its procedures for training and certification in the use of manual physical restraint to the department by publishing the procedures in the district's special policies and procedures manual.

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

1. Procedures for deescalating a problem behavior before the problem increases to a level or intensity necessitating physical intervention.

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

3. The actual use of specific techniques that range from the least to most restrictive, with ample opportunity for



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trainees to demonstrate proficiency in the use of such techniques.

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

5. Techniques for assisting a student in reentering the instructional environment and reengaging in learning.

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

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

8. Cardiopulmonary resuscitation.

(c) Each school district shall provide refresher certification training courses in manual physical restraint techniques at least annually to all staff members who have successfully completed the initial certification program. The district must identify those persons to be certified and maintain a record that includes the name and position of the person certified, the date of the person's most recent certification and whether it is an initial or refresher certification, and whether the individual successfully completed the certification and achieved proficiency.

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



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be aware of techniques that may be used.

(6) STUDENT-CENTERED FOLLOWUP.—If a student is manually physically restrained more than twice during a school year, the school shall review the student's functional behavioral assessment and positive behavioral intervention plan.

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

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

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

(c)~~(b)~~ All of the following must be included in the incident report:

1. The name of the student restrained ~~or secluded~~.
2. The age, grade, ethnicity, and disability of the student restrained ~~or secluded~~.
3. The date and time of the event and the duration of the restraint ~~or seclusion~~.
4. The location at which the restraint ~~or seclusion~~ occurred.
5. A description of the type of restraint used in terms



723896

established by the department ~~of Education~~.

6. The name of the person using or assisting in the restraint ~~or seclusion~~ of the student.

7. The name of any nonstudent who was present to witness the restraint ~~or seclusion~~.

8. A description of the incident, including all of the following:

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

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

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

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

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

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

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

(d)~~(e)~~ A school shall notify the parent or guardian of a student each time manual ~~or~~ physical restraint ~~or seclusion~~ is



723896

used. Such notification must be in writing and provided before the end of the school day on which the restraint ~~or seclusion~~ occurs. Reasonable efforts must also be taken to notify the parent or guardian by telephone or ~~computer~~ e-mail, or both, and these efforts must be documented. The school shall obtain, and keep in its records, the parent's or guardian's signed acknowledgment that he or she was notified of his or her child's restraint ~~or seclusion~~.

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

(8) ~~(2)~~ MONITORING.—

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

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

(c) Each week that a school is in session, the school shall send a redacted copy of any incident report and other documentation prepared pursuant to subsection (7) to Disability Rights Florida.

(d) ~~(e)~~ The department shall maintain aggregate data of



723896

incidents of manual ~~or~~ physical restraint ~~and seclusion~~ and disaggregate the data for analysis by county, school, student exceptionality, and other variables, including the type and method of restraint ~~or seclusion~~ used. This information shall be updated monthly and made available to the public through the department's website beginning no later than January 31, 2018.

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

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

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

1. Authorized use of manual physical restraint on students.

2. Personnel authorized to use manual physical restraint.

3. Training procedures.

4.1. Incident-reporting procedures.

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

6.3. Monitoring and reporting of data collected.

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

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

9.6. The district's plan for reducing the use of restraint,



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~~and seclusion~~ particularly in settings in which it occurs frequently or with students who are restrained repeatedly, ~~and for reducing the use of prone restraint and mechanical restraint.~~ The plan must include a goal for reducing the use of restraint ~~and seclusion~~ and must include activities, skills, and resources needed to achieve that goal. Activities may include, but are not limited to, all of the following:

a. Additional training in positive behavioral support and crisis management. ~~+~~

b. Parental involvement. ~~+~~

c. Data review. ~~+~~

d. Updates of students' functional behavioral analysis and positive behavior intervention plans. ~~+~~

e. Additional student evaluations. ~~+~~

f. Debriefing with staff. ~~+~~

g. Use of schoolwide positive behavior support. ~~+~~ ~~and~~

h. Changes to the school environment.

10. Analysis of data to determine trends.

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

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

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



723896

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

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

And the title is amended as follows:

Delete lines 2 - 10

and insert:

An act relating to education; 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. 1003.573, F.S.; defining terms; providing legislative findings and intent; providing requirements for the use of manual physical restraint by school personnel; prohibiting specified manual physical restraint techniques; requiring each school to ensure that a student who has been manually physically restrained receive a medical evaluation after such restraint; prohibiting school personnel from placing a student in seclusion; providing requirements for the use of exclusionary or nonexclusionary time; requiring that a school district report its procedures for training and certification



723896

in the use of manual physical restraint to the
Department of Education; providing requirements for
such training and certification; requiring each school
district to annually provide refresher certification;
requiring a school district's manual physical
restraint policies to address certain issues;
requiring that a school review a student's functional
behavior assessment and positive behavioral
intervention plan under certain circumstances;
requiring that parents be notified of a school
district's policies regarding the use of manual
physical restraint; revising information to be
included in a school incident report; requiring that
each school send a redacted copy of any incident
report or other documentation to Disability Rights
Florida; requiring that the department make available
on its website data of incidents of manual physical
restraint; requiring that each school district develop
policies and procedures governing the authorized use
of manual physical restraint, the personnel authorized
to use such restraint, training procedures, analysis
of data, and the reduction of the use of manual
physical restraint; requiring that any revisions to a
school district's policies and procedures be filed
with the bureau chief of the Bureau of Exceptional
Education and Student Services; amending s. 1008.22,



941932

LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Flores) recommended the following:

Senate Amendment (with title amendment)

Between lines 31 and 32
insert:

Section 2. Subsection (8) is added to section 1002.51,
Florida Statutes, to read:

1002.51 Definitions.—As used in this part, the term:
(8) “Public school prekindergarten provider” includes a
charter school that is eligible to deliver the school-year
prekindergarten program under s. 1002.63 or the summer
prekindergarten program under s. 1002.61.



941932

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

And the title is amended as follows:

Delete lines 2 - 10

and insert:

An act relating to education; 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. 1002.51, F.S.; defining
the term "public school prekindergarten provider";
amending s. 1008.22,



512972

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/03/2017	.	
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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



351834

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
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The Committee on Education (Simmons) recommended the following:

Senate Substitute for Amendment (512972) (with title amendment)

Delete lines 65 - 68
and insert:
indicating satisfactory performance on an assessment. The department shall study each of the achievement levels used for the statewide, standardized assessments and more specifically define the achievement levels in order to communicate the meaning of such levels to students, parents and teachers. As part of the study, the department shall review existing



351834

assessment reports and recommend changes that better communicate
the meaning of the achievement levels and their relationship to
student performance and success. The department shall submit the
report with its recommendations to the Governor, the President
of the Senate, the Speaker of the House of Representatives, and
the state board by July 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 11 - 13

and insert:

F.S.; requiring the Department of Education to conduct
a study regarding achievement levels for certain
statewide, standardized assessments; requiring a
report to the Governor, the Legislature, and the state
board by a specified date; providing requirements for
administration



578028

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/03/2017	.	
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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



578028

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



578028

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.*—

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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

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

And the title is amended as follows:

Delete lines 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



578028

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



559976

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
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The Committee on Education (Simmons) recommended the following:

**Senate Substitute for Amendment (578028) (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



559976

Arts (ELA) assessments, ELA assessments shall be administered to 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 statewide, standardized 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



559976

students have the time to develop the word processing and
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;



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



464772

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/03/2017	.	
	.	
	.	
	.	

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



464772

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



464772

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



748116

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
	.	
	.	
	.	

The Committee on Education (Simmons) recommended the following:

**Senate Substitute for Amendment (464772) (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



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12 notify the commissioner that the district will use a
13 nonelectronic option for the entire district or for specific
14 grade levels throughout the district by the beginning of the
15 school year in which the nonelectronic option is used. The
16 district school superintendent shall provide the commissioner
17 with the reasons for implementing the nonelectronic option,
18 which may include, but need not be limited to, reducing time
19 spent on assessments; increasing instructional time for
20 students; or needing additional time for students to master the
21 computer skills necessary to be successful on the statewide,
22 standardized assessments. The commissioner shall provide the
23 alternative, nonelectronic option to the school district for the
24 successful and timely administration of the statewide,
25 standardized assessments and end-of-course exams and for the
26 reporting of assessment and exam results to the Department of
27 Education, as specified in paragraph (3) (d). District school
28 boards may ~~shall~~ not establish school calendars that conflict
29 with or jeopardize implementation of the assessment program. All
30 district school boards shall report assessment results using the
31 state management information system. Performance data shall be
32 analyzed and reported to parents, the community, and the state.
33 Student performance data shall be used by districts in
34 developing objectives for the school improvement plan,
35 evaluating instructional personnel and administrative personnel,
36 assigning staff, allocating resources, acquiring instructional
37 materials and technology, implementing performance-based
38 budgeting, and promoting and assigning students to educational
39 programs. The analysis of student performance data must also
40 identify strengths and needs in the educational program and



748116

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

and insert:

respectively, paragraph (e) of subsection (3), subsection (4),
and paragraph (b)

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

And the title is amended as follows:

Delete line 13

and insert:

assessments; requiring a district school
superintendent to provide the commissioner with
certain notifications on the use of a nonelectronic
assessment option; requiring the commissioner to
provide such an option to the school district;
providing requirements for administration



747760

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
	.	
	.	
	.	

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	.	House
Comm: RS	.	
04/03/2017	.	
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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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assessment; amending s. 1003.4285, F.S.; revising the
standard high school diploma designation requirements
for mathematics and social studies; amending s.
1008.22, F.S.; deleting requirements that a student
take an EOC assessment in Geometry, Algebra II, United
States History, or Civics; deleting a provision
authorizing the commissioner to establish a schedule
for the development and administration of additional
statewide, standardized EOC assessments; providing an
effective date.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
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The Committee on Education (Simmons) recommended the following:

Senate Substitute for Amendment (173108) (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



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student must successfully complete the following courses:

(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,~~



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~~standardized EOC assessment in civics education required under 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



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performance on the statewide, standardized Algebra I end-of-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 must take one statewide, standardized mathematics assessment in high school which must be Algebra I, Geometry, or Algebra II. A student's performance on the statewide, standardized assessment ~~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



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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 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



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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 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



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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.

(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



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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 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



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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 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



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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.

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~~.



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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 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).



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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 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



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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 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



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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:

(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



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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 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



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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
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,



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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, 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



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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 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



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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 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



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



521886

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/03/2017	.	
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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



521886

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.



963662

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
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The Committee on Education (Simmons) recommended the following:

Senate Substitute for Amendment (521886) (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



963662

shall publish on the department's website the status of each 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,



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as defined in s. 1012.01(2)(a), excluding substitute teachers, who is newly hired by the district school board must be observed and evaluated at least twice in the first year of teaching in the school district. The performance evaluation must be based upon sound educational principles and contemporary research in effective educational practices. The evaluation criteria must include:

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

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

3. Instructional leadership.—For school administrators, at



963662

least one-third of the performance evaluation must be based on 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



963662

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

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

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



963662

and reporting requirements for the annual evaluation of 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.



719744

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
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The Committee on Education (Stewart) recommended the following:

Senate Amendment (with title amendment)

Between lines 167 and 168
insert:

Section 3. Subsections (1) and (4) of section 1009.60,
Florida Statutes, are amended to read:

1009.60 Minority teacher education scholars program.—There
is created the minority teacher education scholars program,
which is a collaborative performance-based scholarship program
for African-American, Hispanic-American, Asian-American, and
Native American students. The participants in the program



719744

include Florida's Florida College System institutions and its public and private universities that have teacher education programs.

(1) The minority teacher education scholars program shall provide an annual scholarship in an amount that shall be prorated based on available appropriations and may not exceed \$4,000 for each approved minority teacher education scholar who is enrolled in one of Florida's public or private colleges or universities, ~~in the junior year and~~ is admitted into a teacher education program, and has not earned more than 18 credit hours of upper-division-level courses in education.

(4) A student may receive a scholarship from the program for 3 consecutive years if the student remains enrolled full-time in the program and makes satisfactory progress toward a baccalaureate degree with a major in education or a graduate degree with a major in education, leading to initial certification.

Section 4. Paragraph (a) of subsection (2) of section 1009.605, Florida Statutes, is amended to read:

1009.605 Florida Fund for Minority Teachers, Inc.—

(2)(a) The corporation shall submit an annual budget projection to the Department of Education to be included in the annual legislative budget request. The projection must be based on the cost to award up to 350 scholarships to new scholars ~~in the junior year~~ and up to 350 renewal scholarships ~~to the 350 rising seniors.~~

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

And the title is amended as follows:



719744

41 Delete lines 2 - 19
42 and insert:
43 An act relating to education; requiring the
44 Commissioner of Education to review specified college
45 entrance examinations to determine their alignment
46 with the core curricular content for high school level
47 English Language Arts and mathematics established in
48 state standards; requiring the commissioner to submit
49 a report on the results of such review to the
50 Governor, the Legislature, and the State Board of
51 Education by a specified date; amending s. 1008.22,
52 F.S.; revising provisions relating to achievement
53 levels for certain statewide, standardized
54 assessments; providing requirements for administration
55 of the statewide, standardized English Language Arts
56 and mathematics assessments in specified grades;
57 revising provisions relating to reporting requirements
58 for local assessments required by school districts;
59 providing reporting requirements for certain student
60 assessment results; amending s. 1009.60, F.S.;
61 revising eligibility criteria for receipt of a
62 minority teacher education scholarship; amending s.
63 1009.605, F.S.; revising the scholar awards on which
64 the Florida Fund for Minority Teachers, Inc.'s budget
65 projection must be based; providing an effective date.



121682

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
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	.	
	.	

The Committee on Education (Flores) recommended the following:

Senate Amendment (with title amendment)

Between lines 167 and 168
insert:

Section 3. Committee on Early Childhood Development.—The
Committee on Early Childhood Development, a committee as defined
in s. 20.03, Florida Statutes, is created within the Department
of Education to develop a proposal for establishing and
implementing a coordinated system focused on developmental
milestones and outcomes for the school readiness program, the
Voluntary Prekindergarten Education Program, and the Florida



121682

Kindergarten Readiness Screener and, except as otherwise provided in this section, shall operate consistent with s. 20.052, Florida Statutes.

(1) The committee's proposal must include legislative recommendations for the design and implementation of a coordinated system for tracking children's development, including:

(a) The purpose of tracking children's development, with a focus on developmentally appropriate learning gains.

(b) Attributes for tool selection that provide guidance on procurement policies.

(c) An implementation schedule and protocols, including the frequency of data collection and a timeline for training to ensure reliability of the system.

(d) The methodology for collecting and analyzing data that defines reporting requirements.

(e) A budget for the system, including cost analyses for purchasing materials and necessary technology, training to ensure reliability, and data system management.

(f) Considerations for student privacy and tracking child development over time.

(2) The committee is composed of 14 members, with 7 members appointed by the President of the Senate and 7 members appointed by the Speaker of the House of Representatives. The members must be residents of this state. Seven of the members must be representatives from or subject matter experts for early learning and seven members must be representatives from or subject matter experts for kindergarten through grade 3.

(3) The committee shall elect a chair and vice chair.



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Members of the committee shall serve without compensation but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061, Florida Statutes.

(4) The committee must meet at least three times and shall meet by teleconference or other electronic means, if possible, to reduce costs.

(5) A majority of the members constitutes a quorum.

(6) The University of Florida Lastinger Center for Learning shall provide the committee with staff necessary to assist the committee in the performance of its duties.

(7) The committee shall submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2017. Upon submission of the report, the committee shall expire.

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

And the title is amended as follows:

Delete lines 2 - 19

and insert:

An act relating to education; 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



121682

70 statewide, standardized assessments; providing
71 requirements for administration of the statewide,
72 standardized English Language Arts and mathematics
73 assessments in specified grades; revising provisions
74 relating to reporting requirements for local
75 assessments required by school districts; providing
76 reporting requirements for certain student assessment
77 results; creating the Committee on Early Childhood
78 Development within the Department of Education;
79 specifying committee purpose; requiring the committee
80 to develop a proposal for specified purposes;
81 providing proposal requirements; providing for
82 membership of the committee; providing requirements
83 for electing a committee chair and vice chair;
84 providing committee meeting requirements; requiring
85 the University of Florida Lastinger Center for
86 Learning to provide necessary staff for the committee;
87 requiring the committee to submit a report by a
88 specified date; providing for the expiration of the
89 committee; providing an effective date.



575042

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
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The Committee on Education (Stewart) recommended the following:

Senate Amendment (with title amendment)

Between lines 167 and 168
insert:

Section 3. Paragraph (b) of subsection (7) of section
1008.25, Florida Statutes, is amended to read:

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

(7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE
STUDENTS.—

(b) Each school district shall:



575042

12 1. Provide third grade students who are retained under the
13 provisions of paragraph (5)(b) with intensive instructional
14 services and supports to remediate the identified areas of
15 reading deficiency, including participation in the school
16 district's summer reading camp as required under paragraph (a)
17 and a minimum of 90 minutes of daily, ~~uninterrupted,~~
18 scientifically research-based reading instruction which includes
19 phonemic awareness, phonics, fluency, vocabulary, and
20 comprehension and other strategies prescribed by the school
21 district, which may include, but are not limited to:

22 a. Integration of science and social studies content within
23 the 90-minute block.

24 b. Small group instruction.

25 c. Reduced teacher-student ratios.

26 d. More frequent progress monitoring.

27 e. Tutoring or mentoring.

28 f. Transition classes containing 3rd and 4th grade
29 students.

30 g. Extended school day, week, or year.

31 2. Provide written notification to the parent of a student
32 who is retained under the provisions of paragraph (5)(b) that
33 his or her child has not met the proficiency level required for
34 promotion and the reasons the child is not eligible for a good
35 cause exemption as provided in paragraph (6)(b). The
36 notification must comply with the provisions of s. 1002.20(15)
37 and must include a description of proposed interventions and
38 supports that will be provided to the child to remediate the
39 identified areas of reading deficiency.

40 3. Implement a policy for the midyear promotion of a



575042

student retained under the provisions of paragraph (5)(b) who can demonstrate that he or she is a successful and independent reader and performing at or above grade level in reading or, upon implementation of English Language Arts assessments, performing at or above grade level in English Language Arts. Tools that school districts may use in reevaluating a student retained may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Students promoted during the school year after November 1 must demonstrate proficiency levels in reading equivalent to the level necessary for the beginning of grade 4. The rules adopted by the State Board of Education must include standards that provide a reasonable expectation that the student's progress is sufficient to master appropriate grade 4 level reading skills.

4. Provide students who are retained under the provisions of paragraph (5)(b) with a highly effective teacher as determined by the teacher's performance evaluation under s. 1012.34.

5. Establish at each school, when applicable, an Intensive Acceleration Class for retained grade 3 students who subsequently score Level 1 on the required statewide, standardized assessment identified in s. 1008.22. The focus of the Intensive Acceleration Class shall be to increase a child's reading and English Language Arts skill level at least two grade levels in 1 school year. The Intensive Acceleration Class shall:

a. Be provided to a student in grade 3 who scores Level 1 on the statewide, standardized English Language Arts assessment and who was retained in grade 3 the prior year because of



575042

scoring Level 1.

b. Have a reduced teacher-student ratio.

c. Provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the grade 4 Next Generation Sunshine State Standards in other core subject areas.

d. Use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year.

e. Provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech-language therapist.

===== 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. 1008.25, F.S.;
revising the type of reading instruction school
districts must provide for certain students; 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)

April 3 2017
Meeting Date

SB 926
Bill Number (if applicable)

Topic Student Assessment

Amendment Barcode (if applicable)

Name Marie-Claire Leman

Job Title _____

Address 1111 Wabalaw 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 Common Ground

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/3/17

Meeting Date

926

Bill Number (if applicable)

Topic K-12-Student Assessments

Amendment Barcode (if applicable)

Name Greg Black

Job Title Attorney

Address 119 S. Monroe Street, Suite 200

Phone 8502059000

Street

Tallahassee

FL

32301

City

State

Zip

Email greg.black@mhdfirm.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Seminole County Public Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/3/17

Meeting Date

920

Bill Number (if applicable)

Topic Schools

Amendment Barcode (if applicable)

Name Kelly Quintero

Job Title legislative advocate

Address 540 Beverly Ct

Phone 772 204 1792

Street

Tallahassee

City

FL

State

32301

Zip

Email lvfadvocacy@

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

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 Testing

Amendment Barcode (if applicable) _____

Name Tina Descovich

Job Title _____

Address 412 Peregrine Drive

Phone 321-480-7881

Street

Indianapolis FL 32903

City

State

Zip

Email Indesovich@mac.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Coalition of School Board Members

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

4-3-17
Meeting Date

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

926
Bill Number (if applicable)

Topic Fewer, Better Tests

Amendment Barcode (if applicable)

Name Shan Goff

Job Title Policy Director

Address 215 S. Monroe
Street

Phone _____

TCH 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)

4/3/17

Meeting Date

924

Bill Number (if applicable)

121682

Amendment Barcode (if applicable)

Topic Committee on Early Childhood Development

Name Dr. Brittany Birken

Job Title CEO

Address 111 N Goddard
Street

Phone (850) 212-0408

Tallahassee FL 32301
City State Zip

Email bbirken@floridacsc.org

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Florida Children's Council

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/3/17

Meeting Date

926

Bill Number (if applicable)

121682

Amendment Barcode (if applicable)

Topic Early childhood development

Name Eilyn Bogdanoff

Job Title E.D.

Address 908 S. Andrews Ave

Street

FT LAUD

City

State

33316

Zip

Phone

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FACCM

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

4-3-17

Meeting Date

926

Bill Number (if applicable)

12/682

Amendment Barcode (if applicable)

Topic EARLY GRADE SUCCESS COMMITTEE

Name TED GRANGER

Job Title PRESIDENT

Address 307 E 7th AVE
Street

Phone 850-488-8276

TALLAHASSEE FL 32303
City State Zip

Email TGRANGER@UWOF.ORG

Speaking: ☒ For ☐ Against ☐ Information

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

Representing UNITED WAY 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)

4/13/2017
Meeting Date

926
Bill Number (if applicable)
121682
Amendment Barcode (if applicable)

Topic Early Grade Success Committee

Name JESSICA SCHER

Job Title SR. DIRECTOR, PUBLIC POLICY

Address 3250 SW 3rd AVE

Street

MIAMI FL 33129
City State Zip

Phone 305-322-6143

Email scherj@unitedwaymiami.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing United Way of Miami-Dade

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/3/17

Meeting Date

926

Bill Number (if applicable)

121682

Amendment Barcode (if applicable)

Topic K-12 Student Assessment

Name Fely Curve, Ph. D.

Job Title Partner, Curve i Associates LLC

Address 1212 Piedmont Dr

Street

Tallahassee

City

FL

State

32312

Zip

Phone (850) 508-2256

Email fely.curve@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing The Children's Forum

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)

4/3/17
Meeting Date

SB 926
Bill Number (if applicable)

Topic SB 926

121682
Amendment Barcode (if applicable)

Name Sue Sommer

Job Title Citizen Rep

Address 565 SW Aviation Dr
Street

Phone 386-628-2860

Lake City FL 32025
City State Zip

Email Sue@Sommercentral.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

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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)

4/13/17

Meeting Date

Bill Number (if applicable)

1211482

Amendment Barcode (if applicable)

Topic _____

Name Angela Gallo

Job Title Leg. Chair

Address 1747 Central Fl Plw
Orl Fl
City State Zip

Phone _____

Email _____

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.

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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)

April 3 2017
Meeting Date

SB 926
Bill Number (if applicable)

121682
Amendment Barcode (if applicable)

Topic _____

Name Marie-Claire Leman

Job Title _____

Address 1911 Wakahaw 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)

4-3-17

Meeting Date

926

Bill Number (if applicable)

121682

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 / Common Ground

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)

4/3/17

Meeting Date

926

Bill Number (if applicable)

121682

Amendment Barcode (if applicable)

Topic Assessment

Name Beth Overholt

Job Title Opt Out Leon County Chair

Address 4130 Faulkner Lane

Street

Tallahassee FL 32311

City

State

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 _____

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)

4/3/17

Meeting Date

SB 926

Bill Number (if applicable)

173108

Amendment Barcode (if applicable)

Topic SB 926

Name Sue Sommer

Job Title Citizens Representative

Address 505 SW Aviation Dr

Street

Lake City

City

FL

State

32025

Zip

Phone _____

Email _____

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

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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)

4/3/14

Meeting Date

SB 926

Bill Number (if applicable)

173108

Amendment Barcode (if applicable)

Topic SB 926 - Assessments

Name Angela Gallo

Job Title Leg. Chair

Address 1747 Central R PLW

Street

Orl

City

FL

State

Zip

Phone _____

Email _____

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)

4/3/2017

Meeting Date

924

Bill Number (if applicable)

351834

Amendment Barcode (if applicable)

Topic Elimination of proficiency requirements

Name Eileen Fernandez

Job Title ~~445 W. Amelia St.~~ Associate General Counsel

Address 445 W. Amelia St.

Street

Phone 407-317-3411

Orlando

City

FL

State

32801

Zip

Email Eileen.Fernandez@ocps.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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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/3/17
Meeting Date

SB 926
Bill Number (if applicable)

351834
Amendment Barcode (if applicable)

Topic Proficiency Language

Name Linda Robert

Job Title Vice Chair Orange County School Board

Address 445 W Amelia St
Street
Orlando FL 32801
City State Zip

Phone 321 946 2888

Email linda.Robert@ocps.net

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Orange County School Board

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)

4/3/14

Meeting Date

SB 926

Bill Number (if applicable)

464772

Amendment Barcode (if applicable)

Topic K-12 Assessments

Name Angela Gallo

Job Title Legislation Chair

Address 1747 Central R Pkwy

Street

Orl

City

FL

State

Zip

Phone _____

Email _____

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)

4/3/17
Meeting Date

SB 926
Bill Number (if applicable)

464772
Amendment Barcode (if applicable)

Topic SB 926

Name Sue Sommer

Job Title Citizen Representative

Address 505 SW Aviation Dr
Street
Lake City FL 32025
City State Zip

Phone 386-628-2890

Email Sue@sommercentral.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.

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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)

April 3 2017
Meeting Date

58926
Bill Number (if applicable)

512972 / sub 351 834
Amendment Barcode (if applicable)

Topic student Assessment

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 ~~Common~~ Common Ground

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)

4/3/2017
Meeting Date

926
Bill Number (if applicable)

512 972
Amendment Barcode (if applicable)

Topic Education

Name Randy Osborn

Job Title Director of Education

Address 4203 NW Hwy 2259
Street
Ocala FL 34482
City State Zip

Phone 352-572-7598

Email randy.victory36@gmail.com

Speaking: ☒ For ☐ Against ☒ Information

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

Representing Florida Eagle Forum

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)

April 3 2017

Meeting Date

SB 926

Bill Number (if applicable)

521886 sub: 963 662

Amendment Barcode (if applicable)

Topic Student Assessment

Name Marie Claire Leman

Job Title _____

Address 1911 Wahalaw Court

Street

Phone 850 728-7514

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 Common Ground

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)

4/3/2017

Meeting Date

9200

Bill Number (if applicable)

55330

Amendment Barcode (if applicable)

Topic Alternatives to FSA

Name Eileen Fernandez

Job Title Associate General Counsel

Address 445 W. Amelia St.

Street

Orlando

City

FL

State

32801

Zip

Phone 407-317-3411

Email Eileen.Fernandez@ocps.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Orange County Public Schals

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)

April 3 2017
Meeting Date

SB 926
Bill Number (if applicable)

Topic Student Assessments

~~AMS 32814~~ 553330
Amendment Barcode (if applicable)

Name Marie-Claire Leman

Job Title _____

Address 1411 Wabshaw Ct Phone 850 728 7514
Street

Tallahassee FL 32301 Email _____
City State Zip

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)

4-3-17

Meeting Date

926

Bill Number (if applicable)

553330

Amendment Barcode (if applicable)

Topic Assessments

Name Catherine Baer

Job Title Chair

Address 1421 Woodgate Way

Street

Tallahassee

City

FL

State

32308

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 / Common Ground

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)

4/3/17

Meeting Date

926

Bill Number (if applicable)

553330

Amendment Barcode (if applicable)

Topic Assessments

Name Beth Overholt

Job Title Opt Out Leon County Chair

Address 4130 Faulkner Lane

Street

Tallahassee

City

FL

State

32311

Zip

Phone 728-0587

Email Overholtbetha@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Common Ground / Opt Out Leon 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)

4/3/17
Meeting Date

56926
Bill Number (if applicable)

Topic Use of National Exams Act/SAT/AP/IB Ind.Cert

553330
Amendment Barcode (if applicable)

Name Linda Kobert

Job Title Vice Chair Orange County School Board

Address 445 W. Amelia St
Street
Orlando FL 32804
City State Zip

Phone 321 946 2888

Email Linda.Kobert@ocps.net

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Orange County School Board

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)

4-3-17
Meeting Date

926
Bill Number (if applicable)

Topic Student Assessment

559976
(Amendment Barcode (if applicable))

Name Shawn Frost

Job Title president

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

Phone _____

Email info@FLSBM.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Coalition of School Board Members

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/3/2017

Meeting Date

926

Bill Number (if applicable)

55997LE

Amendment Barcode (if applicable)

Topic FSA Paper/pencil option

Name Eileen Fernandez

Job Title Associate General Counsel

Address 445 W. Amelia St.

Street

Phone 407.317.3411

Orlando

City

FL

State

32801

Zip

Email Eileen.Fernandez@net

OCPS.

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Orange County Public Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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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)

April 13 2017

Meeting Date

SB 926

Bill Number (if applicable)

sub amend 559 976

Amendment Barcode (if applicable)

Topic Student Assessment

Name Marie-Claire Leman

Job Title _____

Address 1911 Wabalan Ct

Street

Phone 850 817 287514

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 Common Ground

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)

4/3/17
Meeting Date

926
Bill Number (if applicable)
559976
Amendment Barcode (if applicable)

Topic Assessments

Name Beth Overholt

Job Title Opt Out Leon County Chair

Address 4130 Faulkner Lane

Street

Tallahassee FL 32311

City

State

Zip

Phone 728-0587

Email overholthbth2@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Common Ground / Opt Out Leon 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)

4-3-17

Meeting Date

926

Bill Number (if applicable)

559976

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 / Common Ground

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)

4/3/17
Meeting Date

SB 926
Bill Number (if applicable)

Topic Eliminate certain state EOC's

565816
Amendment Barcode (if applicable)

Name Linda Kobert

Job Title Vice chair Orange County School Board

Address 445 W. Amelia St
Street

Phone 321-946-2888

Orlando FL 32801
City State Zip

Email Linda.Kobert@ocps.net

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Orange County School Board

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)

April 3 2017
Meeting Date

926
Bill Number (if applicable)

Subamend. 565 816
Amendment Barcode (if applicable)

Topic Student Assessment

Name Marie-Claire Leman

Job Title _____

Address 1911 Wahalaw Ct
Street

Phone (850) 728-7514

Tallahassee FL
City State Zip

Email _____

Speaking: ☒ For ☐ Against ☒ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

4/3/2017

Meeting Date

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

9260

Bill Number (if applicable)

505816

Amendment Barcode (if applicable)

Topic EOC reduction

Name Eileen Fernandez

Job Title Associate General Counsel

Address 445 W. Amelia St.
Street

Phone 407-927-5460

Orlando FL 32801
City State Zip

Email Eileen.Fernandez@ccrs.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Orange County Public Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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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)

4/3/2017

Meeting Date

926

Bill Number (if applicable)

575042

Amendment Barcode (if applicable)

Topic 90 min Continuous reading

Name Eileen Fernández

Job Title Associate General Counsel

Address 445 W. Amelia St.
Street

Phone 407-317-3411

Orlando FL 32801
City State Zip

Email Eileen.Fernandez@OCPS.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Orange County Public Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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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)

4/3/17
Meeting Date

SB 926
Bill Number (if applicable)

Topic SB 926

575042
Amendment Barcode (if applicable)

Name Sue Sommer

Job Title Citizen Rep.

Address 565 SW Aviation Dr
Street
Lake City FL 32025
City State Zip

Phone 386-628-2890

Email sue@sommercentral.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.

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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)

4/3/14
Meeting Date

575042
Bill Number (if applicable)
Amendment Barcode (if applicable)

Topic SB924

Name Angela Gail

Job Title Legislation Chair

Address 1747 Central Pl. Plw
Street
Orl Fl 32804
City State Zip

Phone _____

Email _____

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.

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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)

4/3/14

Meeting Date

SB926

Bill Number (if applicable)

578028

Amendment Barcode (if applicable)

Topic

Name Angela Grallu

Job Title Leg. Chair

Address 1747 Central R Pkwy

Street

Orl

City

R

State

Zip

Phone

Email

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.

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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)

4/3/17
Meeting Date

SB 926
Bill Number (if applicable)

Topic SB 926 Amendment Barcode 578028

578028
Amendment Barcode (if applicable)

Name Sue Sommer

Job Title Citizen Representative

Address 565 SW Aviation Dr
Street

Phone 386-628-2890

Lake City FL 32025
City State Zip

Email Sue@Sommercentral.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.

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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)

4/3/17
Meeting Date

SB 926
Bill Number (if applicable)

654648
Amendment Barcode (if applicable)

Topic SB 926

Name Sue Sommer

Job Title Citizen Rep

Address 505 SW Aviation Dr
Street

Phone 386-628-2890

Lake City FL 32025
City State Zip

Email Sue@Sommerartful.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

4-30-17

Meeting Date

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

926

Bill Number (if applicable)

654 648

Amendment Barcode (if applicable)

Topic School Visitation

Name Shawn Frost

Job Title President

Address 113 S. Monroe St. #101

Street

Tallahassee

City

FL

State

32301

Zip

Phone _____

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 Board Members

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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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)

4/3/17
Meeting Date

SB 926
Bill Number (if applicable)

719744
Amendment Barcode (if applicable)

Topic SB 926

Name Sue Sommer

Job Title Citizen Rep

Address 505 SW Aviation Dr
Street

Phone 386-628-2890

Lake City FL 32025
City State Zip

Email Sue@sommerartand.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.

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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)

4/3/17
Meeting Date

SB 926
Bill Number (if applicable)

723896
Amendment Barcode (if applicable)

Topic SB 926

Name Sue Sommer

Job Title Citizens Rep

Address 505 SW Aviation Dr
Street
Lake City FL 32025
City State Zip

Phone 386-628-2890

Email Sue@summercentral.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.

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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)

4/3/17

Meeting Date

926

Bill Number (if applicable)

747760

Amendment Barcode (if applicable)

Topic Testing

Name Beth Overholt

Job Title _____

Address 4130 Faulkner

Street

Tallahassee FL 32311

City

State

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 Common Ground

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)

4/3

Meeting Date

Bill Number (if applicable)

747760

Amendment Barcode (if applicable)

Topic K-12 Assistments

Name Angela Gallo

Job Title Leg. Chair

Address 1747 Bri Cent Pkwy

Phone

City

State

Zip

Email

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.

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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)

4/3/17
Meeting Date

SB 926
Bill Number (if applicable)

Topic SB 926

747760
Amendment Barcode (if applicable)

Name Sue Sommer

Job Title Citizen Rep

Address 505 SW Aviation Dr

Phone _____

Street

Lake City
City

FL
State

32025
Zip

Email _____

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.

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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)

4/3/2017

Meeting Date

9260

Bill Number (if applicable)

748116

Amendment Barcode (if applicable)

Topic FSA Paper/pencil option

Name Eileen Fernandez

Job Title Associate General Counsel

Address 445 W. Amelia St.
Street

Phone 407-317-3411

Orlando FL 32801
City State Zip

Email Eileen.Fernandez@ocps.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Orange County Public Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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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)

4/3/17
Meeting Date

SB 926
Bill Number (if applicable)

941932
Amendment Barcode (if applicable)

Topic SB 926

Name Sue Sommer

Job Title Citizen Rep.

Address 505 SW Aviation Dr Phone 386-628-2898
Street
Lake City FL 32025
City State Zip

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.

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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)

4-3-17

Meeting Date

926

Bill Number (if applicable)

941932

Amendment Barcode (if applicable)

Topic

Assessments

Name

Catherine Beer

Job Title

Chair

Address

1421 Woodgate Way

Street

Tallahassee

City

FL

State

32308

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

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

4/3/2017

Meeting Date

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

926

Bill Number (if applicable)

945386

Amendment Barcode (if applicable)

Topic Education

Name Randy Osborne

Job Title Director of Education

Address 4203 NW Hwy 225a
Street
Ocala FL 34482
City State Zip

Phone 352-572-7598

Email Randy.victory360@gmail.com

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Florida Eagle Forum

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)

4/3/17
Meeting Date

SB 926
Bill Number (if applicable)

945386
Amendment Barcode (if applicable)

Topic SB 926

Name Sue Sommer

Job Title Citizen Rep

Address 505 SW Aviation Dr

Street

Lake City
City

FL
State

32025
Zip

Phone 386-628-2890

Email Sue@Sommercentral.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing ~~Florida~~ 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.

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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)

4/3/17
Meeting Date

926
Bill Number (if applicable)

Topic SB 926 amendments / Simmons' amendments

995386
Amendment Barcode (if applicable)

Name Joy Frank

381834 963662
559976 565816
748116

Job Title General Counsel

Address ~~428~~ 208 S. Monroe St.
Street

Phone 850-577-5784

Tallahassee FL 32312
City State Zip

Email JFRANK@FADS5.ORG

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Fl. Assoc. 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.

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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)

4/3/17
Meeting Date

926
Bill Number (if applicable)

Topic Student Assessment

~~926~~
Amendment Barcode (if applicable)

Name Trauda Mendez Cartaya

SA 963662

Job Title Assoc. Superintendent

Address 1450 NE 2nd Ave Rm 931

Phone (3) 995-1497

Street

Miami

FL

State

33132

Zip

Email imendez@dadeschools.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Miami-Dade County Public Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/3/17
Meeting Date

SB 926
Bill Number (if applicable)

Topic VAM Optional Teacher Evaluation Flexibility

963662
Amendment Barcode (if applicable)

Name Linda Kobert

Job Title Vice chair Orange County School Board

Address 445 W Amelia St
Street
Orlando FL 32801
City State Zip

Phone 321 946 2888

Email linda.kobert@ocps.net

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Orange County School Board

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

4-3-17

Meeting Date

926

Bill Number (if applicable)

923662

Amendment Barcode (if applicable)

Topic

Assessments

Name

Catherine Bauer

Job Title

Chair

Address

1421 Woodgate Way

Street

Tallahassee

City

FL

State

32308

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 Common Ground

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)

4/3/2017

Meeting Date

926

Bill Number (if applicable)

963662

Amendment Barcode (if applicable)

Topic Value Added Model

Name Eileen Fernández

Job Title Associate General Counsel

Address 445 W. Amelia St.

Street

Orlando

City

FL

State

32801

Zip

Phone 407-317-3411

Email Eileen Fernandez

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Orange County Public Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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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)

4-3-17

Meeting Date

926

Bill Number (if applicable)

SA 963662

Amendment Barcode (if applicable)

Topic Student Assessments - VAM

Name Wendy M Dodge

Job Title Dir. of legislative Affairs & Policy

Address PO Box 391

Street

Bartow FL 33831

City

State

Zip

Phone 863-838-3632

Email wendy.dodgers@polk-fl.net

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Polk County Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

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

Page 1 of 6

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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.

39-00510A-17

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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.

Page 4 of 6

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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.

COMMITTEE: Education
ITEM: SB 926
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Monday, April 3, 2017
TIME: 1:30—3:30 p.m.
PLACE: 412 Knott Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

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	4/03/2017 Amendment 578028	8	4/03/2017 Amendment 559976	9	4/03/2017 Amendment 464772	10	4/03/2017 Amendment 748116	11
SENATORS	Simmons		Simmons		Simmons		Simmons	
	Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
Farmer								
Flores								
Galvano								
Lee								
Simmons								
Simpson								
Stewart								
Thurston								
Mayfield, VICE CHAIR								
Hukill, CHAIR								
TOTALS	- Yea	RS Nay	RCS Yea	- Nay	- Yea	RS Nay	RCS Yea	- Nay

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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 984

INTRODUCER: Education Committee and Senator Bean and others

SUBJECT: Shared Use of Public School Playground Facilities

DATE: April 4, 2017

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 984 provides legislative intent to increase the number of school districts that open their playground facilities to community use outside of school hours. Specifically, the bill:

- Establishes a Shared Use Task Force to identify barriers in creating shared use agreements and make recommendations to facilitate the shared use of school facilities generally and in high-need communities, specifies membership of the task force, and requires the task force to submit a report to the Legislature by October 1, 2017.
- Requires the Department of Education (DOE) to provide technical assistance to school districts regarding the shared use of school facilities.
- Specifies additional duties that the DOE must perform with the funds established in the General Appropriations Act, and requires the DOE to submit to the Legislature a report on grant disbursements by December 31, 2017, and a final report on grant disbursements by June 30, 2018.

The bill takes effect on July 1, 2017.

II. Present Situation:

Impact of Obesity on Personal Health

The Centers for Disease Control and Prevention (CDC) estimates that 70.7 percent of adults in America are overweight, including 37.9 percent who are obese,¹ and 12.7 percent who have diabetes.² The CDC also estimates that 20.6 percent of children age 12-19, 17.4 percent of children age 6-11, and 9.4 percent of children age 2-5, are obese.³ The CDC also finds that obesity disproportionately affects children from low-income families.⁴ The National Institutes of Health warns that being overweight or obese substantially raises the risk of death from hypertension, dyslipidemia, type 2 diabetes, coronary heart disease, stroke, gallbladder disease, osteoarthritis, sleep apnea and respiratory problems, and endometrial, breast, prostate, and colon cancers.⁵

The estimated annual medical cost of obesity in the U.S. was \$147 billion in 2008; the annual medical costs for people who are obese were \$1,429 higher than those of normal weight.⁶

The CDC has issued a policy statement advocating the use of joint use (or shared use) agreements to increase resident's access to safe physical activity resources.⁷

Playground Facilities

Florida law authorizes a district school board, a Florida College System institution board of trustees, a university board of trustees, and the Board of Trustees for the Florida School for the Deaf and the Blind to allow public access for use of educational facilities and grounds for public assemblies, community use centers, or voting locations.⁸

Additionally, the law requires that a county and municipality within the geographic areas of a school district enter into an interlocal agreement with the district a school board that jointly

¹ U.S. Department of Health and Human Services, *Health, United States, 2015* (May 2016), at 200, available at [https://www.cdc.gov/nchs/data/15.pdf#053](https://www.cdc.gov/nchs/data/hus/15.pdf#053). The estimates are for 2013-2014.

² *Id.*

³ *Id.*

⁴ Centers for Disease Control and Prevention, *Obesity Prevalence Among Low-Income, Preschool-Aged Children, United States, 1998-2008*, <https://www.cdc.gov/mmwr/preview/mmwrhtml/mm5828a1.htm> (last visited March 31, 2017).

⁵ National Institutes of Health, *Clinical Guidelines on the Identification, Evaluation, and Treatment of Overweight and Obesity in Adults* (September, 1998), at xi, available at https://www.nhlbi.nih.gov/files/docs/guidelines/obesity_guidelines_archive.pdf.

⁶ Eric A. Finkelstein, Justin G. Trogon, Joel W. Cohen and William Dietz, *Annual Medical Spending Attributable To Obesity: Payer-And Service-Specific Estimates*, *Health Affairs* 28, no.5 (2009):w822-w831doi: 10.1377/hlthaff.28.5.w822 originally published online July 27, 2009, available at <http://content.healthaffairs.org/content/28/5/w822.full.pdf+html>.

⁷ Centers for Disease Control and Prevention, *Joint Use Agreements*, available at <https://www.cdc.gov/nccdphp/dch/pdfs/health-equity-guide/health-equity-guide-sect-4-1.pdf>.

⁸ Section 1013.10, F.S. Section 1013.01, F.S., defines a board as a district school board, a Florida College System institution board of trustees, a university board of trustees, and the Board of Trustees for the Florida School for the Deaf and the Blind.

establishes the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated.⁹ The interlocal agreement must include a process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.¹⁰ In these agreements, school boards and local governments, recognizing the value of shared use school facilities, may provide for a separate agreement developed for each instance of co-location and shared use, which addresses legal liability, operating and maintenance costs, scheduling of use, and facility supervision or any other issues that may arise from co-location and shared use.¹¹

III. Effect of Proposed Changes:

CS/SB 984 provides legislative intent to increase the number of school districts that open their playground facilities to community use outside of school hours. Specifically, the bill:

- Establishes a Shared Use Task Force to identify barriers in creating shared use agreements and make recommendations to facilitate the shared use of school facilities generally and in high-need communities; and specifies membership of the task force.
- Requires the Department of Education (DOE) to provide technical assistance to school districts regarding the shared use of school facilities.
- Specifies additional duties that the DOE must perform with the funds established in the General Appropriations Act.

DOE Responsibility

The bill requires the Department of Education (DOE) to provide technical assistance to school districts including, but not limited to:

- Individualized assistance;
- The creation of a shared use¹² technical assistance toolkit containing useful information for school districts; and
- The development of a publicly accessible online database of shared use resources and existing shared use agreements.¹³

The bill requires the DOE to perform the following duties with funds established in the General Appropriations Act:

- Provide short-term grants to help school districts open their facilities for shared use before or after school hours, including evenings, weekends, and school vacations.

⁹ Sections 163.31777(1), F.S., and 1013.33(1), F.S.

¹⁰ Section 163.31777(2)(g), F.S.

¹¹ See e.g., Santa Rosa County Commission, City Council of Milton and Gulf Breeze, Town Council of the Town of Jay, and the School Board of Santa Rosa County, *Interlocal Agreement for Public School Facility Planning*, at 10-11, available at <https://sites.santarosa.k12.fl.us/admin/files/PropAmndIntrclAgr010312wSigs.pdf>.

¹² “Shared use” is defined in the bill as allowing access to school playground facilities by community members for recreation or another purpose of importance to the community through a shared use agreement or a school district or school policy that opens school facilities for use by government or nongovernmental entities or the public.

¹³ “Shared use agreement” is defined in the bill as a written agreement between a school district and a government or nongovernmental entity which defines the roles, responsibilities, terms, and conditions for community use of a school-owned facility for recreation or other purposes.

- Establish guidelines for funding eligibility consistent with this section, promote the availability of the funding statewide, provide technical assistance to applicants, evaluate applicants, determine allowable expenses, and disburse funding.
- Annually post on its website and report to the President of the Senate and the Speaker of the House of Representatives the expenditure of the funds used to administer this section, including the total amount of funding distributed, the school districts that received funding, the amount of funding each school district received, and the department's evaluation results.
- Develop an application process for school districts to receive funding. The application must require that a school district:
 - Demonstrate that it has an active partnership with a local governmental agency or nonprofit organization or that the funds will be used to open school facilities for use by the public;
 - Agree to fully implement its shared use project within the grant period;
 - Abide by the conditions for receiving assistance;
 - Provide the department with a copy of the school district's shared use agreement or shared use policy; and
 - Collect and provide data and other information required by the department for monitoring, accountability, and evaluation purposes.
- Give funding priority to high-need communities.¹⁴ In consultation with the Shared Use Task Force, the department may establish additional criteria for funding priorities.
- Submit to the President of the Senate and the Speaker of the House of Representatives:
 - An electronic report on the grants that have been disbursed or are in the process of being disbursed, by December 31, 2017.
 - A final report on the grant disbursements by June 30, 2018.

Shared Use Task Force Responsibility

The bill establishes a seven-member Shared Use Task Force (task force)¹⁵ within the DOE to identify barriers in creating shared use agreements and to make recommendations to facilitate the shared use of school facilities generally and in high-need communities. The bill requires the DOE to appoint the following members to the task force:

- Two representatives from school districts, including 1 representative from school districts 1 through 33 and 1 representative from school districts 34 through 67;
- One representative from a public health department;
- Two representatives from community-based programs in high-need communities; and
- Two representatives from recreational organizations.

The bill also specifies requirements for electing a task force chair and vice chair; and conducting meetings.

¹⁴ “High-need communities” are defined in the bill as communities in which at least 50 percent of children are eligible to receive free or reduced-price meals at the school that will be the subject of the shared use agreement.

¹⁵ A “task force” means an advisory body created without specific statutory enactment for a time not to exceed 1 year or created by specific statutory enactment for a time not to exceed 3 years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem. Its existence terminates upon the completion of its assignment. Section 20.03(8), F.S.

The bill requires the task force to submit a report of its findings and recommendations to the President of the Senate and the Speaker of the House of Representatives by October 1, 2017. Additionally, the bill requires:

- The department to assist the task force; and
- The State Board of Education to adopt rules for implementing and administering bill provisions.

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.

C. Government Sector Impact:

CS/SB 984 may have a minimal fiscal impact on school districts that elect to utilize the provisions created by this bill. The costs are indeterminate at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1013.101 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.)

CS by Education on April 3, 2017:

The committee substitute adds reporting requirements for the Department of Education (DOE) and modifies the reporting requirement for the Shared Use Task Force.

Specifically, the committee substitute:

- Adds a provision requiring the DOE to submit to the President of the Senate and the Speaker of the House of Representatives:
 - An electronic report on the grants that have been disbursed or are in the process of being disbursed, by December 31, 2017.
 - A final report on the grant disbursements by June 30, 2018.
- Modifies the deadline for the Shared Use Task force to report its findings and recommendations to the Legislature from June 30, 2018, to October 1, 2017.

B. Amendments:

None.



402750

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
	.	
	.	
	.	

The Committee on Education (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete lines 103 - 130
and insert:

(5) REPORT.—By December 31, 2017, the department shall submit an electronic report to the President of the Senate and the Speaker of the House of Representatives on the grants that have been disbursed or are in the process of being disbursed.

The department shall submit a final report on the grant disbursements by June 30, 2018.

Section 2. Shared Use Task Force.—The Shared Use Task



402750

Force, a task force as defined in s. 20.03, Florida Statutes, is created within the Department of Education. The task force is created to identify barriers in creating shared use agreements and to make recommendations to facilitate the shared use of school facilities generally and in high-need communities.

(1) The task force is composed of 7 members appointed by the department, as follows:

(a) Two representatives from school districts, including 1 representative from school districts 1 through 33 and 1 representative from school districts 34 through 67;

(b) One representative from a public health department;

(c) Two representatives from community-based programs in high-need communities; and

(d) Two representatives from recreational organizations.

(2) The task force shall elect a chair and vice chair. The chair and vice chair may not be representatives from the same member category. Members of the task force shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061, Florida Statutes.

(3) The task force shall meet by teleconference or other electronic means, if possible, to reduce costs.

(4) The department shall provide the task force with staff necessary to assist the task force in the performance of its duties.

(5) The task force shall submit a report of its findings and recommendations to the President of the Senate and the Speaker of the House of Representatives by October 1, 2017. Upon

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



402750

41 And the title is amended as follows:
42 Delete line 14
43 and insert:
44 given to high-need communities; requiring reports to
45 the Legislature by specified dates; creating the
46 Shared

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/3/17
Meeting Date

984
Bill Number (if applicable)

Topic OPEN PLAYGROUNDS / SHARED USE

Amendment Barcode (if applicable)

Name RIVERS H. BUFORD, III

Job Title GOVERNMENT RELATIONS DIRECTOR

Address 2851 REMINATOR GREEN
Street

Phone 850-566-9119

TALL FL 32308
City State Zip

Email RIVERS.BUFORD@HEART.ORG

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)

4/3/17

Meeting Date

984

Bill Number (if applicable)

Topic Shared Use of Public School Playground

Amendment Barcode (if applicable)

Name Fely Curva, Ph.D

Job Title Partner, Curva i Associates LLC

Address 1212 Piedmont Dr.

Phone (850) 578-2256

Street

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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

4-3-17

Meeting Date

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

984

Bill Number (if applicable)

Topic Playgrounds

Amendment Barcode (if applicable)

Name Matt Jordan

Job Title GRD

Address 1922 Dellwood Dr

Phone 850-514-2801

Tallahassee FL 32303
City State Zip

Email matt.jordan@cancer.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing American Cancer Society Cancer Action 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 (10/14/14)

By Senator Bean

4-00147A-17

2017984__

A bill to be entitled

An act relating to the shared use of public school playground facilities; creating s. 1013.101, F.S.; providing legislative findings and intent; defining terms; requiring the Department of Education to provide specified assistance to school districts; providing for funding as established in the General Appropriations Act; specifying funding allocation guidelines; requiring the department to annually post information regarding specified allocations on its website and report to the Legislature; requiring the department to develop an application process for school districts; requiring funding priority to be given to high-need communities; creating the Shared Use Task Force within the department; specifying the purpose and membership of the task force; providing requirements for electing a task force chair and vice chair and conducting its meetings; requiring the department to provide the task force with necessary staff; requiring the task force to submit a report to the Legislature by a specified date; providing for expiration of the task force; providing for rulemaking; providing an effective date.

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

Section 1. Section 1013.101, Florida Statutes, is created to read:

1013.101 Shared use agreements.—

Page 1 of 5

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

4-00147A-17

2017984__

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that greater public access to recreation and sports facilities is needed to reduce the impact of obesity, diabetes, and other chronic diseases on personal health and health care expenditures. Public schools are equipped with taxpayer-funded indoor and outdoor recreation facilities that offer easily accessible opportunities for physical activity for residents of the community. The Legislature also finds that it is the policy of the state for district school boards to allow the shared use of school buildings and property by adopting policies allowing for shared use and implementing shared use agreements with local governmental entities and nonprofit organizations. The Legislature intends to increase the number of school districts that open their playground facilities to community use outside of school hours.

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

(a) "High-need communities" means communities in which at least 50 percent of children are eligible to receive free or reduced-price meals at the school that will be the subject of the shared use agreement.

(b) "Shared use" means allowing access to school playground facilities by community members for recreation or another purpose of importance to the community through a shared use agreement or a school district or school policy that opens school facilities for use by government or nongovernmental entities or the public.

(c) "Shared use agreement" means a written agreement between a school district and a government or nongovernmental entity which defines the roles, responsibilities, terms, and

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

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conditions for community use of a school-owned facility for recreation or other purposes.

(3) PROMOTION OF COMMUNITY USE OF SHARED FACILITIES.—The department shall provide technical assistance to school districts, including, but not limited to, individualized assistance, the creation of a shared use technical assistance toolkit containing useful information for school districts, and the development of a publicly accessible online database of shared use resources and existing shared use agreements.

(4) FUNDING.—The department shall do all of the following with funds as established in the General Appropriations Act:

(a) Provide short-term grants to help school districts open their facilities for shared use before or after school hours, including evenings, weekends, and school vacations.

(b) Establish guidelines for funding eligibility consistent with this section, promote the availability of the funding statewide, provide technical assistance to applicants, evaluate applicants, determine allowable expenses, and disburse funding.

(c) Annually post on its website and report to the President of the Senate and the Speaker of the House of Representatives the expenditure of the funds used to administer this section, including the total amount of funding distributed, the school districts that received funding, the amount of funding each school district received, and the department's evaluation results.

(d) Develop an application process for school districts to receive funding. The application must require that a school district:

1. Demonstrate that it has an active partnership with a

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local governmental agency or nonprofit organization or that the funds will be used to open school facilities for use by the public;

2. Agree to fully implement its shared use project within the grant period;

3. Abide by the conditions for receiving assistance;

4. Provide the department with a copy of the school district's shared use agreement or shared use policy; and

5. Collect and provide data and other information required by the department for monitoring, accountability, and evaluation purposes.

(e) Give funding priority to high-need communities. In consultation with the Shared Use Task Force, the department may establish additional criteria for funding priorities consistent with this section.

Section 2. Shared Use Task Force.—The Shared Use Task Force, a task force as defined in s. 20.03, Florida Statutes, is created within the Department of Education. The task force is created to identify barriers in creating shared use agreements and to make recommendations to facilitate the shared use of school facilities generally and in high-need communities.

(1) The task force is composed of 7 members appointed by the department, as follows:

(a) Two representatives from school districts, including 1 representative from school districts 1 through 33 and 1 representative from school districts 34 through 67;

(b) One representative from a public health department;

(c) Two representatives from community-based programs in high-need communities; and

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(d) Two representatives from recreational organizations.

(2) The task force shall elect a chair and vice chair. The chair and vice chair may not be representatives from the same member category. Members of the task force shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061, Florida Statutes.

(3) The task force shall meet by teleconference or other electronic means, if possible, to reduce costs.

(4) The department shall provide the task force with staff necessary to assist the task force in the performance of its duties.

(5) The task force shall submit a report of its findings and recommendations to the President of the Senate and the Speaker of the House of Representatives by June 30, 2018. Upon submission of the report, the task force shall expire.

(6) The State Board of Education shall adopt rules to implement and administer this section.

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

COMMITTEE: Education
ITEM: SB 984
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Monday, April 3, 2017
TIME: 1:30—3:30 p.m.
PLACE: 412 Knott Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

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 1224

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Passidomo

SUBJECT: Public Records and Public Meetings/Campus Emergency Response for Public Postsecondary Institutions

DATE: March 31, 2017

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Sanders	Ryon	MS	Fav/CS
2. Benvenisty	Graf	ED	Favorable
3. _____	_____	GO	_____

I. Summary:

CS/SB 1224 provides a public record exemption for portions of a plan addressing a public postsecondary institution's response to an act of terrorism or other public safety crisis or emergency. The exemption applies to state agencies, law enforcement agencies, and public postsecondary institutions that hold such plans. The bill also provides a public meeting exemption for portions of a meeting where such plans are discussed

The exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill contains a statement of public necessity as required by the State Constitution.

Because this bill creates a public records exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for passage.

The bill takes effect July 1, 2017.

II. Present Situation:

Public Records Law

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business

¹ FLA. CONST., art. I, s. 24(a).

of any public body, officer or employee of the state, including all three branches of state government, local governmental entities and any person acting on behalf of the government.²

In addition to the State Constitution, the Florida Statutes provides that the public may access legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ The Public Records Act states that:

it is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁵

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may create an exemption to public records requirements.⁹ An exemption must pass by a two-thirds vote of the House and the Senate.¹⁰ In addition, an exemption must explicitly lay out the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹ A statutory exemption which does not meet these criteria may be unconstitutional and may not be judicially saved.¹²

² *Id.*

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislatures are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ Section 119.01(1), F.S.

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” to mean as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). See also *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004).

When creating a public records exemption, the Legislature may provide that a record is “confidential and exempt” or “exempt.”¹³ Records designated as “confidential and exempt” may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as “exempt” are not required to be made available for public inspection, but may be released at the discretion of the records custodian under certain circumstances.¹⁴

Open Meetings Laws

The State Constitution provides that the public has a right to access governmental meetings.¹⁵ Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or discussed.¹⁶ This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts or special districts.¹⁷

The Florida Statutes also provide that governmental meetings must be open to the public. Section 286.011, F.S., which is also known as the ‘Government in the Sunshine Law,’¹⁸ or the ‘Sunshine Law’¹⁹ requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken be open to the public.²⁰ The board or commission must provide the public reasonable notice of such meetings.²¹ A failure to abide by open meetings requirements will invalidate any resolution, rule or formal action adopted at a meeting.²² The minutes of a board or commission meeting also must be made available to the public.²³ A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.²⁴

The Legislature may create an exemption to open meetings requirements.²⁵ An exemption must pass by a two-thirds vote of the House and the Senate.²⁶ In addition, an exemption must explicitly lay out the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.²⁷ A statutory

¹³ If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

¹⁴ *Williams v. City of Minneola*, 575 So. 2d 687 (Fla. 5th DCA 1991).

¹⁵ FLA. CONST., art. I, s. 24(b).

¹⁶ FLA. CONST., art. I, s. 24(b).

¹⁷ FLA. CONST., art. I, s. 24(b). Meetings of the Legislature are governed by Article III, section 4(e) of the State Constitution, which states: “The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public.”

¹⁸ *Times Pub. Co. v. Williams*, 222 So. 2d 470, 472 (Fla. 2d DCA 1969).

¹⁹ *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693, 695 (Fla. 1969).

²⁰ Section 286.011(1)-(2), F.S.

²¹ Section 268.011(1), F.S.

²² Section 286.011(1), F.S.

²³ Section 286.011(2), F.S.

²⁴ Section 286.011(3), F.S.

²⁵ FLA. CONST., art. I, s. 24(c).

²⁶ FLA. CONST., art. I, s. 24(c).

²⁷ FLA. CONST., art. I, s. 24(c).

exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.²⁸

Open Government Sunset Review Act

The Open Government Sunset Review Act (referred to hereafter as the “OGSR”) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.²⁹ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.³⁰

The OGSR provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.³¹ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;³²
- Releasing sensitive personal information would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;³³ or
- It protects trade or business secrets.³⁴

The OGSR also requires specified questions to be considered during the review process.³⁵ In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption.

²⁸ *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

²⁹ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to section 119.15(2), F.S.

³⁰ Section 119.15(3), F.S.

³¹ Section 119.15(6)(b), F.S.

³² Section 119.15(6)(b)1., F.S.

³³ Section 119.15(6)(b)2., F.S.

³⁴ Section 119.15(6)(b)3., F.S.

³⁵ Section 119.15(6)(a), F.S. The specified questions are:

1. What specific records or meetings are affected by the exemption?
2. Whom does the exemption uniquely affect, as opposed to the general public?
3. What is the identifiable public purpose or goal of the exemption?
4. Can the information contained in the records or discussed in the meeting be readily obtained by alternative means?
If so, how?
5. Is the record or meeting protected by another exemption?
6. Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

If, in reenacting an exemption, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.³⁶ If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.³⁷

Public Records Exemptions for Emergency Plans

The primary public records exemptions applicable to emergency plans are those addressing agency investigations³⁸ and a security system plan.³⁹ These exemptions may apply to some, but not all emergency plans.

Agency Investigations (s. 119.071(2)(d), F.S.)

The agency investigations exemption provides that any comprehensive policy or plan compiled by a criminal justice agency⁴⁰ pertaining to the mobilization, deployment, or tactical operations involved in responding to an emergency⁴¹ are exempt and unavailable for inspection.⁴² This exemption generally applies to any criminal justice agency and does not distinguish between a state or local law enforcement agency level.⁴³

Security System Plan (s. 119.071(3)(a), F.S.)

The exemption for a security system plan provides that such a plan or portion thereof for any property owned by or leased to the state or any of its political subdivisions, or any privately owned or leased property is exempt from the public records requirements. A security system plan includes:

- Records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof relating directly to the physical security of the facility or revealing security systems;
- Threat assessments conducted by any agency or any private entity;
- Threat response plans;
- Emergency evacuation plans;
- Sheltering arrangements; or
- Manuals for security personnel, emergency equipment, or security training.⁴⁴

³⁶ FLA. CONST. art. I, s. 24(c).

³⁷ Section 119.15(7), F.S.

³⁸ See s. 119.071(2)(d), F.S.

³⁹ See s. 119.071(3), F.S.

⁴⁰ A criminal justice agency is any law enforcement agency, court, or prosecutor; any other agency charged by law with criminal law enforcement duties; any agency having custody of criminal intelligence information or criminal investigative information; or the Department of Corrections. See s. 119.011(4), F.S.

⁴¹ An emergency is any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property. See s. 252.34(4), F.S.

⁴² Supra note 38.

⁴³ This would include a certified law enforcement agency at a state university and subsequently the policies or plans held by those institutions. See e-mail correspondence from FDLE on March 9, 2017 (on file with Military and Veterans Affairs, Space and Domestic Security Committee).

⁴⁴ Section 119.071(3)(a)1., F.S.

Emergency Planning

Emergency planning is a fundamental pillar of emergency management that makes it possible for response agencies to manage the entire life cycle of a potential crisis.⁴⁵ In concurrence with federal guidance, state and local emergency planning in Florida takes an all-hazards approach. As such, each plan produced is based on the premise that the consequences of disasters are the same regardless of the hazard,⁴⁶ and most of the functions performed during emergencies are not hazard-specific.⁴⁷

Comprehensive Emergency Management Plans

The Florida Division of Emergency Management (FDEM) is required by s. 252.35, F.S., to prepare a state comprehensive emergency management plan (CEMP). The CEMP⁴⁸ serves as the master operations document for Florida and is the framework through which the state handles emergencies and disasters.⁴⁹ The state CEMP is a general all-hazards plan and does not fall under the agency investigations or security system plan exemptions.⁵⁰

The CEMP must contain provisions to ensure that the state is prepared for emergencies and minor, major, and catastrophic disasters.⁵¹ Those provisions include:

- An evacuation component;
- A shelter component;
- A post-disaster response and recovery component;
- Additional provisions addressing aspects of preparedness, response, recovery, and mitigation as determined necessary by the FDEM;
- A section addressing the need for coordinated and expeditious deployment of state resources, including the Florida National Guard;
- A section establishing a system of communications and warning;
- A section establishing guidelines and schedules for annual exercises; and
- Assignments for lead and support responsibilities to state agencies and personnel.⁵²

⁴⁵ Federal Emergency Management Agency, *Plan, Introduction*, available at <https://www.fema.gov/plan> (last visited March 23, 2017).

⁴⁶ A hazard is any event or condition with the potential to cause fatalities, injuries, property damage, infrastructure damage, agricultural loss, environmental damage, business interruption, or other structural and financial loss. Hazards are categorized as either natural, technological, or human-caused. See FDEM, *State of Florida Enhanced Hazard Mitigation Plan, Executive Summary*, 4 (Aug. 2013), available at <http://www.floridadisaster.org/mitigation/State/Index.htm> (last visited March 23, 2017).

⁴⁷ FDEM, *Florida CEMP, Basic Plan*, 7 (2014), available at <http://www.floridadisaster.org/documents/CEMP/2014/2014%20State%20CEMP%20Basic%20Plan.pdf> (last visited March 20, 2017).

⁴⁸ The state CEMP defines the responsibilities of the government, private, volunteer, and non-governmental organizations that comprise the State Emergency Response Team. The CEMP ensures that all levels of government are able to mobilize as a unified emergency organization to safeguard the well-being of the state's residents and visitors. It is the plan to which Florida's other disaster response plans are aligned. *Supra* note 40.

⁴⁹ FDEM, *CEMP*, available at <http://www.floridadisaster.org/cemp.htm> (last visited March 20, 2017).

⁵⁰ FDEM, *Senate Bill 1224 Analysis* (March 6, 2017) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

⁵¹ Section 252.35(2)(a), F.S.

⁵² *Id.*

The CEMP is developed in coordination with members of the State Emergency Response Team⁵³ (SERT) that have emergency management responsibilities.⁵⁴ Members of the SERT also participate in an annual review of the CEMP to document changes in procedures, lessons learned, identification of improved capabilities, and deficiencies for corrective action.⁵⁵

As part of the SERT, the Department of Education (DOE) and Board of Governors (BOG) of the State University System⁵⁶ each contribute to the state CEMP.

The Florida Department of Education and the Board of Governors require each Florida College System (FCS) institution⁵⁷ and state university,⁵⁸ respectively, to produce and maintain its own CEMP. The type and level of detail contained in a college or university's CEMP and the official custodian of the CEMP would determine if portions of these plans may qualify for the agency investigations or security system plan public record exemptions.

Additionally, each county is required to establish and maintain an emergency management program and develop a county CEMP that is consistent with the state emergency management program and state CEMP.⁵⁹ Municipalities may also elect to establish an emergency management program and in doing so must comply with the guidelines for a county CEMP.⁶⁰ A county or municipality may choose to be more specific in portions of its CEMP.⁶¹ The type and level of detail contained in a county or municipality's CEMP would determine if portions of the plan may qualify for the security system plan public record exemption.⁶²

Continuity of Operations Plans

Each state agency and facility, such as a prison, office building, or university, is required to have a disaster preparedness plan that is coordinated with the applicable local emergency management agency and approved by the FDEM.⁶³ This plan is known as a continuity of operations plan (COOP). A COOP must outline a comprehensive and effective program to ensure the continuity of essential state functions under all circumstances.⁶⁴ It must include, at a minimum, the following elements:

- Identification of essential functions, programs, and personnel;
- Procedures to implement the plan and personnel notification and accountability;

⁵³ The SERT is comprised of FDEM staff, other state agencies, private volunteer organizations, and non-governmental agencies. The state CEMP defines the responsibilities of each member of the SERT. Supra note 40 at 5.

⁵⁴ Supra note 47 at 50.

⁵⁵ Supra note 47 at 51.

⁵⁶ See Fla. Board of Governors. Regulation 3.001(2)(b).

⁵⁷ See e-mail correspondence from DOE on March 21, 2017 (on file with Military and Veterans Affairs, Space and Domestic Security Committee).

⁵⁸ Fla. Board of Governors. Regulation 3.001(2)(c).

⁵⁹ Section 252.38(1)(a), F.S. The FDEM is required to adopt standards and requirements for county CEMPs, assist local governments in preparing and maintaining their CEMP's, and periodically review local government CEMPs for consistency with the state CEMP and the standards and requirements adopted by the FDEM. See s. 252.35(2)(b), F.S.

⁶⁰ Section 252.38(2), F.S.

⁶¹ Supra note 50.

⁶² Id.

⁶³ Section 252.365(3), F.S.

⁶⁴ Section 252.365(3)(a), F.S.

- Delegations of authority and lines of succession;
- Identification of alternative facilities and related infrastructure, including those for communications;
- Identification and protection of vital records and databases; and
- Schedules and procedures for periodic tests, training, and exercises.⁶⁵

As required in statute, the DOE maintains an agency COOP. The BOG maintains a COOP as well that contributes to the DOE's agency COOP.⁶⁶ Both the DOE and BOG require FCS institutions and state universities, respectively, to develop and maintain a COOP.⁶⁷

The FDEM considers the state COOP to be exempt under the security systems exemption in s. 119.071(3), F.S.⁶⁸ Continuity of operations plans developed by state agencies and facilities, to include state colleges and universities, may also be exempt under this security systems public record exemption.

Other Emergency Plans

Emergency plans are not limited to a CEMP or a COOP. Plans such as a CEMP are often supported by a number of annexes or other plans and procedures.⁶⁹ These documents may contain information addressing specific hazards or providing details on how an agency will respond to an emergency. Each plan would need to be analyzed individually to determine whether or not a public record exemption applies.

III. Effect of Proposed Changes:

CS/SB 1224 creates s. 1004.0962, F.S., to provide a public record exemption for portions of a plan addressing a public postsecondary institution's response to an act of terrorism or other public safety crisis or emergency, and a public meeting exemption for portions of a public meeting where such plans are discussed.

Definitions

The bill defines the following terms:

“Campus emergency response” means a public postsecondary educational institution's response to an act of terrorism, as defined in s. 775.30,⁷⁰ or other public safety crisis or emergency.

“Campus emergency response plan” means a plan addressing a campus emergency response which includes information relating to:

⁶⁵ Section 252.365(3)(b), F.S.

⁶⁶ Supra note 56.

⁶⁷ Supra notes 57 and 58.

⁶⁸ Supra note 50.

⁶⁹ See supra note 47 at 55. The state CEMP is supported by nine other plans and procedures and nine annexes.

⁷⁰ Section 775.30, F.S., defines terrorism as a violent act or an act dangerous to human life which is a violation of the criminal laws of this state or of the United States that intends to intimidate, injure, or coerce a civilian population; influence the policy of a government by intimidation or coercion; or affect the conduct of a government through destruction of property; assassination, murder, kidnapping, or aircraft piracy.

- Records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof;
- Threat assessments conducted by any agency or private entity;
- Threat response plans;
- Emergency evacuation plans;
- Sheltering arrangements;
- Manuals for security personnel, emergency equipment, or security training;
- Security systems or plans;
- Vulnerability analyses;
- Postdisaster activities, including provisions for emergency power, communications, food, and water;
- Postdisaster transportation;
- Supplies, including drug caches;
- Staffing;
- Emergency equipment; or
- Individual identification of students, faculty, and staff; the transfer of records; and methods of responding to family inquiries.

“Custodial agency” includes:

- A public postsecondary institution;
- A state or local law enforcement agency;
- A county or municipal emergency management agency;
- The Executive Office of the Governor;
- The Department of Education;
- The Board of Governors of the State University System; and
- The Division of Emergency Management.

Public Record and Public Meeting Exemptions

The bill provides that any portion of a campus emergency response plan addressing the items defined in the term “campus emergency response plan” that is held by a custodial agency is exempt from s. 119.07(1), F.S., and Article I, section 24(a) of the State Constitution. The public record exemption provided in the bill is remedial in nature and applies to plans held by a custodial agency before, on, or after the effective date of the bill.

Information made exempt by the bill may be disclosed to another government entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities, or upon showing of good cause before a court of competent jurisdiction.

The bill also provides that any portion of a public meeting which would reveal information related to a campus emergency response plan is exempt from s. 286.011, F.S. and Article I, section 24(b) of the State Constitution.

The public record and public meeting exemptions created by this bill are subject to the Open Government Sunset Review Act and will stand repealed on October, 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill provides statements of public necessity as required by the State Constitution.

The bill takes effect July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. CS/SB 1244 creates a public record and public meeting exemption; thus, it requires a two-thirds vote for final passage.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill creates a public record and public meeting exemption and therefore includes a public necessity statement.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires a newly created public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The exemption does not appear to be in conflict with the constitutional requirement that the exemption be no broader than necessary to accomplish its purpose.

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 may have a minimal fiscal impact on agencies responsible for complying with public records requests and redacting confidential and exempt information prior to releasing a record.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill defines “campus emergency response” to mean a public postsecondary education institution’s response to an act of terrorism or other public safety crisis or emergency. The Florida Statutes nor the bill define the term “public safety crisis.”

VIII. Statutes Affected:

This bill creates section 1004.0962 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 Military and Veterans Affairs, Space, and Domestic Security on March 22, 2017:

The CS:

- Places the public records and meeting exemption in ch. 1004, F.S., as opposed to in ch. 250, F.S.;
- Defines the terms “campus emergency response,” “campus emergency response plan,” and “custodial agency;”
- Removes private postsecondary institutions from the bill;
- Broadens the exemption to include portions of a campus emergency response plan that address a public safety crisis or emergency;
- Expands the list of items addressed in a campus emergency response plan that are to be exempt from public disclosure;
- Makes certain custodial agencies exempt from public records laws rather than confidential and exempt;
- Allows exempt information to be disclosed to another governmental entity or upon showing of good cause before a court of competent jurisdiction.

B. Amendments:

None.

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Passidomo

583-02711-17

20171224c1

A bill to be entitled

An act relating to public records and public meetings; creating s. 1004.0962, F.S.; defining terms; providing an exemption from public records requirements for a public postsecondary educational institution's campus emergency response plan when held by specified custodial agencies; providing for retroactive application; authorizing disclosure of exempt information under specified circumstances; providing an exemption from public meetings requirements for any portion of a public meeting at which certain components of a campus emergency response plan are discussed; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity; providing an effective date.

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

Section 1. Section 1004.0962, Florida Statutes, is created to read:

1004.0962 Campus emergency response of a public postsecondary educational institution; public records exemption; public meetings exemption.-

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

(a) "Campus emergency response" means a public postsecondary educational institution's response to an act of terrorism, as defined in s. 775.30, or other public safety crisis or emergency.

(b) "Campus emergency response plan" means a plan

Page 1 of 4

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583-02711-17

20171224c1

addressing a campus emergency response which includes information relating to:

1. Records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof;

2. Threat assessments conducted by any agency or private entity;

3. Threat response plans;

4. Emergency evacuation plans;

5. Sheltering arrangements;

6. Manuals for security personnel, emergency equipment, or security training;

7. Security systems or plans;

8. Vulnerability analyses;

9. Postdisaster activities, including provisions for emergency power, communications, food, and water;

10. Postdisaster transportation;

11. Supplies, including drug caches;

12. Staffing;

13. Emergency equipment; or

14. Individual identification of students, faculty, and staff; the transfer of records; and methods of responding to family inquiries.

(c) "Custodial agency" includes:

1. A public postsecondary institution;

2. A state or local law enforcement agency;

3. A county or municipal emergency management agency;

4. The Executive Office of the Governor;

5. The Department of Education;

Page 2 of 4

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59 6. The Board of Governors of the State University system;
60 and

61 7. The Division of Emergency Management.

62 (2) Any portion of a campus emergency response plan
63 addressing the items described in subparagraphs (1)(b)1.-14.
64 held by a custodial agency is exempt from s. 119.07(1) and s.
65 24(a), Art. I of the State Constitution.

66 (3) The public records exemption provided by this section
67 is remedial in nature, and it is the intent of the Legislature
68 that the exemption apply to portions of campus emergency
69 response plans addressing the items described in subparagraphs
70 (1)(b)1.-14. held by a custodial agency before, on, or after the
71 effective date of this section.

72 (4) Information made exempt by this section may be
73 disclosed:

74 (a) To another governmental entity if disclosure is
75 necessary for the receiving entity to perform its duties and
76 responsibilities; or

77 (b) Upon showing of good cause before a court of competent
78 jurisdiction.

79 (5) Any portion of a public meeting which would reveal
80 information related to a campus emergency response plan is
81 exempt from s. 286.011 and s. 24(b), Art. I of the State
82 Constitution.

83 (6) This section is subject to the Open Government Sunset
84 Review Act in accordance with s. 119.15 and shall stand repealed
85 on October 2, 2022, unless reviewed and saved from repeal
86 through reenactment by the Legislature.

87 Section 2. The Legislature finds that it is a public

583-02711-17

20171224c1

88 necessity that those portions of a campus emergency response
89 plan of a public postsecondary educational institution held by a
90 custodial agency be exempt from s. 119.07(1), Florida Statutes,
91 and s. 24(a), Article I of the State Constitution. The
92 Legislature also finds that it is a public necessity that any
93 portion of a public meeting which would reveal information
94 related to a campus emergency response plan be made exempt from
95 s. 286.011, Florida Statutes, and s. 24(b), Article I of the
96 State Constitution. A campus emergency response affects the
97 health and safety of the students, faculty, staff, and the
98 public at large. If campus emergency response plans were made
99 publicly available for inspection or copying, they could be used
100 to hamper or disable a campus emergency response. If a campus
101 emergency response were hampered or disabled, an increase in the
102 number of Floridians subjected to fatal injury would occur.
103 There is ample existing evidence of the capabilities of
104 terrorists and other criminals to plot, plan, and coordinate
105 complicated acts of terror and violence on university and
106 college campuses all over the country. The aftermath of these
107 events has also shown the importance of viable campus emergency
108 response plans by which public postsecondary educational
109 institutions can respond to terrorist attacks and other public
110 safety crises or emergencies.

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

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Education
ITEM: CS/SB 1224
FINAL ACTION: Favorable
MEETING DATE: Monday, April 3, 2017
TIME: 1:30—3:30 p.m.
PLACE: 412 Knott Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1276

INTRODUCER: Senator Stargel

SUBJECT: Postsecondary Educational Institution Affordability

DATE: March 31, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Androff	Graf	ED	Favorable
2.			AHE	
3.			AP	
4.			RC	

I. Summary:

SB 1276 prohibits Florida College System institution boards of trustees and State University System institution boards of trustees from increasing statutorily authorized student fees. The bill also:

- Requires each state university to waive a portion of certain graduate students' fees.
- Eliminates the authority of the Board of Governors to consider and approve a state university's proposal to establish a new fee or increase the current cap for an existing fee, and deletes a related reporting requirement.
- Requires the Chancellor of the Florida College System and the Chancellor of the State University System to report, annually by November 1, to the Governor and the Legislature about the revenue generated by the distance learning fee and the use of such fee.

The bill takes effect July 1, 2017.

II. Present Situation:

Florida law authorizes postsecondary education institutions to charge tuition¹ and specified fees unless as otherwise provided.²

Florida College System Institution Student Fees

In addition to tuition per credit hour, Florida law authorizes each Florida College System (FCS) institution board of trustees to assess the following fees:

¹ Tuition means the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state. A charge for any other purpose is not included in this fee. Section 1009.01(1), F.S.

² Sections 1009.23(2) and 1009.24(2), F.S.

- A differential out-of-state fee for nonresident students.³
- An activity and service fee paid into a student activity and service fund expended for lawful purposes to benefit the student body in general.⁴
- A financial aid fee that shall be placed into the loan and endowment fund or scholarship fund of the college and disbursed to students as quickly as possible.⁵
- A technology fee, the revenues generated from which shall be used to enhance instructional technology resources for students and faculty.⁶
- A separate fee for capital improvements, technology enhancements, equipping student buildings, or the acquisition of improved real property.⁷
- A service charge for the payment of tuition and fees in installments and a convenience fee for the processing of automated or online credit card payments.⁸
- A distance learning course user fee to each student enrolled in a course listed in the distance learning catalog. A distance learning course is a course in which at least 80 percent of the direct course instruction is delivered by technology when the student and instructor are separated by time, space, or both.⁹
- A transient student fee for processing the transient student admissions application.¹⁰
- The following miscellaneous user fees and fines: laboratory fees; parking fees and fines; library fees and fines; fees and fines related to facilities and equipment use or damage; access or identification card fees; duplicating, photocopying, binding or microfilming fees; standardized testing fees; diploma replacement fees; transcript fees; application fees; graduation fees; and late fees related to student registration and payment.¹¹

Florida law also specifically permits the Board of Trustees of Santa Fe College to establish a transportation access fee.¹² The revenue from this fee can only be used to provide or improve access for students enrolled at the college.¹³

State University Student Fees

Florida law provides that all students enrolled in college credit programs at state universities will be charged fees, except students that are exempt or those whose fees are waived.¹⁴ The law specifically allows a state university to assess the following fees:

- A differential out-of-state fee, in accordance with regulations established by the Board of Governors for certain students specified in law.¹⁵
- A financial aid fee that cannot exceed 5 percent of the tuition and out-of-state fee.¹⁶

³ Section 1009.23(6)(b), F.S.

⁴ *Id.* at (7).

⁵ Section 1009.23(8)(a) and (b), F.S.

⁶ *Id.* at (10).

⁷ *Id.* at (11)(a).

⁸ *Id.* at (15).

⁹ *Id.* at (16).

¹⁰ *Id.* at (17).

¹¹ *Id.* at (12)(a).

¹² Sections 1009.23(18) and 1009.22(12)(a), F.S.

¹³ *Id.*

¹⁴ Section 1009.24(1) and (2), F.S.

¹⁵ *Id.* at (5).

¹⁶ *Id.* at (7).

- A Capital Improvement Trust Fund fee that is established in law. Each university board of trustees is allowed to increase this fee if it follows specified procedures.¹⁷
- Separate student activity and service, health and athletic fees that will be collected as part of tuition and fees and retained by the university and paid into the separate activity and service, health and athletic funds.¹⁸ The law provides that that the sum of the activity and service, health, and athletic fees a student is required to pay to register for a course may not exceed 40 percent of the tuition established in law or by the Legislature in the General Appropriations Act.¹⁹
- A student activity and service fee.²⁰
- A student health fee.²¹
- A separate athletic fee.²²
- A technology fee of up to 5 percent of the tuition per credit hour, the revenue of which is used to enhance instructional technology resources for students and faculty.²³
- A tuition differential for undergraduate courses.²⁴
- A distance learning course fee.²⁵
- The following additional miscellaneous fees: a nonrefundable application fee; an orientation fee; a fee for security, access or identification cards; registration fees for audit and zero-hours registration; a service charge for installment payment of tuition and fees; a late registration fee; a late-payment fee; fees for transcript and diploma replacements; a nonrefundable admissions deposit for undergraduate, graduate, and professional degree programs; a fee for miscellaneous health-related charges for services provided at cost by the university health center that are not covered by the health fee; materials and supplies fees to offset the cost of materials or supplies that are consumed during the student's instructional activities; housing rental rates and miscellaneous housing charges; a charge for the reasonable cost of efforts to collect overdue payments; a service charge on university loans in lieu of interest and administrative handling charges; certain fees for off-campus course offerings; fees for duplicating, photocopying, binding, microfilming, copyright services, and standardized tests; fees and fines related to the use, late return and loss and damage of facilities and equipment; a returned check-fee; traffic and parking fines, charges for parking decals, and transportation access fees; an educational research center for child development fee for child care and services offered by the center; a transient student fee.²⁶

The law also authorizes the Board of Governors to approve a proposal from a university board of trustees to establish a new fee that is not specifically provided for in law or to increase an

¹⁷ Section 1009.24(8), F.S.

¹⁸ *Id.* (9).

¹⁹ *Id.* at (4)(d).

²⁰ *Id.* at (10)(a).

²¹ *Id.* at (11).

²² Section 1009.24(12), F.S.

²³ *Id.* at (13).

²⁴ *Id.* at (16).

²⁵ *Id.* at (17).

²⁶ *Id.* at (14).

existing fee.²⁷ Florida law permits state universities to waive certain fees and tuition for specified students.²⁸

III. Effect of Proposed Changes:

SB 1276 prohibits Florida College System (FCS) institution boards of trustees and State University System institution boards of trustees from increasing statutorily authorized student fees. The bill also:

- Requires each state university to waive a portion of certain graduate students' fees.
- Eliminates the authority of the Board of Governors to consider and approve a state university's proposal to establish a new fee or increase the current cap for an existing fee, and deletes a related reporting requirement.
- Requires the Chancellor of the Florida College System and the Chancellor of the State University System to report, annually by November 1, to the Governor and the Legislature about the revenue generated by the distance learning fee and the use of such fee.

Florida College System Institution Student Fees

Specifically, the bill prohibits each FCS institution boards of trustees from increasing the following:

- Differential out-of-state fees.
- Separate activity and service fees.
- Separate financial aid fees.
- Separate technology fees.
- Separate capital improvement fees.
- Additional user fees and fines including laboratory fees; parking fees and fines; library fees and fines; fees and fines relating to facilities and equipment use or damage; access or identification card fees; duplicating, photocopying, bidding, or microfilming fees; standardized testing fees; diploma replacement fees; transcript fees; application fees; graduation fees; and late fees related to registration and payment.
- The service charge for paying tuition and fees in instalments and a convenience fee for the processing of online or automated credit card payments.
- The distance learning course user fees.
- The transient student fees.

Moreover, the bill specifically prohibits the Board of Trustees of Santa Fe College from increasing its transportation access fee.

The prohibition on increasing certain student fees may result in cost savings for the students enrolled in FCS institutions and lower revenues for the institutions.

State University Student Fees

The bill prohibits the board of trustees of each state university from increasing the following:

²⁷ Section 1009.24(15)(a)1-2., F.S.

²⁸ Section 1009.26, F.S.

- The athletic fees.
- The financial aid fees.
- The Capital Improvement Trust Fund fees.
- Any separate student activity and service, health, and athletic fees.
- Student activity and service fees.
- Any additional student health fees.
- Any separate athletic fees.
- The technology fees.
- Additional user fees including a nonrefundable application fee; an orientation fee; a fee for security, access or identification cards; registration fees for audit and zero hours registration; a service charge for installment payments of tuition and fees; a late registration fee; a late-payment fee; a fee for transcript or diploma replacement; a nonrefundable admissions deposit for undergraduate, graduate, and professional degree programs; miscellaneous health-related charges for services provided at cost by the university health center that are not covered in the health fee; materials and supplies fees to offset the costs of materials or supplies that are consumed by the student's instructional activities; housing rental rates and miscellaneous housing charges; a charge for the reasonable cost of efforts to collect overdue payments; a service charge on university loans in lieu of interest and administrative handling charges; certain fees for off-campus course offerings; fees for duplicating, photocopying, binding, microfilming, copyright services, and standardized tests; fees and fines related to the use, late return and loss and damage of facilities and equipment; a returned check-fee; traffic and parking fines, charges for parking decals, and transportation access fees; an educational research center for child development fee for child care and services offered by the center; a transient student fee.

The prohibition on increasing certain student fees may result in cost savings for students enrolled in the state institutions and lower revenues for such universities.

The bill also repeals the authority of the Board of Governors to approve a proposal from a university board of trustees to establish a new student fee that is not specifically authorized in law or a proposal to increase the current cap for an existing fee established in law. The bill deletes the requirement that the Board of Governors annually submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report specifying information about newly proposed and established fees. By deleting this approval authority, the Board of Governors will not be able to consider proposals from any university board of trustees to establish any new or raise the cap on any existing student fees.

Fee Waivers

The bill also requires each state university to waive 25 percent of the fees specified in law for a graduate student who has a 0.25, or greater, full-time equivalent appointment as a graduate assistant, graduate research assistant, graduate teaching assistant, graduate research associate, or graduate teaching associate. The required fee waiver may decrease the student fee that certain graduate students are required to pay and may incentivize additional graduate students to seek appointments for which the 25 percent of fees are waived.

Distance Learning Course User Fee

In addition to prohibiting FCS institutions and state universities from increasing the distance learning course user fee, the bill requires the Chancellor of the FCS system and the Chancellor of the State University System to each submit a report on the distance learning fee. The report must present the total the amount of revenue generated by the distance learning course user fee for the prior fiscal year and how the revenue was expended, systemwide and for each institution, and be provided to the Governor, the President of the Senate and the Speaker of the House of Representatives by November 1 of each year. The prohibition on increased distance learning course user fees may result in less revenue for FCS institutions and state universities. The reporting requirement may increase awareness about the use of such fees.

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:

SB 1276 may result in cost savings for students enrolled in a workforce education program, a Florida College System institution, or a state university.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1009.22, 1009.23, 1009.24 and 1009.26.

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

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

None.

B. Amendments:

None.

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/3/17

Meeting Date

SB 1226

Bill Number (if applicable)

Topic Education Committee mtg

Amendment Barcode (if applicable)

Name Brendan Scherer

Job Title Teaching Assistant

Address 3355 Cypress Cove Ct

Phone 920 268 8041

Street

Tallahassee

FL

32310

City

State

Zip

Email brendan.scherer2452@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/3/17

Meeting Date

1276

Bill Number (if applicable)

Topic Postsecondary Educational Affordability

Amendment Barcode (if applicable)

Name Marshall Criser

Job Title Chancellor

Address 325 W. Guines St.

Phone 850-245-0466

Street

Tallahassee

FL

32399

City

State

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing State University System 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)

4-3-17

Meeting Date

1276

Bill Number (if applicable)

Topic Graduate Assistant Fee Waivers

Amendment Barcode (if applicable)

Name Matt Dauphin

Job Title President, Graduate Assistants United

Address 1647 Kay Ave Apt D

Phone 850-240-2320

Street

Tallahassee

FL

32301

City

State

Zip

Email mattdauphin@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Graduate Assistants United Bargaining Council, UFF

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)

03/03/17

Meeting Date

1276

Bill Number (if applicable)

Topic Graduate assistant Fee waivers

Amendment Barcode (if applicable)

Name Chris Segal

Job Title Graduate Research Assistant

Address 1911 Fannie Dr.

Street

Phone _____

Tallahassee

City

FL

State

32303

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

April 3, 2017

Meeting Date

SB 1276

Bill Number (if applicable)

Topic College Affordability

Amendment Barcode (if applicable)

Name Cody Vildostegui

Job Title Policy Chief

Address 400 South Monroe Street R. 1603

Phone 850-717-9507

Street

Tallahassee

Florida

32399

Email cody.vildostegui@laspbs.state.fl.us

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Governor's Office

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

April 3, 2017

Meeting Date

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

SB 1276

*Bill Number (if applicable)*Topic College Affordability*Amendment Barcode (if applicable)*Name Brandi GunderJob Title Deputy Policy CoordinatorAddress 400 South Monroe Street R. 1603Phone 850-717-9507*Street*TallahasseeFlorida32399*City**State**Zip*Email brandi.gunder@laspbs.state.fl.usSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)Representing Governor's OfficeAppearing 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)

THE FLORIDA SENATE
APPEARANCE RECORD

4/3/2017

Meeting Date

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

1276

Bill Number (if applicable)

Topic SB 1276

Amendment Barcode (if applicable)

Name Madeline Pumariega

Job Title Chancellor of Florida College System

Address 325 W. Gaines St Suite 1548

Phone 850-245-0407

Street

Tallahassee

FL

32399

City

State

Zip

Email ChancellorFCS@fldoe.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida College System

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 Stargel

22-00752A-17

20171276__

A bill to be entitled

An act relating to postsecondary educational institution affordability; amending s. 1009.22, F.S.; prohibiting the Board of Trustees of Santa Fe College from increasing its transportation access fee; amending s. 1009.23, F.S.; providing that Florida College System institution boards of trustees may not increase certain student fees after a specified date; requiring the Chancellor of the Florida College System to submit a report detailing the revenue generated by the distance learning course user fee to the Governor and the Legislature by a specified date; amending s. 1009.24, F.S.; providing that state universities may not increase certain student fees after a specified date; deleting obsolete language; removing a provision authorizing the Board of Governors to establish new student fees; requiring a university board of trustees to report the amount of revenue generated by the distance learning course fee to the Chancellor of the State University System by a specified date; requiring the chancellor to report to the Governor and the Legislature by a specified date; amending s. 1009.26, F.S.; requiring a state university to waive certain fees for specified graduate students; providing an effective date.

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

Section 1. Paragraph (a) of subsection (12) of section

Page 1 of 23

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

22-00752A-17

20171276__

1009.22, Florida Statutes, is amended to read:

1009.22 Workforce education postsecondary student fees.—

(12) (a) The Board of Trustees of Santa Fe College may establish a transportation access fee. Revenue from the fee may be used only to provide or improve access to transportation services for students enrolled at Santa Fe College. The fee may not exceed \$6 per credit hour. Effective July 1, 2017, the Board of Trustees of Santa Fe College may not ~~an~~ increase ~~in~~ the transportation access fee ~~may occur only once each fiscal year and must be implemented beginning with the fall term.~~ A referendum must be held by the student government to approve the application of the fee.

Section 2. Upon the expiration and reversion of the amendment to section 1009.23, Florida Statutes, pursuant to section 36 of chapter 2016-62, Laws of Florida, subsection (4), paragraph (b) of subsection (6), subsection (7), paragraph (a) of subsection (8), subsection (10), paragraph (a) of subsection (11), paragraph (a) of subsection (12), subsection (15), paragraph (b) of subsection (16), subsection (17), and paragraph (a) of subsection (18) of section 1009.23, Florida Statutes, are amended to read:

1009.23 Florida College System institution student fees.—

(4) Each Florida College System institution board of trustees shall establish tuition and out-of-state fees; however, such tuition and fees, which may not exceed the amounts established and effective as of June 30, 2017 vary no more than ~~10 percent below and 15 percent above the combined total of the standard tuition and fees established in subsection (3).~~

(6)

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

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(b) A Florida College System institution board of trustees may establish a differential out-of-state fee for a student who has been determined to be a nonresident for tuition purposes pursuant to s. 1009.21 and is enrolled in a distance learning course offered by the institution. Effective July 1, 2017, a Florida College System institution board of trustees may not increase the differential out-of-state fee. A differential out-of-state fee established pursuant to this paragraph applies ~~shall be applicable~~ only to distance learning courses and must be established such that the sum of tuition and the differential out-of-state fee is sufficient to defray the full cost of instruction.

(7) Each Florida College System institution board of trustees may establish a separate activity and service fee not to exceed 10 percent of the tuition fee, according to rules of the State Board of Education. Effective July 1, 2017, a Florida College System institution board of trustees may not increase the activity and service fee. The student activity and service fee shall be collected as a component part of the tuition and fees. The student activity and service fees shall be paid into a student activity and service fund at the Florida College System institution and shall be expended for lawful purposes to benefit the student body in general. These purposes include, but are not limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the Florida College System institution without regard to race, sex, or religion. A No Florida College System institution may not ~~shall~~ be required to lower any activity and service fee approved by the board of trustees of the Florida

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College System institution and in effect prior to October 26, 2007, in order to comply with ~~the provisions of~~ this subsection.

(8) (a) Each Florida College System institution board of trustees is authorized to establish a separate fee for financial aid purposes in an additional amount up to, but not to exceed, 5 percent of the total student tuition or out-of-state fees collected. Each Florida College System institution board of trustees may collect up to an additional 2 percent if the amount generated by the total financial aid fee is less than \$500,000. If the amount generated is less than \$500,000, a Florida College System institution that charges tuition and out-of-state fees at least equal to the average fees established by rule may transfer from the general current fund to the scholarship fund an amount equal to the difference between \$500,000 and the amount generated by the total financial aid fee assessment. No other transfer from the general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized. Effective July 1, 2017, a Florida College System institution board of trustees may not increase the financial aid fee.

(10) Each Florida College System institution board of trustees is authorized to establish a separate fee for technology, which may not exceed 5 percent of tuition per credit hour or credit-hour equivalent for resident students and may not exceed 5 percent of tuition and the out-of-state fee per credit hour or credit-hour equivalent for nonresident students. Effective July 1, 2017, a Florida College System institution board of trustees may not increase the technology fee. Revenues generated from the technology fee shall be used to enhance instructional technology resources for students and faculty. The

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technology fee may apply to both college credit and developmental education and shall not be included in any award under the Florida Bright Futures Scholarship Program. Fifty percent of technology fee revenues may be pledged by a Florida College System institution board of trustees as a dedicated revenue source for the repayment of debt, including lease-purchase agreements, not to exceed the useful life of the asset being financed. Revenues generated from the technology fee may not be bonded.

(11)(a) Each Florida College System institution board of trustees may establish a separate fee for capital improvements, technology enhancements, equipping student buildings, or the acquisition of improved real property which may not exceed 20 percent of tuition for resident students or 20 percent of the sum of tuition and out-of-state fees for nonresident students. Effective July 1, 2017, a Florida College System institution board of trustees may not increase the capital improvement ~~The fee for resident students shall be limited to an increase of \$2 per credit hour over the prior year.~~ Funds collected by Florida College System institutions through the fee may be bonded only as provided in this subsection for the purpose of financing or refinancing new construction and equipment, renovation, remodeling of educational facilities, or the acquisition and renovation or remodeling of improved real property for use as educational facilities. The fee shall be collected as a component part of the tuition and fees, paid into a separate account, and expended only to acquire improved real property or construct and equip, maintain, improve, or enhance the educational facilities of the Florida College System

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institution. Projects and acquisitions of improved real property funded through the use of the capital improvement fee shall meet the survey and construction requirements of chapter 1013. Pursuant to s. 216.0158, each Florida College System institution shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee.

(12)(a) In addition to tuition, out-of-state, financial aid, capital improvement, student activity and service, and technology fees authorized in this section, each Florida College System institution board of trustees is authorized to establish fee schedules for the following user fees and fines: laboratory fees, which do not apply to a distance learning course; parking fees and fines; library fees and fines; fees and fines relating to facilities and equipment use or damage; access or identification card fees; duplicating, photocopying, binding, or microfilming fees; standardized testing fees; diploma replacement fees; transcript fees; application fees; graduation fees; and late fees related to registration and payment. Such user fees and fines shall not exceed the cost of the services provided and shall only be charged to persons receiving the service. A Florida College System institution may not charge any fee except as authorized by law. Parking fee revenues may be pledged by a Florida College System institution board of trustees as a dedicated revenue source for the repayment of debt, including lease-purchase agreements, with an overall term of not more than 7 years, including renewals, extensions, and refundings, and revenue bonds with a term not exceeding 20 years and not exceeding the useful life of the asset being financed. Florida College System institutions shall use the services of

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the Division of Bond Finance of the State Board of Administration to issue any revenue bonds authorized by this subsection. Any such bonds issued by the Division of Bond Finance shall be in compliance with the provisions of the State Bond Act. Bonds issued pursuant to the State Bond Act may be validated in the manner established in chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending. Effective July 1, 2017, a Florida College System institution board of trustees may not increase any fee authorized in this paragraph.

(15) Each Florida College System institution may assess a service charge for the payment of tuition and fees in installments and a convenience fee for the processing of automated or online credit card payments. However, the amount of the convenience fee may not exceed the total cost charged by the credit card company to the Florida College System institution. Such service charge or convenience fee must be approved by the Florida College System institution board of trustees. Effective July 1, 2017, a Florida College System institution board of trustees may not increase the service charge.

(16)

(b) The amount of the distance learning course user fee may not exceed the additional costs of the services provided which are attributable to the development and delivery of the distance

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learning course. If a Florida College System institution assesses the distance learning course user fee, the institution may not assess any other fees to cover the additional costs. Effective July 1, 2017, a Florida College System institution may not increase the distance learning course user fee in excess of the amount established and effective as of June 30, 2017. By September 1 of each year, each board of trustees shall report to the Division of Florida Colleges the total amount of revenue generated by the distance learning course user fee for the prior fiscal year and how the revenue was expended. By November 1 of each year, the Chancellor of the Florida College System shall submit a report totaling the amount of revenue generated by the distance learning course user fee for the prior fiscal year and how the revenue was expended, systemwide and for each institution, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(17) Each Florida College System institution that accepts transient students, pursuant to s. 1006.735, may establish a transient student fee not to exceed \$5 per course for processing the transient student admissions application. Effective July 1, 2017, a Florida College System institution board of trustees may not increase the transient student fee.

(18) (a) The Board of Trustees of Santa Fe College may establish a transportation access fee. Revenue from the fee may be used only to provide or improve access to transportation services for students enrolled at Santa Fe College. The fee may not exceed \$6 per credit hour. Effective July 1, 2017, the Board of Trustees of Santa Fe College may not ~~an~~ increase ~~in~~ the transportation access fee ~~may occur only once each fiscal year~~

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and must be implemented beginning with the fall term. A referendum must be held by the student government to approve the application of the fee.

Section 3. Upon the expiration and reversion of the amendment to section 1009.24, Florida Statutes, pursuant to section 36 of chapter 2016-62, Laws of Florida, paragraph (d) of subsection (4), subsections (7) through (15), and paragraph (b) of subsection (17) of section 1009.24, Florida Statutes, are amended to read:

1009.24 State university student fees.—

(4)

(d) The sum of the activity and service, health, and athletic fees a student is required to pay to register for a course may not exceed 40 percent of the tuition established in law or in the General Appropriations Act. A ~~No~~ university may ~~not shall~~ be required to lower any fee in effect on the effective date of this act in order to comply with this subsection. Within the 40 percent cap, universities may not increase the aggregate sum of activity and service, health, and athletic fees more than 5 percent per year unless specifically authorized in law or in the General Appropriations Act. Effective July 1, 2017, a university may not increase its athletic fee ~~to defray the costs associated with changing National Collegiate Athletic Association divisions. Any such increase in the athletic fee may exceed both the 40 percent cap and the 5 percent cap imposed by this subsection. Any such increase must be approved by the athletic fee committee in the process outlined in subsection (12) and may not exceed \$2 per credit hour. Notwithstanding ss. 1009.534, 1009.535, and~~

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~~1009.536, that portion of any increase in an athletic fee pursuant to this subsection which causes the sum of the activity and service, health, and athletic fees to exceed the 40 percent cap or the annual increase in such fees to exceed the 5 percent cap may not be included in calculating the amount a student receives for a Florida Academic Scholars award, a Florida Medallion Scholars award, or a Florida Gold Seal Vocational Scholars award. Notwithstanding this paragraph and subject to approval by the board of trustees, each state university may exceed the 5 percent cap on the annual increase to the aggregate sum of activity and service, health, and athletic fees for the 2010-2011 fiscal year. Any such increase may not exceed 15 percent or the amount required to reach the 2009-2010 fiscal year statewide average for the aggregate sum of activity and service, health, and athletic fees at the main campuses, whichever is greater. The aggregate sum of the activity and service, health, and athletic fees may not exceed 40 percent of tuition. Any increase in the activity and service fee, health fee, or athletic fee must be approved by the appropriate fee committee pursuant to subsection (10), subsection (11), or subsection (12).~~

(7) A university board of trustees is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the tuition and out-of-state fee. Effective July 1, 2017, a university board of trustees may not increase the financial aid fee. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. A minimum of 75 percent of funds from the student financial aid fee shall be

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used to provide financial aid based on absolute need. The Board of Governors shall develop criteria for making financial aid awards. Each university shall report annually to the Board of Governors and the Department of Education on the revenue collected pursuant to this subsection, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards that ~~which~~ are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the Board of Governors. An award for academic merit requires ~~shall require~~ a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(8)(a) The Capital Improvement Trust Fund fee is established as \$4.76 per credit hour per semester.

~~(b) Beginning with the 2012 fall term, each university board of trustees may increase the Capital Improvement Trust Fund fee. Any increase in the fee must be recommended by a Capital Improvement Trust Fund committee, at least half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chair, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after~~

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~~consultation with the student body president, with final approval by the university board of trustees. An increase in the fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Governors shall adopt regulations and timetables to implement the fee.~~

~~(e) The fee may not exceed 10 percent of the tuition for resident students or 10 percent of the sum of tuition and out-of-state fees for nonresident students. The fee for resident students shall be limited to an increase of \$2 per credit hour over the prior year. The Capital Improvement Trust Fund fee may be used to fund any project or real property acquisition that meets the requirements of chapter 1013. The Division of Bond Finance of the State Board of Administration shall analyze any proposed reductions to the Capital Improvement Trust Fund fee to ensure consistency with prudent financial management of the bond program associated with the revenues from the fee. Effective July 1, 2017, a university board of trustees may not increase the Capital Improvement Trust Fund fee. ~~The Board of Governors shall approve any proposed fee reductions provided that no such reduction reduces the fee below the level established in paragraph (a).~~~~

(9) Each university board of trustees is authorized to establish separate activity and service, health, and athletic fees. Effective July 1, 2017, a university board of trustees may not increase these fees. When duly established, the fees shall be collected as component parts of tuition and fees and shall be retained by the university and paid into the separate activity and service, health, and athletic funds. Notwithstanding any other provision of law to the contrary, a university may

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transfer revenues derived from the fees authorized pursuant to this subsection to a university direct-support organization of the university to be used only for the purpose of paying and securing debt on projects approved pursuant to s. 1010.62 and pursuant to a written agreement approved by the Board of Governors. The amount transferred may not exceed the amount authorized for annual debt service pursuant to s. 1010.62.

(10)(a) Each university board of trustees shall establish a student activity and service fee on the main campus of the university. The university board may also establish a student activity and service fee on any branch campus or center. Effective July 1, 2017, a university board of trustees may not increase these student activity and service fees. Any subsequent increase in the activity and service fee must be recommended by an activity and service fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the university board of trustees. An increase in the activity and service fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Governors is responsible for adopting the regulations and timetables necessary to implement these fees ~~this fee~~.

(b) The student activity and service fees shall be expended for lawful purposes to benefit the student body in general. This

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shall include, but shall not be limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the university without regard to race, sex, or religion. The fund may not benefit activities for which an admission fee is charged to students, except for student-government-association-sponsored concerts. The allocation and expenditure of the fund shall be determined by the student government association of the university, except that the president of the university may veto any line item or portion thereof within the budget when submitted by the student government association legislative body. The university president shall have 15 school days from the date of presentation of the budget to act on the allocation and expenditure recommendations, which shall be deemed approved if no action is taken within the 15 school days. If any line item or portion thereof within the budget is vetoed, the student government association legislative body shall within 15 school days make new budget recommendations for expenditure of the vetoed portion of the fund. If the university president vetoes any line item or portion thereof within the new budget revisions, the university president may reallocate by line item that vetoed portion to bond obligations guaranteed by activity and service fees. Unexpended funds and undisbursed funds remaining at the end of a fiscal year shall be carried over and remain in the student activity and service fund and be available for allocation and expenditure during the next fiscal year.

(11) Each university board of trustees shall establish a student health fee on the main campus of the university. The university board of trustees may also establish a student health

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407 fee on any branch campus or center. Effective July 1, 2017, a
 408 university board of trustees may not Any subsequent increase
 409 these in the health fees fee must be recommended by a health
 410 committee, at least one-half of whom are students appointed by
 411 the student body president. The remainder of the committee shall
 412 be appointed by the university president. A chairperson,
 413 appointed jointly by the university president and the student
 414 body president, shall vote only in the case of a tie. The
 415 recommendations of the committee shall take effect only after
 416 approval by the university president, after consultation with
 417 the student body president, with final approval by the
 418 university board of trustees. An increase in the health fee may
 419 occur only once each fiscal year and must be implemented
 420 beginning with the fall term. The Board of Governors shall adopt
 421 is responsible for adopting the regulations and timetables
 422 necessary to implement these fees this fee.

423 (12) Each university board of trustees shall establish a
 424 separate athletic fee on the main campus of the university. The
 425 university board may also establish a separate athletic fee on
 426 any branch campus or center. Effective July 1, 2017, a
 427 university board of trustees may not Any subsequent increase
 428 these in the athletic fees fee must be recommended by an
 429 athletic fee committee, at least one-half of whom are students
 430 appointed by the student body president. The remainder of the
 431 committee shall be appointed by the university president. A
 432 chairperson, appointed jointly by the university president and
 433 the student body president, shall vote only in the case of a
 434 tie. The recommendations of the committee shall take effect only
 435 after approval by the university president, after consultation

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436 ~~with the student body president, with final approval by the~~
 437 ~~university board of trustees. An increase in the athletic fee~~
 438 ~~may occur only once each fiscal year and must be implemented~~
 439 ~~beginning with the fall term. The Board of Governors is~~
 440 ~~responsible for adopting the regulations and timetables~~
 441 ~~necessary to implement these fees this fee.~~

442 (13) Each university board of trustees may establish a
 443 technology fee of up to 5 percent of the tuition per credit
 444 hour. Effective July 1, 2017, a university board of trustees may
 445 not increase the technology fee. The revenue from this fee must
 446 shall be used to enhance instructional technology resources for
 447 students and faculty. The technology fee may not be included in
 448 any award under the Florida Bright Futures Scholarship Program
 449 established pursuant to ss. 1009.53-1009.538.

450 (14) Except as otherwise provided in subsection (15), each
 451 university board of trustees is authorized to establish the
 452 following fees:

453 (a) A nonrefundable application fee in an amount not to
 454 exceed \$30.

455 (b) An orientation fee in an amount not to exceed \$35.

456 (c) A fee for security, access, or identification cards.
 457 The annual fee for such a card may not exceed \$10 per card. The
 458 maximum amount charged for a replacement card may not exceed
 459 \$15.

460 (d) Registration fees for audit and zero-hours
 461 registration; a service charge, which may not exceed \$15, for
 462 the payment of tuition and fees in installments; and a late-
 463 registration fee in an amount not less than \$50 nor more than
 464 \$100 to be imposed on students who fail to initiate registration

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during the regular registration period.

(e) A late-payment fee in an amount not less than \$50 nor more than \$100 to be imposed on students who fail to pay or fail to make appropriate arrangements to pay (by means of installment payment, deferment, or third-party billing) tuition by the deadline set by each university. Each university may adopt specific procedures or policies for waiving the late-payment fee for minor underpayments.

(f) Fees for transcripts and diploma replacement, not to exceed \$10 per item.

(g) A nonrefundable admissions deposit for undergraduate, graduate, and professional degree programs in an amount not to exceed \$200. The admissions deposit shall be imposed at the time of an applicant's acceptance to the university and shall be applied toward tuition upon enrollment. If the applicant does not enroll in the university, the admissions deposit shall be deposited in an auxiliary account of the university and used to expand financial assistance, scholarships, and student academic and career counseling services at the university. The Board of Governors shall adopt a policy that provides for the waiver of such admissions deposit on the basis of financial hardship.

(h) A fee for miscellaneous health-related charges for services provided at cost by the university health center which are not covered by the health fee set under subsection (11).

(i) Materials and supplies fees to offset the cost of materials or supplies that are consumed in the course of the student's instructional activities, excluding the cost of equipment replacement, repairs, and maintenance.

(j) Housing rental rates and miscellaneous housing charges

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for services provided by the university at the request of the student.

(k) A charge representing the reasonable cost of efforts to collect payment of overdue accounts.

(l) A service charge on university loans in lieu of interest and administrative handling charges.

(m) A fee for off-campus course offerings when the location results in specific, identifiable increased costs to the university.

(n) Library fees and fines, including charges for damaged and lost library materials, overdue reserve library books, interlibrary loans, and literature searches.

(o) Fees relating to duplicating, photocopying, binding, and microfilming; copyright services; and standardized testing. These fees may be charged only to those who receive the services.

(p) Fees and fines relating to the use, late return, and loss and damage of facilities and equipment.

(q) A returned-check fee as authorized by s. 832.07(1) for unpaid checks returned to the university.

(r) Traffic and parking fines, charges for parking decals, and transportation access fees.

(s) An Educational Research Center for Child Development fee for child care and services offered by the center.

(t) A transient student fee that may not exceed \$5 per course for accepting a transient student and processing the transient student admissions application pursuant to s. 1006.735.

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Effective July 1, 2017, a university board of trustees may not increase the fees established under this subsection With the exception of housing rental rates and except as otherwise provided, fees assessed pursuant to paragraphs (h) - (s) shall be based on reasonable costs of services. The Board of Governors shall adopt regulations and timetables necessary to implement the fees and fines authorized under this subsection. The fees assessed under this subsection may be used for debt only as authorized under s. 1010.62.

(15) (a) The Board of Governors may approve:

1. A proposal from a university board of trustees to establish a new student fee that is not specifically authorized by this section.

2. A proposal from a university board of trustees to increase the current cap for an existing fee authorized pursuant to paragraphs (14) (a) - (g).

3. a proposal from a university board of trustees to implement flexible tuition policies, such as undergraduate or graduate block tuition, block tuition differential, or market tuition rates for graduate-level online courses or graduate-level courses offered through a university's continuing education program. A block tuition policy for resident undergraduate students or undergraduate-level courses shall be based on the per-credit-hour undergraduate tuition established under subsection (4). A block tuition policy for nonresident undergraduate students shall be based on the per-credit-hour undergraduate tuition and out-of-state fee established under subsection (4). Flexible tuition policies, including block tuition, may not increase the state's fiscal liability or

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obligation.

(b) A proposal developed pursuant to paragraph (a) shall be submitted in accordance with guidelines established by the Board of Governors. Approval by the Board of Governors of such proposal must be made in accordance with the provisions of this subsection.

~~(c) In reviewing a proposal to establish a new fee under subparagraph (a)1., the Board of Governors shall consider:~~

1. ~~The purpose to be served or accomplished by the new fee.~~

2. ~~Whether there is a demonstrable student-based need for the new fee that is not currently being met through existing university services, operations, or another fee.~~

3. ~~Whether the financial impact on students is warranted in light of other charges assessed to students for tuition and associated fees.~~

4. ~~Whether any restrictions, limitations, or conditions should be placed on the use of the fee.~~

5. ~~Whether there are outcome measures to indicate if the purpose for which the fee was established is accomplished.~~

~~(d) In reviewing a proposal to increase or exceed the current cap for an existing fee under subparagraph (a)2., the Board of Governors shall consider:~~

1. ~~The services or operations currently being funded by the fee.~~

2. ~~Whether those services or operations can be performed more efficiently to alleviate the need for any increase.~~

3. ~~The additional or enhanced services or operations to be funded by the increase.~~

4. ~~Whether any alternative resources are available to meet~~

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581 ~~the need.~~

582 5. ~~Whether the financial impact on students is warranted in~~
 583 ~~light of other charges assessed to students for tuition and~~
 584 ~~associated fees.~~

585 ~~(c)(e)~~ In reviewing a proposal to implement a flexible
 586 tuition policy under paragraph (a) ~~subparagraph (a)3.~~, the Board
 587 of Governors shall consider:

588 1. Whether the proposed tuition flexibility policy is
 589 aligned with the mission of the university.

590 2. Whether the proposed tuition flexibility policy
 591 increases the state's fiscal liabilities or obligations and, if
 592 so, the proposal shall be denied.

593 3. Whether any restrictions, limitations, or conditions
 594 should be placed on the policy.

595 4. How the proposed tuition flexibility policy will be
 596 implemented to honor the advance payment contracts of students
 597 who are beneficiaries of prepaid tuition contracts under s.
 598 1009.98.

599 ~~(d)(f)~~ The Board of Governors shall submit an annual report
 600 to the President of the Senate, the Speaker of the House of
 601 Representatives, and the Governor summarizing the proposals
 602 received by the board during the preceding year and actions
 603 taken by the board in response to such proposals. ~~The Board of~~
 604 ~~Governors shall also include in the annual report the following~~
 605 ~~information for each fee established pursuant to subparagraph~~
 606 ~~(a)1.+~~

607 1. ~~The amount of the fee.~~

608 2. ~~The total revenues generated by the fee.~~

609 3. ~~Detailed expenditures of the revenues generated by the~~

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610 ~~fee.~~

611 ~~(g) The aggregate sum of any fees established pursuant to~~
 612 ~~subparagraph (a)1. that a student is required to pay to register~~
 613 ~~for a course shall not exceed 10 percent of tuition.~~

614 ~~(h) Any fee established pursuant to subparagraph (a)1.~~
 615 ~~shall not be included in any award under the Florida Bright~~
 616 ~~Futures Scholarship Program established pursuant to ss. 1009.53-~~
 617 ~~1009.538.~~

618 ~~(i) The revenues generated by a fee established pursuant to~~
 619 ~~subparagraph (a)1. may not be transferred to an auxiliary~~
 620 ~~enterprise or a direct support organization and may not be used~~
 621 ~~for the purpose of paying or securing debt.~~

622 ~~(j) If the Board of Governors approves a university~~
 623 ~~proposal to establish a fee pursuant to subparagraph (a)1., a~~
 624 ~~fee committee shall be established at the university to make~~
 625 ~~recommendations to the university president and the university~~
 626 ~~board of trustees regarding how the revenue from the fee is to~~
 627 ~~be spent and any subsequent changes to the fee. At least one-~~
 628 ~~half of the committee must be students appointed by the student~~
 629 ~~body president. The remainder of the committee shall be~~
 630 ~~appointed by the university president. A chair, appointed~~
 631 ~~jointly by the university president and the student body~~
 632 ~~president, shall vote only in the case of a tie.~~

633 ~~(k) An increase to an existing fee or a fee established~~
 634 ~~pursuant to subparagraph (a)1. may occur no more than once each~~
 635 ~~fiscal year and must be implemented beginning with the fall~~
 636 ~~term.~~

637 (17)

638 (b) The amount of the distance learning course fee may not

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639 exceed the additional costs of the services provided which are
640 attributable to the development and delivery of the distance
641 learning course. If the distance learning course fee is assessed
642 by a state university, the institution may not assess
643 duplicative fees to cover the additional costs. Effective July
644 1, 2017, a state university may not increase the distance
645 learning course fee in excess of the amount established and
646 effective as of June 30, 2017. By September 1 of each year, each
647 board of trustees shall report to the Chancellor of the State
648 University System the total amount of revenue generated by the
649 distance learning course fee for the prior fiscal year and how
650 the revenue was expended. By November 1 of each year, the
651 Chancellor of the State University System shall report the total
652 amount of revenue generated by the distance learning course fee
653 for the prior fiscal year and how the revenue was expended,
654 systemwide and for each institution, to the Governor, the
655 President of the Senate, and the Speaker of the House of
656 Representatives.

657 Section 4. Subsection (15) is added to section 1009.26,
658 Florida Statutes, to read:

659 1009.26 Fee waivers.—

660 (15) Each state university shall waive 25 percent of the
661 cost of fees described in ss. 1009.24(7)-(14) and (17) for a
662 graduate student who has a 0.25, or greater, full-time
663 equivalent appointment as a graduate assistant, graduate
664 research assistant, graduate teaching assistant, graduate
665 research associate, or graduate teaching associate.

666 Section 5. This act shall take effect July 1, 2017.

COMMITTEE: Education
ITEM: SB 1276
FINAL ACTION: Favorable
MEETING DATE: Monday, April 3, 2017
TIME: 1:30—3:30 p.m.
PLACE: 412 Knott Building

FINAL VOTE			4/03/2017 ¹ Motion to vote "YEA" after Roll Call					
				Simmons				
Yea	Nay	SENATORS	Yea	Nay	Yea	Nay	Yea	Nay
X		Farmer						
X		Flores						
X		Galvano						
X		Lee						
VA		Simmons						
X		Simpson						
X		Stewart						
X		Thurston						
X		Mayfield, VICE CHAIR						
		Hukill, CHAIR						
9	0		FAV	-				
Yea	Nay	TOTALS	Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1302

INTRODUCER: Senator Gibson

SUBJECT: Private School Student Participation in Extracurricular Activities

DATE: March 31, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Benvenisty	Graf	ED	Favorable
2.			AED	
3.			AP	
4.			RC	

I. Summary:

SB 1302 revises student eligibility requirements for certain private school students to participate in interscholastic or intrascholastic sports. Specifically, the bill requires the Florida High School Athletic Association (FHSAA), in cooperation with each district school board, to allow a student attending a private school that is not a member of the FHSAA to participate in interscholastic or intrascholastic sports at a public school that a student could choose to attend pursuant to controlled open enrollment.

The bill takes effect July 1, 2017.

II. Present Situation:

Each district school board must establish, through its code of conduct, student eligibility standards and related student disciplinary actions regarding student participation in interscholastic and intrascholastic extracurricular activities.¹The code of student conduct must provide that:²

- A student not currently suspended from interscholastic or intrascholastic extracurricular activities, or suspended or expelled from school pursuant to a district school board's suspension or expulsion powers provided in law, is eligible to participate in interscholastic and intrascholastic activities.
A student may not participate in a sport in a sport if the student participated in the same sport at another school during the school year, unless the student meets criteria specified in law.
- A student's eligibility to participate in an interscholastic or intrascholastic activity may not be affected by recruiting allegations until a final determination has been reached.

¹ Section 1006.195(1)(a), F.S.

² Section 1006.195(1), F.S.

While district school boards have the authority and responsibility for student eligibility, the Florida High School Athletics Association (FHSAA) retains jurisdiction over, among other things, membership in the FHSAA and school eligibility.³ The FHSAA bylaws require member schools to comply with all FHSAA bylaws and administrative policies and procedures.⁴ Each member school must, as a condition to membership in FHSAA, annually adopt the bylaws as the rules governing its interscholastic athletic programs.⁵ Such adoption acts as a contract between FHSAA and the member school.⁶ Member schools that violate the bylaws are subject to disciplinary action determined to be appropriate by FHSAA.⁷ To be eligible for participation in interscholastic extracurricular activities under the FHSAA, a high school student⁸ must:⁹

- Maintain a grade point average (GPA) of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester preceding participation or a cumulative GPA of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required for high school graduation.¹⁰
 - Execute and fulfill the requirements of an academic performance contract between the student, the district school board, the appropriate governing association, and the student's parents, if the student's cumulative grade point average falls below 2.0, or its equivalent, on a 4.0 scale in the courses required for high school graduation.¹¹ At a minimum, the contract must require that a student attend summer schools, or its graded equivalent, between grades 9 and 10 or grades 10 and 11 as necessary.
 - Have a cumulative GPA of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required for graduation¹² during his or her junior or senior year.
- Maintain satisfactory conduct, including adherence to appropriate dress and other codes of student conduct policies described in law. The eligibility of a student who is convicted of, or found to have committed, a felony or delinquent act that would have been a felony if committed by an adult is governed by district school board policy.

A student attending a private middle school or high school may participate in interscholastic or intrascholastic sports at a public school that is zoned for the physical address at which the student resides if the private school where the student is enrolled is not a member of the FHSAA and has an enrollment of less than 125 students (non-FHSAA member private school).¹³

³ Section 1006.195(2)(a), F.S. The FHSAA retains jurisdiction over recruiting prohibitions and violations, student medical evaluations, investigations, sanctions for coaches, forfeiture of contests, student concussions or head injuries, the sports medical advisory committee, general operational provisions of the FHSAA. *Id.*

⁴ Bylaws 2.6 (compliance with rules), 3.3.1 (conditions of membership), and 3.5, (obligations of membership). Florida High School Athletic Association, *2016-2017 FHSAA Bylaws*, available at

https://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1617_handbook_bylaws.pdf.

⁵ Bylaw 3.3.1(d). Florida High School Athletic Association, *2016-2017 FHSAA Bylaws*, available at https://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1617_handbook_bylaws.pdf.

⁶ *Sult v. Gilbert*, 148 Fla. 31, 35 (1941).

⁷ *Sult*, 148 Fla. at 35; bylaw 2.6, Florida High School Athletic Association, *2016-2017 FHSAA Bylaws*, available at https://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1617_handbook_bylaws.pdf.

⁸ For purposes of athletics in public K-12 schools, high school includes grade six through 12. Section 1006.20(1), F.S.

⁹ Section 1006.15(3)(a), F.S.

¹⁰ Sections 1002.3105(5) and 1003.4282, F.S.

¹¹ *Id.*

¹² *Id.*

¹³ Section 1006.15(8), F.S. A private school that has a student who wishes to participate in a public school athletic program must make all student records, including, but not limited to, academic, financial, disciplinary, and attendance records, available upon request by the FHSAA; *see also* s. 1006.15(3)(c), (d), and (e), F.S.; bylaw 9.2.2.4, Florida High School

The FHSAA and district school board must adopt guidelines that establish:¹⁴

- 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.
- 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.

III. Effect of Proposed Changes:

SB 1302 revises student eligibility requirements for certain private school students to participate in interscholastic or intrascholastic sports. Specifically, the bill requires the Florida High School Athletic Association (FHSAA), in cooperation with each district school board, to allow a student attending a private school that is not a member of the FHSAA to participate in interscholastic or intrascholastic sports at a public school that a student could choose to attend pursuant to controlled open enrollment. Accordingly, private school students are provided greater choice in where to participate in interscholastic or intrascholastic activities.

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.

Athletic Association, 2016-2017 FHSAA Bylaws, available at

https://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1617_handbook_bylaws.pdf.

¹⁴ Section 1006.15(8), F.S.

C. Government Sector Impact:

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1006.15 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Gibson

6-01135A-17

20171302__

1 A bill to be entitled
 2 An act relating to private school student
 3 participation in extracurricular activities; amending
 4 s. 1006.15, F.S.; revising the eligibility
 5 requirements for certain private school students to
 6 participate in interscholastic or intrascholastic
 7 sports at specified public schools; providing an
 8 effective date.
 9
 10 Be It Enacted by the Legislature of the State of Florida:
 11
 12 Section 1. Paragraph (a) of subsection (8) of section
 13 1006.15, Florida Statutes, is amended to read:
 14 1006.15 Student standards for participation in
 15 interscholastic and intrascholastic extracurricular student
 16 activities; regulation.—
 17 (8) (a) The Florida High School Athletic Association
 18 (FHSAA), in cooperation with each district school board, shall
 19 facilitate a program in which a middle school or high school
 20 student who attends a private school shall be eligible to
 21 participate in an interscholastic or intrascholastic sport at a
 22 public high school, a public middle school, or a 6-12 public
 23 school to which the student would be assigned according to
 24 district school board attendance area policies or which the
 25 student could choose to attend pursuant to s. 1002.31 that is
 26 ~~zoned for the physical address at which the student resides~~ if:
 27 1. The private school in which the student is enrolled is
 28 not a member of the FHSAA.
 29 2. The private school student meets the guidelines for the

Page 1 of 2

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

6-01135A-17

20171302__

30 conduct of the program established by the FHSAA's board of
 31 directors and the district school board. At a minimum, such
 32 guidelines shall provide:
 33 a. A deadline for each sport by which the private school
 34 student's parents must register with the public school in
 35 writing their intent for their child to participate at that
 36 school in the sport.
 37 b. Requirements for a private school student to
 38 participate, including, but not limited to, meeting the same
 39 standards of eligibility, acceptance, behavior, educational
 40 progress, and performance which apply to other students
 41 participating in interscholastic or intrascholastic sports at a
 42 public school or FHSAA member private school.
 43 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 COMMITTEE VOTE RECORD

COMMITTEE: Education
ITEM: SB 1302
FINAL ACTION: Favorable
MEETING DATE: Monday, April 3, 2017
TIME: 1:30—3:30 p.m.
PLACE: 412 Knott Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

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 1314

INTRODUCER: Education Committee and Senator Grimsley

SUBJECT: Educational Options

DATE: April 4, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Androff	Graf	ED	Fav/CS
2.			AED	
3.			AP	
4.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1314 revises the Florida Tax Credit (FTC) Scholarship Program to:

- Require the Florida Department of Revenue to provide Scholarship-Funding Organizations (SFOs) a copy of its letter denying or approving certain transactions.
- Allow a dependent child of a parent or guardian who is a member of the U.S. Armed Forces to apply for the FTC at any time.
- Specify that a parent must approve any payment made by funds transfer.
- Change the deadline from September 15 to August 15 for a private school participating in the FTC to submit its report to the SFO on the results of its agreed-upon procedures.
- Provide that the Commissioner of the Florida Department of Education (DOE) may determine that a private school is ineligible to participate in the FTC program if the school has consecutive years of material exceptions listed in its agreed-upon procedures report.
- Authorize the Learning System Institute at the Florida State University to be compensated for additional research through the project grant award issued by the DOE.
- Increase the FTC scholarship award amount to a percentage of the unweighted FTE funding amount for that state fiscal year and thereafter as follows:
 - 88 percent for a student in kindergarten through grade 5.
 - 92 percent for a student enrolled in grades 7-8.
 - 96 percent for a student enrolled in grades 9-12.

- Raise the transportation scholarship award for a student who chooses a public school outside of his or her district from \$500 to \$750.
- Provide that an SFO can make payments by fund transfer, subject to parent approval, and specifies that a student's scholarship award may not be reduced for debit card or electronic payment fees.

The bill takes effect July 1, 2017.

II. Present Situation:

The Florida Tax Credit (FTC) Scholarship program was established to provide an income tax credit for corporations that contribute money to non-profit Scholarship-Funding Organizations (SFOs) that award scholarships to students from families with limited resources.¹ The purpose of the FTC is to enable taxpayers to make private, voluntary contributions to SFOs for children of families that have limited financial resources to expand educational opportunities for these children to achieve a greater level of educational excellence and improve the quality of education in Florida.²

Eligibility

The law provides eligibility requirements for students and parents, SFOs, and private institutions.

Student Eligibility

Generally, the FTC program provides scholarship awards to children from low-income families. Prior to 2014, in order to qualify for the program based on family income a student must have attended a public school in the previous school year and have a family income at or below 185 percent of the federal poverty level.³ Legislation enacted in 2014 removed the prior public school attendance requirement and, beginning in the 2016-2017 school year, created eligibility for students with higher family incomes.⁴

For the 2016-2017 school year and thereafter, contingent upon available funds, a student is eligible for the FTC Program if he or she meets one of the following criteria:⁵

- The student is on the direct certification list or the student's household income level does not exceed 185 percent of the federal poverty level.
- The student is currently placed, or during the previous state fiscal year was placed, in foster care or in out-of-home care.
- The student's household income level is greater than 185 percent of the federal poverty level but does not exceed 260 percent of the federal poverty level.

Priority is granted to students who received a scholarship in the previous year. Beginning in the 2016-17 school year, a SFO must also give priority to new applicants whose household income

¹ See s. 1002.395, F.S.

² *Id.* at (1)(b).

³ Section 1002.395(3)(b)1.a., F.S.

⁴ *Id.* at (3)(b)-(c), F.S.; s. 17, ch. 2014-184, L.O.F.

⁵ Section 1002.395(3)(c)1-3., F.S.

levels do not exceed 185 percent of the federal poverty level or who are in foster care or out-of-home care.⁶

SFO Eligibility

SFOs are charitable organizations located in Florida that are exempt from Federal income tax.⁷ In order to participate in the FTC program, a charitable organization must submit an application for approval or renewal to the Office of Independent Education and Parental Choice within the DOE by September 1 of each year before the school year for which the SFO intends to offer scholarships.⁸ Florida law specifies the application requirements.⁹

Department of Revenue Obligations

A taxpayer may submit an application to the Department of Revenue (DOR) to obtain credits for specified taxes.¹⁰ The application should include each tax and applicable year or state fiscal year for which a credit is requested.¹¹ Currently, within 10 days of approval of the application, the DOR is directed to provide a copy of a taxpayer's credit allocation approval letter to the eligible SFO chosen by the taxpayer.¹² Any amount of unused credit due to insufficient tax liability on the part of a participating taxpayer may be carried forward for a period of not to exceed 5 years.¹³ The taxpayer must submit an application to the DOR for approval of the carryforward tax credit in the year that the taxpayer intends to use the carryforward.¹⁴ A taxpayer can convey, transfer, or assign the tax credit to member or members of its affiliated group of corporations, so long as the credit will be for the same tax.¹⁵ The DOR must approve the amount to be conveyed, transferred, or assigned.¹⁶

Scholarship Award

Beginning in fiscal year 2016-2017, the amount of a scholarship awarded to a student enrolled in an eligible private school is equal to 82 percent of the unweighted FTE funding amount for that state fiscal year and thereafter.¹⁷ The scholarship amount is adjusted based on family income, unless the student is receiving a scholarship based upon placement in foster care or out-of-home care.¹⁸

For a scholarship awarded to a student for enrollment in a Florida public school that is located outside the district in which the student resides, the transportation award limit is \$500.¹⁹

⁶ Section 1002.395(6)(e), F.S.

⁷ Section 1002.395(2)(f), F.S.; see 26 U.S.C. s. 501(c)(3) and chs. 607, 608, and 617, F.S.

⁸ Section 1002.395(16), F.S.

⁹ *Id.* at (16)(a).

¹⁰ *Id.* at (5)(b).

¹¹ Florida Department of Revenue, *SB 1314 Bill Analysis* (2017), at 2.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.* at 2-3.

¹⁷ Section 1002.395(12)(a)1., F.S.

¹⁸ *Id.* at (12)(a)3.

¹⁹ Section 1002.395(12)(a)1.b., F.S.

III. Effect of Proposed Changes:

CS/SB 1314 revises the Florida Tax Credit (FTC) Scholarship Program to:

- Require the Florida Department of Revenue (DOR) to provide a copy to the Scholarship-Funding Organization (SFO) of its letter denying an application for a tax credit and approving or denying any of the following transactions:
 - An application for a carryforward tax credit.
 - The conveyance, transfer, or assignment of a tax credit.
 - The rescindment of a tax credits.
 - Acknowledgement of tax credits.
- Allow a dependent child of a parent or guardian who is a member of the U.S. Armed Forces to apply for the FTC at any time.
- Specify that a parent must approve any payment made by funds transfer.
- Change the deadline from September 15 to August 15 for a private school participating in the FTC to submit its report to the SFO on the results of its agreed-upon procedures.
- Provide that the Commissioner of the Florida Department of Education (DOE) has the discretion to determine that a private school that is unable to meet the program requirements or has consecutive years of material exceptions listed in its agreed-upon procedures report is ineligible to participate in the FTC program.
- Authorize the Learning System Institute at the Florida State University to be compensated for additional research through the project grant award issued by the DOE.
- Increase the FTC scholarship award amount to a percentage of the unweighted FTE funding amount for that state fiscal year and thereafter as follows:
 - 88 percent for a student in kindergarten through grade 5.
 - 92 percent for a student enrolled in grades 7-8.
 - 96 percent for a student enrolled in grades 9-12.
- Raise the transportation scholarship award for a student who chooses a public school outside of his or her district from \$500 to \$750.
- Provide that an SFO can make payments by fund transfer and specifies that a student's scholarship award may not be reduced for debit card or electronic payment fees.
- Authorize an SFO to develop a professional development system that includes a master plan for in-service activities under the School Community Professional Development Act that must be submitted to the Commissioner of Education for approval pursuant to the State Board of Education rules.

The bill increases the award amount provided by the FTC. This may result in higher payments to parents or guardians of qualifying students and higher payments to eligible private schools that participate in the program.

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:

CS/SB 1314 increases the award amount under the Florida Tax Credit (FTC) Scholarship Program. This may result in higher payments to parents or guardians of qualifying students and higher payments to eligible private schools that participate in the program. Currently, the scholarship is 82 percent of the current fiscal years per full-time equivalent amount in the Florida Education Finance Program. The bill revises this percentage to 88 percent for a student in kindergarten through grade 5, 92 percent for a student in grades 6 through 8 and 96 percent for a student in grades 9 through 12. According to the February 2017 Quarterly Report, there are currently 98,457 students receiving a Florida Tax Credit Scholarship, for a total of \$403,008,374.²⁰ Under the bill, based on the 2016–2017 number of students receiving scholarships, the total base amount awarded would be \$521,650,800.²¹ The tax credit cap for the current year is \$559,082,031. The tax credit cap amount will increase to \$698,852,539 for the 2017-2018 state fiscal year.²²

C. Government Sector Impact:

The bill has no impact on state funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.395 and 1012.98.

²⁰ Florida Department of Education, *HB 15 Analysis* (2017), at 9. The FTC provisions in HB 15 are substantively similar to SB 1314.

²¹ *Id.*

²² *Id.*

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

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

CS by Education on April 3, 2017:

The committee substitute clarifies that if a private school has consecutive years of material exceptions listed in its agreed-upon procedures report, the Commissioner of Education has the discretion to determine that the private school is ineligible to participate in the Florida Tax Credit Scholarship program.

B. Amendments:

None.

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



881744

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
	.	
	.	
	.	

The Committee on Education (Grimsley) recommended the following:

Senate Amendment

Delete lines 141 - 144
and insert:

If ~~The inability of~~ a private school ~~is unable~~ to meet the
requirements of this subsection ~~or has consecutive years of~~
material exceptions listed in the report required under
paragraph (e), the commissioner may determine that ~~shall~~
~~constitute a basis for the ineligibility of~~ the private school
~~is ineligible~~ to participate

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

1314
Bill Number (if applicable) _____

Topic School Choice

Amendment Barcode (if applicable) _____

Name Theresa Day

Job Title Parent Trinity Catholic School

Address 420 Merlin Way

Phone (850) 251-7912

Street

Tallahassee
City

State

FL 32301
Zip

Email tday9@yahoo.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.

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/3/17

Meeting Date

SB 1314

Bill Number (if applicable)

Topic Scholarship Funding Org. - Professional Development

Amendment Barcode (if applicable)

Name Dr. Barbara Hodges

Job Title Executive Director of FL Council of Indep Schools, President of FAANS

Address 1211 N. Westshore Blvd Ste 612

Street

Phone 813-287-2820

Tampa

City

FL

State

33607

Zip

Email bhodges@fcis.org

Speaking: ☐ For ☒ Against ☒ Information

(one section)

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

Representing FL Council of Independent Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/3/17
Meeting Date

1314
Bill Number (if applicable)

Topic SB 1314

Amendment Barcode (if applicable)

Name Sara Clements

Job Title Director, External Affairs

Address 1901 Ulmerton Rd #180
Street

Phone 727-451-9811

Clearwater
City

FL
State

33762
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

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

4-3-17

Meeting Date

SB 1314

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name ~~Stephan Zander~~ Skylar Zander

Job Title Deputy State Director

Address 200 W College Ave

Street

Tallahassee FL 32301

City

State

Zip

Phone 850-728-4522

Email szander@afp.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Americans for Prosperity

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/3/2017

Meeting Date

1314

Bill Number (if applicable)

Topic Educational options

Amendment Barcode (if applicable)

Name James B. Herzog

Job Title Associate Director for Education

Address 201 W. Park Ave.

Street

Phone (850) 205-6823

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.

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

4/3/17
Meeting Date

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

1314
Bill Number (if applicable)

Topic Educational Options

Amendment Barcode (if applicable)

Name Amber Kelly

Job Title Dir. of Policy & Communications

Address 4853 S Orange Ave
Street
Orlando FL 32608
City State Zip

Phone 850-567-8143

Email amberk@floridafamilyaction.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida 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.

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

4.3.17

Meeting Date

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

1314

Bill Number (if applicable)

Topic Tax Credit Scholarship

Amendment Barcode (if applicable)

Name Debbie Morham

Job Title Advocacy Director

Address 215 S Monroe

Phone _____

Street

PH 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 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)

Meeting Date _____

1314
Bill Number (if applicable)

Topic Corp. Tax Scholarship Program

Amendment Barcode (if applicable)

Name Rabbi Moshe Matz

Job Title Exec. Director

Address 4541 N. Bay Rd.
Street
M.B. FL 33140
City State Zip

Phone 305 532 2500

Email rmatz@agudathisrael.fl

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Agudath Israel 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)

By Senator Grimsley

26-00935A-17

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

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

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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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233 kindergarten through grade 5.

234 (II) Ninety-two percent for a student enrolled in grade 6,
 235 grade 7, or grade 8.

236 (III) Ninety-six percent for a student enrolled in grades 9
 237 through 12.

238 b. For a scholarship awarded to a student enrolled in a
 239 Florida public school that is located outside the district in
 240 which the student resides or in a lab school as defined in s.
 241 1002.32, the limit shall be \$750 ~~\$500~~.

242 2. The annual limit for a scholarship under sub-
 243 subparagraph 1.a. shall be reduced by:

244 a. Twenty-five percent if the student's household income
 245 level is equal to or greater than 200 percent, but less than 215
 246 percent, of the federal poverty level.

247 b. Fifty percent if the student's household income level is
 248 equal to or greater than 215 percent, but equal to or less than
 249 230 percent, of the federal poverty level.

250 3. For the 2016-2017 state fiscal year and thereafter, the
 251 annual limit for a scholarship under sub-subparagraph 1.a. shall
 252 be reduced by:

253 a. Twelve percent if the student's household income level
 254 is greater than or equal to 200 percent, but less than 215
 255 percent, of the federal poverty level.

256 b. Twenty-six percent if the student's household income
 257 level is greater than or equal to 215 percent, but less than 230
 258 percent, of the federal poverty level.

259 c. Forty percent if the student's household income level is
 260 greater than or equal to 230 percent, but less than 245 percent,
 261 of the federal poverty level.

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262 d. Fifty percent if the student's household income level is
 263 greater than or equal to 245 percent, but less than or equal to
 264 260 percent, of the federal poverty level.

265 (b) Payment of the scholarship by the eligible nonprofit
 266 scholarship-funding organization shall be by individual warrant
 267 made payable to the student's parent or by funds transfer,
 268 including, but not limited to, debit card, electronic payment
 269 card, or any other means of payment that the department deems to
 270 be commercially viable or cost-effective. A student's
 271 scholarship award may not be reduced for debit card or
 272 electronic payment fees. If the payment is made by warrant
 273 ~~parent chooses that his or her child attend an eligible private~~
 274 ~~school,~~ the warrant must be delivered by the eligible nonprofit
 275 scholarship-funding organization to the private school of the
 276 parent's choice, and the parent shall restrictively endorse the
 277 warrant to the private school. An eligible nonprofit
 278 scholarship-funding organization shall ensure that the parent to
 279 whom the warrant is made restrictively endorsed the warrant to
 280 the private school for deposit into the account of the private
 281 school or that the parent has approved a funds transfer before
 282 any scholarship funds are deposited.

283 Section 2. Subsection (6) of section 1012.98, Florida
 284 Statutes, is amended to read:

285 1012.98 School Community Professional Development Act.—

286 (6) An organization of private schools or consortium of
 287 charter schools which has no fewer than 10 member schools in
 288 this state, or an eligible nonprofit scholarship-funding
 289 organization as defined in s. 1002.395, which publishes and
 290 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.

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Education
ITEM: SB 1314
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Monday, April 3, 2017
TIME: 1:30—3:30 p.m.
PLACE: 412 Knott Building

FINAL VOTE		SENATORS	4/03/2017 Amendment 881744					
Yea	Nay		Grimsley		Yea	Nay	Yea	Nay
	X	Farmer						
X		Flores						
X		Galvano						
X		Lee						
X		Simmons						
X		Simpson						
X		Stewart						
	X	Thurston						
X		Mayfield, VICE CHAIR						
		Hukill, CHAIR						
					</			

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

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/CS/SB 1330

INTRODUCER: Education Committee; Judiciary Committee and Senator Stargel

SUBJECT: Concealed Weapons and Firearms on Private School Property

DATE: April 4, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stallard	Cibula	JU	Fav/CS
2.	Androff	Graf	ED	Fav/CS
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB1330 provides that a person who is licensed to carry a concealed weapon or firearm under Florida law is not prohibited from carrying a concealed weapon or firearm on private school property during non-school hours, or during an event on that property that is not sanctioned by the school, if a religious institution is located on the property.

The bill takes effect July 1, 2017.

II. Present Situation:

Overview

Possessing firearms or weapons on the property of any elementary or secondary school, or any college or university, whether public or private, is generally prohibited under Florida law. There are several exceptions to this prohibition. Federal law also prohibits a person from possessing a firearm on school property. One exception to this federal prohibition is that it does not apply to those licensed to carry a firearm by the state. But, Florida's concealed carry license does not authorize licensees to carry weapons or firearms into school facilities.

Carrying Weapons and Firearms

Carrying a concealed weapon or firearm, as well as openly carrying a firearm, is generally illegal in this state. However, these prohibitions are subject to exceptions.¹

Lawful Concealed Carry of Weapons and Firearms

A license to carry a concealed weapon or firearm appears to authorize a licensee to carry a concealed firearm in most places in the state. In general, a person will qualify for a license if he or she is at least 21 years of age, has qualifying training, does not chronically and habitually consume alcohol or other substances to the point of impairment, and has no recent criminal history.

A license, however, does not authorize a person to carry a concealed firearm into several places, including any college or university facility, any career center, or any elementary or secondary school facility or administration building. A license also does not authorize a person to carry a concealed firearm into any school, college, or professional athletic event not related to firearms.²

As used in the licensing statute, the terms referring to schools, colleges, and universities are not defined. As such, the statute makes no distinction between public and private schools.

Additional exceptions to the general prohibition against carrying a concealed firearm or openly carrying a firearm are created by s. 790.25(3), F.S. This statute authorizes an unlicensed individual to openly possess a firearm or carry a concealed firearm in a manner described in the statute. The statute, for example, authorizes law enforcement officers to carry firearms while on duty. The statute also authorizes those engaged in hunting, fishing, or camping to carry a firearm while engaging in those activities or traveling to and from them. A person may also possess a firearm at his or her home or place of business.

Prohibited Possession of Weapons and Firearms at School or Related Location

In general, s. 790.115, F.S., prohibits a person from possessing any firearm, electric weapon or device, destructive device, or other weapon on the property of any school, school bus, or school bus stop. Unlike the statute authorizing the issuance of concealed weapon or firearm licenses, this statute expressly and broadly defines the term “school.” Under the definition, a school means any preschool through postsecondary school, *whether public or private*.³ The penalty for violating the ban on weapons varies depending on the weapon possessed and whether the violator has a concealed weapons and firearms license.⁴

¹ Many of these exceptions are set forth in s. 790.25, F.S. Florida’s licensed concealed carrying program, set forth at s. 790.06, F.S., is another exception.

² See s. 790.06(12), F.S., for a list of the places that a license does not authorize a licensee to carry into.

³ It also means any career center. Section 790.115(2)(a), F.S.

⁴ A non-licensee possessing a firearm or other weapon commits a third degree felony, punishable by up to 5 years in prison and a fine not to exceed \$5,000. *See*, ss. 790.115(b)-(c), 775.082(9)(a)3.d. and 775.083(1)(c), F.S. However, licensees who commit this crime are guilty of a lesser charge, a second degree misdemeanor, punishable by up to 60 days in jail and a fine not to exceed \$500. *See*, ss. 790.115(2)(e), 790.06(12)(d), 775.082(4)(b), and 775.083(1)(e), F.S.

However, the statute includes several exceptions to the ban on possessing a weapon at a school. Specifically, the statute allows a person to possess any of the banned weapons “as authorized in support of school-sanctioned activities.” Additionally, a person may “carry” a firearm in:⁵

- A case to a firearms program, class, or function, if approved by school authorities;
- A case to a career center having a firearms training range; or
- A vehicle if the firearm is not accessible for immediate use, unless, in the case of a school district, the school district has opted out of this allowance.

Prohibited Exhibition of a Weapon or Firearm at a School or Related Location

The ban on possessing weapons on school property applies only to such weapons as firearms, bombs, brass knuckles, knives, and the like. However, criminal penalties apply to a person who exhibits a sword, sword cane, box cutter, or common pocketknife in an angry or threatening manner.⁶

Federal Law

The federal Gun-Free School Zones Act prohibits possessing a firearm that has moved in or otherwise affects interstate or foreign commerce at a place the individual knows, or has reasonable cause to believe, is a school or is within 1,000 feet of a school.⁷ However, this prohibition does not apply to a person who is licensed to carry a concealed weapon or firearm.⁸

Another federal law, the Gun-Free Schools Act, is more-narrowly focused on prohibiting students from possessing firearms at or near schools. This prohibition is also subject to exceptions.⁹ The act expressly states that it does not apply to a firearm “that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.”¹⁰

III. Effect of Proposed Changes:

CS/CS/SB1330 provides that a person who is licensed to carry a concealed weapon or firearm under Florida law is not prohibited from carrying a concealed weapon or firearm on private school property during non-school hours, or during an event on that property that is not sanctioned by the school, if a religious institution is located on the property.

Carrying Weapons and Firearms at Private Schools

Under current law, section 790.115, F.S., prohibits carrying a firearm or weapon on any school property, subject to exceptions in the statute. This statute defines school to include preschools through colleges and universities, public *or private*, as well as career centers. Also, Florida’s

⁵ Section 790.115(2)(a)1.-3., F.S.

⁶ Section 790.115(1), F.S.

⁷ 18 U.S.C. § 922(q)(2)(A).

⁸ *See*, 18 U.S.C. § 922(q)(2)(B)(ii).

⁹ *See*, 20 U.S.C. § 7961.

¹⁰ 20 U.S.C. § 7961(g).

concealed weapons and firearms licensing statute lists elementary and secondary facilities and administration buildings, college and university facilities, and career centers as places where the license does not authorize a person to carry.

The bill expressly states that section 790.115, F.S., and the concealed weapons and firearms licensing statute do not prohibit concealed carry licensees from carrying on private school property during non-school hours, or during an event on that property that is not sanctioned by the school, if a religious institution is located on the property. As such, the bill appears effectively to authorize licensees to carry concealed weapons and firearms in these places during non-school hours or during an event that is not sanctioned by the school.¹¹

The bill adopts the definition of “religious institution” from elsewhere in the Florida Statutes:¹²

“Religious institution” means a church, ecclesiastical or denominational organization, or established physical place for worship in this state at which nonprofit religious services and activities are regularly conducted and carried on and includes those bona fide religious groups that do not maintain specific places of worship. The term also includes a separate group or corporation that forms an integral part of a religious institution that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code and that is not primarily supported by funds solicited outside its own membership or congregation.

As such, “religious institution” can mean several different things. It can mean a place, or it can mean a group of people, such as a congregation. Accordingly, the times and places covered by the bill—i.e., “nonschool hours” or, “an event that is not sanctioned by the school” at a “private school property” on which is located at “religious institution”—would *clearly* include, for example, time outside of school hours and during which there is no activity that is sanctioned by the school occurring at a private Jewish school that has on its campus a synagogue building that houses an active congregation.

Under the bill, licensees would remain prohibited from carrying a concealed weapon or a concealed firearm on private school property during school hours or during a school-sanctioned activity. For instance, a licensee would not be permitted to carry a concealed weapon or a concealed firearm while school is in session or during a school-sanctioned extracurricular activity.

Private School’s Right to Exclude Anyone Possessing a Weapon or Firearm

It appears that a private school may exclude from its campus any person possessing a weapon or firearm. The Florida Constitution declares that every person has the right to “acquire, possess, and protect property.”¹³ The right to exclude others is “one of the most essential sticks in the bundle of rights that are commonly characterized as property.”¹⁴

¹¹ Federal law generally prohibits possessing a firearm at or within 1,000 feet of any school’s property.

¹² The bill references s. 775.0861, F.S., which defines “religious institution” by reference to s. 496.404(23), F.S.

¹³ FLA. CONST. art. I, s. 2.

¹⁴ *Nollan v. Cal. Coastal Comm’n*, 483 U.S. 825, 831 (1987) (quoting *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, 433 (1982)).

A person who enters the property of another without authorization commits the crime of trespass to property. The elements of trespass are set forth in s. 810.08(1), F.S., which states:

Whoever, without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance, or, having been authorized, licensed, or invited, is warned by the owner or lessee of the premises, or by a person authorized by the owner or lessee, to depart and refuses to do so, commits the offense of trespass in a structure or conveyance.

Trespassing with a firearm is a third degree felony,¹⁵ punishable by up to 5 years in prison,¹⁶ 5 years of probation, and a fine not to exceed \$5,000.¹⁷

Effective Date

The bill takes effect July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

This bill does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues as specified in Article VII, s. 18 of the Florida Constitution.

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.

¹⁵ Section 810.08(2)(c), F.S.

¹⁶ Section 775.082(3)(e), F.S.

¹⁷ Section 775.083(1)(c), F.S.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 790.115 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/CS by Education on April 3, 2017:

The committee substitute provides that a concealed weapon licensee or a concealed firearm licensee is not prohibited from carrying a concealed weapon or a concealed firearm on private school property during an activity that is not sanctioned by the school on that property, if a religious institution is located on the property.

CS by Judiciary on March 22, 2017:

The underlying bill made certain statutory provisions regulating weapons and firearms at schools, colleges, universities, and career centers apply only to public entities. The committee substitute replaced the substance of the underlying bill with a simpler concept. The committee substitute provides that two statutes that prohibit a person from possessing a concealed weapon or firearm at a school do not apply to private school property during nonschool hours if a religious institution is located on the property.

- B. Amendments:

None.



307950

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2017	.	
	.	
	.	
	.	

The Committee on Education (Flores) recommended the following:

Senate Amendment

Delete line 23
and insert:
school property during nonschool hours, or during an activity
that is not sanctioned by the school on that property, if a
religious

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/3/17
Meeting Date

SB 1330
Bill Number (if applicable)

Topic Guns in Private Schools

Amendment Barcode (if applicable)

Name Allison Holgan

Job Title N/A

Address 602 Glenview Dr.

Phone 850-339-4771

Street

Tallah

FL

32303

City

State

Zip

Email aholgan@conncat.net

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Moms Demand 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.

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/3/17

Meeting Date

1330

Bill Number (if applicable)

Topic Weapons & Firearms?

Amendment Barcode (if applicable)

Name Kelly Quintero

Job Title Legislative Advocate

Address 540 Beverly Ct

Phone 772 204 1792

Street

Tallahassee

City

FL

State

32301

Zip

Email lwvadvocacy@

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

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/13/17

Meeting Date

1330

Bill Number (if applicable)

Topic Concealed Weapons

Amendment Barcode (if applicable)

Name Bill Bunkley

Job Title President

Address PO Box 341644

Phone 813-264-2977

Street

Tampa

FL

33696

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Ethics & Religious Liberty Commission

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 Judiciary; and Senator Stargel

590-02720A-17

20171330c1

A bill to be entitled

An act relating to concealed weapons and firearms on private school property; amending s. 790.115, F.S.; specifying that concealed weapon and concealed firearm licensees are not prohibited by specified laws from carrying such weapons or firearms on private school property under a specified circumstance; providing an effective date.

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

Section 1. Subsection (3) of section 790.115, Florida Statutes, is amended to read:

790.115 Possessing or discharging weapons or firearms at a school-sponsored event or on school property prohibited; penalties; exceptions.—

(3) (a) This section does not apply to any law enforcement officer as defined in s. 943.10(1), (2), (3), (4), (6), (7), (8), (9), or (14).

(b) This section and s. 790.06(12)(a)10., 11., and 13. do not prohibit a person who is licensed under s. 790.06 from carrying a concealed weapon or concealed firearm on private school property during nonschool hours if a religious institution, as defined in s. 775.0861, is located on the property.

Section 2. This act shall take effect July 1, 2017.

COMMITTEE: Education
ITEM: CS/SB 1330
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Monday, April 3, 2017
TIME: 1:30—3:30 p.m.
PLACE: 412 Knott Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1362

INTRODUCER: Senator Broxson

SUBJECT: K-12 Education

DATE: March 31, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Androff	Graf	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 1362 creates the designation of High-Impact Charter Network (HICN), defines related terms, provides incentives for HICN entities to operate in Florida, and establishes application and review processes for the designation. Additionally, the bill:

- Eliminates the requirement for the Department of Education to compare student performance data of charter schools within a school district with public schools within that district, and with the other charter schools in Florida as well as the posting of such information on each charter school's Internet website.
- Allows a collocated school to receive a school improvement rating if all the schools at the site are eligible for a school improvement rating and do not elect to be graded.
- Replaces statutory reference to the ACT Aspire test with the Preliminary ACT.

The bill takes effect July 1, 2017.

II. Present Situation:

The Florida Legislature has enacted legislation to promote school choice and strengthen education accountability.

Charter Schools

Charter schools are nonsectarian, public schools that operate under a performance contract with a sponsor, called a charter.¹ A guiding principle of charter schools is to meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system.²

¹ Section 1002.33(5)(a), (6)(h), (7) and (9)(a), F.S.

² *Id.* at (2)(a)1., F.S.

Charter School Application Process

Florida law establishes an application process for establishing a new charter school.³ An applicant must submit a charter school application to the sponsor.⁴ The sponsor must review or deny the application.⁵ The law requires sponsors and applicants to use a standard charter school application and application evaluation instrument.⁶ The standard application is designed to enable the sponsor to evaluate the applicant's educational plan, organizational plan, financial viability, and business plan.⁷

In order to facilitate greater collaboration in the application process, an applicant may submit a draft charter school application by May 1 with an application fee of \$500.⁸ Otherwise, a sponsor is prohibited from charging an applicant any fee for the processing or consideration of an application.⁹

Charter school sponsors evaluate a variety of factors when considering an application to open a charter school.¹⁰ The standard application requires the applicant to:¹¹

- List each proposed member of the charter school's governing board and his or her background and qualifications.
- Indicate to what extent the governing board will contract with a management company, summarize the management company's history of operating charter schools, and list other charter schools managed by the company along with student achievement and financial performance data of such schools.

Charter School Accountability

Florida law establishes several requirements designed to hold charter schools accountable both financially and academically, including:¹²

- A detailed application and rigorous review and approval process.
- The execution and maintenance of charter agreements between the charter school and its sponsor.
- Annual reporting, annual financial audits, and sponsor monitoring of monthly financial statements.
- Participation in statewide assessments and Florida's school grading system.
- Interventions for unsatisfactory academic performance and financial instability.
- Reporting of student performance information to parents and the public.
- Compliance with ethical standards for employees and governing board members.

³ Section 1002.33(6)(a), F.S.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Section 1002.33(6)(b), F.S. The deadline for applications is August 1, although sponsors may receive applications later if it so chooses. *Id.*

⁹ *Id.*

¹⁰ *Id.* at (6)(a), (7), (8), (9).

¹¹ *Id.* at (6).

¹² Sections 1002.33(6), (7), (9), (16), (21), (23), (24), (26), and 1002.345, F.S.

Charter School Data Reporting Requirements

The Florida Department of Education (DOE) is required to report student assessment data to each school, including charter schools, that receives a school grade or school improvement rating.¹³ In 2009, the charter school statute was amended to require the DOE to report student assessment data for any charter school that was too small to receive a school grade, but had at least 10 students with assessment scores.¹⁴ The DOE is also required to compare the performance data for each of these charter schools with student performance data in traditional public schools in the district in which the charter school was located and other charter schools in the state.¹⁵ The information must be provided on each charter school's Internet website.¹⁶ When the law was changed to require the DOE to issue a school grade to any school that had at least 10 students with assessment scores, the provision requiring a comparative report for charter schools that did not receive a school grade was not eliminated.¹⁷ The DOE is required to develop an analysis and comparison of the overall performance of charter school students, to include all students whose scores are counted as part of the statewide assessment program versus comparable public schools in the district.¹⁸

Education Accountability

Florida's K-12 accountability system was created to provide for a uniform, efficient, safe, secure and high quality system of free public schools that allows students to obtain a high-quality education.¹⁹

School Grades

Florida assigns each public school, including charter schools, a school grade in order to help parents and the public measure the performance of a school.²⁰

Schools are graded using one of the following grades:²¹

- "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.

In Florida, the lowest performing schools receive more comprehensive, state-provided intervention and support than schools that are closer to meeting state determined student

¹³ Section 1008.34, F.S.

¹⁴ Section 7, ch. 2009-214, L.O.F.; Florida Department of Education, *SB 1362 Analysis* (2017), at 2.

¹⁵ *Id.*

¹⁶ Section 1002.33(21)(b)3., F.S.

¹⁷ Florida Department of Education, *SB 1362 Analysis* (2017), at 2; s. 1, ch. 2014-23, L.O.F.

¹⁸ Section 1002.33(21)(b)3., F.S.; Florida Department of Education, *SB 1362 Analysis* (2017), at 2.

¹⁹ See s. 1008.345(1), F.S. The Commissioner of Education is responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability. *Id.*

²⁰ Florida Department of Education, *2016 Preliminary School Grades Overview*, available at <http://schoolgrades.fldoe.org/pdf/1516/SchoolGradesOverview16.pdf>.

²¹ Section 1008.34(2), F.S.; rule 6A-1.09981, F.A.C.

achievement goals.²² A school district must select a turnaround option when a traditional public school earns a grade of “F”, two consecutive grades of “D”, or a single grade of “F”, immediately followed by a grade of “D” in the most recent grade release.²³ The first full school year after such grade is a planning year during which the school district must implement intervention and support strategies, select a school turnaround option, and submit a plan for implementing the turnaround option to the DOE for approval.²⁴ If the school does not improve by at least one letter grade at the end of the planning year, the turnaround option must be implemented the following school year.²⁵ Florida law specifies the turnaround options that a school district may select.²⁶

School Improvement Ratings

An alternative school or exceptional student education center may opt for a school improvement rating instead of a school grade.²⁷ The school improvement rating is calculated using student learning gains on statewide, standardized English Language Arts and Mathematics assessments for all eligible students who are enrolled in the school and who have assessment scores or comparable scores for the preceding school year.²⁸ Schools that improve their ratings by at least one level or maintain a commendable rating are eligible for school recognition awards.²⁹

III. Effect of Proposed Changes:

SB 1362 creates the designation of High-Impact Charter Network (HICN), defines related terms, provides incentives for HICN entities to operate in Florida, and establishes application and review processes for the designation. Additionally, the bill:

- Eliminates the requirement for the Department of Education to compare student performance data of charter schools within a school district with public schools within that district, and with the other charter schools in Florida as well as the posting of such information on each charter school’s Internet website.
- Allows a collocated school to receive a school improvement rating if all the schools at the site are eligible for a school improvement rating and do not elect to be graded.
- Replaces statutory reference to the ACT Aspire test with the Preliminary ACT.

Charter Schools

The bill makes the following modifications that affect charter schools.

²² Section 1008.33(2)(b) and (4), F.S.; *see* rule 6A-2.09981(2)(h), F.A.C. School improvement requirements were originally established under the federal 2002 reauthorization of Every Student Succeeds Act, otherwise known as the No Child Left Behind Act of 2001. Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002).

²³ Section 1008.33(4); rule 6A-1.099811(4)(b), F.A.C.

²⁴ *Id.*

²⁵ Section 1008.33(4)(c)-(e); rule 6A-1099811(4)(c) and (5)(b), F.A.C.

²⁶ Section 1008.33(4)(b).

²⁷ Section 1008.341(2), F.S.

²⁸ *Id.* at (3).

²⁹ *Id.* at (2).

High-Impact Charter Network

The bill establishes a High-Impact Charter Network (HICN) designation and specifies that the designation is valid for up to 4 years. The bill defines critical need area as an area that is served by one or more nonalternative, traditional public schools that received a school grade of “D” or “F” in 4 of the last 5 years or whose school district is required to implement a turnaround option. Entity, for purposes of HICN, is defined as a nonprofit organization with tax exempt status under the federal Internal Revenue Code, which is authorized to operate a public charter school by Florida law.

The bill states that in order to apply for HICN status, an entity must successfully operate a system of charter schools that serves primarily economically disadvantaged students who are eligible for free or reduced-price lunches under the National School Lunch Act.

Application and Review Process

The bill authorizes the SBE to adopt rules prescribing an application and review process for the HICN and specifies that the review:

- Must include student demographic information and a review of all schools currently and previously operated by the entity, including school-level financial performances and school wide and subgroup performance on all statewide assessments for the most recent 3 years as compared to all students in other schools at the same grade level and as compared to other schools serving similar student demographics.
- May include student performance on nationally norm-referenced tests, attendance and retention rates, graduation rates, college attendance rates, college persistence rates, and other outcome measures as determined by the state board.

The bill provides that the initial HICN designation is valid for up to 4 years. If an entity seeks to renew its status, the SBE must review the academic and financial performance of the charter schools established in critical need areas.

Incentives

The bill grants the following incentives to HICN entities:

- Authorizes an HICN to apply to a district school board to establish and operate charter schools in critical need areas or as turnaround options for schools that have earned a grade of “F” in the school district.
- Provides that a charter school operated by an HICN in a critical need area is eligible to receive charter school capital outlay immediately, rather than after 2 years of operation.
- Requires the Florida Department of Education (DOE) to give priority to new charter schools operated by HICNs in a critical need area in the Florida Public Charter School Grant Program competitions.
- Specifies that the governing board of a HICN must 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 DOE. This 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 educational responsibilities are all located in the same county.

The establishment of the HICN designation may result in the creation of additional charter schools to serve students in critical need areas within the state. The number of charter schools that will open in critical need areas is not known.³⁰

Reporting Requirements

The bill deletes the requirement for the DOE to compare the student performance data of each charter school to traditional district-managed public schools within the district and other charter schools across the state. The bill also eliminates the posting of such information on the Internet website of each charter school. This may limit public access to such comparative student performance data.

Education Accountability

Additionally, the bill provides that a collocated school that does not earn a school grade or school improvement rating for the performance of its own students may use an aggregated school improvement rating under certain circumstances. A collocated school may use the aggregated school improvement rating if all schools at the site are eligible for a school improvement rating and do not elect to be graded.³¹ Under this option, the student performance data of all schools operating at the same facility must be aggregated to develop a school improvement rating.³² This may result in more collocated schools qualifying for and using a combined school improvement rating.³³

Finally, the bill makes a conforming name change to replace statutory references to the ACT Aspire with the Preliminary Act, which is the current name of the test.

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.

³⁰ Florida Department of Education, *SB 1362 Analysis* (2017), at 6.

³¹ *Id.* at 4.

³² *Id.* at 4-5.

³³ *Id.* at 5.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

SB 1362 provides that new charter schools opened by High-Impact Charter Networks in critical need areas will be eligible for charter school capital outlay immediately, without the requirement of having been in operation for 2 years. It is not known how many such schools will be opened under the bill. The charter school capital outlay funding allocation for the 2016-2017 fiscal year was \$75 million and was allocated to 557 charter schools.³⁴ The estimated state average funding is \$298 per full-time equivalent (FTE).³⁵ The number of eligible charter schools and the average amount per FTE for the 2017-2018 fiscal year will not be final until June 2017, and an increase in the number of charter schools may result in a decrease in the individual school allocations.³⁶ The overall impact on capital outlay funding allocations is indeterminable.³⁷

According to the Florida Department of Education, administration of the Preliminary ACT may result in a per student savings in projected administrative costs.³⁸ However, as school districts will chose between the administration of the PSAT or Preliminary ACT, the number of students who would take the Preliminary ACT is unknown and the overall impact is indeterminable.³⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.33, 1007.35, and 1008.34.

³⁴ Florida Department of Education, *SB 1362 Bill Analysis* (2017), at 6.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ Florida Department of Education, *SB 1362 Bill Analysis* (2017), at 6.

This bill creates section 1002.333 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Broxson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1), paragraphs (a), (b), (c), and
(h) of subsection (6), subsection (7), paragraph (b) of
subsection (8), paragraph (h) of subsection (12), subsection
(13), paragraphs (b) and (c) of subsection (17), paragraph (c)
of subsection (18), subsection (20), paragraphs (a) and (b) of
subsection (21), and subsections (25) and (28) of section
1002.33, Florida Statutes, are amended to read:



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12 1002.33 Charter schools.—

13 (1) AUTHORIZATION.—~~Charter schools shall be part of the~~
14 ~~state's program of public education.~~ All charter schools in
15 Florida are public schools and shall be part of the state's
16 program of public education. A charter school may be formed by
17 creating a new school or converting an existing public school to
18 charter status. A charter school may operate a virtual charter
19 school pursuant to s. 1002.45(1)(d) to provide full-time online
20 instruction to eligible students, pursuant to s. 1002.455, in
21 kindergarten through grade 12. An existing charter school that
22 is seeking to become a virtual charter school must amend its
23 charter or submit a new application pursuant to subsection (6)
24 to become a virtual charter school. A virtual charter school is
25 subject to the requirements of this section; however, a virtual
26 charter school is exempt from subsections (18) and (19),
27 ~~subparagraphs (20)(a)2., 4., 5., and 7.,~~ paragraph (20)(c), and
28 s. 1003.03. A public school may not use the term charter in its
29 name unless it has been approved under this section.

30 (6) APPLICATION PROCESS AND REVIEW.—Charter school
31 applications are subject to the following requirements:

32 (a) A person or entity seeking to open a charter school
33 shall prepare and submit an application on the standard ~~a model~~
34 application form prepared by the Department of Education which:

35 1. Demonstrates how the school will use the guiding
36 principles and meet the statutorily defined purpose of a charter
37 school.

38 2. Provides a detailed curriculum plan that illustrates how
39 students will be provided services to attain the Sunshine State
40 Standards.



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41 3. Contains goals and objectives for improving student
42 learning and measuring that improvement. These goals and
43 objectives must indicate how much academic improvement students
44 are expected to show each year, how success will be evaluated,
45 and the specific results to be attained through instruction.

46 4. Describes the reading curriculum and differentiated
47 strategies that will be used for students reading at grade level
48 or higher and a separate curriculum and strategies for students
49 who are reading below grade level. A sponsor shall deny an
50 application if the school does not propose a reading curriculum
51 that is consistent with effective teaching strategies that are
52 grounded in scientifically based reading research.

53 5. Contains an annual financial plan for each year
54 requested by the charter for operation of the school for up to 5
55 years. This plan must contain anticipated fund balances based on
56 revenue projections, a spending plan based on projected revenues
57 and expenses, and a description of controls that will safeguard
58 finances and projected enrollment trends.

59 6. Discloses the name of each applicant, governing board
60 member, and all proposed education services providers; the name
61 and sponsor of any charter school operated by each applicant,
62 each governing board member, and each proposed education
63 services provider that has closed and the reasons for the
64 closure; and the academic and financial history of such charter
65 schools, which the sponsor shall consider in deciding whether to
66 approve or deny the application.

67 7. Contains additional information a sponsor may require,
68 which shall be attached as an addendum to the charter school
69 application described in this paragraph.



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8. For the establishment of a virtual charter school, documents that the applicant has contracted with a provider of virtual instruction services pursuant to s. 1002.45(1)(d).

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications received on or before February ~~August~~ 1 of each calendar year for charter schools to be opened 18 months later at the beginning of the school district's ~~next~~ school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before February ~~August~~ 1 and may receive an application submitted later than February ~~August~~ 1 if it chooses. ~~In order to facilitate greater collaboration in the application process, an applicant may submit a draft charter school application on or before May 1 with an application fee of \$500. If a draft application is timely submitted, the sponsor shall review and provide feedback as to material deficiencies in the application by July 1. The applicant shall then have until August 1 to resubmit a revised and final application. The sponsor may approve the draft application. Except as provided for a draft application, A~~ sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment of any kind. Before approving or denying any ~~final~~ application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive



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corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

1. In order to facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. In order to ensure fiscal responsibility, an application for a charter school shall include a full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes full accounting of the costs of operation, including start-up costs.

3.a. A sponsor shall by a majority vote approve or deny an application no later than 90 ~~60~~ calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application. If the sponsor fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c). If an application is denied, the sponsor shall, within 10 calendar



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days after such denial, articulate in writing the specific reasons, based upon good cause, supporting its denial of the application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education.

b. An application submitted by a high-performing charter school identified pursuant to s. 1002.331 or a high-performing charter school system identified pursuant to s. 1002.332 may be denied by the sponsor only if the sponsor demonstrates by clear and convincing evidence that:

(I) The application does not materially comply with the requirements in paragraph (a);

(II) The charter school proposed in the application does not materially comply with the requirements in paragraphs (9) (a) - (f);

(III) The proposed charter school's educational program does not substantially replicate that of the applicant or one of the applicant's high-performing charter schools;

(IV) The applicant has made a material misrepresentation or false statement or concealed an essential or material fact during the application process; or

(V) The proposed charter school's educational program and financial management practices do not materially comply with the requirements of this section.

Material noncompliance is a failure to follow requirements or a violation of prohibitions applicable to charter school applications, which failure is quantitatively or qualitatively significant either individually or when aggregated with other



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noncompliance. An applicant is considered to be replicating a high-performing charter school if the proposed school is substantially similar to at least one of the applicant's high-performing charter schools and the organization or individuals involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools.

c. If the sponsor denies an application submitted by a high-performing charter school or a high-performing charter school system, the sponsor must, within 10 calendar days after such denial, state in writing the specific reasons, based upon the criteria in sub-subparagraph b., supporting its denial of the application and must provide the letter of denial and supporting documentation to the applicant and to the Department of Education. The applicant may appeal the sponsor's denial of the application in accordance with ~~directly to the State Board of Education and, if an appeal is filed, must provide a copy of the appeal to the sponsor pursuant to~~ paragraph (c).

4. For budget projection purposes, the sponsor shall report to the Department of Education the approval or denial of an application within 10 calendar days after such approval or denial. In the event of approval, the report to the Department of Education shall include the final projected FTE for the approved charter school.

5. Upon approval of an application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted. A charter school may defer the opening of the school's operations for up to 2 years to provide time for adequate facility planning. The



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186 charter school must provide written notice of such intent to the
187 sponsor and the parents of enrolled students at least 30
188 calendar days before the first day of school.

189 (c)1. An applicant may appeal any denial of that
190 applicant's application or failure to act on an application to
191 the State Board of Education no later than 30 calendar days
192 after receipt of the sponsor's decision or failure to act and
193 shall notify the sponsor of its appeal. Any response of the
194 sponsor shall be submitted to the State Board of Education
195 within 30 calendar days after notification of the appeal. Upon
196 receipt of notification from the State Board of Education that a
197 charter school applicant is filing an appeal, the Commissioner
198 of Education shall convene a meeting of the Charter School
199 Appeal Commission to study and make recommendations to the State
200 Board of Education regarding its pending decision about the
201 appeal. The commission shall forward its recommendation to the
202 state board at least 7 calendar days before the date on which
203 the appeal is to be heard. ~~An appeal regarding the denial of an~~
204 ~~application submitted by a high-performing charter school~~
205 ~~pursuant to s. 1002.331 shall be conducted by the State Board of~~
206 ~~Education in accordance with this paragraph, except that the~~
207 ~~commission shall not convene to make recommendations regarding~~
208 ~~the appeal. However, the Commissioner of Education shall review~~
209 ~~the appeal and make a recommendation to the state board.~~

210 2. The Charter School Appeal Commission ~~or, in the case of~~
211 ~~an appeal regarding an application submitted by a high-~~
212 ~~performing charter school, the State Board of Education may~~
213 reject an appeal submission for failure to comply with
214 procedural rules governing the appeals process. The rejection



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shall describe the submission errors. The appellant shall have 15 calendar days after notice of rejection in which to resubmit an appeal that meets the requirements set forth in State Board of Education rule. An appeal submitted subsequent to such rejection is considered timely if the original appeal was filed within 30 calendar days after receipt of notice of the specific reasons for the sponsor's denial of the charter application.

3.a. The State Board of Education shall by majority vote accept or reject the decision of the sponsor no later than 90 calendar days after an appeal is filed in accordance with State Board of Education rule. The State Board of Education shall remand the application to the sponsor with its written decision that the sponsor approve or deny the application. The sponsor shall implement the decision of the State Board of Education. The decision of the State Board of Education is not subject to the provisions of the Administrative Procedure Act, chapter 120.

b. If an appeal concerns an application submitted by a high-performing charter school identified pursuant to s. 1002.331 or a high-performing charter school system identified pursuant to s. 1002.332, the State Board of Education shall determine whether the sponsor's denial was in accordance with sub-subparagraph (6) (b) 3.b. ~~sponsor has shown, by clear and convincing evidence, that:~~

~~(I) The application does not materially comply with the requirements in paragraph (a);~~

~~(II) The charter school proposed in the application does not materially comply with the requirements in paragraphs (9) (a) - (f);~~

~~(III) The proposed charter school's educational program~~



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~~does not substantially replicate that of the applicant or one of the applicant's high-performing charter schools;~~

~~(IV) The applicant has made a material misrepresentation or false statement or concealed an essential or material fact during the application process; or~~

~~(V) The proposed charter school's educational program and financial management practices do not materially comply with the requirements of this section.~~

~~The State Board of Education shall approve or reject the sponsor's denial of an application no later than 90 calendar days after an appeal is filed in accordance with State Board of Education rule. The State Board of Education shall remand the application to the sponsor with its written decision that the sponsor approve or deny the application. The sponsor shall implement the decision of the State Board of Education. The decision of the State Board of Education is not subject to the Administrative Procedure Act, chapter 120.~~

~~(h) The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor may not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. The sponsor has 30 days after approval of the application to provide an initial proposed charter contract to the charter school. The applicant and the sponsor have 40 days thereafter to negotiate and notice the charter contract for final approval by the sponsor unless both parties agree to an extension. The proposed charter contract shall be provided to~~



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~~the charter school at least 7 calendar days prior to the date of the meeting at which the charter is scheduled to be voted upon by the sponsor. The Department of Education shall provide mediation services for any dispute regarding this section subsequent to the approval of a charter application and for any dispute relating to the approved charter, except disputes regarding charter school application denials. If the Commissioner of Education determines that the dispute cannot be settled through mediation, the dispute may be appealed to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter violate the intended flexibility granted charter schools by statute, or on any other matter regarding this section except a charter school application denial, a charter termination, or a charter nonrenewal and shall award the prevailing party reasonable attorney's fees and costs incurred to be paid by the losing party. The costs of the administrative hearing shall be paid by the party whom the administrative law judge rules against.~~

(7) CHARTER.—The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor and the governing board of the charter school shall use the standard charter contract pursuant to subsection (21), which shall incorporate the approved application and any addenda approved with the application. The standard charter contract may not be altered in any way. Any term or condition of a proposed



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charter contract that differs from the standard charter contract adopted by rule of the State Board of Education shall be presumed a limitation on charter school flexibility. The sponsor may not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals ~~The major issues involving the operation of a charter school shall be considered in advance and written into the charter.~~ The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

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

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

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

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

b. In order to provide students with access to diverse



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instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to provide students with the skills they need to compete in the 21st century economy, the Legislature encourages instructional methods for blended learning courses consisting of both traditional classroom and online instructional techniques. Charter schools may implement blended learning courses which combine traditional classroom instruction and virtual instruction. Students in a blended learning course must be full-time students of the charter school pursuant to s. 1011.61(1)(a)1. ~~and receive the online instruction in a classroom setting at the charter school.~~ Instructional personnel certified pursuant to s. 1012.55 who provide virtual instruction for blended learning courses may be employees of the charter school or may be under contract to provide instructional services to charter school students. At a minimum, such instructional personnel must hold an active state or school district adjunct certification under s. 1012.57 for the subject area of the blended learning course. The funding and performance accountability requirements for blended learning courses are the same as those for traditional courses.

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

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

b. How these baseline rates will be compared to rates of academic progress achieved by these same students while



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attending the charter school.

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

The district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.

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

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

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

7. The admissions procedures and dismissal procedures, including the school's code of student conduct. Admission or dismissal must not be based on a student's academic performance.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or



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within the racial/ethnic range of other public schools in the same school district.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.

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

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

12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the



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charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 4 or 5 years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the district school board. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 15-year charter, subject to approval by the district school board. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only according to the provisions set forth in subsection (8).

13. The facilities to be used and their location. The sponsor may not require a charter school to have a certificate of occupancy or a temporary certificate of occupancy for such a facility earlier than 15 calendar days before the first day of school.

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

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

16. A timetable for implementing the charter which addresses the implementation of each element thereof and the



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date by which the charter shall be awarded in order to meet this timetable.

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

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

19. Implementation of the activities authorized under s. 1002.331 by the charter school when it satisfies the eligibility requirements for a high-performing charter school. A high-performing charter school shall notify its sponsor in writing by



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March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable.

(b) The sponsor has 30 days after approval of the application to provide an initial proposed charter contract to the charter school. The applicant and the sponsor have 40 days thereafter to negotiate and notice the charter contract for final approval by the sponsor unless both parties agree to an extension. The proposed charter contract shall be provided to the charter school at least 7 calendar days before the date of the meeting at which the charter is scheduled to be voted upon by the sponsor. The Department of Education shall provide mediation services for any dispute regarding this section subsequent to the approval of a charter application and for any dispute relating to the approved charter, except a dispute regarding a charter school application denial. If the Commissioner of Education determines that the dispute cannot be settled through mediation, the dispute may be appealed to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter violate the intended flexibility granted charter schools by statute, or any other matter regarding this section, except a dispute regarding charter school application denial, a charter termination, or a charter nonrenewal. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process,



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administrative proceeding, and any appeals, to be paid by the party whom the administrative law judge rules against.

(c)~~(b)~~ 1. A charter may be renewed provided that a program review demonstrates that the criteria in paragraph (a) have been successfully accomplished and that none of the grounds for nonrenewal established by paragraph (8)(a) has been documented. In order to facilitate long-term financing for charter school construction, charter schools operating for a minimum of 3 years and demonstrating exemplary academic programming and fiscal management are eligible for a 15-year charter renewal. Such long-term charter is subject to annual review and may be terminated during the term of the charter.

2. The 15-year charter renewal that may be granted pursuant to subparagraph 1. shall be granted to a charter school that has received a school grade of "A" or "B" pursuant to s. 1008.34 in 3 of the past 4 years and is not in a state of financial emergency or deficit position as defined by this section. Such long-term charter is subject to annual review and may be terminated during the term of the charter pursuant to subsection (8).

(d)~~(e)~~ A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school's governing board and the approval of both parties to the agreement. Modification may include, but is not limited to, consolidation of multiple charters into a single charter if the charters are operated under the same governing board and physically located on the same campus, regardless of the renewal cycle.

(e)~~(d)~~ A charter may be terminated by a charter school's



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governing board through voluntary closure. The decision to cease operations must be determined at a public meeting. The governing board shall notify the parents and sponsor of the public meeting in writing before the public meeting. The governing board must notify the sponsor, parents of enrolled students, and the department in writing within 24 hours after the public meeting of its determination. The notice shall state the charter school's intent to continue operations or the reason for the closure and acknowledge that the governing board agrees to follow the procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(e)-(g) and (9)(o).

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

(b) At least 90 days before ~~prior to~~ renewing, nonrenewing, or terminating a charter, the sponsor shall notify the governing board of the school of the proposed action in writing. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the school's governing board may, within 14 calendar days after receiving the notice, request a hearing. The hearing shall be conducted at the sponsor's election in accordance with one of the following procedures:

1. A direct hearing conducted by the sponsor within 60 days after receipt of the request for a hearing. The hearing shall be conducted in accordance with ss. 120.569 and 120.57. The sponsor shall decide upon nonrenewal or termination by a majority vote. The sponsor's decision shall be a final order; or

2. A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings. The hearing shall be conducted within 60 days after receipt of the request for a hearing and in accordance with chapter 120. The



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administrative law judge's recommended order shall be submitted to the sponsor. A majority vote by the sponsor shall be required to adopt or modify the administrative law judge's recommended order. The sponsor shall issue a final order.

(12) EMPLOYEES OF CHARTER SCHOOLS.—

(h) For the purposes of tort liability, the charter school, including its governing body and employees, ~~of a charter school~~ shall be governed by s. 768.28.

(13) CHARTER SCHOOL COOPERATIVES.—Charter schools may enter into cooperative agreements to form charter school cooperative organizations that may provide ~~the following services to further~~ educational, operational, and administrative initiatives in which the participating charter schools share common interests+ ~~charter school planning and development, direct instructional services, and contracts with charter school governing boards to provide personnel administrative services, payroll services, human resource management, evaluation and assessment services, teacher preparation, and professional development.~~

(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.

(b) The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district's operating funds from the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current



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operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation, the research-based reading allocation, and the Florida digital classrooms allocation. Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education. For charter schools operated by a not-for-profit or municipal entity, any unrestricted surplus or unrestricted net assets identified in the charter school's annual audit may be used for K-12 educational purposes for other charter schools in the state operated by the not-for-profit or municipal entity. Surplus operating funds shall be used in accordance with s. 1011.62, and surplus capital outlay funds shall be used in accordance with s. 1013.62(2).

~~(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~~



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charter schools shall receive all federal funding for which the school is otherwise eligible, including Title I funding, not 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. 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.

(18) FACILITIES.—



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(c) Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor and the governing board, pursuant to subsection (7), shall be exempt from ad valorem taxes pursuant to s. 196.1983. Library, community service, museum, performing arts, theatre, cinema, church, Florida College System institution, college, and university facilities may provide space to charter schools within their facilities under their preexisting zoning and land use designations without obtaining a special exception, rezoning, a land use charter, or any other form of approval.

(20) SERVICES.—

(a)1. A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the federal lunch program, consistent with the needs of the charter school, are provided by the school district at the request of the charter school, that any funds due to the charter school under the federal lunch program be paid to the charter school as soon as the charter school begins serving food under the federal lunch program, and that the charter school is paid at the same time and in the same manner under the federal lunch program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to student



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information systems that are used by public schools in the district in which the charter school is located. Student performance data for each student in a charter school, including, but not limited to, FCAT scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same manner provided to other public schools in the district.

2. A sponsor may withhold an administrative fee for the provision of such services which shall be a percentage of the available funds defined in paragraph (17)(b) calculated based on weighted full-time equivalent students. If the charter school serves 75 percent or more exceptional education students as defined in s. 1003.01(3), the percentage shall be calculated based on unweighted full-time equivalent students. The administrative fee shall be calculated as follows:

a. Up to 5 percent for:

(I) Enrollment of up to and including 250 students in a charter school as defined in this section.

(II) Enrollment of up to and including 500 students within a charter school system which meets all of the following:

(A) Includes conversion charter schools and nonconversion charter schools.

(B) Has all of its schools located in the same county.

(C) Has a total enrollment exceeding the total enrollment of at least one school district in the state.

(D) Has the same governing board for all of its schools.

(E) Does not contract with a for-profit service provider for management of school operations.



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(III) Enrollment of up to and including 250 students in a virtual charter school.

b. Up to 2 percent for enrollment of up to and including 250 students in a high-performing charter school as defined in s. 1002.331.

3. A sponsor may not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum percentage of administrative fees withheld pursuant to this paragraph. ~~A total administrative fee for the provision of such services shall be calculated based upon up to 5 percent of the available funds defined in paragraph (17) (b) for all students, except that when 75 percent or more of the students enrolled in the charter school are exceptional students as defined in s. 1003.01(3), the 5 percent of those available funds shall be calculated based on unweighted full-time equivalent students. However, a sponsor may only withhold up to a 5-percent administrative fee for enrollment for up to and including 250 students. For charter schools with a population of 251 or more students, the difference between the total administrative fee calculation and the amount of the administrative fee withheld may only be used for capital outlay purposes specified in s. 1013.62(3).~~

~~3. For high-performing charter schools, as defined in s. 1002.331, a sponsor may withhold a total administrative fee of up to 2 percent for enrollment up to and including 250 students per school.~~

~~4. In addition, a sponsor may withhold only up to a 5-percent administrative fee for enrollment for up to and including 500 students within a system of charter schools which~~



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~~meets all of the following:~~

~~a. Includes both conversion charter schools and nonconversion charter schools;~~

~~b. Has all schools located in the same county;~~

~~c. Has a total enrollment exceeding the total enrollment of at least one school district in the state;~~

~~d. Has the same governing board; and~~

~~e. Does not contract with a for-profit service provider for management of school operations.~~

~~5. The difference between the total administrative fee calculation and the amount of the administrative fee withheld pursuant to subparagraph 4. may be used for instructional and administrative purposes as well as for capital outlay purposes specified in s. 1013.62(3).~~

~~6. For a high-performing charter school system that also meets the requirements in subparagraph 4., a sponsor may withhold a 2-percent administrative fee for enrollments up to and including 500 students per system.~~

~~7. Sponsors shall not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum 5-percent administrative fee withheld pursuant to this paragraph.~~

~~8. The sponsor of a virtual charter school may withhold a fee of up to 5 percent. The funds shall be used to cover the cost of services provided under subparagraph 1. and implementation of the school district's digital classrooms plan pursuant to s. 1011.62.~~

(b) If goods and services are made available to the charter school through the contract with the school district, they shall



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be provided to the charter school at a rate no greater than the district's actual cost unless mutually agreed upon by the charter school and the sponsor in a contract negotiated separately from the charter. When mediation has failed to resolve disputes over contracted services or contractual matters not included in the charter, an appeal may be made for a dispute resolution hearing before the Charter School Appeal Commission. To maximize the use of state funds, school districts shall allow charter schools to participate in the sponsor's bulk purchasing program if applicable.

(c) Transportation of charter school students shall be provided by the charter school consistent with the requirements of subpart I.E. of chapter 1006 and s. 1012.45. The governing body of the charter school may provide transportation through an agreement or contract with the district school board, a private provider, or parents. The charter school and the sponsor shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.

(d) Each charter school shall annually complete and submit a survey, provided in a format specified by the Department of Education, to rate the timeliness and quality of services provided by the district in accordance with this section. The department shall compile the results, by district, and include the results in the report required under sub-sub-subparagraph (5) (b) 1.k. (III).

(21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

(a) The Department of Education shall provide information



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to the public, directly and through sponsors, on how to form and operate a charter school and how to enroll in a charter school once it is created. This information shall include the standard ~~a model~~ application form, standard charter contract, standard evaluation instrument, and standard charter renewal contract, which shall include the information specified in subsection (7) and shall be developed by consulting and negotiating with both school districts and charter schools before implementation. The charter and charter renewal contracts shall be used by charter school sponsors.

(b)1. The Department of Education shall report to each charter school receiving a school grade pursuant to s. 1008.34 or a school improvement rating pursuant to s. 1008.341 the school's student assessment data.

2. The charter school shall report the information in subparagraph 1. to each parent of a student at the charter school, the parent of a child on a waiting list for the charter school, the district in which the charter school is located, and the governing board of the charter school. This paragraph does not abrogate the provisions of s. 1002.22, relating to student records, or the requirements of 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act.

~~3.a. Pursuant to this paragraph, the Department of Education shall compare the charter school student performance data for each charter school in subparagraph 1. with the student performance data in traditional public schools in the district in which the charter school is located and other charter schools in the state. For alternative charter schools, the department shall compare the student performance data described in this~~



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~~paragraph with all alternative schools in the state. The comparative data shall be provided by the following grade groupings:~~

~~(I) Grades 3 through 5;~~

~~(II) Grades 6 through 8; and~~

~~(III) Grades 9 through 11.~~

~~b. Each charter school shall provide the information specified in this paragraph on its Internet website and also provide notice to the public at large in a manner provided by the rules of the State Board of Education. The State Board of Education shall adopt rules to administer the notice requirements of this subparagraph pursuant to ss. 120.536(1) and 120.54. The website shall include, through links or actual content, other information related to school performance.~~

(25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER SCHOOL SYSTEMS.—A charter school system's governing board shall be designated a local educational agency for the purpose of receiving federal funds, the same as though the charter school system were a school district, if the governing board of the charter school system has adopted and filed a resolution with its sponsoring district school board and the Department of Education in which the governing board of the charter school system accepts the full responsibility for all local education agency requirements and the charter school system meets all of the following:

~~(a) Includes both conversion charter schools and nonconversion charter schools;~~

(a) ~~(b)~~ Has all schools located in the same county;

(b) ~~(c)~~ Has a total enrollment exceeding the total



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enrollment of at least one school district in the state; and
(c) ~~(d)~~ Has the same governing board; ~~and~~
~~(e) Does not contract with a for-profit service provider~~
~~for management of school operations.~~

Such designation does not apply to other provisions unless
specifically provided in law.

(28) RULEMAKING.—The Department of Education, after
consultation with school districts and charter school directors,
shall recommend that the State Board of Education adopt rules to
implement specific subsections of this section. Such rules shall
require minimum paperwork and shall not limit charter school
flexibility authorized by statute. The State Board of Education
shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to
implement a standard charter ~~model~~ application form, standard
application form for the replication of charter schools in a
high-performing charter school system, standard evaluation
instrument, and standard charter and charter renewal contracts
in accordance with this section.

Section 2. Paragraph (b) of subsection (2) of section
1002.3305, Florida Statutes, is amended to read:

1002.3305 College-preparatory Boarding Academy Pilot
Program for at-risk students.—

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

(b) "Eligible student" means a student who is a resident of
the state and entitled to attend school in a participating
school district, is at risk of academic failure, is currently
enrolled in grades 5-12, if it is determined by the operator
that a seat is available ~~grade 5 or 6~~, is from a family whose



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gross income is at or below 200 percent of the federal poverty guidelines, is eligible for benefits or services funded by Temporary Assistance for Needy Families (TANF) or Title IV-E of the Social Security Act, and meets at least one of the following additional risk factors:

1. The child is in foster care or has been declared an adjudicated dependent by a court.

2. The student's head of household is not the student's custodial parent.

3. The student resides in a household that receives a housing voucher or has been determined eligible for public housing assistance.

4. A member of the student's immediate family has been incarcerated.

5. The child is covered under the terms of the state's Child Welfare Waiver Demonstration project with the United States Department of Health and Human Services.

Section 3. Subsection (3) of section 1002.331, Florida Statutes, is amended to read:

1002.331 High-performing charter schools.—

(3)(a)1. A high-performing charter school may submit an application pursuant to s. 1002.33(6) in any school district in the state to establish and operate a new charter school that will substantially replicate its educational program. An application submitted by a high-performing charter school must state that the application is being submitted pursuant to this paragraph and must include the verification letter provided by the Commissioner of Education pursuant to subsection (4).

2. If the sponsor fails to act on the application within 90



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60 days after receipt, the application is deemed approved and the procedure in s. 1002.33(7) ~~1002.33(6)(h)~~ applies. ~~If the sponsor denies the application, the high-performing charter school may appeal pursuant to s. 1002.33(6).~~

(b) A high-performing charter school may not establish more than one charter school within the state under paragraph (a) in any year. A subsequent application to establish a charter school under paragraph (a) may not be submitted unless each charter school established in this manner achieves high-performing charter school status. However, a high-performing charter school may establish more than one charter school within the state under paragraph (a) in any year if it operates in the area of a persistently low-performing school and serves students from that school.

Section 4. Paragraph (b) of subsection (2) of section 1002.332, Florida Statutes is amended, and paragraph (c) is added to that subsection, to read:

1002.332 High-performing charter school system.—

(2)(b) A high-performing charter school system may replicate its high-performing charter schools in any school district in the state. The applicant must submit an application using the standard application form prepared by the Department of Education which:

1. Contains goals and objectives for improving student learning and a process for measuring student improvement. These goals and objectives must indicate how much academic improvement students are expected to demonstrate each year, how success will be evaluated, and the specific results to be attained through instruction.



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2. Contains an annual financial plan for each year requested by the charter for operation of the school for up to 5 years. This plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenue and expenses, and a description of controls that will safeguard finances and projected enrollment trends.

3. Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor shall consider when deciding whether to approve or deny the application.

(c) An application submitted by a high-performing charter school system must state that the application is being submitted pursuant to this section and must include the verification letter provided by the Commissioner of Education pursuant to this subsection. If the sponsor fails to act on the application within 90 days after receipt, the application is deemed approved and the procedure in s. 1002.33(7) applies pursuant to s. 1002.33(3).

Section 5. Paragraph (d) 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.—

(d) The performance of students attending alternative schools and students designated as hospital or homebound shall



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be factored into a school grade as follows:

1. The student performance data for eligible students attending alternative schools, including charter alternative schools, that provide dropout prevention and academic intervention services pursuant to s. 1003.53 shall be included in the calculation of the home school's grade. The term "eligible students" in this subparagraph does not include students attending an alternative school who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice. As used in this subparagraph, the term "home school" means the school to which the student would be assigned if the student were not assigned to an alternative school. If an alternative school chooses to be graded under this section, student performance data for eligible students identified in this subparagraph shall not be included in the home school's grade but shall be included only in the calculation of the alternative school's grade. A school district that fails to assign statewide, standardized end-of-course assessment scores of each of its students to his or her home school or to the alternative school that receives a grade shall forfeit Florida School Recognition Program funds for one fiscal year. School districts must require collaboration between the home school and the alternative school in order to promote student success. This collaboration must include an annual discussion between the principal of the alternative school and the principal of each student's home school concerning the most appropriate school



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assignment of the student.

2. Student performance data for students designated as hospital or homebound shall be assigned to their home school for the purposes of school grades. As used in this subparagraph, the term "home school" means the school to which a student would be assigned if the student were not assigned to a hospital or homebound program.

3. Student performance data for a high school student who transfers to a private school that has a contractual relationship with the school district shall be assigned to the school in which the student was last enrolled.

Section 6. Subsection (3) of section 1008.341, Florida Statutes, is amended to read:

1008.341 School improvement rating for alternative schools.—

(3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student Learning Gains based on statewide, standardized assessments, including retakes, administered under s. 1008.22 for all eligible students who were assigned to and enrolled in the school during the October or February FTE count and who have assessment scores, concordant scores, or comparable scores for the preceding school year shall be used in determining an alternative school's school improvement rating. An alternative school's rating shall be based on the following components:

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

(b) The percentage of eligible students who make Learning Gains in mathematics as measured by statewide, standardized



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assessments under s. 1008.22(3).

Student performance results of students who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice may not be included in an alternative school's school improvement rating.

Section 7. Paragraph (i) of subsection (1) 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:

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

(i) *Calculation of full-time equivalent membership with respect to dual enrollment instruction.*—Students enrolled in dual enrollment instruction pursuant to s. 1007.271 may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. Instructional time for dual enrollment may vary from 900 hours; however, the full-time equivalent student membership value shall be subject to the provisions in



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s. 1011.61(4). Dual enrollment full-time equivalent student membership shall be calculated in an amount equal to the hours of instruction that would be necessary to earn the full-time equivalent student membership for an equivalent course if it were taught in the school district. Students in dual enrollment courses may also be calculated as the proportional shares of full-time equivalent enrollments they generate for a Florida College System institution or university conducting the dual enrollment instruction. Early admission students shall be considered dual enrollments for funding purposes. Students may be enrolled in dual enrollment instruction provided by an eligible independent college or university and may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. However, those provisions of law which exempt dual enrolled and early admission students from payment of instructional materials and tuition and fees, including laboratory fees, shall not apply to students who select the option of enrolling in an eligible independent institution. An independent college or university, ~~which is located and chartered in Florida,~~ is not for profit, is accredited by a regional or national accrediting agency recognized by the United States Department of Education ~~the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools,~~ and confers degrees as defined in s. 1005.02 shall be eligible for inclusion in the dual enrollment or early admission program. Students enrolled in dual enrollment instruction shall be exempt from the payment of tuition and fees, including laboratory fees. No



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student enrolled in college credit mathematics or English dual enrollment instruction shall be funded as a dual enrollment unless the student has successfully completed the relevant section of the entry-level examination required pursuant to s. 1008.30.

Section 8. Subsection (2) of section 1011.71, Florida Statutes, is amended, and subsection (10) is added to that section, to read:

1011.71 District school tax.—

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 1.5 mills against the taxable value for school purposes for district schools and charter schools-in-a-municipality, including charter schools at the discretion of the school board, to fund:

(a) New construction and remodeling projects, as set forth in s. 1013.64(3)(b) and (6)(b) and included in the district's educational plant survey pursuant to s. 1013.31, without regard to prioritization, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities, athletic facilities, or ancillary facilities.

(b) Maintenance, renovation, and repair of existing school plants or of leased facilities to correct deficiencies pursuant to s. 1013.15(2).

(c) The purchase, lease-purchase, or lease of school buses.

(d) The purchase, lease-purchase, or lease of new and replacement equipment; computer hardware, including electronic hardware and other hardware devices necessary for gaining access to or enhancing the use of electronic content and resources or to facilitate the access to and the use of a school district's



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digital classrooms plan pursuant to s. 1011.62, excluding software other than the operating system necessary to operate the hardware or device; and enterprise resource software applications that are classified as capital assets in accordance with definitions of the Governmental Accounting Standards Board, have a useful life of at least 5 years, and are used to support districtwide administration or state-mandated reporting requirements.

(e) Payments for educational facilities and sites due under a lease-purchase agreement entered into by a district school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not exceeding, in the aggregate, an amount equal to three-fourths of the proceeds from the millage levied by a district school board pursuant to this subsection. The three-fourths limit is waived for lease-purchase agreements entered into before June 30, 2009, by a district school board pursuant to this paragraph.

(f) Payment of loans approved pursuant to ss. 1011.14 and 1011.15.

(g) Payment of costs directly related to complying with state and federal environmental statutes, rules, and regulations governing school facilities.

(h) Payment of costs of leasing relocatable educational facilities, of renting or leasing educational facilities and sites pursuant to s. 1013.15(2), or of renting or leasing buildings or space within existing buildings pursuant to s. 1013.15(4).

(i) Payment of the cost of school buses when a school district contracts with a private entity to provide student transportation services if the district meets the requirements



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of this paragraph.

1. The district's contract must require that the private entity purchase, lease-purchase, or lease, and operate and maintain, one or more school buses of a specific type and size that meet the requirements of s. 1006.25.

2. Each such school bus must be used for the daily transportation of public school students in the manner required by the school district.

3. Annual payment for each such school bus may not exceed 10 percent of the purchase price of the state pool bid.

4. The proposed expenditure of the funds for this purpose must have been included in the district school board's notice of proposed tax for school capital outlay as provided in s. 200.065(10).

(j) Payment of the cost of the opening day collection for the library media center of a new school.

(10) A school board that levies the discretionary millage authorized in subsection (2) shall use the following methodology to determine the amount of revenue that must be shared with a charter school-in-a-municipality:

(a) Reduce the total discretionary millage revenue by the school district's annual debt service obligation incurred as of March 1, 2017.

(b) Divide the sum of the school district's adjusted discretionary millage revenue by the school district's total capital outlay full-time equivalent membership and the total number of unweighted full-time equivalent students of each eligible charter school-in-a-municipality to determine a capital outlay allocation per full-time equivalent student.



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(c) Multiply the capital outlay allocation per full-time equivalent student by the total number of full-time equivalent students of each eligible charter school-in-a-municipality to determine the capital outlay allocation for each charter school-in-a-municipality.

(d) If applicable, adjust the capital outlay allocation identified in paragraph (c) by the total amount of state funds allocated to each eligible charter school-in-a-municipality in s. 1013.62(2) to determine the maximum calculated capital outlay allocation.

The school district shall distribute capital outlay funds to charter schools-in-a-municipality no later than February 1 of each year, beginning on February 1, 2018, for the 2017-2018 fiscal year.

Section 9. Paragraph (a) of subsection (1) of section 1013.62, Florida Statutes, is amended to read:

1013.62 Charter schools capital outlay funding.—

(1) In each year in which funds are appropriated for charter school capital outlay purposes, the Commissioner of Education shall allocate the funds among eligible charter schools as specified in this section.

(a) To be eligible for a funding allocation, a charter school must:

1.a. Have been in operation for 2 or more years;

b. Be governed by a governing board established in the state for 3 or more years which operates both charter schools and conversion charter schools within the state;

c. Be an expanded feeder chain of a charter school within



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the same school district that is currently receiving charter school capital outlay funds;

d. Have been accredited by the Commission on Schools of the Southern Association of Colleges and Schools; or

e. Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace pursuant to s. 1002.33(15)(b).

2. Have an annual audit that does not reveal any of the financial emergency conditions provided in s. 218.503(1) for the most recent fiscal year for which such audit results are available.

~~3. Have satisfactory student achievement based on state accountability standards applicable to the charter school.~~

~~3.4.~~ Have received final approval from its sponsor pursuant to s. 1002.33 for operation during that fiscal year.

~~4.5.~~ Serve students in facilities that are not provided by the charter school's sponsor.

Section 10. This act shall take effect July 1, 2017.

===== 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 K-12 education; amending s.
1002.33, F.S.; revising the charter school application process; revising the appeals process for a denied charter school application; requiring the use of the standard contract by specified entities; revising



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1230 eligibility requirements for charter school students
1231 enrolled in blended learning courses; clarifying
1232 provisions relating to charter schools and tort
1233 liability; revising the purpose of charter school
1234 cooperatives; authorizing the use of unrestricted net
1235 assets and unrestricted surplus for specified charter
1236 schools; requiring such funds to be used in accordance
1237 with specified provisions; revising the public
1238 information disclosures of charter schools;
1239 authorizing certain entities to share facilities with
1240 charter schools without additional approval; revising
1241 the administrative fees that a district may withhold
1242 from charter schools; requiring charter schools to
1243 complete and submit an annual survey; deleting a
1244 requirement that the Department of Education compare
1245 certain data; revising eligibility criteria for
1246 designated local educational agency status; amending
1247 1002.3305, F.S.; revising the definition for the term
1248 "eligible student" for purposes of the College-
1249 preparatory Boarding Academy Pilot Program; amending
1250 s. 1002.331, F.S.; conforming provisions to changes
1251 made by the act; authorizing a high-performing charter
1252 school to establish more than one charter school in
1253 any year under certain circumstances; amending s.
1254 1002.332, F.S.; authorizing a high-performing charter
1255 school system to replicate its schools in any school
1256 district and providing application requirements
1257 therefor; amending s. 1008.34, F.S.; revising the
1258 student performance data to be included in school



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1259 grades; amending s. 1008.341, F.S.; including
1260 concordant scores in the calculation of an alternative
1261 school's school improvement rating; amending s.
1262 1011.62, F.S.; revising eligibility criteria for
1263 postsecondary institutions to participate in the dual
1264 enrollment and early admission programs; amending s.
1265 1011.71, F.S.; requiring district schools to share
1266 discretionary millage with charter schools-in-a-
1267 municipality and providing a distribution methodology
1268 therefor; amending s. 1013.62, F.S.; revising
1269 eligibility criteria for charter schools to receive
1270 charter school capital outlay funding; providing an
1271 effective date.

THE FLORIDA SENATE
APPEARANCE RECORD

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

4-3-2017
Meeting Date

1362
Bill Number (if applicable)

Topic K-12 Education

143166
Amendment Barcode (if applicable)

Name Shawn Frost

Job Title president

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

Phone _____

Email fab@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 Board Members

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/3/17

Meeting Date

1362

Bill Number (if applicable)

Topic ALTERNATIVE CHARTER SCHOOLS

COMMITTEE

Amendment Barcode (if applicable)

Name Ralph Arza

AMENDMENT

143166

Job Title Director of Gov. Relations FLORIDA

Address CHARTER SCHOOL ALLIANCE

Phone

Street

Email

City

State

Zip

Speaking: ☒ For ☒ Against ☐ Information

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

Representing FLORIDA CHARTER SCHOOL ALLIANCE

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

By Senator Broxson

1-00608-17

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

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

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in which the charter school is located and other charter schools in the state. For alternative charter schools, the department shall compare the student performance data described in this paragraph with all alternative schools in the state. The comparative data shall be provided by the following grade groupings:

(I) Grades 3 through 5;

(II) Grades 6 through 8; and

(III) Grades 9 through 11.

b. Each charter school shall provide the information specified in this paragraph on its Internet website and also provide notice to the public at large in a manner provided by the rules of the State Board of Education. The State Board of Education shall adopt rules to administer the notice requirements of this subparagraph pursuant to ss. 120.536(1) and 120.54. The website shall include, through links or actual content, other information related to school performance.

Section 2. Section 1002.333, Florida Statutes, is created to read:

1002.333 High-Impact Charter Network.—

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

(a) "Critical need area" means an area that is served by one or more nonalternative, traditional public schools that received a school grade of "D" or "F" pursuant to s. 1008.34 in 4 of the last 5 years or whose school district is required to implement a turnaround option pursuant to s. 1008.33(4) (b).

(b) "Entity" means a nonprofit organization with tax-exempt status under s. 501(c) (3) of the Internal Revenue Code which is authorized by law to operate a public charter school.

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(2) An entity that successfully operates a system of charter schools which primarily serves educationally disadvantaged students who are eligible for free or reduced-price school lunches under the National School Lunch Act may apply to the State Board of Education for designation as a High-Impact Charter Network. The state board shall adopt rules prescribing a review process for determining whether the entity meets the requirements for the designation as a High-Impact Charter Network under this section. The review process:

(a) Must include student demographic information and a review of all schools currently and previously operated by the entity, including school-level financial performances and schoolwide and subgroup performance on all statewide assessments for the most recent 3 years as compared to all students in other schools at the same grade level and as compared with other schools serving similar demographics of students.

(b) May include student performance on nationally norm-referenced tests, attendance and retention rates, graduation rates, college attendance rates, college persistence rates, and other outcome measures as determined by the state board.

(3) The initial High-Impact Charter Network status designation is valid for up to 4 years. If an entity seeks status renewal, the state board shall review the academic and financial performance of the charter schools established in critical need areas consistent with the process described in subsection (2).

(4) An entity that is designated as a High-Impact Charter Network pursuant to this section may submit an application to a district school board pursuant to s. 1002.33 to establish and

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117 operate charter schools in critical need areas or, under s.
118 1008.33(4)(b)3., charter schools as turnaround options for
119 schools that earn a grade of "F" in the school district.
120 Notwithstanding s. 1013.62(1)(a), a charter school operated by a
121 High-Impact Charter Network in a critical need area is eligible
122 to receive charter school capital outlay.

123 (5) The department shall give priority to charter schools
124 operated by a High-Impact Charter Network in the department's
125 Florida Public Charter Schools Grant Program competitions. Such
126 priority treatment may be provided only for a new charter school
127 that will operate in a critical need area.

128 (6) Notwithstanding the criteria in s. 1002.33(25), the
129 governing board of an entity designated as a High-Impact Charter
130 Network shall be designated as a local educational agency for
131 the purposes of receiving federal funds if the governing board
132 has adopted and filed a resolution with its sponsoring district
133 school board and the department. The resolution must contain
134 provisions indicating that the governing board accepts the full
135 responsibility for all local educational agency requirements and
136 that the charter schools for which the governing board will
137 perform local education agency responsibilities are all located
138 in the same county.

139 (7) The State Board of Education shall adopt rules to
140 administer this section.

141 Section 3. Subsection (5), paragraph (j) of subsection (6),
142 and paragraph (a) of subsection (8) of section 1007.35, Florida
143 Statutes, are amended to read:

144 1007.35 Florida Partnership for Minority and
145 Underrepresented Student Achievement.-

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146 (5) Each public high school, including, but not limited to,
147 schools and alternative sites and centers of the Department of
148 Juvenile Justice, shall provide for the administration of the
149 Preliminary SAT/National Merit Scholarship Qualifying Test
150 (PSAT/NMSQT), or the preliminary ACT Aspire to all enrolled 10th
151 grade students. However, a written notice shall be provided to
152 each parent which must ~~that shall~~ include the opportunity to
153 exempt his or her child from taking the PSAT/NMSQT or the
154 preliminary ACT Aspire.

155 (a) Test results will provide each high school with a
156 database of student assessment data which certified school
157 counselors will use to identify students who are prepared or who
158 need additional work to be prepared to enroll and be successful
159 in AP courses or other advanced high school courses.

160 (b) Funding for the PSAT/NMSQT or the preliminary ACT
161 Aspire for all 10th grade students shall be contingent upon
162 annual funding in the General Appropriations Act.

163 (c) Public school districts must choose either the
164 PSAT/NMSQT or the preliminary ACT Aspire for districtwide
165 administration.

166 (6) The partnership shall:

167 (j) Provide information to students, parents, teachers,
168 counselors, administrators, districts, Florida College System
169 institutions, and state universities regarding PSAT/NMSQT or the
170 preliminary ACT Aspire administration, including, but not
171 limited to:

172 1. Test administration dates and times.

173 2. That participation in the PSAT/NMSQT or the preliminary
174 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.

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 1368

INTRODUCER: Education Committee and Senators Perry and Mayfield

SUBJECT: Exceptional Students

DATE: April 4, 2017

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Benvenisty	Graf	ED	Fav/CS
2. _____	_____	AED	_____
3. _____	_____	AP	_____
4. _____	_____	RC	_____

I. Summary:

CS/SB 1368 removes the option for the school district receiving an exceptional student with a disability, who resides in a residential facility, to decline to provide or contract for educational instruction. Additionally, the bill:

- Authorizes a parent to request and be granted permission for a student's absence from school for treatment of autism spectrum disorder by a licensed health care practitioner.
- Requires each district school board to adopt an attendance policy authorizing a student's absence for treatment of autism spectrum disorder.
- Revises an exemption relating to parental responsibility for nonattendance of a student to include treatment for autism spectrum disorder.

The bill takes effect July 1, 2017.

II. Present Situation:

Exceptional Student Instruction

Educational Student Education (ESE) is specially designed instruction and related services that are provided to students with disabilities and students who are identified as gifted.¹ Student enrollment in ESE programs is one of the factors considered in determining the funding a school district receives.²

¹ Section 1003.57(1)(b), F.S.; Rule 6A-6.03411(1)(m)-(n), F.A.C.

² See s. 1011.62(1)(c), F.S.

The Individuals with Disabilities Education Act (IDEA) requires school districts to make free appropriate public education (FAPE) available to such students ages three through 21.³ A FAPE must include special education and related services⁴ that are provided by the public school district at no cost to the parent, which meet the standards of the state and which are in conformity with the student's Individualized Education Plan (IEP).⁵

Each district school board must provide an appropriate program of special instruction, facilities and services for exceptional students.⁶ Each district program must:⁷

- Provide the necessary professional services for diagnosis and evaluation of exceptional students.
- Provide the special instruction, classes, and services within the district school system, in cooperation with the other district school systems or through contractual arrangements with the approved private schools or community facilities.
- Provide, on an annual basis, information describing all programs and methods of instruction available to parents of a sensory-impaired student.
- Provide instruction to homebound or hospitalized students in accordance with the law⁸ and rules of the State Board of Education.

An exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident.⁹ The cost of such instruction, facilities and services for a nonresident student with a disability must be provided by the placing authority in the student's state of residence, such as a public school entity, other placing authority or parent.¹⁰ A nonresident student with a disability may not be reported by any school district for full-time equivalent student funding in the Florida Education Finance Program.¹¹

Within 10 business days after an exceptional student is placed in a residential care facility by an agency,¹² the agency or private residential care facility licensed by the agency, as appropriate, must provide written notification of the placement to the school district where the student is currently counted for funding and the receiving school district.¹³ The exceptional student must be

³ 20 U.S.C. s. 1400(d)(1)(A); 34 C.F.R. s. 300.101; Rules 6A-6.03028(1) and 6A-6.03411(1)(p), F.A.C.

⁴ "Related services" means "transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes." "Related services" also include school health services and school nurse services, social work services in schools, and parent counseling and training. 34 C.F.R. s. 300.34(a).

⁵ 34 C.F.R. s. 300.17; Rule 6A-6.03411(1)(p), F.A.C. An individualized education plan means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with the IDEA. 20 U.S.C. s. 1414(d).

⁶ Section 1003.57(1)(b), F.S.

⁷ *Id.*

⁸ *Id.* at (1)(b)4.

⁹ *Id.* at (2)(a)

¹⁰ *Id.*

¹¹ *Id.*

¹² "Agency" means the Department of Children Families, the Agency for Persons with Disabilities, and the Agency for Healthcare Administration. Section 1003.57(3)(a).

¹³ *Id.* at (3)(b).

enrolled in school and receive a FAPE, special education, and related services while the notice and procedures regarding payment are pending.¹⁴

Within 10 business days after receiving the notification, the receiving school district must review the student's IEP to determine if it can be implemented by the receiving school district or by a provider or facility under contract with the receiving school district.¹⁵ The receiving school district must:¹⁶

- Provide educational instruction to the student;
- Contract with another provider or facility to provide the educational instruction;
- Contract with the private residential care facility in which the student resides to provide the educational instruction; or
- Decline to provide or contract for educational instruction.

If the receiving school district declines to provide or contract for the educational instruction, the school district in which the legal residence of the student is located must provide or contract for the educational instruction to the student.¹⁷ The school district that provides educational instruction or contracts to provide educational instruction must report the student for funding purposes.¹⁸

Public School Attendance Policies

Florida law directs district school boards to establish attendance policies defining excused or unexcused absences or tardiness.¹⁹ Specific criteria for determining whether an absence or tardiness is excused or unexcused are determined by the district school board.²⁰ The parent of a student who is absent from school must justify the absence, and the absence is evaluated based on the school board's attendance policies.²¹ If a student is continually sick and repeatedly absent from school, state law requires the student to be under a physician's supervision in order for the absences to be excused.²² In such cases, the physician's excuse justifies absences beyond the maximum number of days permitted under the district school board's attendance policy.²³

State law and state board rule also authorize a public school to grant permission to students, in accordance with the school district's rules, to be absent from school for religious instruction, religious holidays or because religious tenets forbid secular activity during the school day.²⁴

¹⁴ *Id.*

¹⁵ *Id.* at (3)(c).

¹⁶ *Id.*

¹⁷ Section 1003.57(3)(c), F.S.

¹⁸ *Id.*

¹⁹ Section 1003.24, F.S.

²⁰ *Id.*

²¹ Section 1003.26, F.S.

²² Section 1003.24(4), F.S.

²³ *Id.*

²⁴ Sections 1002.20(2)(c) and 1003.21(2)(b), F.S.; Rule 6A-1.09514(1) and (2), F.A.C.

III. Effect of Proposed Changes:

CS/SB 1368 removes the option for the school district receiving an exceptional student with a disability, who resides in a residential facility, to decline to provide or contract for educational instruction. Accordingly, the bill facilitates a seamless transition for an exceptional student with a disability who is placed in a residential facility by requiring the receiving district to provide a free and appropriate education as required under federal law.

Additionally, the bill:

- Authorizes a parent to request and be granted permission for a student's absence from school for treatment of autism spectrum disorder by a licensed health care practitioner, which includes, but is not limited to, applied behavior analysis, speech therapy, and occupational therapy.
- Requires each district school board to adopt an attendance policy authorizing a student's absence for treatment of autism spectrum disorder.
- Revises an exemption relating to parental responsibility for nonattendance of a student to include treatment for autism spectrum disorder.

As a result, the bill facilitates access to specialized therapy and treatment for students with autism spectrum disorder who need such services.

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 substantially amends the following sections the Florida Statutes: 1002.20, 1003.21, 1003.24 and 1003.57.

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

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

CS by Education on April 3, 2017:

The committee substitute adds to the bill provisions that:

- Authorizes a parent to request and be granted permission for a student's absence from school for treatment of autism spectrum disorder by a licensed health care practitioner.
- Requires each district school board to adopt an attendance policy authorizing a student's absence for treatment of autism spectrum disorder.
- Revises an exemption relating to parental responsibility for nonattendance of a student to include treatment for autism spectrum disorder.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
	.	
	.	
	.	

The Committee on Education (Farmer) recommended the following:

Senate Amendment (with title amendment)

Between lines 10 and 11
insert:

Section 1. Paragraph (c) of subsection (2) of section 1002.20, Florida Statutes, is amended, present paragraph (d) is redesignated as paragraph (e), and a new paragraph (d) is added to that subsection, to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed



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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:

(2) ATTENDANCE.—

(c) *Absence for religious purposes.*—A parent of a public school student may request and be granted permission for absence of the student from school for religious instruction or religious holidays, in accordance with the provisions of s. 1003.21(2)(b)1 ~~1003.21(2)(b)~~.

(d) *Absence for treatment of autism spectrum disorder.*—A parent of a public school student may request and be granted permission for absence of the student from school for an appointment scheduled to receive a therapy service or other medical treatment provided by a licensed health care practitioner for the treatment of autism spectrum disorder pursuant to ss. 1003.21(2)(b)2. and 1003.24(4).

Section 2. Paragraph (b) of subsection (2) of section 1003.21, Florida Statutes, is amended to read:

1003.21 School attendance.—

(2)

(b) Each district school board, in accordance with rules of the State Board of Education, shall adopt policies authorizing ~~a policy that authorizes~~ a parent to request and be granted permission for absence of a student from school for:

1. Religious instruction or religious holidays.

2. An appointment scheduled to receive a therapy service or other medical treatment provided by a licensed health care practitioner for the treatment of autism spectrum disorder, including, but not limited to, applied behavioral analysis,



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speech therapy, and occupational therapy.

Section 3. Subsection (4) of section 1003.24, Florida Statutes, is amended to read:

1003.24 Parents responsible for attendance of children; attendance policy.—Each parent of a child within the compulsory attendance age is responsible for the child's school attendance as required by law. The absence of a student from school is prima facie evidence of a violation of this section; however, criminal prosecution under this chapter may not be brought against a parent until the provisions of s. 1003.26 have been complied with. A parent of a student is not responsible for the student's nonattendance at school under any of the following conditions:

(4) SICKNESS, INJURY, OR OTHER INSURMOUNTABLE CONDITION.—Attendance was impracticable or inadvisable on account of sickness or injury, as attested to by a written statement of a licensed practicing physician, or a written statement of a licensed health care practitioner for the treatment of autism spectrum disorder, or was impracticable because of some other stated insurmountable condition as defined by rules of the State Board of Education. If a student is continually sick and repeatedly absent from school, he or she must be under the supervision of a physician, or care of a licensed health care practitioner for the treatment of autism spectrum disorder, in order to receive an excuse from attendance. Such excuse provides that a student's condition justifies absence for more than the number of days permitted by the district school board.

Each district school board shall establish an attendance policy



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that includes, but is not limited to, the required number of days each school year that a student must be in attendance and the number of absences and tardinesses after which a statement explaining such absences and tardinesses must be on file at the school. Each school in the district must determine if an absence or tardiness is excused or unexcused according to criteria established by the district school board.

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

And the title is amended as follows:

Delete lines 2 - 3

and insert:

An act relating to exceptional students; amending s. 1002.20, F.S; authorizing a parent to request and be granted permission for a student's absence from school for treatment of autism spectrum disorder by a licensed health care practitioner; amending s. 1003.21, F.S.; requiring each district school board to adopt an attendance policy authorizing a student's absence for treatment of autism spectrum disorder; amending s. 1003.24, F.S.; revising an exemption relating to parental responsibility for nonattendance of a student to include treatment for autism spectrum disorder;

THE FLORIDA SENATE

APPEARANCE RECORD

4/3/2017

Meeting Date

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

SB 1368

Bill Number (if applicable)

Topic Exceptional Student Education

Amendment Barcode (if applicable)

Name Michael Lyons

Job Title Vice President, Specialty Education

Address 7777 North Wickham Road #509

Street

Melbourne, FL

City

State

32940

Zip

Phone 321-752-5777

Email michael.lyons@UHSINC.COM

Speaking: ☒ For ☐ Against ☐ Information

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

Representing UHS of Delaware, Inc.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

By Senator Perry

8-00883-17

20171368__

A bill to be entitled

An act relating to exceptional student instruction; amending s. 1003.57, F.S.; prohibiting certain school districts from declining to provide or contract for certain students' educational instruction; providing for funding of such students; providing an effective date.

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

Section 1. Subsection (3) of section 1003.57, Florida Statutes, is amended to read:

1003.57 Exceptional students instruction.-

(3) (a) For purposes of this subsection and subsection (4), the term:

1. "Agency" means the Department of Children and Families or its contracted lead agency, the Agency for Persons with Disabilities, and the Agency for Health Care Administration.

2. "Exceptional student" means an exceptional student, as defined in s. 1003.01, who has a disability.

3. "Receiving school district" means the district in which a private residential care facility is located.

4. "Placement" means the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student to reside in a private residential care facility and the placement crosses school district lines.

(b) Within 10 business days after an exceptional student is placed in a private residential care facility by an agency, the agency or private residential care facility licensed by the

8-00883-17

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agency, as appropriate, shall provide written notification of the placement to the school district where the student is currently counted for funding purposes under s. 1011.62 and the receiving school district. The exceptional student shall be enrolled in school and receive a free and appropriate public education, special education, and related services while the notice and procedures regarding payment are pending. This paragraph applies when the placement is for the primary purpose of addressing residential or other noneducational needs and the placement crosses school district lines.

(c) Within 10 business days after receiving the notification, the receiving school district must review the student's individual educational plan (IEP) to determine if the student's IEP can be implemented by the receiving school district or by a provider or facility under contract with the receiving school district. The receiving school district shall:

1. Provide educational instruction to the student;

2. Contract with another provider or facility to provide the educational instruction; or

3. Contract with the private residential care facility in which the student resides to provide the educational instruction; ~~or~~

~~4. Decline to provide or contract for educational instruction.~~

~~If the receiving school district declines to provide or contract for the educational instruction, the school district in which the legal residence of the student is located shall provide or contract for the educational instruction to the student. The~~

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59 receiving school district providing ~~that provides~~ educational
60 instruction or contracting ~~contracts~~ to provide educational
61 instruction shall report the student for funding purposes
62 pursuant to s. 1011.62.

63 (d)1. The Department of Education, in consultation with the
64 agencies and school districts, shall develop procedures for
65 written notification to school districts regarding the placement
66 of an exceptional student in a residential care facility. The
67 procedures must:

68 a. Provide for written notification of a placement that
69 crosses school district lines; and

70 b. Identify the entity responsible for the notification for
71 each facility that is operated, licensed, or regulated by an
72 agency.

73 2. The State Board of Education shall adopt the procedures
74 by rule pursuant to ss. 120.536(1) and 120.54, and the agencies
75 shall implement the procedures.

76
77 The requirements of paragraphs (c) and (d) do not apply to
78 written agreements among school districts which specify each
79 school district's responsibility for providing and paying for
80 educational services to an exceptional student in a residential
81 care facility. However, each agreement must require a school
82 district to review the student's IEP within 10 business days
83 after receiving the notification required under paragraph (b).

84 Section 2. This act shall take effect July 1, 2017.

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Education
ITEM: SB 1368
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Monday, April 3, 2017
TIME: 1:30—3:30 p.m.
PLACE: 412 Knott Building

FINAL VOTE			4/03/2017 Amendment 689246					
Yea	Nay		Farmer		Yea	Nay	Yea	Nay
X		Farmer						
X		Flores						
X		Galvano						
X		Lee						
X		Simmons						
X		Simpson						
X		Stewart						
X		Thurston						
X		Mayfield, VICE CHAIR						
		Hukill, CHAIR						
9	0	TOTALS	RCS	-				
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

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 1468

INTRODUCER: Education Committee and Senator Galvano

SUBJECT: Education

DATE: April 4, 2017

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1468 codifies responsibilities for the Auditor General and the Florida Polytechnic University, adds an authority to the Commissioner of Education's powers and duties, and establishes the Early Childhood Music Education Incentive Pilot Program. Specifically, the bill:

- Codifies the requirement for the Auditor General to conduct financial audits of accounts and records of the Florida School for the Deaf and the Blind.
- Codifies the December 31, 2017, deadline by which the Florida Polytechnic University must meet the criteria established in law.
- Authorizes the Commissioner of Education to coordinate, in the event of an emergency, with school districts, Florida College System institutions, and the satellite offices of the Division of Vocational Rehabilitation and the Division of Blind Services to assess their needs for resources to enable such entities to reopen as soon as possible after considering the health, safety, and welfare of students and clients.
- Establishes the Early Childhood Music Education Incentive Pilot Program in the Department of Education for a period of three school years to assist selected school districts in implementing comprehensive music education programs for students in kindergarten through grade 2.

The bill takes effect on July 1, 2017.

II. Present Situation:

Auditor General

The Auditor General (AG) serves at the pleasure of the Legislature to audit records and perform related duties as prescribed by law.¹ The AG performs his or her duties independently but under the general policies established by the Legislative Auditing Committee (LAC).^{2,3} The AG is required to annually conduct financial audits⁴ of:

- State government;
- All state universities and state colleges;
- The accounts and records of all district school boards in counties with populations of fewer than 150,000, and the Florida School for the Deaf and the Blind;⁵ and
- Once every 3 years, the accounts and records of all district school boards in counties that have populations of 150,000 or more.⁶

Each required financial audit, when practicable, must be completed within nine months following the end of each audited fiscal year of the state agency or political subdivision.⁷

The AG must notify the LAC of any local governmental entity, district school board, charter school, or charter technical career center that does not comply with reporting requirements relating to annual financial audits.⁸

Florida School for the Deaf and Blind

The Florida School for the Deaf and the Blind (School) is a state-supported residential public school for hearing-impaired and visually impaired students in preschool through 12th grade.⁹ The

¹ Art. III, s. 2, Fla. Const. *See also* s. 11.42(2), F.S.

² The Legislative Auditing Committee may take under investigation any matter within the scope of an audit, review, or examination completed or being conducted by the Auditor General or the Office of Program Policy Analysis and Government Accountability, and, in connection with such investigation, may exercise the powers of subpoena by law vested in a standing committee of the Legislature. Section 11.40(1), F.S.

³ Section 11.45(2)(k), F.S.

⁴ “Financial audit” means an examination of financial statements in order to express an opinion on the fairness with which they are presented in conformity with generally accepted accounting principles and an examination to determine whether operations are properly conducted in accordance with legal and regulatory requirements. Financial audits must be conducted in accordance with auditing standards generally accepted in the United States and government auditing standards as adopted by the Board of Accountancy. When applicable, the scope of financial audits shall encompass the additional activities necessary to establish compliance with the Single Audit Act Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other applicable federal law. Section 11.45(1)(c).

⁵ The Florida School for the Deaf and the Blind was added by the bill implementing the 2016-2017 General Appropriations Act. Sec. 5, ch. 2016-62, L.O.F.

⁶ 11.45(2)(b)-(e), F.S.

⁷ Section 11.45(4), F.S. Or lesser time provided in law, concurrent resolution, or the Legislative Auditing Committee; however, the AG may postpone audits or other engagements based on an assessment of resources. *Id.*

⁸ Section 11.45(7)(a), F.S. The criteria for financial audit reports are in s. 218.39, F.S.

⁹ Section 1002.36(1), F.S.

school is a component of the delivery of public education within Florida's K-20 education system and is funded through the Department of Education (DOE or department).¹⁰

The School operates under the leadership and direction of its board of trustees (board).¹¹ The board adopts rules, subject to the approval of the State Board of Education (SBE), as it considers necessary to operate the School in conjunction with the rules of the SBE.¹²

Board authority includes, but is not limited to:

- Provide for the proper keeping of accounts and records and for budgeting of funds.
- Enter into contracts.
- Receive gifts, donations, and bequests of money or property, real or personal, tangible or intangible, from any person, firm, corporation, or other legal entity.
- Sell or convey by bill of sale, deed, or other legal instrument any property, real or personal, received as a gift, donation, or bequest, upon such terms and conditions as the board of trustees deems to be in the best interest of the school and its students; and invest¹³ such moneys.
- Approve and administer an annual operating budget in accordance with law.¹⁴

The School received State operating appropriations of \$45,703,627¹⁵ and Public Education Capital Outlay appropriations of \$9,074,268¹⁶ for the 2016-17 fiscal year.

Florida Polytechnic University

In 2012,¹⁷ the Legislature created the Florida Polytechnic University (FPU) as a state university.¹⁸ By December 31, 2017,¹⁹ FPU must:

¹⁰ Section 1002.36(1), F.S. The Legislature appropriates fixed capital outlay moneys to the School on an annual basis from the Public Education Capital Outlay and Debt Service Trust Fund pursuant to Article XII, Section 9(a)(2) of the State Constitution.

¹¹ Section 1002.36(4), F.S. The School board of trustees consists of seven members who are appointed by the Governor and confirmed by the Senate. One of its members must be a blind person, and one must be a deaf person. Each member is required to have been a Florida resident for at least ten years and the term of office for each member is four years.

¹² Section 1002.36(4)(c), F.S.

¹³ In securities enumerated under s. 215.47(1), (2)(c), (3), (4), and (10), and in The Common Fund, an Investment Management Fund exclusively for nonprofit educational institutions.

¹⁴ See sections 1011.56 and 1011.57, F.S.

¹⁵ Specific Appropriation 26, General Appropriations Act, ch. 2016-66, L.O.F.

¹⁶ *Id.*

¹⁷ Sec. 1, ch. 2012-129, L.O.F.

¹⁸ Section 1000.21(6), F.S. Florida Polytechnic University is one of the 12 state universities in Florida. The other state universities are the University of Florida, Florida State University, Florida Agricultural and Mechanical University, the University of South Florida, Florida Atlantic University, the University of West Florida, the University of Central Florida, The University of North Florida, Florida International University, Florida Gulf Coast University, and New College of Florida.

¹⁹ The date by which Florida Polytechnic University must fulfill those criteria was modified from December 31, 2016 to December 31, 2017, by section 30 the implementing bill to the 2016-2017 General Appropriations Act.

- Achieve accreditation from the Commission on Colleges of the Southern Association of Colleges and Schools;
- Initiate the development of the new programs in the fields of science, technology, engineering, and mathematics;
- Seek discipline-specific accreditation for programs;
- Attain a minimum FTE of 1,244, with a minimum 50 percent of that FTE in the fields of science, technology, engineering, and mathematics and 20 percent in programs related to those fields;
- Complete facilities and infrastructure, including the Science and Technology Building, Phase I of the Wellness Center, and a residence hall or halls containing no fewer than 190 beds; and
- Have the ability to provide, either directly or where feasible through a shared services model, administration of financial aid, admissions, student support, information technology, and finance and accounting with an internal audit function.

Commissioner of Education

The Commissioner of Education (Commissioner) is appointed by the State Board of Education (SBE)²⁰ and serves as the Executive Director of the DOE.²¹ The Commissioner is the chief educational officer of the state, and is responsible for giving full assistance to the SBE in enforcing compliance with the mission and goals of the K-20 education system except for the State University System.²² The commissioner's office operates all statewide functions necessary to support the State Board of Education, including strategic planning and budget development, general administration, assessment, and accountability.²³

The DOE is responsible to coordinate, when necessary, the use of educational facilities during emergency activations among federal and state agencies, local school districts, colleges and universities.²⁴ The DOE also serves as the primary liaisons in coordinating all phases of emergency response from pre-disaster planning through post disaster recovery of educational facilities.²⁵

The DOE has a process in place to gather information from superintendents, Florida College System institution presidents, VR directors, and Blind Services directors when an emergency situation has occurred and a process to report the needs.²⁶ DOE staff members are assigned to serve as contacts (called "Emergency Buddies") to all school districts and colleges.²⁷ In an emergency situation, the Commissioner activates the Emergency Buddies for the affected areas of the state. The Emergency Buddies contact their assigned districts and colleges and collect

²⁰ Art. IX, Sec. 2, Fla. Const.

²¹ Section 20.15(2), F.S.

²² Section 1001.10(1), F.S.

²³ Section 1001.10(2), F.S.

²⁴ Florida Division of Emergency Management, *The State of Florida 2016 Comprehensive Emergency Management Plan, 2016 Draft Revision*, [http://www.floridadisaster.org/documents/CEMP/2016/2016%20State%20CEMP%20\(COMPLETE%20FINAL%20DRAFT\).pdf](http://www.floridadisaster.org/documents/CEMP/2016/2016%20State%20CEMP%20(COMPLETE%20FINAL%20DRAFT).pdf), at ESF 6 Appendix, p. 10.

²⁵ *Id.*

²⁶ Email, Florida Department of Education (March 17, 2017).

²⁷ *Id.*

specific information.²⁸ The headquarters offices for the Divisions of Blind Services and Vocational Rehabilitation perform the same function for their offices²⁹. The information from each specified education sector is provided to the department's emergency management staff to be compiled into a summary report for the Commissioner.³⁰

Early Childhood Music Education Incentive Pilot Program

Florida's state standards for visual and performing arts must establish specific curricular content and include distinct grade level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade 5.³¹

Current law,³² requires the Commissioner of Education to publish an annual report that describes student access and participation in fine arts courses and provides information about educators who instruct fine arts; facilities where the instruction is taking place; and the manner in which the curricular content is provided. The report must be posted on the DOE's website and updated annually.³³

According to data from the 2015-2016 annual report,³⁴ the number of K-2 students enrolled statewide in music education programs as a percentage of total K-2 student enrollment has decreased. In the 2011-2012 school year, there were 575,262 K-2 students enrolled in music education programs (87 percent). However, in the 2015-2016 school year, K-2 student enrollment in music education programs decreased to 513,648 (82 percent).

In some school districts, there is no reported K-2 student enrollment in music education programs.³⁵

III. Effect of Proposed Changes:

CS/SB 1468 codifies responsibilities for the Auditor General and the Florida Polytechnic University, adds an authority to the Commissioner of Education's powers and duties, and establishes the Early Childhood Music Education Incentive Pilot Program.

²⁸ Email, Florida Department of Education (March 17, 2017).

²⁹ *Id.*

³⁰ *Id.*

³¹ Section 1003.41(2)(e), F.S.

³² Section 1003.4995, F.S.

³³ *Id.*

³⁴ The Florida Senate staff analysis of Florida Department of Education, Florida's PK-20 Education Information Portal, *Fine Arts*, <https://edstats.fldoe.org/SASWebReportStudio/openRVUrl.do?rsRID=SBIP%3A%2F%2FMETASERVER%2FARM%2FPERA%2FEIAS%2FFINE+ARTS%2FWEB+REPORTS%2FFine+Arts+Enrollment.srx%28Report%29> (last visited April 4, 2017)

³⁵ School districts with no reported student enrollment include Dixie, Franklin, Gilchrist, Glades, Gulf, Hamilton, and Lafayette. *Id.*

Auditor General

The bill codifies the requirement for the Auditor General to conduct financial audits of accounts and records of the Florida School for the Deaf and the Blind.

Florida Polytechnic University

The bill codifies the December 31, 2017, deadline by which the Florida Polytechnic University must meet the criteria established in law.³⁶

Commissioner of Education

The bill clarifies the Commissioner of Education's (Commissioner) authority and responsibility for supporting all sectors during an emergency and will be helpful in securing necessary information in a timely manner before, during, and after any emergency situation.³⁷ Further, the bill emphasizes that all sectors should work with the Commissioner to assess needs and direct resources needed to return the facilities to operation as quickly as possible.³⁸

Early Childhood Music Education Incentive Pilot Program

The bill establishes the three-year Early Childhood Music Education Incentive Pilot Program (pilot program) beginning with the 2017-2018 school year to assist selected school districts in implementing comprehensive music education programs for students in kindergarten through grade 2.

The bill establishes school district eligibility requirements, which include the superintendent certifying to the Commissioner that the school district has established a comprehensive music education program that:

- Includes all students at the school enrolled in kindergarten through grade 2.
- Is staffed by certified music educators.
- Provides music instruction for at least 30 consecutive minutes 2 days a week.
- Complies with class size requirements under s. 1003.03.
- Complies with the department's standards for early childhood music education programs for students in kindergarten through grade 2.

The bill requires the Commissioner to select school districts for participation in the pilot program, subject to legislative appropriation, based on the school district's proximity to the University of Florida (UF) and needs-based criteria established by the State Board of Education (SBE). Selected school districts must annually receive \$150 per full-time equivalent student in kindergarten through grade 2 who is enrolled in a comprehensive music education program. The bill provides that each selected school district must annually certify, in a format prescribed by the department, that the school district continues to meet initial eligibility requirements. If a selected

³⁶ Section 1004.345, F.S.

³⁷ Email, Florida Department of Education (March 17, 2017).

³⁸ *Id.*

school district fails to provide the annual certification for a fiscal year, the school district must return all funds received through the pilot program for that fiscal year.

The bill requires the UF's College of Education to evaluate the effectiveness of the pilot program by measuring student academic performance and the success of the program. The evaluation must include, but is not limited to, a quantitative analysis of student achievement and a qualitative evaluation of students enrolled in the comprehensive music education programs.

The bill authorizes the SBE to adopt rules to administer the pilot program.

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.

C. Government Sector Impact:

CS/SB 1468 authorizes that selected school districts participating in the Early Childhood Music Education Incentive Pilot Program must annually receive \$150 per full-time equivalent student in kindergarten through grade 2 enrolled in a comprehensive music program. However, it is not known which districts the Commissioner will select, or the number of students that will participate. Therefore, 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: 11.45, 1001.10, and 1004.345.

The bill creates section 1003.481 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.)

CS by Education on April 3, 2017

The committee substitute adds a provision to the bill, establishing the Early Childhood Music Education Incentive Pilot Program (pilot program) as a 3-school year program in the Department of Education to assist selected school districts in implementing comprehensive music education programs for students in kindergarten through grade 2. Specifically, the committee substitute:

- Provides eligibility criteria for school districts to participate in the pilot program.
- Requires the Commissioner of Education to select school districts based on specified criteria.
- Includes a provision to provide selected school districts \$150 annually per FTE enrolled in the program, subject to legislative appropriation.
- Requires a participating school district to annually certify eligibility for the program.
- Requires the University of Florida's College of Education to evaluate the effectiveness of the program.
- Authorizes the State Board of Education to adopt rules to administer the pilot program provisions.



435272

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
	.	
	.	
	.	

The Committee on Education (Galvano) recommended the following:

Senate Amendment (with title amendment)

Between lines 47 and 48
insert:

Section 1. Section 1003.481, Florida Statutes, is created
to read:

1003.481 Early Childhood Music Education Incentive Pilot
Program.—

(1) Beginning with the 2017-2018 school year, the Early
Childhood Music Education Incentive Pilot Program is created
within the Department of Education for a period of 3 school



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years. The purpose of the pilot program is to assist selected school districts in implementing comprehensive music education programs for students in kindergarten through grade 2.

(2) In order for a school district to be eligible for participation in the pilot program, the superintendent must certify to the Commissioner of Education, in a format prescribed by the department, that each elementary school within the district has established a comprehensive music education program that:

(a) Includes all students at the school enrolled in kindergarten through grade 2.

(b) Is staffed by certified music educators.

(c) Provides music instruction for at least 30 consecutive minutes 2 days a week.

(d) Complies with class size requirements under s. 1003.03.

(e) Complies with the department's standards for early childhood music education programs for students in kindergarten through grade 2.

(3) (a) The commissioner shall select school districts for participation in the pilot program, subject to legislative appropriation, based on the school district's proximity to the University of Florida and needs-based criteria established by the State Board of Education. Selected school districts shall annually receive \$150 per full-time equivalent student in kindergarten through grade 2 who is enrolled in a comprehensive music education program.

(b) To maintain eligibility for participation in the pilot program, a selected school district must annually certify to the commissioner, in a format prescribed by the department, that



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each elementary school within the district provides a comprehensive music education program that meets the requirements of subsection (2). If a selected school district fails to provide the annual certification for a fiscal year, the school district must return all funds received through the pilot program for that fiscal year.

(4) The University of Florida's College of Education shall evaluate the effectiveness of the pilot program by measuring student academic performance and the success of the program. The evaluation must include, but is not limited to, a quantitative analysis of student achievement and a qualitative evaluation of students enrolled in the comprehensive music education programs.

(5) The State Board of Education may adopt rules to administer this section.

(6) This section expires June 30, 2020.

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

And the title is amended as follows:

Delete line 8

and insert:

in an emergency situation; creating s. 1003.481, F.S.; creating the Early Childhood Music Education Incentive Pilot Program within the Department of Education for a specified period; providing for school district eligibility; providing comprehensive music education program requirements; providing for school district selection, funding, and program payments; requiring selected school districts to annually provide a specified certification to the Commissioner of



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70 Education; requiring a selected school district to
71 return funds under certain circumstances; requiring
72 the University of Florida's College of Education to
73 perform an evaluation; authorizing the State Board of
74 Education to adopt rules; providing for expiration of
75 the pilot program; amending s. 1004.345, F.S.;

By Senator Galvano

21-00774A-17

20171468__

A bill to be entitled

An act relating to education; amending s. 11.45, F.S.; requiring the Auditor General to conduct annual audits of the Florida School for the Deaf and the Blind; amending s. 1001.10, F.S.; authorizing the Commissioner of Education to coordinate with specified entities to assess needs for resources and assistance in an emergency situation; amending s. 1004.345, F.S.; extending the timeframe by which the Florida Polytechnic University must meet specified criteria established by the Board of Governors of the State University System; providing an effective date.

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

Section 1. Upon the expiration and reversion of the amendment to section 11.45, Florida Statutes, pursuant to section 36 of chapter 2016-62, Laws of Florida, paragraph (d) of subsection (2) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(2) DUTIES.—The Auditor General shall:

(d) Annually conduct financial audits of the accounts and records of all district school boards in counties with populations of fewer than 150,000, according to the most recent federal decennial statewide census, and the Florida School for the Deaf and the Blind.

The Auditor General shall perform his or her duties

21-00774A-17

20171468__

independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

Section 2. Subsection (8) is added to section 1001.10, Florida Statutes, to read:

1001.10 Commissioner of Education; general powers and duties.—

(8) In the event of an emergency, the commissioner may coordinate through the most appropriate means of communication with local school districts, Florida College System institutions, and satellite offices of the Division of Blind Services and the Division of Vocational Rehabilitation to assess the need for resources and assistance to enable each school, institution, or satellite office the ability to reopen as soon as possible after considering the health, safety, and welfare of students and clients.

Section 3. Upon the expiration and reversion of the amendment to section 1004.345, Florida Statutes, pursuant to section 36 of chapter 2016-62, Laws of Florida, subsection (1) of section 1004.345, Florida Statutes, is amended to read:

1004.345 The Florida Polytechnic University.—

(1) By December 31, 2017 ~~2016~~, the Florida Polytechnic University shall meet the following criteria as established by the Board of Governors:

(a) Achieve accreditation from the Commission on Colleges of the Southern Association of Colleges and Schools;

(b) Initiate the development of the new programs in the

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fields of science, technology, engineering, and mathematics;

(c) Seek discipline-specific accreditation for programs;

(d) Attain a minimum FTE of 1,244, with a minimum 50 percent of that FTE in the fields of science, technology, engineering, and mathematics and 20 percent in programs related to those fields;

(e) Complete facilities and infrastructure, including the Science and Technology Building, Phase I of the Wellness Center, and a residence hall or halls containing no fewer than 190 beds; and

(f) Have the ability to provide, either directly or where feasible through a shared services model, administration of financial aid, admissions, student support, information technology, and finance and accounting with an internal audit function.

Section 4. This act shall take effect July 1, 2017.

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Education
ITEM: SB 1468
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Monday, April 3, 2017
TIME: 1:30—3:30 p.m.
PLACE: 412 Knott Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1474

INTRODUCER: Senators Perry and Mayfield

SUBJECT: Teacher Certification

DATE: March 31, 2017

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Benvenisty	Graf	ED	Pre-meeting
2. _____	_____	AED	_____
3. _____	_____	AP	_____

I. Summary:

SB 1474 modifies the process for earning temporary educator certificates and renewing professional certificates. Specifically, the bill requires the Florida Department of Education to issue:

- A professional certificate to any applicant who fulfills the statutorily requirements for a professional certificate and completes a professional preparation and education competency program approved by the DOE.
- A temporary certificate to a qualifying applicant within 14 calendar days after the receipt of the request form and electronically notify the applicant's employee school district or employing private school that the temporary certificate has been issued.
 - Requires the DOE to issue an official statement of status of eligibility within 90 calendar days after the stamped receipted date of the completed application. This statement must be provided electronically and specify every method by which an applicant can complete the qualifications for a professional certificate.

Additionally, the bill revises the professional development certification and education competency program to specify a teacher mentorship and induction component; and authorizes charter schools and charter management organizations to provide the program that includes the teacher mentorship and induction component.

The bill takes effect July 1, 2017.

II. Present Situation:

Educator Certification

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the Florida Department of Education (DOE).¹

Certification requirements are established to assure that educational personnel in public schools possess appropriate skills in reading, writing, and mathematics, and adequate pedagogical knowledge, including the use of technology to enhance student learning, and relevant subject matter competence to demonstrate an acceptable level of professional performance.²

Types of Educator Certificates

The DOE identifies appropriate educator certification for the instruction of specified courses in an annual publication of a directory of course code numbers for all programs and courses funded through the Florida Education Finance Program.³

The DOE issues three types of educator certificates:⁴

- A professional certificate is the highest type of full-time certificate issued. The professional certificate is a 5-year renewable certificate.⁵
- A temporary certificate is a 3-year nonrenewable certificate issued to an applicant who does not qualify for a professional certificate.⁶
- An Athletic Coaching certificate covers a full-time or part-time individual who is employed as an athletic coach in any public school in any district of the state.⁷

Eligibility Criteria for Educator Certification

To be eligible to seek a Florida educator's certificate, an individual must:⁸

- Be at least 18 years of age.
- File an affidavit to uphold the principles incorporated in the Constitution of the United States and the Constitution of the State of Florida and that the information provided in the application is true, accurate, and complete.
- Document receipt of a bachelor's or higher degree from an accredited institution of higher learning, or a nonaccredited institution of higher learning that the Department of Education has identified as having a quality program resulting in a bachelor's degree, or higher. Each applicant seeking initial certification must have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study.
- Submit to a background screening in accordance with Florida law.
- Be of good moral character.

¹ Sections 1012.55(1) and 1002.33(12)(f), F.S.

² Section 1012.54, F.S.

³ Section 1012.55(1)(c), F.S.

⁴ Section 1012.55, F.S.

⁵ Section 1012.56(1)-(3) and (5), (6)-(7), F.S.

⁶ Section 1012.56(7)(b), F.S.; Rule 6A-4.004(1), F.A.C.

⁷ Section 1012.55(2)(a), F.S.

⁸ Section 1012.56(2)(a)-(i), F.S.

- Be competent and capable of performing the duties, functions, and responsibilities of an educator.
- Demonstrate mastery of general knowledge, subject area knowledge, and professional preparation and education competence.

Professional Development Certification and Education Competency Program

Florida law authorizes a school district to provide a cohesive competency-based professional development certification and education competency program by which members of a school district's instructional staff may satisfy the mastery of professional preparation and education competence requirements specified in statute and rules of the State Board of Education.⁹ Participants in this program must hold a state-issued temporary certificate.¹⁰ A school district that implements the program must provide a competency-based certification developed by the DOE or developed by the district and approved by the DOE.¹¹

Renewal of Professional Certificates

All professional certificates, except a nonrenewable professional certificate, must be renewed every five years.¹² In order to qualify for renewal, the applicant must earn at least 6 college credits or 120 inservice (professional development) points during the 5-year cycle.¹³ At least 3 college credits or 60 inservice points must be earned in each subject area for which renewal is sought.¹⁴ In addition to credits or inservice points required in the subject area, credits or inservice points may be earned in courses in clinical educator training, literacy and computational skills acquisition, exceptional student education, child development, drug abuse, child abuse, limited English proficiency, dropout prevention, and other topics.¹⁵ Applicants for renewal of a professional certificate must earn at least one college credit or the equivalent amount of inservice points in the area of instruction for teaching students with disabilities.¹⁶

School Community Professional Development Act

Florida law requires the DOE, public postsecondary education institutions public school districts, state education foundations, consortia, and professional organizations to work collaboratively to establish a coordinated system of professional development.¹⁷ The purpose of this system is to increase student achievement, enhance classroom instructional strategies that promote rigor and

⁹ Section 1012.56(2)(a)-(i), F.S.

¹⁰ *Id.*

¹¹ *Id.*

¹² Section 1012.585(2)(a), F.S.

¹³ Section 1012.585(3)(a), F.S. Applicants may combine college credits and inservice points to meet this requirement. One semester hour of college credit is equivalent to 20 inservice points. Rule 6A-4.0051(1)(a)2., F.A.C. College credits must be earned at an accredited or state board-approved institution. Inservice points must be earned through participation in state board-approved school district inservice activities. Rule 6A-4.0051(1)(a), F.A.C.; *see* rule 6A-4.003(1) and (2), F.A.C. (list of approved accrediting agencies and guidelines for nonaccredited approved institutions).

¹⁴ Section 1012.585(3)(a), F.S.

¹⁵ *Id.*

¹⁶ Section 1012.585(4), F.S. This required training may not add to the total hours required by the DOE for continuing education or inservice training. *Id.*

¹⁷ Section 1012.98(1), F.S.

relevance throughout the curriculum, and prepare students for continuing education and the workforce.¹⁸

III. Effect of Proposed Changes:

SB 1474 modifies the process for earning temporary educator certificates and renewing professional certificates. Specifically, the bill requires the Florida Department of Education to issue:

- A professional certificate to any applicant who fulfills the statutorily requirements for a professional certificate and completes a professional preparation and education competency program approved by the DOE.
- A temporary certificate to a qualifying applicant within 14 calendar days after the receipt of the request form and electronically notify the applicant's employee school district or employing private school that the temporary certificate has been issued.
 - Requires the DOE to issue an official statement of status of eligibility within 90 calendar days after the stamped receipted date of the completed application. This statement must be provided electronically and specify every method by which an applicant can complete the qualifications for a professional certificate.

Additionally, the bill revises the professional development certification and education competency program to specify a teacher mentorship and induction component; and authorizes charter schools and charter management organizations to provide the program that includes the teacher mentorship and induction component.

Educator Certification

The bill requires the DOE to electronically issue a temporary certificate to a qualifying applicant within 14 calendar days after it receives a request from the applicant's employing school district or private school. The DOE must also electronically provide an official statement of status of eligibility at the time the certificate is issued. The statement must include each method by which an applicant can complete the qualifications for a professional certificate. This may streamline the temporary certificate application process for prospective educators and may provide greater transparency for educators wishing to pursue a professional certificate.

Additionally, the bill requires the DOE to issue a professional certificate to a temporary certificate holder who meets the requirements for a professional certificate enumerated above, who completes a professional preparation and education competence program, and is rated highly effective. As such, the bill provides that an individual with a temporary certificate is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate.

Professional Development Certification and Education Competency Program

The bill requires a professional development certification and education competency program to include a mentorship and induction component, which must include, at minimum, weekly opportunities for mentoring and induction activities. Mentoring and induction activities include,

¹⁸ Section 1012.98(1), F.S.

common planning time, ongoing professional development targeted to a mentee teacher's needs, opportunities to observe other teachers, co-teaching experiences, and reflection and followup discussions. A teacher selected to serve as a peer mentor is required under the bill to complete specialized training in clinical supervision and participate in ongoing mentor training provided through the coordinated system of professional development. The bill authorizes that participation in mentorship and induction activities, including as a mentor, may apply towards professional development requirements.

The bill requires that the mentorship and induction activities must be provided for the teacher's first year in the program and may be provided until the teacher attains his or her professional certificate. Further, the bill requires that a principal who is rated highly effective must be provided flexibility in selecting professional development activities for the mentorship and induction component so long as the DOE approves the program.

The DOE is directed to adopt standards for the approval of professional development certification programs, including standards for the teacher mentorship and induction component, by December 31, 2017. The standards for the teacher mentorship and induction component must include:

- Program administration and evaluation;
- Mentor roles, selection, and training;
- Beginning teacher assessment and professional development; and
- Teacher content knowledge and practices aligned to the Florida Educator Accomplished Practices.

Additionally, the bill authorizes charter schools and charter management organizations to offer a professional development certification program approved by the DOE. Accordingly, this program may ease the pathway to teacher certification for temporary certificate holders and may help school districts recruit and retain teachers.

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:

According to the Florida Department of Education (DOE), SB 1474 may result in cost savings for professional certificate applicants who may not be required to enroll in additional college coursework or take the professional education competency examination to be awarded a professional certificate.¹⁹

C. Government Sector Impact:

According to the DOE, implementation of the bill will require one additional DOE staff member to review, approve, and monitor compliance with the statutory requirements for the Professional Development Certification and Education Competency programs, as well as revision of school district professional development systems.²⁰ The estimated cost for the additional staff member is \$82,160.²¹

VI. Technical Deficiencies

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1001.42, 1012.56, 1012.585, and 1012.98.

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

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

None.

B. Amendments:

None.

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

¹⁹ Florida Department of Education, *2017 Agency Legislative Bill Analysis for HB 1111* (March 22, 2017), at 7. HB 1111 is similar to SB 1474.

²⁰ *Id.* at 6.

²¹ *Id.*

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

1474
Bill Number (if applicable) _____

Topic Teacher Certification

Amendment Barcode (if applicable) _____

Name Frank Attkisson

Job Title Chairman

Address 4231 Missimmee Park Rd

Phone 407 709 8586

Street

St Cloud

City

FL

State

34772

Zip

Email ~~Attkisson79@~~
FAttkisson@ABCTE.Org

Speaking: ☐ For ☒ Against ☒ Information

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

Representing American Board Certification for Teachers of Excellence

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

4-3-17

Meeting Date

SB 1474

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name SKylar Zander

Job Title Deputy State Director

Address 200 W College Ave

Street

Phone 850-728-4522

Tallahassee

City

FL

State

32301

Zip

Email szander@flhwy.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Americans for Prosperity

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 Perry

8-01283-17

20171474__

1 A bill to be entitled
 2 An act relating to teacher certification; amending s.
 3 1012.56, F.S.; requiring the Department of Education
 4 to issue a temporary educator certificate within a
 5 specified period; requiring the department to provide
 6 electronic notice of the issuance of a temporary
 7 certificate to specified entities; requiring the
 8 department to provide the applicant an official
 9 statement of status of eligibility upon issuance of a
 10 temporary certificate; providing content requirements
 11 for the statement of status of eligibility; revising
 12 the criteria instructional personnel must meet to be
 13 issued a professional certificate; providing that an
 14 applicant for professional certification is not
 15 required to take or pass a specified examination under
 16 certain circumstances; authorizing charter schools and
 17 charter management organizations to develop a
 18 professional development certification and education
 19 competency program; revising program requirements;
 20 requiring the department to adopt standards for the
 21 approval of such programs by a specified date;
 22 providing requirements for such standards; requiring
 23 each school district and charter school to submit its
 24 program for approval by a specified date; providing
 25 that certification requirements may not be met in a
 26 program that is not approved by the department after a
 27 specified date; amending s. 1012.585, F.S.; revising
 28 college credit and inservice hour requirements for
 29 renewal of a professional certificate to include

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

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30 participation in specified activities; amending s.
 31 1012.98, F.S.; revising the activities designed to
 32 implement the school community professional
 33 development act to include specified training relating
 34 to a professional development certification and
 35 education competency program; revising requirements
 36 for school district professional development systems;
 37 requiring the department to disseminate professional
 38 development programs that meet specified criteria;
 39 amending s. 1001.42, F.S.; conforming a cross-
 40 reference; providing an effective date.

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

43
 44 Section 1. Paragraph (c) of subsection (8) of section
 45 1012.56, Florida Statutes, is redesignated as paragraph (d),
 46 subsection (1), paragraph (a) of subsection (7), and paragraph
 47 (a) of subsection (8) are amended, and a new paragraph (c) is
 48 added to subsection (8) of that section, to read:

49 1012.56 Educator certification requirements.—

50 (1) APPLICATION.—Each person seeking certification pursuant
 51 to this chapter shall submit a completed application containing
 52 the applicant's social security number to the Department of
 53 Education and remit the fee required pursuant to s. 1012.59 and
 54 rules of the State Board of Education. Pursuant to the federal
 55 Personal Responsibility and Work Opportunity Reconciliation Act
 56 of 1996, each party is required to provide his or her social
 57 security number in accordance with this section. Disclosure of
 58 social security numbers obtained through this requirement is

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

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limited to the purpose of administration of the Title IV-D program of the Social Security Act for child support enforcement.

(a) Pursuant to s. 120.60, the department shall issue within 90 calendar days after the stamped receipted date of the completed application.

~~(a) If the applicant meets the requirements,~~ a professional certificate to a qualifying applicant covering the classification, level, and area for which the applicant is deemed qualified and a document explaining the requirements for renewal of the professional certificate.

(b) The department shall issue a temporary certificate to a qualifying applicant within 14 calendar days after receipt of a request from ~~if the applicant meets the requirements and if requested by~~ an employing school district or an employing private school with a professional education competence demonstration program pursuant to paragraphs (6) (f) and (8) (b). The ~~a~~ temporary certificate must cover ~~covering~~ the classification, level, and area for which the applicant is deemed qualified. The department shall electronically notify the applicant's employing school district or employing private school that the temporary certificate has been issued and provide the applicant an official statement of status of eligibility at the time the certificate is issued. and an official statement of status of eligibility, or

(c) Pursuant to s. 120.60, the department shall issue within 90 calendar days after the stamped receipted date of the completed application, if an applicant does not meet the requirements for either certificate, an official statement of

8-01283-17

20171474__

status of eligibility.

The statement of status of eligibility must be provided electronically and must advise the applicant of any qualifications that must be completed to qualify for certification. Each method by which an applicant can complete the qualifications for a professional certificate must be included in the statement of status of eligibility. Each statement of status of eligibility is valid for 3 years after its date of issuance, except as provided in paragraph (2) (d).

(7) TYPES AND TERMS OF CERTIFICATION.—

(a) The Department of Education shall issue a professional certificate for a period not to exceed 5 years to any applicant who fulfills one of the following:

1. Meets all the requirements outlined in subsection (2).
2. ~~or,~~ For a professional certificate covering grades 6 through 12, ~~any applicant who:~~
 - a.1- Meets the requirements of paragraphs (2) (a)–(h).
 - b.2- Holds a master's or higher degree in the area of science, technology, engineering, or mathematics.
 - c.3- Teaches a high school course in the subject of the advanced degree.
 - d.4- Is rated highly effective as determined by the teacher's performance evaluation under s. 1012.34, based in part on student performance as measured by a statewide, standardized assessment or an Advanced Placement, Advanced International Certificate of Education, or International Baccalaureate examination.
 - e.5- Achieves a passing score on the Florida professional

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education competency examination required by state board rule.

3. Meets the requirements of paragraphs (2) (a)-(h) and completes a professional preparation and education competence program approved by the department pursuant to paragraph (8) (c).
An applicant who completes the program and is rated highly effective as determined by his or her performance evaluation under s. 1012.34 is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate.

Each temporary certificate is valid for 3 school fiscal years and is nonrenewable. However, the requirement in paragraph (2) (g) must be met within 1 calendar year of the date of employment under the temporary certificate. Individuals who are employed under contract at the end of the 1 calendar year time period may continue to be employed through the end of the school year in which they have been contracted. A school district shall not employ, or continue the employment of, an individual in a position for which a temporary certificate is required beyond this time period if the individual has not met the requirement of paragraph (2) (g). The State Board of Education shall adopt rules to allow the department to extend the validity period of a temporary certificate for 2 years when the requirements for the professional certificate, not including the requirement in paragraph (2) (g), were not completed due to the serious illness or injury of the applicant or other extraordinary extenuating circumstances. The department shall reissue the temporary certificate for 2 additional years upon approval by the Commissioner of Education. A written request for reissuance of

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the certificate shall be submitted by the district school superintendent, the governing authority of a university lab school, the governing authority of a state-supported school, or the governing authority of a private school.

(8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION COMPETENCY PROGRAM.—

(a) The Department of Education shall develop and each school district, charter school, and charter management organization may provide a cohesive competency-based professional development certification and education competency program by which ~~members of a school district's~~ instructional staff may satisfy the mastery of professional preparation and education competence requirements specified in subsection (6) and rules of the State Board of Education. Participants must hold a state-issued temporary certificate. A school district, charter school, or charter management organization that implements the program shall provide a competency-based certification program developed by the Department of Education or developed by the district, charter school, or charter management organization and approved by the Department of Education. The program shall include the following:

1. A minimum period of initial preparation before assuming duties as the teacher of record.

2. An option for collaboration with between-school districts and other supporting agencies or educational entities for implementation.

3. A teacher mentorship and induction ~~An experienced peer-mentor~~ component.

a. Each individual selected by the district as a ~~peer~~

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mentor:

(I) Must hold a valid professional certificate issued pursuant to this section;

(II) Must have earned at least 3 years of teaching experience in prekindergarten through grade 12;

(III) Must have completed specialized training in clinical supervision and participate in ongoing mentor training provided through the coordinated system of professional development under s. 1012.98(3)(e);

(IV) Must have earned an effective or highly effective rating on the prior year's performance evaluation under s. 1012.34; and

(V) May ~~or~~ be a peer evaluator under the district's evaluation system approved under s. 1012.34.

b. The teacher mentorship and induction component must, at a minimum, provide weekly opportunities for mentoring and induction activities, including common planning time, ongoing professional development targeted to a teacher's needs, opportunities for a teacher to observe other teachers, co-teaching experiences, and reflection and followup discussions. Mentorship and induction activities must be provided for an applicant's first year in the program and may be provided until the applicant attains his or her professional certificate in accordance with this section. A principal who is rated highly effective as determined by his or her performance evaluation under s. 1012.34 must be provided flexibility in selecting professional development activities under this paragraph; however, the activities must be approved by the department as part of the district's, charter school's, or charter management

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organization's program.

4. An assessment of teaching performance aligned to the district's system for personnel evaluation under s. 1012.34 which provides for:

a. An initial evaluation of each educator's competencies to determine an appropriate individualized professional development plan.

b. A summative evaluation to assure successful completion of the program.

5. Professional education preparation content knowledge, which must be included in the mentoring and induction activities under subparagraph 3., that includes, but is not limited to, the following:

a. The state standards provided under s. 1003.41, including scientifically based reading instruction, content literacy, and mathematical practices, for each subject identified on the temporary certificate.

b. The educator-accomplished practices approved by the state board.

c. A variety of data indicators for monitoring student progress.

d. Methodologies for teaching students with disabilities.

e. Methodologies for teaching students of limited English proficiency appropriate for each subject area identified on the temporary certificate.

f. Techniques and strategies for operationalizing the role of the teacher in assuring a safe learning environment for students.

6. Required achievement of passing scores on the subject

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area and professional education competency examination required by State Board of Education rule. Mastery of general knowledge must be demonstrated as described in subsection (3).

(c) No later than December 31, 2017, the department shall adopt standards for the approval of professional development certification and education competency programs, including standards for the teacher mentorship and induction component, under paragraph (a). Standards for the teacher mentorship and induction component must include program administration and evaluation; mentor roles, selection, and training; beginning teacher assessment and professional development; and teacher content knowledge and practices aligned to the Florida Educator Accomplished Practices. Each school district or charter school with a program under this subsection must submit its program, including the teacher mentorship and induction component, to the department for approval no later than June 30, 2018. After December 31, 2018, a teacher may not satisfy requirements for a professional certificate through a professional development certification and education competency program under paragraph (a) unless the program has been approved by the department pursuant to this paragraph.

Section 2. Paragraph (a) of subsection (3) of section 1012.585, Florida Statutes, is amended to read:

1012.585 Process for renewal of professional certificates.—

(3) For the renewal of a professional certificate, the following requirements must be met:

(a) The applicant must earn a minimum of 6 college credits or 120 inservice points or a combination thereof. For each area of specialization to be retained on a certificate, the applicant

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must earn at least 3 of the required credit hours or equivalent inservice points in the specialization area. Education in "clinical educator" training pursuant to s. 1004.04(5)(b); participation in mentorship and induction activities, including as a mentor, pursuant to s. 1012.56(8)(a); and credits or points that provide training in the area of scientifically researched, knowledge-based reading literacy and computational skills acquisition, exceptional student education, normal child development, and the disorders of development may be applied toward any specialization area. Credits or points that provide training in the areas of drug abuse, child abuse and neglect, strategies in teaching students having limited proficiency in English, or dropout prevention, or training in areas identified in the educational goals and performance standards adopted pursuant to ss. 1000.03(5) and 1008.345 may be applied toward any specialization area. Credits or points earned through approved summer institutes may be applied toward the fulfillment of these requirements. Inservice points may also be earned by participation in professional growth components approved by the State Board of Education and specified pursuant to s. 1012.98 in the district's approved master plan for inservice educational training, including, but not limited to, serving as a trainer in an approved teacher training activity, serving on an instructional materials committee or a state board or commission that deals with educational issues, or serving on an advisory council created pursuant to s. 1001.452.

Section 3. Paragraph (e) is added to subsection (3) of section 1012.98, Florida Statutes, and paragraph (b) of subsection (4) and subsections (10) and (11) of that section are

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amended, to read:

1012.98 School Community Professional Development Act.—

(3) The activities designed to implement this section must:

(e) Provide training to teacher mentors as part of the professional development certification and education competency program under s. 1012.56(8)(a). The training must include components on teacher development, peer coaching, time management, and other related topics as determined by the Department of Education.

(4) The Department of Education, school districts, schools, Florida College System institutions, and state universities share the responsibilities described in this section. These responsibilities include the following:

(b) Each school district shall develop a professional development system as specified in subsection (3). The system shall be developed in consultation with teachers, teacher-educators of Florida College System institutions and state universities, business and community representatives, and local education foundations, consortia, and professional organizations. The professional development system must:

1. Be approved by the department. All substantial revisions to the system shall be submitted to the department for review for continued approval.

2. Be based on analyses of student achievement data and instructional strategies and methods that support rigorous, relevant, and challenging curricula for all students. Schools and districts, in developing and refining the professional development system, shall also review and monitor school discipline data; school environment surveys; assessments of

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parental satisfaction; performance appraisal data of teachers, managers, and administrative personnel; and other performance indicators to identify school and student needs that can be met by improved professional performance.

3. Provide inservice activities coupled with followup support appropriate to accomplish district-level and school-level improvement goals and standards. The inservice activities for instructional personnel shall focus on analysis of student achievement data, ongoing formal and informal assessments of student achievement, identification and use of enhanced and differentiated instructional strategies that emphasize rigor, relevance, and reading in the content areas, enhancement of subject content expertise, integrated use of classroom technology that enhances teaching and learning, classroom management, parent involvement, and school safety.

4. Provide inservice activities and support targeted to the individual needs of new teachers participating in the professional development certification and education competency program under s. 1012.56(8)(a).

5.4- Include a master plan for inservice activities, pursuant to rules of the State Board of Education, for all district employees from all fund sources. The master plan shall be updated annually by September 1, must be based on input from teachers and district and school instructional leaders, and must use the latest available student achievement data and research to enhance rigor and relevance in the classroom. Each district inservice plan must be aligned to and support the school-based inservice plans and school improvement plans pursuant to s. 1001.42(18). Each district inservice plan must provide a

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description of the training that middle grades instructional personnel and school administrators receive on the district's code of student conduct adopted pursuant to s. 1006.07; integrated digital instruction and competency-based instruction and CAPE Digital Tool certificates and CAPE industry certifications; classroom management; student behavior and interaction; extended learning opportunities for students; and instructional leadership. District plans must be approved by the district school board annually in order to ensure compliance with subsection (1) and to allow for dissemination of research-based best practices to other districts. District school boards must submit verification of their approval to the Commissioner of Education no later than October 1, annually. Each school principal may establish and maintain an individual professional development plan for each instructional employee assigned to the school as a seamless component to the school improvement plans developed pursuant to s. 1001.42(18). An individual professional development plan must be related to specific performance data for the students to whom the teacher is assigned, define the inservice objectives and specific measurable improvements expected in student performance as a result of the inservice activity, and include an evaluation component that determines the effectiveness of the professional development plan.

~~6.5-~~ Include inservice activities for school administrative personnel that address updated skills necessary for instructional leadership and effective school management pursuant to s. 1012.986.

7.6- Provide for systematic consultation with regional and state personnel designated to provide technical assistance and

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evaluation of local professional development programs.

~~8.7-~~ Provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs.

~~9.8-~~ Provide for the continuous evaluation of the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and to expand effective ones. Evaluations must consider the impact of such activities on the performance of participating educators and their students' achievement and behavior.

10.9- For middle grades, emphasize:

a. Interdisciplinary planning, collaboration, and instruction.

b. Alignment of curriculum and instructional materials to the state academic standards adopted pursuant to s. 1003.41.

c. Use of small learning communities; problem-solving, inquiry-driven research and analytical approaches for students; strategies and tools based on student needs; competency-based instruction; integrated digital instruction; and project-based instruction.

Each school that includes any of grades 6, 7, or 8 must include in its school improvement plan, required under s. 1001.42(18), a description of the specific strategies used by the school to implement each item listed in this subparagraph.

(10) For instructional personnel and administrative personnel who have been evaluated as less than effective, a district school board shall require participation in specific professional development programs as provided in subparagraph

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~~(4) (b) 5. (4) (b) 4.~~ as part of the improvement prescription.

(11) The department shall disseminate to the school community proven model professional development programs that have demonstrated success in increasing rigorous and relevant content, increasing student achievement and engagement, ~~and~~ meeting identified student needs, and providing effective mentorship activities to new teachers and training to teacher mentors. The methods of dissemination must include a web-based statewide performance-support system including a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available technical assistance.

Section 4. Paragraph (a) of subsection (18) of section 1001.42, Florida Statutes, is amended to read:

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

(18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—Maintain a system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 1008.385, 1010.01, and 1011.01. This system of school improvement and education accountability shall comply with the provisions of ss. 1008.33, 1008.34, 1008.345, and 1008.385 and include the following:

(a) *School improvement plans.*—

1. The district school board shall annually approve and

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require implementation of a new, amended, or continuation school improvement plan for each school in the district. If a school has a significant gap in achievement on statewide, standardized assessments administered pursuant to s. 1008.22 by one or more student subgroups, as defined in the federal Elementary and Secondary Education Act (ESEA), 20 U.S.C. s. 6311(b) (2) (C) (v) (II); has not significantly increased the percentage of students passing statewide, standardized assessments; has not significantly increased the percentage of students demonstrating Learning Gains, as defined in s. 1008.34 and as calculated under s. 1008.34(3) (b), who passed statewide, standardized assessments; or has significantly lower graduation rates for a subgroup when compared to the state's graduation rate, that school's improvement plan shall include strategies for improving these results. The state board shall adopt rules establishing thresholds and for determining compliance with this subparagraph.

2. A school that includes any of grades 6, 7, or 8 shall include annually in its school improvement plan information and data on the school's early warning system required under paragraph (b), including a list of the early warning indicators used in the system, the number of students identified by the system as exhibiting two or more early warning indicators, the number of students by grade level that exhibit each early warning indicator, and a description of all intervention strategies employed by the school to improve the academic performance of students identified by the early warning system. In addition, a school that includes any of grades 6, 7, or 8 shall describe in its school improvement plan the strategies

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465 used by the school to implement the instructional practices for
466 middle grades emphasized by the district's professional
467 development system pursuant to s. 1012.98(4)(b)10. ~~s.~~
468 ~~1012.98(4)(b)9.~~

469 Section 5. 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.)

Prepared By: The Professional Staff of the Committee on Education

BILL: CS/SB 1552

INTRODUCER: Education Committee and Senator Simmons

SUBJECT: Florida Best and Brightest Teacher and Principal Scholar Award Program

DATE: April 4, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Graf	ED	Fav/CS
2.			AED	
3.			AP	
4.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1552 establishes the Florida Best and Brightest Teacher and Principal Scholar Award Program (Award Program) to recognize the contributions of teachers and principals in student success and performance outcomes. The bill provides eligibility criteria:

- For a full-time classroom teacher and a full-time school administrator to qualify for the Award Program scholarship; and
- For a newly hired full-time classroom teacher and full-time school administrator to qualify for a one-time hiring bonus.

Specifically, the bill requires that to qualify for the Award Program a teacher or an administrator must:

- Be employed on an annual contract or probationary contract;
- Participate in the school district's performance salary schedule;
- Meet one of the achievement requirements specified in the bill; and
- Meet one of the performance requirements specified in the bill, which include:
 - For existing teachers and administrators, a "highly effective" rating or commitment to working in a low-performing school for 3 years and a "highly effective" rating for 2 out of 3 years.
 - For newly hired teachers and administrators, graduation from or completion of a specified undergraduate program with a 3.0 grade point average, and commitment to working for three years in a Florida public school or critical teacher shortage area.

The bill requires the State Board of Education to expeditiously adopt rules to implement the Award Program.

The bill takes effect on July 1, 2017.

II. Present Situation:

The Florida Best and Brightest Teacher Scholarship Program provides categorical funding for scholarships to be awarded to classroom teachers¹ who have demonstrated a high level of academic achievement.²

To be eligible for a scholarship, a classroom teacher must have:³

- Achieved a composite score at or above the 80th percentile on either the SAT or the ACT based on the National Percentile Ranks⁴ in effect when the classroom teacher took the assessment.
- An evaluation of highly effective⁵ in the school year immediately preceding the year in which the scholarship will be awarded, unless the classroom teacher is newly hired by the district school board and has not been evaluated.

The schedule for the scholarship award is:

- No later than November 1, an eligible classroom teacher must submit to the school district an official record of his or her SAT or ACT score demonstrating a score at or above the 80th percentile based on the National Percentile Ranks in effect when the teacher took the assessment.⁶
- Annually, by December 1, each school district must submit to the Department of Education (DOE) the number of eligible classroom teachers who qualify for the scholarship.

¹ A classroom teacher is defined as a staff member assigned the professional activity of instructing students in courses in classroom situations, including basic instruction, exceptional student education, career education, and adult education, including substitute teachers. Includes classroom teachers in school districts, the Florida School for the Deaf and the Blind, and charter schools. Section 1012.731(7), F.S.

² Section 1012.731(2), F.S. *See also* s. 25, ch. 2016-62, L.O.F.

³ Section 1012.731(3)(a), F.S.

⁴ Percentile ranks represent the percentage of students who score equal to or below the score the student obtained.

⁵ Instructional personnel are assigned among four levels of performance, as “highly effective,” “effective,” “needs improvement” (or “developing” for instructional personnel in the first three years of employment), or “unsatisfactory.” Section 1012.34(2)(e), F.S. All instructional personnel and school administrators employed by Florida’s public school districts must undergo an annual performance evaluation based on sound educational principles and contemporary research in effective educational practices. Evaluations occur annually, except that newly hired classroom teachers are evaluated twice in their first year of teaching in a school district. Section 1012.34(3)(a), F.S. The evaluation criteria for instructional personnel include student performance, instructional practice, and professional and job responsibilities. Section 1012.34(3)(a)1., 2., and 4., F.S. School administrator evaluation criteria include instructional leadership. Section 1012.34(3)(a)3., F.S. Likewise, the evaluation criteria for school administrators include student performance and professional and job responsibilities. Section 1012.34(3)(a)1. and 4, F.S. Instructional leadership practices are also included in school administrator evaluations. Section 1012.34(3)(a)3., F.S.

⁶ Once a classroom teacher is deemed eligible by the school district, the teacher remains eligible as long as he or she remains employed by the school district as a classroom teacher at the time of the award and receives an annual performance evaluation rating of highly effective. Section 1012.731(3)(b), F.S.

- Annually, by February 1, the DOE must disburse scholarship funds to each school district for each eligible classroom teacher to receive a scholarship as provided in the General Appropriations Act. A scholarship in the amount provided in the General Appropriations Act must be awarded to every eligible classroom teacher. If the number of eligible classroom teachers exceeds the total appropriation authorized in the General Appropriations Act, the department must prorate the per-teacher scholarship amount.⁷
- Annually, by April 1, each school district must award the scholarship to each eligible classroom teacher.

The current statute is scheduled to expire on July 1, 2017.⁸

For the 2016-2017 fiscal year, the Legislature appropriated funds in the amount of \$49,000,000 for the Florida Best and Brightest Teacher Scholarship Program.⁹ According to proviso in the 2016 General Appropriations Act, the scholarship amount may be up to \$10,000 to be awarded to every eligible classroom teacher.¹⁰

III. Effect of Proposed Changes:

CS/SB 1552 establishes the Florida Best and Brightest Teacher and Principal Scholar Award Program (Award Program) to recognize the contributions of teachers and principals in student success and performance outcomes. The bill provides eligibility criteria:

- For a full-time classroom teacher and a full-time school administrator to qualify for the Award Program scholarship; and
- For a newly hired full-time classroom teacher and full-time school administrator to qualify for a one-time hiring bonus.

Specifically, the bill requires that to qualify for the Award Program a teacher or an administrator must:

- Be employed on an annual contract or probationary contract;
- Participate in the school district's performance salary schedule;
- Meet one of the achievement requirements specified in the bill; and
- Meet one of the performance requirements specified in the bill, which include:
 - For existing teachers and administrators, a "highly effective" rating or commitment to working in a low-performing school for 3 years and a "highly effective" rating for 2 out of 3 years.
 - For newly hired teachers and administrators, graduation from or completion of a specified undergraduate program with a 3.0 grade point average, and commitment to working for three years in a Florida public school or critical teacher shortage area.

⁷ Section 1012.731(5), F.S.

⁸ Section 1012.731(8), F.S.

⁹ Specific Appropriation 103, ch. 2016-66, L.O.F.

¹⁰ *Id.* There were 7,188 total eligible teachers in 2016-2017. Florida Department of Education, *Florida's Best & Brightest Teacher Scholarship Program*, presentation to The Florida Senate Appropriations Subcommittee on Pre-K-12 (January 25, 2017). This would equate to a prorated award of \$6,817 per eligible teacher.

The bill provides for funding for the Award Program in the General Appropriations Act, and provides criteria to prioritize specified awards if the scholarship must be prorated.

Eligibility Requirements and Awards for Existing Teachers and School Administrators

The bill provides that, to receive an Award Program scholarship, a full-time classroom teacher or full-time administrator must:

- Be employed on an annual contract or probationary contract¹¹ and participate in the school district's performance salary schedule.¹²
- Meet one of the following achievement requirements:
 - For a classroom teacher, a score at or above the 90th percentile on the Florida Teacher Certification Examination in a subject that he or she is teaching.
 - For a school administrator, a score at or above the 90th percentile on the Florida Educational Leadership Examination.
 - For a classroom teacher or school administrator, a composite score at or above the 80th percentile on either the SAT or the ACT based on the National Percentile Ranks in effect when the classroom teacher or school administrator took the assessment.
 - For a classroom teacher or school administrator, a composite score on the GRE, LSAT, GMAT, or MCAT at or above a score adopted by the State Board of Education (SBE).¹³
 - For a classroom teacher or school administrator, a cumulative undergraduate or graduate grade point average of at least 3.5 on a 4.0 scale, as verified on the teacher's or administrator's official final college transcript.
- Meet one of the following performance requirements:
 - Received a rating of highly effective in the school year immediately preceding the year in which the scholarship will be awarded.
 - If he or she works in a low-performing school¹⁴ or a school that was designated by the department as low-performing within the previous 2 years and commits to working at the school for at least 3 years, must have been received a rating of highly effective in the school year immediately preceding the first year in which the scholarship will be awarded and maintain a highly effective evaluation rating in at least 2 of every 3 annual performance evaluations, based on a rolling 3-year period.

¹¹ An annual contract is an employment contract for a period of no longer than one school year that a district school board may choose to award or not award without cause. Section 1012.335(1)(a), F.S. As of July 1, 2011, all new hires of instructional personnel are under annual contract basis, but does not include substitute teachers. *Id.* and (1) and (2). The first annual contract for a newly hired instructional personnel is a one-year probationary contract. *Id.*

¹² The performance salary schedule predicates adjustments to an instructional personnel's base salary upon his or her annual performance evaluation. Section 1012.34, F.S. Instructional personnel and school administrators hired on or after July 1, 2014, and instructional personnel on annual contracts as of July 1, 2014, must be placed on the performance salary schedule. Section 1012.22(1)(c)4. and 5., F.S. Under the performance salary schedule, annual salary adjustments may only be given to employees rated highly effective or effective on annual performance evaluations. Section 1012.22(1)(c)5.b., F.S.

¹³ The GRE is the Graduate Record Examination; the LSAT is the Law School Admissions Test; the GMAT is the Graduate Management Admission Test; and the MCAT is the Medical College Admission Test.

¹⁴ The Department of Education must annually identify each public school in need of intervention and support to improve student academic performance; school earning a grade of "D" or "F" under the school grading system are schools in need of intervention and support. Section 1008.33(3)(b), F.S.

Eligibility Requirements and Awards for Newly Hired Teachers and School Administrators

The bill creates a separate eligibility category for newly hired classroom teachers and school administrators. A newly hired teacher and school administrator, who has not been evaluated, is not eligible for the Award Program scholarship, but may receive a one-time hiring bonus of \$10,000 if he or she meets the following conditions:

- Be employed on an annual contract or probationary contract¹⁵ and participate in the school district's performance salary schedule.¹⁶
- Meet one of the following achievement requirements:
 - For a classroom teacher, a score at or above the 90th percentile on the Florida Teacher Certification Examination in a subject that he or she is teaching.
 - For a school administrator, a score at or above the 90th percentile on the Florida Educational Leadership Examination.
 - For a classroom teacher or school administrator, a composite score at or above the 80th percentile on either the SAT or the ACT based on the National Percentile Ranks in effect when the classroom teacher or school administrator took the assessment.
 - For a classroom teacher or school administrator, a composite score on the GRE, LSAT, GMAT, or MCAT at or above a score adopted by the SBE.¹⁷
 - For a classroom teacher or school administrator, a cumulative undergraduate or graduate grade point average of at least 3.5 on a 4.0 scale, as verified on the teacher's or administrator's official final college transcript.
- Meet one of the following performance requirements:
 - Be a recipient of the Florida Prepaid Tuition Scholarship Program¹⁸ who graduated with a minimum 3.0 grade point average and commits, pursuant to SBE rule, to working in a Florida public school for at least 3 years.
 - Have completed the college reach-out program¹⁹ and graduated with a minimum 3.0 grade point average, and commits, pursuant to SBE rule, to working in a Florida public school for at least 3 years.
 - Be a Florida college or university graduate of an approved Florida teacher preparation program,²⁰ with a minimum 3.0 grade point average, and commits, pursuant to SBE rule, to working in a critical teacher shortage area²¹ at a Florida public school for at least 3 years.

In subsequent school years, such classroom teacher and school administrator may earn a scholarship award if he or she also maintains his or her initial commitments.

¹⁵ *Supra* note 14

¹⁶ *Supra* note 15

¹⁷ *Supra* note 16

¹⁸ Section 1009.984, F.S.

¹⁹ Section 1007.34, F.S.

²⁰ Section 1004.04, F.S.

²¹ The term "critical teacher shortage area" means high-need content areas and high-priority location areas identified by the State Board of Education. Section 1012.07, F.S.

Prioritization of Awards

The bill requires that a scholarship in the amount provided in the General Appropriations Act (GAA) be awarded to every eligible classroom teacher and administrator. If the number of eligible classroom teachers and school administrators exceeds the total appropriation authorized in the GAA, the bill requires the department to prorate the per-scholar scholarship award amount, except that prior to the distribution of funds, the following priorities apply:

- Classroom teachers and school administrators who commit, pursuant to SBE rule, to working in a low-performing school and meet the specified eligibility criteria, must receive an award equal to a full scholarship award amount.
- Newly hired classroom teachers and school administrators who commit, pursuant to SBE rule, to working in a Florida public school and specified eligibility criteria must receive a one-time hiring bonus of up to \$10,000.

Award Program Implementation

Similar to the Florida Best and Brightest Teacher Scholarship Program, the bill establishes the following schedule:

- By November 1, an eligible classroom teacher or school administrator must submit an official record of his or her achievement of the specified eligibility criteria. After a classroom teacher or school administrator is deemed eligible by the school district, including a teacher deemed eligible for the Florida Best and Brightest Teacher Scholarship Program in fiscal years 2015-2016 and 2016-2017, such classroom teacher or school administrator remains eligible as long as he or she maintains employment by the school district and meets other specified requirements.
- Annually, by December 1, each school district must submit to the Department of Education (DOE) the number of classroom teachers or school administrators who qualify for the scholarship.
- Annually, by February 1, the DOE must distribute scholarship funds to each school district.
- Annually, by April 1, each school district must distribute the scholarship awards to eligible classroom teachers and school administrators.

The bill requires the SBE to expeditiously adopt rules to implement the Award Program.

The bill may assist with recruiting and retaining qualified classroom teachers and school administrators in Florida.

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.

C. Government Sector Impact:

CS/SB 1552 modifies the current Florida Best and Brightest Teacher Scholarship Program by revising classroom teacher eligibility, adding school administrators and establishing eligibility criteria, and creating a one-time hiring bonus for newly hired teachers and administrators. This may increase the number of educators eligible for the award. Since the total appropriation and award amount are not specified in the bill, the fiscal impact is indeterminate at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1012.732 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.)

CS by Education on April 3, 2017:

The committee substitute modifies the eligibility requirements for the Florida Best and Brightest Teacher and Principal Scholar Award Program by adding a way by which a classroom teacher and school administrator may satisfy the achievement eligibility requirement for the program award or bonus, as applicable. Specifically, the committee substitute authorizes a classroom teacher and school administrator to satisfy the

achievement eligibility requirement by achieving a cumulative undergraduate or graduate grade point average of at least 3.5 on a 4.0 scale, as verified on the teacher's or administrator's official final transcript.

B. Amendments:

None.



214866

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
	.	
	.	
	.	

The Committee on Education (Simmons) recommended the following:

Senate Amendment

Delete lines 61 - 64
and insert:
assessment;

4. For a classroom teacher or school administrator, a
composite score on the GRE, LSAT, GMAT, or MCAT at or above a
score adopted by the State Board of Education; or

5. For a classroom teacher or school administrator, a
cumulative undergraduate or graduate grade point average of at
least 3.5 on a 4.0 scale, as verified on the teacher's or



214866

12 administrator's official final college transcript.

THE FLORIDA SENATE
APPEARANCE RECORD

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

1552
Bill Number (if applicable)

Meeting Date _____

Topic Best & Brightest

Name John W. Dixon

Job Title Ex Dir

Address 206 B So Monroe
Street

Tall FL 32301
City State Zip

Amendment Barcode (if applicable)

724 3626
222 2571

Phone

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Fla. Assoc Secondary Sch. Prin.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/3/201

Meeting Date

1552

Bill Number (if applicable)

Topic Best and Brightest Teachers and Principals

Amendment Barcode (if applicable)

Name Jessica Janasiewicz (Jan-ah-see-witz)

Job Title Governmental Consultant

Address 119 S. Monroe Street

Phone 850-681-6788

Street

Tallahassee

FL

32301

City

State

Zip

Email jessica@rutledge-ecenia.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Association of School Administrators

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

4/3/201

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

1552

Meeting DateBill Number (if applicable)Topic Best and Brightest Teachers and PrincipalsAmendment Barcode (if applicable)Name Jessica Janasiewicz(Jan-ah-see-witz)Job Title Governmental ConsultantAddress 119 S. Monroe StreetPhone 850-681-6788StreetTallahasseeFL32301CityStateZipEmail jessica@rutledge-ecenia.comSpeaking: ☒ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)Representing Florida Association of School 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 Simmons

9-01644F-17

20171552__

A bill to be entitled

An act relating to the Florida Best and Brightest Teacher and Principal Scholar Award Program; creating s. 1012.732, F.S.; creating the Florida Best and Brightest Teacher and Principal Scholar Award Program to be administered by the Department of Education; providing the intent and purpose of the program; providing eligibility requirements for classroom teachers and school administrators to participate in the program; providing timelines and requirements for program implementation; providing funding priorities; defining the term "school district"; requiring the State Board of Education to adopt rules; providing an effective date.

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

Section 1. Section 1012.732, Florida Statutes, is created to read:

1012.732 The Florida Best and Brightest Teacher and Principal Scholar Award Program.—

(1) INTENT.—The Legislature recognizes that, second only to parents, teachers and principals play the most critical roles within schools in preparing students to achieve a high level of academic performance. The Legislature further recognizes that research has linked student successes and performance outcomes to the academic achievements and performance accomplishments of the teachers and principals who most closely affect their classroom and school learning environments. Therefore, it is the

9-01644F-17

20171552__

intent of the Legislature to designate teachers and principals who have achieved high academic standards during their own education as Florida's best and brightest teacher and principal scholars.

(2) PURPOSE.—There is created the Florida Best and Brightest Teacher and Principal Scholar Award Program, as a performance-based scholarship award program, to be administered by the Department of Education. The performance-based award shall provide categorical funding for scholarships to be awarded to full-time classroom teachers, as defined in s. 1012.01(2)(a), and full-time school administrators, as defined in s. 1012.01(3)(c), excluding substitute teachers or substitute school administrators, who have demonstrated a high level of academic achievement and performance.

(3) ELIGIBILITY.—To be eligible for a scholarship, a full-time classroom teacher or full-time school administrator must be employed on an annual contract or probationary contract pursuant to s. 1012.335, participate in the school district's performance salary schedule pursuant to s. 1012.22, and meet at least one of the achievement requirements under paragraph (a) and at least one of the performance requirements under paragraph (b).

(a) Achievement requirements.—

1. For a classroom teacher, a score at or above the 90th percentile on the Florida Teacher Certification Examination in a subject that he or she is teaching;

2. For a school administrator, a score at or above the 90th percentile on the Florida Educational Leadership Examination;

3. For a classroom teacher or school administrator, a composite score at or above the 80th percentile on either the

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SAT or the ACT based on the National Percentile Ranks in effect when the classroom teacher or school administrator took the assessment; or

4. For a classroom teacher or school administrator, a composite score on the GRE, LSAT, GMAT, or MCAT at or above a score adopted by the State Board of Education.

(b) Performance requirements.—The classroom teacher or school administrator:

1. Must have been evaluated as highly effective pursuant to s. 1012.34 in the school year immediately preceding the year in which the scholarship will be awarded;

2. If he or she works in a low-performing school or a school that was designated by the department as low-performing within the previous 2 years and commits, pursuant to State Board of Education rule, to working at the school for at least 3 years, must have been evaluated as highly effective pursuant to s. 1012.34 in the school year immediately preceding the first year in which the scholarship will be awarded and maintain a highly effective evaluation rating in at least two of every three annual performance evaluations, based on a rolling 3-year period; or

3. Must be newly hired by the district school board, must not have been evaluated pursuant to s. 1012.34, and must have met at least one of the following conditions:

a. Be a recipient of the Florida Prepaid Tuition Scholarship Program pursuant to s. 1009.984 who graduates with a minimum 3.0 grade point average and commit, pursuant to State Board of Education rule, to working in a Florida public school for at least 3 years;

9-01644F-17 20171552__

b. Have completed the college reach-out program pursuant to s. 1007.34 and graduated with a minimum 3.0 grade point average, and commit, pursuant to State Board of Education rule, to working in a Florida public school for at least 3 years; or

c. Be a Florida college or university graduate of a Florida teacher preparation program approved pursuant to s. 1004.04, have graduated with a minimum 3.0 grade point average, and commit, pursuant to State Board of Education rule, to working in a critical teacher shortage area under s. 1012.07 at a Florida public school for at least 3 years.

(4) IMPLEMENTATION.—In order to implement and administer the program, the following timelines and requirements apply:

(a) To demonstrate eligibility for an award, an eligible classroom teacher or school administrator, as applicable, must submit to the school district, no later than November 1, an official record of his or her achievement of the eligibility requirements specified in paragraph (3)(a). Once a classroom teacher or school administrator is deemed eligible by the school district, including teachers deemed eligible for the Florida Best and Brightest Teacher Scholarship Program in the 2015-2016 or 2016-2017 fiscal years pursuant to s. 25 of chapter 2016-62, Laws of Florida, the classroom teacher or school administrator remains eligible as long as he or she remains employed by the school district as a full-time classroom teacher or full-time school administrator at the time of the award and continues to meet the conditions specified under this section.

(b) Annually, by December 1, each school district shall submit to the department the number of eligible classroom teachers and school administrators who qualify for the

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117 scholarship.

118 (c) Annually, by February 1, the department shall disburse

119 scholarship funds to each school district for each eligible

120 classroom teacher and school administrator to receive a

121 scholarship as provided in the General Appropriations Act.

122 (d) Annually, by April 1, each school district shall award

123 the scholarship to each eligible classroom teacher and school

124 administrator.

125 (5) FUNDING.—A scholarship in the amount provided in the

126 General Appropriations Act shall be awarded to every eligible

127 classroom teacher and school administrator.

128 (a) If the number of eligible classroom teachers and school

129 administrators exceeds the total appropriation authorized in the

130 General Appropriations Act, the department shall prorate the

131 per-scholar scholarship award amount, except that prior to the

132 distribution of funds, the following priorities apply:

133 1. Classroom teachers and school administrators who commit,

134 pursuant to State Board of Education rule, to work in a low-

135 performing school and meet the performance requirements of

136 subparagraph (3)(b)2., shall receive an award equal to a full

137 scholarship award amount. Classroom teachers and school

138 administrators who do not fulfill the commitment made pursuant

139 to subparagraph (3)(b)2. may not receive this priority; and

140 2. Newly hired classroom teachers and school administrators

141 who commit, pursuant to State Board of Education rule, to work

142 in a Florida public school and meet the performance requirements

143 under subparagraph (3)(b)3., shall receive a one-time hiring

144 bonus of up to \$10,000. Classroom teachers and school

145 administrators who do not fulfill the commitment made pursuant

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146 to subparagraph (3)(b)3. may not receive this priority.

147 (b) Newly hired classroom teachers and newly hired school

148 administrators who initially participate in the program pursuant

149 to subparagraph (3)(b)3. may only receive the one-time hiring

150 bonus under subparagraph (a)2. In subsequent school years, such

151 classroom teachers and school administrators may earn a

152 scholarship award pursuant to subparagraph (3)(b)1. or

153 subparagraph (3)(b)2., if they also maintain their initial

154 commitments.

155 (6) DEFINITION.—For purposes of this section, the term

156 "school district" includes the Florida School for the Deaf and

157 the Blind and charter school governing boards.

158 (7) RULES.—The State Board of Education shall expeditiously

159 adopt rules to implement this section.

160 Section 2. This act shall take effect July 1, 2017.

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Education
ITEM: SB 1552
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Monday, April 3, 2017
TIME: 1:30—3:30 p.m.
PLACE: 412 Knott Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1586

INTRODUCER: Senator Garcia

SUBJECT: Student Eligibility for Interscholastic Athletic Competition

DATE: March 31, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Benvenisty	Graf	ED	Pre-meeting
2.			HP	
3.			RC	

I. Summary:

SB 1586 requires the preparticipation physical evaluation form to contain information that advises a student to complete cardiovascular assessment including an electrocardiogram. Additionally, the bill clarifies that licensed practitioners must administer the medical evaluation that a student must satisfactorily pass before participating in interscholastic competition or engaging in any practice, tryout, or other physical activity associated with the student's candidacy for an interscholastic athletic team.

The bill takes effect July 1, 2017.

II. Present Situation:

The Florida High School Athletic Association (FHSAA) is the governing nonprofit organization of athletics in Florida public schools.¹ The FHSAA is required to adopt bylaws regulating student eligibility, residency, transfer, and recruiting in accordance with applicable law.²

FHSAA bylaws must require all students participating in interscholastic or intrascholastic athletic competition or who are candidates for an interscholastic to satisfactorily pass a medical evaluation each year 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.³ Florida law authorizes certain licensed medical practitioners⁴ to administer such medical evaluations.⁵

¹ Section 1006.20(1), F.S.

² *Id.* at (2).

³ Section 1006.20 (2)(c), F.S.

⁴ Licensed practitioners include medical practitioners licensed pursuant to Chapter 458, F.S., osteopathic practitioners licensed pursuant to Chapter 459, F.S., chiropractic practitioners licensed pursuant to Chapter 460, F.S., and advanced registered nurse practitioners licensed pursuant to s. 464.012, F.S. Section 1006.20(2)(c), F.S.

⁵ *Id.*

The FHSAA bylaws must also establish requirements for eliciting a student's medical history and performing the medical evaluation pursuant to Florida law, which must 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.⁶ The preparticipation evaluation form must:⁷

- Incorporate the recommendations of the American Heart Association for participating in a cardiovascular screening and 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.
- 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.
- 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.
- Advise students to complete a cardiovascular assessment and include information concerning alternative cardiovascular evaluation and diagnostic tests.

A student is not eligible to participate in any interscholastic athletic competition or engage in any practice, tryout, workout, or other physical activity until the results of the medical evaluation have been received and approved by the school.⁸

III. Effect of Proposed Changes:

SB 1586 requires the preparticipation physical evaluation form to contain information that advises a student to complete cardiovascular assessment including an electrocardiogram. Additionally, the bill clarifies that licensed practitioners must administer the medical evaluation that a student must satisfactorily pass before participating in interscholastic competition or engaging in any practice, tryout, or other physical activity associated with the student's candidacy for an interscholastic athletic team. Accordingly, a medical practitioner completing the preparticipation physical evaluation form are provided with more guidance as to what to include in a cardiovascular assessment.

The bill takes effect July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1006.20 Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Garcia

36-01567A-17

20171586__

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

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20171586__

~~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

Page 2 of 3

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

36-01567A-17

20171586__

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
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 1598

INTRODUCER: Education Committee and Senator Brandes

SUBJECT: Education

DATE: April 4, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Benvenisty	Graf	ED	Fav/CS
2.			AED	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1598 establishes the Schools of Excellence Program to provide administrative flexibility to the state's top schools to enhance student learning. Additionally, the bill:

- Renames the current professional development certification and education competency program as the comprehensive teacher mentorship certification program with some modifications.
- Modifies the School Professional Development Act to include specified training relating to the comprehensive teacher mentorship certification program.
- Authorizes the Department of Corrections to enter into a contract with a charter school authorized to operate pursuant to law to provide education services for the Correctional Education Program.
- Specifies that a county in which a public or private postsecondary institution is located may authorize a public high school educational facility, including a charter school educational facility, which meets statutory requirements, related to educational facilities, to be located on the postsecondary institution's campus.

The bill takes effect July 1, 2017.

II. Present Situation:

School Grades

School grades are used to explain a school's performance in a familiar, easy-to-understand manner for parents and the public.¹ School grades are also used to determine whether a school must select or implement a turnaround option² or whether a school is eligible for school recognition funds as appropriated by the Legislature.³

The annual reports must identify schools as having one of the following grades:⁴

- “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

Elementary schools, middle schools, and high schools each share a basic model for determining school grades, based on the percentage of total points earned by a school for each component in the model. Middle and high school models include additional components beyond the basic model.⁵ Combination school models include the additional components for the grades served (*e.g.*, a school serving grades K through 12 would include the additional components for the middle and high school models).

Principal Autonomy Pilot Program Initiative

In 2016, the Legislature established the Principal Autonomy Pilot Program Initiative (PAPPI) within the Florida Department of Education (DOE) to provide the principal of a participating school with increased autonomy and authority regarding allocation of resources and staffing to improve student achievement and school management.⁶ A participating school must have received at least two school grades of “D” or “F” during the previous three school years, and a participating principal must have earned a highly effective rating on the prior year's performance evaluation.⁷ The program exempts participating schools from the K-20 Education Code and state board rules implementing such provisions, with some exceptions.⁸ In addition, a principal at a participating school may select qualified instructional personnel for placement at the school and refuse placement or transfer of instructional personnel by the district school superintendent, in any case.⁹ The principal also has greater budgeting authority to allocate resources to help improve student achievement.¹⁰

¹ Section 1008.34(1), F.S. If there are fewer than 10 eligible students with data for a component, the component is not included in the calculation. Section 1008.34(3)(a), F.S.

² See s. 1008.33(4), F.S.

³ See s. 1008.26, F.S.

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

⁵ See s. 1008.34(3)(b), F.S.; Rule 6A-1.09981(4)(a)-(c), F.A.C.

⁶ Chapter 2016-223, L.O.F. *Codified at* ss. 1012.28(8), and 1011.6202, F.S.

⁷ Section 1011.6202(2)(a)1. and 2., F.S.

⁸ See s. 1011.6202(3), F.S.

⁹ Section 1012.28(8)(a), F.S.

¹⁰ Section 1012.28(8)(b), F.S.

Educator Certification

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the DOE.¹¹

Certification requirements are established to assure that educational personnel in public schools possess appropriate skills in reading, writing, and mathematics, and adequate pedagogical knowledge, including the use of technology to enhance student learning, and relevant subject matter competence to demonstrate an acceptable level of professional performance.¹²

Types of Educator Certificates

The DOE identifies appropriate educator certification for the instruction of specified courses in an annual publication of a directory of course code numbers for all programs and courses funded through the Florida Education Finance Program.¹³

The DOE issues three types of educator certificates:¹⁴

- A professional certificate is the highest type of full-time certificate issued. The professional certificate is a 5-year renewable certificate.¹⁵
- A temporary certificate is a 3-year nonrenewable certificate issued to an applicant who does not qualify for a professional certificate.¹⁶
- An Athletic Coaching certificate covers a full-time or part-time individual who is employed as an athletic coach in any public school in any district of the state.¹⁷

Eligibility Criteria for Educator Certification

To be eligible to seek a Florida educator's certificate, an individual must:¹⁸

- Be at least 18 years of age.
- File an affidavit to uphold the principles incorporated in the Constitution of the United States and the Constitution of the State of Florida and that the information provided in the application is true, accurate, and complete.
- Document receipt of a bachelor's or higher degree from an accredited institution of higher learning, or a nonaccredited institution of higher learning that the DOE has identified as having a quality program resulting in a bachelor's degree, or higher. Each applicant seeking initial certification must have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study.
- Submit to a background screening in accordance with Florida law.
- Be of good moral character.
- Be competent and capable of performing the duties, functions, and responsibilities of an educator.

¹¹ Sections 1012.55(1) and 1002.33(12)(f), F.S.

¹² Section 1012.54, F.S.

¹³ Section 1012.55(1)(c), F.S.

¹⁴ Section 1012.55, F.S.

¹⁵ Section 1012.56(1)-(3) and (5), (6)-(7), F.S.

¹⁶ Section 1012.56(7)(b), F.S.; Rule 6A-4.004(1), F.A.C.

¹⁷ Section 1012.55(2)(a), F.S.

¹⁸ Section 1012.56(2)(a)-(i), F.S.

- Demonstrate mastery of general knowledge, subject area knowledge, and professional preparation and education competence.

Professional Development Certification and Education Competency Program

Florida law authorizes a school district to provide a cohesive competency-based professional development certification and education competency program by which members of a school district's instructional staff may satisfy the mastery of professional preparation and education competence requirements specified in statute and rules of the State Board of Education (SBE).¹⁹ Participants in this program must hold a state-issued temporary certificate.²⁰ A school district that implements the program must provide a competency-based certification developed by the DOE or developed by the district and approved by the DOE.²¹

Renewal of Professional Certificates

All professional certificates, except a nonrenewable professional certificate, must be renewed every five years.²² In order to qualify for renewal, the applicant must earn at least 6 college credits or 120 inservice (professional development) points during the 5-year cycle.²³ At least 3 college credits or 60 inservice points must be earned in each subject area for which renewal is sought.²⁴ Credits or inservice points may also be earned in courses in clinical educator training, literacy and computational skills acquisition, exceptional student education, child development, drug abuse, child abuse, limited English proficiency, dropout prevention, and other topics.²⁵ Applicants for renewal of a professional certificate must earn at least one college credit or the equivalent amount of inservice points in the area of instruction for teaching students with disabilities.²⁶

School Community Professional Development Act

Florida law requires the DOE, public postsecondary education institutions public school districts, state education foundations, consortia, and professional organizations to work collaboratively to establish a coordinated system of professional development.²⁷ The purpose of this system is to increase student achievement, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum, and prepare students for continuing education and the workforce.²⁸

¹⁹ Section 1012.56(8)(a), F.S.

²⁰ *Id.*

²¹ Section 1012.56(8)(a), F.S.

²² Section 1012.585(2)(a), F.S.

²³ Section 1012.585(3)(a), F.S. Applicants may combine college credits and inservice points to meet this requirement. One semester hour of college credit is equivalent to 20 inservice points. Rule 6A-4.0051(1)(a)2., F.A.C. College credits must be earned at an accredited or state board-approved institution. Inservice points must be earned through participation in state board-approved school district inservice activities. Rule 6A-4.0051(1)(a), F.A.C.; *see* rule 6A-4.003(1) and (2), F.A.C. (list of approved accrediting agencies and guidelines for nonaccredited approved institutions).

²⁴ Section 1012.585(3)(a), F.S.

²⁵ *Id.*

²⁶ Section 1012.585(4), F.S. This required training may not add to the total hours required by the DOE for continuing education or inservice training. *Id.*

²⁷ Section 1012.98(1), F.S.

²⁸ Section 1012.98(1), F.S.

Education for State Prisoners

Florida law establishes under the Department of Corrections (DOC) a Correctional Education Program, which must be composed of the educational facilities and services of all institutions, and facilities housing inmates operated by the DOC and must be supervised by the DOC.²⁹

Educational Facilities

Florida law authorizes state and local officials to cooperate in establishing and maintaining educational plants that will provide for public educational needs throughout the state.³⁰

III. Effect of Proposed Changes:

CS/SB 1598 establishes the Schools of Excellence Program to provide administrative flexibility to the state's top schools to enhance student learning. Additionally, the bill:

- Renames the current professional development certification and education competency program as the comprehensive teacher mentorship certification program.
- Modifies the School Professional Development Act to include specified training relating to the comprehensive teacher mentorship certification program.

Schools of Excellence

The bill establishes the Schools of Excellence Program to provide administrative flexibility to the state's top schools and requires the State Board of Education to designate a school as a School of Excellence if the school's percentage of possible points earned in its school grades calculation is in the 80th percentile or higher for schools within the same grade group (elementary schools, middle schools, high schools, or combination schools) for 2 of the last 3 school years. In order to qualify, the school must have data for each applicable school grade component.

Under the bill, a school retains its designation as a School of Excellence for up to 3 years so long as it does not receive a school grade lower than a "B" during that span. The school may renew its designation for another 3 years if it remains in the 80th percentile or higher for 2 of the 3 years and does not receive a grade lower than a "B" in any of the years. The bill provides that a School of Excellence that receives a grade lower than "B" may not continue to be designated as a School of Excellence and loses its administrative flexibility during the remainder of the 3-year period.

The bill provides the following administrative flexibilities to a School of Excellence:

- Exemption from any provision in law or rule that expressly requires a minimum period of daily or weekly instruction in a specified subject area.
- Principal autonomy under the Principal Autonomy Pilot Project Initiative.
- For instructional personnel, the substitution of 1 school year of employment at a School of Excellence for 20 inservice points toward the renewal of a professional certificate, up to 60 inservice points in a 5-year cycle.
- Exemption from district-set starting and stopping times for the school day.

²⁹ Section 944.801(1), F.S.

³⁰ Section 1013.02(1), F.S.

The additional authority and responsibilities granted to principals at Schools of Excellence under the bill and at schools participating in the PAPPI under existing law are granted to a principal newly assigned to a school with a school grade of a “D” or “F.” The bill authorizes a school district to revoke the principal’s additional authority after the school year following the first school year the school achieves a school grade of “C” or higher. As such, the bill may provide principals with greater autonomy to determine the best approach to improve the student performance at that school.

Comprehensive Teacher Mentorship Certification Program

The bill changes the name of the professional development certification and education competency program to the comprehensive teacher mentorship certification program.

The bill requires the Florida Department of Education (DOE) issue a professional certificate to a temporary certificate holder who meets the requirements for a professional certificate enumerated above, who completes a comprehensive teacher mentorship certification, and is rated highly effective under the district’s teacher evaluation system. As such, the bill provides that an individual with a temporary certificate is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate.

The bill requires a comprehensive teacher mentorship certification program to include a mentorship and induction component, which must include, at minimum, weekly opportunities for mentoring and induction activities. Mentoring and induction activities include, common planning time, ongoing professional development targeted to a teacher’s needs, co-teaching experiences, and reflection and follow-up discussions. A teacher selected to serve as a peer mentor is required under the bill to complete specialized training in clinical supervision and participate in ongoing mentor training. The bill requires this training be provided under the School Community Professional Development Act.

The bill requires that the mentorship activities must be provided for the teacher’s first year in the program and may be provided until the teacher attains his or her professional certificate. Further, the bill requires that a principal who is rated highly effective must be provided flexibility in selecting professional development activities for the mentorship and induction component so long as the DOE approves the program.

The DOE is directed to adopt standards for the approval of district developed comprehensive teacher mentorship certification programs, including standards for the teacher mentorship and induction component, by December 31, 2017. The standards for the teacher mentorship and induction component must include:

- Program administration and evaluation;
- Mentor roles, selection, and training;
- Beginning teacher assessment and professional development; and
- Teacher content knowledge and practices aligned to the Florida Educator Accomplished Practices.

Accordingly, this program may ease the pathway to teacher certification for temporary certificate holders and may help school districts recruit and retain teachers.

Education for State Prisoners

The bill authorizes the Department of Corrections (DOC) to enter into a contract with a charter school, authorized to operate as part of the state's program of public education, to provide education services for the Correctional Education Program. Accordingly, such contracts may provide to the DOC another way to offer education services to state prisoners. The bill does not address funding for the delivery of education services by the charter schools.

High School Educational Facilities

The bill specifies that a county in which a public or private postsecondary institution is located may authorize a public high school educational facility, including a charter school educational facility, which meets statutory requirements related to educational facilities, to be located on the postsecondary institution's campus. Currently, Florida law has authorized the Florida Agricultural and Mechanical University, Florida Atlantic University, Florida State University, the University of Florida and other universities approved by the State Board of Education and the Legislature to sponsor a developmental research (laboratory) school.³¹ Laboratory schools are public schools and provide sequential instruction and must be affiliated with the college of education within the state university of closest proximity.³² The bill appears to also allow a county to authorize a public high school to operate on a public or private postsecondary institution's campus.

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.

³¹ Section 1002.23(2), F.S.

³² *Id.*

B. Private Sector Impact:

According to the Florida Department of Education (DOE), CS/SB 1598 may result in a positive fiscal impact for professional certificate applicants by not having to enroll in additional college coursework or take the professional education competency examination to be awarded a professional certificate.³³

C. Government Sector Impact:

According to the DOE, implementation of the bill will require one additional DOE staff member to review, approve, and monitor compliance with the statutory requirements for the Professional Development Certification and Education Competency programs, as well as revision of school district professional development systems.³⁴ The estimated cost for the additional staff member is \$82,160.³⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 944.801, 1012.28, 1012.56, 1012.585, and 1012.98.

This bill creates the following sections of the Florida Statutes: 1003.631 and 1013.29.

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 April 3, 2017:

The committee substitute adds provisions to the bill to:

- Authorize the Department of Corrections to enter into a contract with a charter school authorized to operate pursuant to law to provide education services for the Correctional Education Program.
- Specify that a county in which a public or private postsecondary institution is located may authorize a public high school educational facility, including a charter school educational facility, which meets statutory requirements to be located on the postsecondary institution's campus.

³³ Telephone Interview with Government Relations Staff, Florida Department of Education (March 30, 2017).

³⁴ *Id.*

³⁵ *Id.*

B. Amendments:

None.

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



430214

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
	.	
	.	
	.	

The Committee on Education (Brandes) recommended the following:

Senate Amendment (with title amendment)

Before line 47
insert:

Section 1. Present subsections (4) and (5) of section 944.801, Florida Statutes, are redesignated as subsections (5) and (6), respectively, and a new subsection (4) is added to that section, to read:

944.801 Education for state prisoners.—

(4) The department may enter into a contract with a charter school authorized to operate under s. 1002.33 to provide



430214

education services for the Correctional Education Program.

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

And the title is amended as follows:

Delete line 2

and insert:

An act relating to education; amending s. 944.801,
F.S.; authorizing the Department of Corrections to
contract with charter schools to provide education
services to the Correctional Education Program;
creating s. 1003.631,



149092

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
	.	
	.	
	.	

The Committee on Education (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 531 and 532
insert:

Section 6. Section 1013.29, Florida Statutes, is created to
read:

1013.29 High school educational facilities on a public or
private postsecondary institution campus.—A county in which a
public or private postsecondary institution is located may
authorize a public high school educational facility, including a
charter school educational facility, which meets the



149092

requirements of this chapter to be located on the postsecondary
institution's campus.

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

And the title is amended as follows:

Delete line 42

and insert:

programs that meet specified criteria; creating s.
1013.29, F.S.; authorizing certain high school
educational facilities to be located on a public or
private postsecondary institution campus under certain
circumstances; providing an

By Senator Brandes

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1 A bill to be entitled
 2 An act relating to education; creating s. 1003.631,
 3 F.S.; creating the Schools of Excellence Program;
 4 providing for designation as a School of Excellence;
 5 providing requirements for a School of Excellence;
 6 providing for redesignation; authorizing Schools of
 7 Excellence to have specified administrative
 8 flexibilities; authorizing certain teachers to earn a
 9 professional certificate by completing a specified
 10 program; amending s. 1012.28, F.S.; providing
 11 additional authority and responsibilities to the
 12 principal of a School of Excellence; providing that
 13 newly assigned principals of certain schools must be
 14 provided specified authority and responsibilities;
 15 amending s. 1012.56, F.S.; providing that successful
 16 completion of a specified program demonstrates mastery
 17 of certain skills; revising the criteria instructional
 18 personnel must meet to be issued a professional
 19 certificate; providing that an applicant for
 20 professional certification is not required to take or
 21 pass a specified examination under certain
 22 circumstances; providing requirements for the
 23 development and implementation of a comprehensive
 24 teacher mentorship certification program; providing
 25 the purpose of the program; requiring the Department
 26 of Education to adopt standards for the approval of
 27 district-developed programs; providing requirements
 28 for such standards; providing program requirements;
 29 providing peer mentor requirements; amending s.

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

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30 1012.585, F.S.; providing that instructional personnel
 31 may substitute 1 year of specified employment for a
 32 certain amount of inservice points within a certain
 33 cycle for certificate renewal; providing such
 34 employment does not satisfy a specified credit hour
 35 requirement; amending s. 1012.98, F.S.; revising the
 36 activities designed to implement the School Community
 37 Professional Development Act to include specified
 38 training relating to the comprehensive teacher
 39 mentorship program; revising requirements for school
 40 district professional development systems; requiring
 41 the department to disseminate professional development
 42 programs that meet specified criteria; providing an
 43 effective date.

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

46
 47 Section 1. Section 1003.631, Florida Statutes, is created
 48 to read:

49 1003.631 Schools of Excellence.—The Schools of Excellence
 50 Program is established to provide administrative flexibility to
 51 the state's top schools so that the instructional personnel and
 52 administrative staff at such schools can continue to serve their
 53 communities and increase student learning to the best of their
 54 professional ability.

55 (1) DESIGNATION.—

56 (a) The State Board of Education shall designate a school
 57 as a School of Excellence if the school's percentage of possible
 58 points earned in its school grade calculation is in the 80th

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

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59 percentile or higher for schools comprised of the same grade
 60 groupings, including elementary schools, middle schools, high
 61 schools, and schools with a combination of grade levels, for at
 62 least 2 of the last 3 school years. The school must have data
 63 for each applicable school grade component pursuant to s.
 64 1008.34(3) to be eligible for designation as a School of
 65 Excellence. A qualifying school shall retain the designation as
 66 a School of Excellence for up to 3 years, at the end of which
 67 time the school may renew the designation, if:
 68 1. The school was in the 80th percentile or higher pursuant
 69 to this subsection for 2 of the previous 3 years; and
 70 2. The school did not receive a school grade lower than "B"
 71 pursuant to s. 1008.34 during any of the previous 3 years.
 72 (b) A school that earns a school grade lower than "B"
 73 pursuant to s. 1008.34 during the 3-year period may not continue
 74 to be designated as a School of Excellence during the remainder
 75 of that 3-year period and loses the administrative flexibilities
 76 provided in subsection (2).
 77 (2) ADMINISTRATIVE FLEXIBILITIES.—A School of Excellence
 78 must be provided the following administrative flexibilities:
 79 (a) Exemption from any provision of law or rule that
 80 expressly requires a minimum period of daily or weekly
 81 instruction in a specified subject area.
 82 (b) Principal autonomy as provided under s. 1012.28(8).
 83 (c) For instructional personnel, the substitution of 1
 84 school year of employment at a School of Excellence for 20
 85 inservice points toward the renewal of a professional
 86 certificate, up to 60 inservice points in a 5-year cycle,
 87 pursuant to s. 1012.585(3).

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88 (d) Exemption from compliance with district policies or
 89 procedures that establish times for the start and completion of
 90 the school day.
 91 (3) TEACHER CERTIFICATION.—A temporary certificateholder
 92 under s. 1012.56(7)(b) who is employed by a School of Excellence
 93 may earn a professional certificate by meeting the requirements
 94 of s. 1012.56(7)(a)3.
 95 Section 2. Subsection (8) of section 1012.28, Florida
 96 Statutes, is amended, and subsection (9) is added to that
 97 section, to read:
 98 1012.28 Public school personnel; duties of school
 99 principals.—
 100 (8) The principal of a School of Excellence or a school
 101 participating in the Principal Autonomy Pilot Program Initiative
 102 under s. 1011.6202 has the following additional authority and
 103 responsibilities:
 104 (a) In addition to the authority provided in subsection
 105 (6), the authority to select qualified instructional personnel
 106 for placement or to refuse to accept the placement or transfer
 107 of instructional personnel by the district school
 108 superintendent. Placement of instructional personnel at a
 109 participating school in a participating school district does not
 110 affect the employee's status as a school district employee.
 111 (b) The authority to deploy financial resources to school
 112 programs at the principal's discretion to help improve student
 113 achievement, as defined in s. 1008.34(1), and meet performance
 114 goals identified in the principal autonomy proposal submitted
 115 pursuant to s. 1011.6202.
 116 (c) To annually provide to the district school

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 117 superintendent and the district school board a budget for the
 118 operation of the participating school that identifies how funds
 119 provided pursuant to s. 1011.69(2) are allocated. The school
 120 district shall include the budget in the annual report provided
 121 to the State Board of Education pursuant to s. 1011.6202(6).

122 (9) A school district must provide a principal newly
 123 assigned to a school with a school grade of "D" or "F" under s.
 124 1008.34 with the additional authority and responsibilities
 125 provided in subsection (8). The district may revoke the
 126 principal's additional authority and responsibilities under this
 127 subsection after the school year following the first school year
 128 the school achieves a school grade of "C" or higher.

129 Section 3. Subsection (6), paragraph (a) of subsection (7),
 130 and paragraph (a) of subsection (8) of section 1012.56, Florida
 131 Statutes, are amended to read:

132 1012.56 Educator certification requirements.—

133 (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
 134 COMPETENCE.—Acceptable means of demonstrating mastery of
 135 professional preparation and education competence are:

136 (a) Successful completion of an approved teacher
 137 preparation program at a postsecondary educational institution
 138 within this state and achievement of a passing score on the
 139 professional education competency examination required by state
 140 board rule;

141 (b) Successful completion of a teacher preparation program
 142 at a postsecondary educational institution outside Florida and
 143 achievement of a passing score on the professional education
 144 competency examination required by state board rule;

145 (c) Documentation of a valid professional standard teaching

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 146 certificate issued by another state;
 147 (d) Documentation of a valid certificate issued by the
 148 National Board for Professional Teaching Standards or a national
 149 educator credentialing board approved by the State Board of
 150 Education;

151 (e) Documentation of two semesters of successful, full-time
 152 or part-time teaching in a Florida College System institution,
 153 state university, or private college or university that awards
 154 an associate or higher degree and is an accredited institution
 155 or an institution of higher education identified by the
 156 Department of Education as having a quality program and
 157 achievement of a passing score on the professional education
 158 competency examination required by state board rule;

159 (f) Successful completion of professional preparation
 160 courses as specified in state board rule, successful completion
 161 of a professional preparation and education competence program
 162 pursuant to paragraph (8)(b), and achievement of a passing score
 163 on the professional education competency examination required by
 164 state board rule;

165 (g) Successful completion of a comprehensive teacher
 166 mentorship certification ~~professional development certification~~
 167 ~~and education competency~~ program pursuant to, ~~outlined in~~
 168 paragraph (8)(a); or

169 (h) Successful completion of a competency-based
 170 certification program pursuant to s. 1004.85 and achievement of
 171 a passing score on the professional education competency
 172 examination required by rule of the State Board of Education.

173
 174 The State Board of Education shall adopt rules to implement this

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175 subsection ~~by December 31, 2014~~, including rules to approve
 176 specific teacher preparation programs that are not identified in
 177 this subsection which may be used to meet requirements for
 178 mastery of professional preparation and education competence.

179 (7) TYPES AND TERMS OF CERTIFICATION.—

180 (a) The Department of Education shall issue a professional
 181 certificate for a period not to exceed 5 years to any applicant
 182 who fulfills one of the following:

183 1. Meets all the requirements outlined in subsection (2).
 184 2. ~~or~~, For a professional certificate covering grades 6
 185 through 12, any applicant who:

186 a.1- Meets the requirements of paragraphs (2) (a)-(h) .
 187 b.2- Holds a master's or higher degree in the area of
 188 science, technology, engineering, or mathematics.

189 c.3- Teaches a high school course in the subject of the
 190 advanced degree.

191 d.4- Is rated highly effective as determined by the
 192 teacher's performance evaluation under s. 1012.34, based in part
 193 on student performance as measured by a statewide, standardized
 194 assessment or an Advanced Placement, Advanced International
 195 Certificate of Education, or International Baccalaureate
 196 examination.

197 e.5- Achieves a passing score on the Florida professional
 198 education competency examination required by state board rule.

199 3. Meets the requirements of paragraphs (2) (a)-(h) and
 200 completes a comprehensive teacher mentorship certification
 201 program pursuant to paragraph (8) (a). An applicant who completes
 202 the program and is rated highly effective as determined by his
 203 or her performance evaluation under s. 1012.34 is not required

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204 to take or achieve a passing score on the professional education
 205 competency examination in order to be awarded a professional
 206 certificate.

207

208 Each temporary certificate is valid for 3 school fiscal years
 209 and is nonrenewable. However, the requirement in paragraph
 210 (2) (g) must be met within 1 calendar year of the date of
 211 employment under the temporary certificate. Individuals who are
 212 employed under contract at the end of the 1 calendar year time
 213 period may continue to be employed through the end of the school
 214 year in which they have been contracted. A school district shall
 215 not employ, or continue the employment of, an individual in a
 216 position for which a temporary certificate is required beyond
 217 this time period if the individual has not met the requirement
 218 of paragraph (2) (g). The State Board of Education shall adopt
 219 rules to allow the department to extend the validity period of a
 220 temporary certificate for 2 years when the requirements for the
 221 professional certificate, not including the requirement in
 222 paragraph (2) (g), were not completed due to the serious illness
 223 or injury of the applicant or other extraordinary extenuating
 224 circumstances. The department shall reissue the temporary
 225 certificate for 2 additional years upon approval by the
 226 Commissioner of Education. A written request for reissuance of
 227 the certificate shall be submitted by the district school
 228 superintendent, the governing authority of a university lab
 229 school, the governing authority of a state-supported school, or
 230 the governing authority of a private school.

231 (8) COMPREHENSIVE TEACHER MENTORSHIP CERTIFICATION PROGRAM
 232 PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION COMPETENCY

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PROGRAM.—

(a) The Department of Education shall develop and each school district may provide a ~~cohesive~~ competency-based, ~~comprehensive teacher mentorship certification professional development certification and education competency~~ program. The purpose of the program is to provide by which members of a school district's instructional staff supportive induction services through which they can demonstrate mastery of professional preparation and education competence requirements consistent with specified in subsection (6) and rules of the State Board of Education. Participants must hold a state-issued temporary certificate. A school district that implements the program shall provide a competency-based certification program developed by the Department of Education or developed by the district and approved by the Department of Education. The department shall adopt standards for the approval of district-developed comprehensive teacher mentorship certification programs, including program administration and evaluation; mentor roles, selection, and training; beginning teacher assessment and professional development; and instructional practices aligned to the Florida Educator Accomplished Practices. The program shall include the following:

1. A minimum period of initial preparation before assuming duties as the teacher of record.

2. An option for collaboration between school districts and other supporting agencies or educational entities for implementation.

3. An experienced peer-mentor component. Each individual selected by the district as a peer mentor;

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- a. Must hold a valid professional certificate issued pursuant to this section;
- b. Must have earned at least 3 years of teaching experience in prekindergarten through grade 12; ~~and~~
- c. Must have completed specialized training in clinical supervision and participate in ongoing mentor training;
- d. Must have earned an effective or highly effective rating on the prior year's performance evaluation under s. 1012.34; and
- e. May ~~or~~ be a peer evaluator under the district's evaluation system approved under s. 1012.34.

4. Weekly opportunities for mentoring activities that include, at a minimum, common planning time, ongoing professional development targeted to a teacher's needs, opportunities for a teacher to observe other teachers, co-teaching experiences, and reflection and follow-up discussions. Mentorship activities must be provided for a teacher's first year in the program and may be provided until the teacher attains his or her professional certificate in accordance with this section.

5.4. ~~An~~ assessment of teaching performance aligned to the district's system for personnel evaluation under s. 1012.34 which provides for:

- a. An initial evaluation of each educator's competencies to determine an appropriate individualized professional development plan.

- b. A summative evaluation to assure successful completion of the program.

6.5. ~~Competency-based training on~~ professional education preparation content knowledge that includes, but is not limited

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291 to, the following:

292 a. The state standards provided under s. 1003.41, including

293 scientifically based reading instruction, content literacy, and

294 mathematical practices, for each subject identified on the

295 temporary certificate.

296 b. The educator-accomplished practices approved by the

297 state board.

298 c. A variety of data indicators for monitoring student

299 progress.

300 d. Methodologies for teaching students with disabilities.

301 e. Methodologies for teaching students of limited English

302 proficiency appropriate for each subject area identified on the

303 temporary certificate.

304 f. Techniques and strategies for operationalizing the role

305 of the teacher in assuring a safe learning environment for

306 students.

307 7.6- Required achievement of passing scores on the subject

308 area and professional education competency examination required

309 by State Board of Education rule. Mastery of general knowledge

310 must be demonstrated as described in subsection (3).

311 Section 4. Subsection (3) and paragraph (b) of subsection

312 (5) of section 1012.585, Florida Statutes, are amended to read:

313 1012.585 Process for renewal of professional certificates.-

314 (3) For the renewal of a professional certificate, the

315 following requirements must be met:

316 (a) The applicant must earn a minimum of 6 college credits

317 or 120 inservice points or a combination thereof. For each area

318 of specialization to be retained on a certificate, the applicant

319 must earn at least 3 of the required credit hours or equivalent

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320 inservice points in the specialization area. Education in

321 "clinical educator" training pursuant to s. 1004.04(5)(b) and

322 credits or points that provide training in the area of

323 scientifically researched, knowledge-based reading literacy and

324 computational skills acquisition, exceptional student education,

325 normal child development, and the disorders of development may

326 be applied toward any specialization area. Credits or points

327 that provide training in the areas of drug abuse, child abuse

328 and neglect, strategies in teaching students having limited

329 proficiency in English, or dropout prevention, or training in

330 areas identified in the educational goals and performance

331 standards adopted pursuant to ss. 1000.03(5) and 1008.345 may be

332 applied toward any specialization area. Credits or points earned

333 through approved summer institutes may be applied toward the

334 fulfillment of these requirements. Inservice points may also be

335 earned by participation in professional growth components

336 approved by the State Board of Education and specified pursuant

337 to s. 1012.98 in the district's approved master plan for

338 inservice educational training, including, but not limited to,

339 serving as a trainer in an approved teacher training activity,

340 serving on an instructional materials committee or a state board

341 or commission that deals with educational issues, or serving on

342 an advisory council created pursuant to s. 1001.452.

343 (b) In lieu of college course credit or inservice points,

344 the applicant may renew a subject area specialization by passage

345 of a state board approved Florida-developed subject area

346 examination or, if a Florida subject area examination has not

347 been developed, a standardized examination specified in state

348 board rule.

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(c) Instructional personnel may substitute 1 school year of employment at a School of Excellence, as defined in s. 1003.631, for 20 inservice points, up to a maximum of 60 inservice points in a 5-year cycle. However, inservice points earned under this paragraph may not be used to satisfy the 3 credit hour specialization area requirement under paragraph (a).

(d) ~~(e)~~ If an applicant wishes to retain more than two specialization areas on the certificate, the applicant shall be permitted two successive validity periods for renewal of all specialization areas, but must earn no fewer than 6 college course credit hours or the equivalent in any one validity period.

(e) ~~(d)~~ The State Board of Education shall adopt rules for the expanded use of training for renewal of the professional certificate for educators who are required to complete training in teaching students of limited English proficiency or students with disabilities and training in the teaching of reading as follows:

1. A teacher who holds a professional certificate may use college credits or inservice points earned through training in teaching students of limited English proficiency or students with disabilities and training in the teaching of reading in excess of 6 semester hours during one certificate-validity period toward renewal of the professional certificate during the subsequent validity periods.

2. A teacher who holds a temporary certificate may use college credits or inservice points earned through training in teaching students of limited English proficiency or students with disabilities and training in the teaching of reading toward

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renewal of the teacher's first professional certificate. Such training must not have been included within the degree program, and the teacher's temporary and professional certificates must be issued for consecutive school years.

(f) ~~(e)~~ Beginning July 1, 2014, an applicant for renewal of a professional certificate must earn a minimum of one college credit or the equivalent inservice points in the area of instruction for teaching students with disabilities. The requirement in this paragraph may not add to the total hours required by the department for continuing education or inservice training.

(5) The State Board of Education shall adopt rules to allow the reinstatement of expired professional certificates. The department may reinstate an expired professional certificate if the certificateholder:

(b) Documents completion of 6 college credits during the 5 years immediately preceding reinstatement of the expired certificate, completion of 120 inservice points, or a combination thereof, in an area specified in paragraph (3)(a) to include the credit required under paragraph (3)(f) ~~(3)(e)~~.

The requirements of this subsection may not be satisfied by subject area examinations or college credits completed for issuance of the certificate that has expired.

Section 5. Paragraph (e) is added to subsection (3) of section 1012.98, Florida Statutes, and paragraph (b) of subsection (4) and subsections (10) and (11) of that section are amended, to read:

1012.98 School Community Professional Development Act.—

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(3) The activities designed to implement this section must:

(e) Provide training to teacher mentors as part of the comprehensive teacher mentorship certification program under s. 1012.56(8)(a). The training must include components on teacher development, peer coaching, time management, and other related topics as determined by the Department of Education.

(4) The Department of Education, school districts, schools, Florida College System institutions, and state universities share the responsibilities described in this section. These responsibilities include the following:

(b) Each school district shall develop a professional development system as specified in subsection (3). The system shall be developed in consultation with teachers, teacher-educators of Florida College System institutions and state universities, business and community representatives, and local education foundations, consortia, and professional organizations. The professional development system must:

1. Be approved by the department. All substantial revisions to the system shall be submitted to the department for review for continued approval.

2. Be based on analyses of student achievement data and instructional strategies and methods that support rigorous, relevant, and challenging curricula for all students. Schools and districts, in developing and refining the professional development system, shall also review and monitor school discipline data; school environment surveys; assessments of parental satisfaction; performance appraisal data of teachers, managers, and administrative personnel; and other performance indicators to identify school and student needs that can be met

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by improved professional performance.

3. Provide inservice activities coupled with followup support appropriate to accomplish district-level and school-level improvement goals and standards. The inservice activities for instructional personnel shall focus on analysis of student achievement data, ongoing formal and informal assessments of student achievement, identification and use of enhanced and differentiated instructional strategies that emphasize rigor, relevance, and reading in the content areas, enhancement of subject content expertise, integrated use of classroom technology that enhances teaching and learning, classroom management, parent involvement, and school safety.

4. Provide inservice activities and support targeted to the individual needs of new teachers participating in a comprehensive teacher mentor certification program pursuant to s. 1012.56(8)(a).

~~5.4.~~ Include a master plan for inservice activities, pursuant to rules of the State Board of Education, for all district employees from all fund sources. The master plan shall be updated annually by September 1, must be based on input from teachers and district and school instructional leaders, and must use the latest available student achievement data and research to enhance rigor and relevance in the classroom. Each district inservice plan must be aligned to and support the school-based inservice plans and school improvement plans pursuant to s. 1001.42(18). Each district inservice plan must provide a description of the training that middle grades instructional personnel and school administrators receive on the district's code of student conduct adopted pursuant to s. 1006.07;

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integrated digital instruction and competency-based instruction and CAPE Digital Tool certificates and CAPE industry certifications; classroom management; student behavior and interaction; extended learning opportunities for students; and instructional leadership. District plans must be approved by the district school board annually in order to ensure compliance with subsection (1) and to allow for dissemination of research-based best practices to other districts. District school boards must submit verification of their approval to the Commissioner of Education no later than October 1, annually. Each school principal may establish and maintain an individual professional development plan for each instructional employee assigned to the school as a seamless component to the school improvement plans developed pursuant to s. 1001.42(18). An individual professional development plan must be related to specific performance data for the students to whom the teacher is assigned, define the inservice objectives and specific measurable improvements expected in student performance as a result of the inservice activity, and include an evaluation component that determines the effectiveness of the professional development plan.

6.5- Include inservice activities for school administrative personnel that address updated skills necessary for instructional leadership and effective school management pursuant to s. 1012.986.

7.6- Provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs.

8.7- Provide for delivery of professional development by distance learning and other technology-based delivery systems to

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reach more educators at lower costs.

9.8- Provide for the continuous evaluation of the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and to expand effective ones. Evaluations must consider the impact of such activities on the performance of participating educators and their students' achievement and behavior.

10.9- For middle grades, emphasize:

a. Interdisciplinary planning, collaboration, and instruction.

b. Alignment of curriculum and instructional materials to the state academic standards adopted pursuant to s. 1003.41.

c. Use of small learning communities; problem-solving, inquiry-driven research and analytical approaches for students; strategies and tools based on student needs; competency-based instruction; integrated digital instruction; and project-based instruction.

Each school that includes any of grades 6, 7, or 8 must include in its school improvement plan, required under s. 1001.42(18), a description of the specific strategies used by the school to implement each item listed in this subparagraph.

(10) For instructional personnel and administrative personnel who have been evaluated as less than effective, a district school board shall require participation in specific professional development programs as provided in subparagraph (4) (b) 5. ~~(4) (b) 4-~~ as part of the improvement prescription.

(11) The department shall disseminate to the school community proven model professional development programs that

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523 have demonstrated success in increasing rigorous and relevant
524 content, increasing student achievement and engagement, ~~and~~
525 meeting identified student needs, and providing effective
526 mentorship activities to new teachers and training to teacher
527 mentors. The methods of dissemination must include a web-based
528 statewide performance-support system including a database of
529 exemplary professional development activities, a listing of
530 available professional development resources, training programs,
531 and available technical assistance.

532 Section 6. This act shall take effect July 1, 2017.

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Education
ITEM: SB 1598
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Monday, April 3, 2017
TIME: 1:30—3:30 p.m.
PLACE: 412 Knott Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
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TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1710

INTRODUCER: Senator Stargel

SUBJECT: Education

DATE: March 31, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Graf	ED	Favorable
2.			AED	
3.			AP	
4.			RC	

I. Summary:

SB 1710 designates the month of September as “American Founders’ Month” and authorizes the Governor to issue a proclamation urging all civic, fraternal, and religious organizations and public and private educational institutions to recognize, observe, and celebrate the month. Specifically, the bill:

- Encourages all public schools to observe “American Founders’ Month” with appropriate instruction and activities.
- Establishes civic literacy as a priority of Florida’s K-20 education system.
- Requires the Just Read, Florida! Office to develop and provide access to sequenced, content-rich programming, instructional practices, and resources to increase students’ core knowledge and literacy skills including student attainment of state standards for social studies, science, and the arts.
- Requires students initially entering a Florida College System institution or state university in 2018-2019 and thereafter, to demonstrate civic literacy through successful completion of a civic literacy course or by achieving a passing score on an assessment adopted in rule by the State Board of Education or in regulation by the Board of Governors, as applicable.

The bill takes effect on July 1, 2017.

II. Present Situation:

Florida has established mechanisms to increase the civic awareness and engagement among students through civic-engagement skills in the curriculum standards for all subjects,¹ and

¹ Section 1003.41(1), F.S.

specifically social studies;² a middle grades civics education course³ and end-of-course assessment;⁴ and the inclusion of such end-of-course assessment in the calculation of school grades.⁵

Priorities of the K-20 Education System

The mission of Florida's K-20 education system is to allow its students to increase their proficiency by allowing them the opportunity to expand their knowledge and skills through rigorous and relevant learning opportunities.⁶ As such, the priorities of Florida's K-20 education system include:⁷

- Demonstration that all students meet the expected academic standards consistently at all levels of their education.
- Learning and completion at all levels, so that all students demonstrate increased learning and completion at all levels, graduate from high school, and are prepared to enter postsecondary education without remediation.
- Alignment of standards and resources for every level of the K-20 education system.
- Improved educational leadership at all levels of K-20 education.
- Alignment of workforce education with skills required by the new global economy.
- Collaboration between parents, students, families, educational institutions, and communities as important to each individual student's success; the goals of Florida's K-20 education system are not guarantees that each individual student will succeed or that each individual school will perform at the level indicated in the goals.
- Comprehensive K-20 career and education planning to better prepare all students at every level for the transition from school to postsecondary education or work.

Patriotic Programs

District school boards are authorized to adopt rules that require patriotic programs in district schools which encourage respect for the United States government, the national anthem, and the flag.⁸ The law also specifies procedures for the playing of the national anthem and recitation of the pledge of allegiance to the flag in public schools and at school-sponsored functions.⁹ The pledge must be recited at the beginning of the day in each public school in the state.¹⁰ Students must be excused from reciting the pledge if his or her parent submits a written request.¹¹

² Section 1003.41(2)(d), F.S.

³ Section 1003.4156(1)(c), F.S. The one-semester civics education course must include 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. *Id.*

⁴ Section 1008.22(3)(b)1., F.S.

⁵ Section 1008.34(3)(b)1.d., F.S.

⁶ Section 1000.03(4), F.S.

⁷ *Id.* at (5).

⁸ Section 1003.44(1), F.S.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

Postsecondary Requirements

Civics Instruction

There is no state civics requirement for students attending public postsecondary institutions in Florida.¹² Students in the Florida College System and State University System are offered opportunities to study civics through courses in their general education core curriculum, as well as in civics courses in specific programs of study.¹³

Florida law requires a student to complete at least one social science course as a part of the general education core degree requirement.¹⁴ The courses available to complete this requirement are in:¹⁵

- American History;
- Anthropology;
- Macroeconomics;
- American Government;
- Psychology; and
- Sociology.

Of the social science courses taken in 2014-15, 45 percent were civics related.¹⁶ Also, 17 percent of all university undergraduates, and 21 percent of all college students enrolled in college-credit courses took at least one civics-related course in 2014-2015.¹⁷

Degree Requirements

The following state-level requirements apply to students seeking an associate in arts or baccalaureate degree from a Florida public postsecondary institution:

- Completion of 36 semester hours of general education coursework in the areas of communication, humanities, mathematics, natural science, and social science.¹⁸
- Beginning with students initially entering a Florida College System institution or state university in 2015-2016 and thereafter, complete at least one identified core course in each subject area as part of the general education course requirements.¹⁹

¹² Office of Program Policy Analysis and Government Accountability, *OPPAGA Research on Postsecondary Civics Education*, at 8, presentation to the House of Representatives PreK-12 Quality Subcommittee (Feb. 15, 2017), available at <http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2909&Session=2017&DocumentType=Meeting%20Packets&FileName=pkq%202-15-17.pdf>.

¹³ *Id.* at 10.

¹⁴ Section 1007.25(3), F.S.

¹⁵ Rule 6A-14.0303, F.A.C.

¹⁶ Office of Program Policy Analysis and Government Accountability, *OPPAGA Research on Postsecondary Civics Education*, at 14, presentation to the House of Representatives PreK-12 Quality Subcommittee (Feb. 15, 2017), available at <http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2909&Session=2017&DocumentType=Meeting%20Packets&FileName=pkq%202-15-17.pdf>. Psychology was the most popular social science general education course.

¹⁷ *Id.* at 11. These include American History, Government, and Economics.

¹⁸ Section 1007.25, F.S. See also Rule 6A-10.024(2)(a) and (3)(a), F.A.C., Rule 6A-10.030(1) and (2), F.A.C., and BOG Regulation 6.017(1)(a).

¹⁹ Section 1007.25(3), F.S.

- Beginning with students initially entering a Florida College System institution or state university in 2014-2015 and thereafter, coursework for an associate in arts degree must include demonstration of competency in a foreign language.²⁰
- Completion of six semester hours of English coursework, six semester hours of other coursework in which the student is required to demonstrate college-level writing skills through multiple assignments, and six semester hours of mathematics at the level of college algebra or higher.²¹
- For associate in arts degrees, students initially entering a Florida College System institution in 2013-2014 and thereafter, must indicate a baccalaureate degree program offered by an institution of interest by the time the student earns 30 semester hours.²²
- For an associate in arts degree, completion of no more than 60 semester hours of college credit;²³ for a baccalaureate degree, completion of no more than 120 semester hours of college credit.²⁴

Students in associate in science and associate in applied science degree programs must satisfactorily complete a planned program of instruction comprised of the established credit hour length²⁵ and complete fifteen semester credit hours of general education coursework.²⁶

Just Read, Florida!

In 2001,²⁷ Governor Jeb Bush established Just Read, Florida! as a comprehensive and coordinated reading initiative intended to establish reading as a core value in this state. In 2006,²⁸ the Legislature created within the DOE the Just Read, Florida! Office. Among its duties, the Just Read, Florida! Office must:²⁹

- Create multiple designations of effective reading instruction, with accompanying credentials, which encourage all teachers to integrate reading instruction into their content areas.
- Train K-12 teachers and school principals on effective content-area-specific reading strategies. For secondary teachers, emphasis must be on technical text.
- Provide parents with information and strategies for assisting their children in reading in the content area.
- Provide technical assistance to school districts in the development and implementation of the K-12 comprehensive reading plan.
- Work with the Florida Center for Reading Research to provide information on research-based reading programs and effective reading in the content area strategies.
- Periodically review the Sunshine State Standards for reading at all grade levels.

²⁰ Section 1007.25(7), F.S.

²¹ Rule 6A-10.030, F.A.C. and BOG Regulation 6.017(1)(a)

²² Section 1007.23(3), F.S. and 6A-10.024(4), F.A.C.

²³ Students must achieve a cumulative grade point average of 2.0. Rule 6A-10.024, F.A.C.

²⁴ 1007.25(7) and (8), F.S.. See also Rule 6A-14.030(2), F.A.C., Rule 6A.10.024(3)(a), F.A.C., and BOG Regulation 6.017(1)(c). The 120 semester hour limit may be waived with prior approval by the Board of Governors for baccalaureate degree programs offered by state universities and by the State Board of Education for baccalaureate degree programs offered by Florida College System institutions. Section 1007.25(8), F.S.

²⁵ Rule 6A-6.0571, F.A.C.

²⁶ Rule 6A-14.030, F.A.C. and 6A-10.024(6)(b), F.A.C.

²⁷ Executive Order 01-260 (2001)

²⁸ Section 8, ch. 2006-74, L.O.F.

²⁹ Section 1001.215, F.S.

- Periodically review teacher certification examinations, including alternative certification exams, to ascertain whether the examinations measure the skills needed for research-based reading instruction and instructional strategies for teaching reading in the content areas.
- Work with approved teacher preparation programs to integrate research-based reading instructional strategies and reading in the content area instructional strategies.

III. Effect of Proposed Changes:

SB 1710 designates the month of September as “American Founders’ Month” and authorizes the Governor to issue a proclamation urging all civic, fraternal, and religious organizations and public and private educational institutions to recognize, observe, and celebrate the month.

Specifically, the bill:

- Encourages all public schools to observe “American Founders’ Month” with appropriate instruction and activities.
- Establishes civic literacy as a priority of Florida’s K-20 education system.
- Requires the Just Read, Florida! Office to develop and provide access to sequenced, content-rich programming, instructional practices, and resources to increase students’ core knowledge and literacy skills including student attainment of state standards for social studies, science, and the arts.
- Requires students initially entering a Florida College System institution or state university in 2018-2019 and thereafter, to demonstrate civic literacy through successful completion of a civic literacy course or by achieving a passing score on an assessment adopted in rule by the State Board of Education or in regulation by the Board of Governors, as applicable.

Priorities of the K-20 Education System

The bill extends the scope of Florida’s K-20 education system to establish civic literacy as a priority. Specifically, the bill includes as a priority of Florida’s K-20 education system that students “are prepared become civically engaged and knowledgeable adults who make positive contributions to their communities.”

Patriotic Programs

As a component of the required instruction relating to patriotic programs, the bill encourages all public schools in Florida to coordinate, at all grade levels, instruction related to our nation’s Founding Fathers in “American Founders’ Month.” Also, the bill encourages civic, fraternal, and religious organizations and public and private educational institutions to recognize and observe “American Founders’ Month” through programs, meetings, services, or celebrations in which state, county, and local government officials are invited to participate.

Postsecondary Requirements

The bill creates an additional requirement for students in degree programs at Florida public postsecondary institutions. The bill requires that, beginning with students initially entering a Florida College System institution or state university in 2018-2019 and thereafter, each student must demonstrate competency in civic literacy. Demonstration of competency may be through successful completion of a civic literacy course or by achieving a passing score on an assessment

adopted in State Board of Education rule or Board Governors regulation. The chairs of the SBE and BOG must jointly appoint a faculty committee to:

- Develop a new course in civic literacy or revise an existing general education core course.
- Establish course competencies and identify outcomes that include, at a minimum:
 - An understanding of the basic principles of American democracy and how they are applied in our republican form of government.
 - An understanding of the United States Constitution.
 - Knowledge of the founding documents and how they have shaped the nature and functions of our institutions of self-governance.
 - An understanding of landmark Supreme Court cases and their impact on law and society.

The bill does not appear to specify whether such provisions apply to all degree-seeking students, or only those in associate in arts and baccalaureate degree programs.

Additionally, the bill conforms statutory provisions relating to salary incentives for full-time law enforcement officers for award of an associate in arts degree by a state university; and a requirement that state universities and Florida College System institutions work with school districts to ensure that the high school curricula coordinates with general education curricula to prepare student for college-level work.

Just Read, Florida!

The bill requires the Just Read, Florida! Office to develop and provide access to sequenced, content-rich curriculum programming, instructional practices, and resources that help elementary schools use state-adopted instructional materials to increase students' core knowledge and literacy skills, including student attainment of the Next General Sunshine State Standards for social studies, science, and the arts.

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.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 943.22, 1000.03, 1001.215, 1001.64, 1003.44, and 1007.25.

This bill creates section 683.1455 of 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.

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/3/17

Meeting Date

1710

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Amber Kelly

Job Title Dir. of Policy & Communications

Address 4853 S Orange Ave

Phone 850-567-8143

Street

Orlando

City

FL

State

32806

Zip

Email amberk@floridafamilyaction.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/3/17

Meeting Date

SB 1710

Bill Number (if applicable)

Topic Civic Literacy

Amendment Barcode (if applicable)

Name Laurye Messer

Job Title Adjunct History Instructor

Address 6960 Standing Pines Lane

Phone 850-510-0941

Street

Tallahassee

FL

32312

City

State

Zip

Email Laurymesser@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Community College history professors and 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.

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

S-001 (10/14/14)

By Senator Stargel

22-01277A-17

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A bill to be entitled

An act relating to education; creating s. 683.1455, F.S.; designating the month of September as "American Founders' Month"; amending s. 1000.03, F.S.; revising the priorities of Florida's K-20 education system; amending s. 1001.215, F.S.; revising the duties of the Just Read, Florida! Office to include developing and providing access to certain resources for elementary schools; amending s. 1003.44, F.S.; encouraging schools to provide certain instruction; amending s. 1007.25, F.S.; requiring postsecondary students to demonstrate civic literacy; requiring the chairs of the State Board of Education and the Board of Governors to jointly appoint a faculty committee to develop a civic literacy course, or revise an existing general education core course, and establish the course competencies; amending ss. 943.22 and 1001.64, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Section 683.1455, Florida Statutes, is created to read:

683.1455 American Founders' Month.—

(1) The month of September of each year is designated as "American Founders' Month."

(2) The Governor may annually issue a proclamation designating the month of September as "American Founders' Month"

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and urging all civic, fraternal, and religious organizations and public and private educational institutions to recognize and observe this occasion through appropriate programs, meetings, services, or celebrations in which state, county, and local governmental officials are invited to participate.

Section 2. Present paragraphs (c) through (g) of subsection (5) of section 1000.03, Florida Statutes, are redesignated as paragraphs (d) through (h), respectively, and a new paragraph (c) is added to that subsection, to read:

1000.03 Function, mission, and goals of the Florida K-20 education system.—

(5) The priorities of Florida's K-20 education system include:

(c) Civic literacy.—Students are prepared to become civically engaged and knowledgeable adults who make positive contributions to their communities.

Section 3. Present subsections (4) through (11) of section 1001.215, Florida Statutes, are redesignated as subsections (5) through (12), respectively, and a new subsection (4) is added to that section, to read:

1001.215 Just Read, Florida! Office.—There is created in the Department of Education the Just Read, Florida! Office. The office shall be fully accountable to the Commissioner of Education and shall:

(4) Develop and provide access to sequenced, content-rich curriculum programming, instructional practices, and resources that help elementary schools use state-adopted instructional materials to increase students' core knowledge and literacy skills, including student attainment of the Next Generation

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Sunshine State Standards for social studies, science, and the arts.

Section 4. Subsection (3) is added to section 1003.44, Florida Statutes, to read:

1003.44 Patriotic programs; rules.—

(3) All public schools in the state are encouraged to coordinate, at all grade levels, instruction related to our nation's Founding Fathers with "American Founders' Month" pursuant to s. 683.1455.

Section 5. Present subsections (4) through (11) of section 1007.25, Florida Statutes, are redesignated as subsections (5) through (12), respectively, and a new subsection (4) is added to that section, to read:

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

(4) Beginning with students initially entering a Florida College System institution or state university in 2018-2019 and thereafter, each student must demonstrate competency in civic literacy. A student must have the option to demonstrate competency through successful completion of a civic literacy course or by achieving a passing score on an assessment adopted in rule by the State Board of Education or in regulation by the Board of Governors, as applicable. The chair of the State Board of Education and the chair of the Board of Governors, or their respective designees, shall jointly appoint a faculty committee to:

(a) Develop a new course in civic literacy or revise an existing general education core course; and

(b) Establish course competencies and identify outcomes

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that include, at a minimum, an understanding of the basic principles of American democracy and how they are applied in our republican form of government, an understanding of the United States Constitution, knowledge of the founding documents and how they have shaped the nature and functions of our institutions of self-governance, and an understanding of landmark Supreme Court cases and their impact on law and society.

Section 6. Paragraph (c) of subsection (1) of section 943.22, Florida Statutes, is amended to read:

943.22 Salary incentive program for full-time officers.—

(1) For the purpose of this section, the term:

(c) "Community college degree or equivalent" means graduation from an accredited community college or having been granted a degree pursuant to s. 1007.25(11) ~~s. 1007.25(10)~~ or successful completion of 60 semester hours or 90 quarter hours and eligibility to receive an associate degree from an accredited college, university, or community college.

Section 7. Subsection (7) and paragraph (d) of subsection (8) of section 1001.64, Florida Statutes, are amended to read:

1001.64 Florida College System institution boards of trustees; powers and duties.—

(7) Each board of trustees has responsibility for: ensuring that students have access to general education courses as identified in rule; requiring no more than 60 semester hours of degree program coursework, including 36 semester hours of general education coursework, for an associate in arts degree; notifying students that earned hours in excess of 60 semester hours may not be accepted by state universities; notifying students of unique program prerequisites; and ensuring that

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117 degree program coursework beyond general education coursework is
118 consistent with degree program prerequisite requirements adopted
119 pursuant to s. 1007.25(6) ~~s. 1007.25(5)~~.

120 (8) Each board of trustees has authority for policies
121 related to students, enrollment of students, student records,
122 student activities, financial assistance, and other student
123 services.

124 (d) Boards of trustees shall identify their general
125 education curricula pursuant to s. 1007.25(7) ~~s. 1007.25(6)~~.

126 Section 8. This act shall take effect July 1, 2017.

COMMITTEE: Education
ITEM: SB 1710
FINAL ACTION: Favorable
MEETING DATE: Monday, April 3, 2017
TIME: 1:30—3:30 p.m.
PLACE: 412 Knott Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
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WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

3015

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

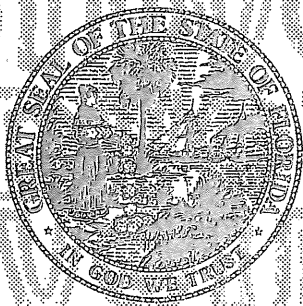
Emily Fleming Duda

is duly appointed a member of the

**Board of Trustees,
Florida State University**

for a term beginning on the Fifteenth day of April, A.D., 2016,
until the Sixth day of January, A.D., 2021 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Fourth day of February, A.D., 2017.*



Ken Detzner

Secretary of State



RICK SCOTT
GOVERNOR

17 JAN 31 AM 11:26
DEPARTMENT OF REVENUE
SECRETARY OF STATE

April 15, 2016

Secretary Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of
Section 1001.71, Florida Statutes:

Ms. Emily Fleming Duda
2451 Mikler Road
Oviedo, Florida 32765

as a member of the Board of Trustees, Florida State University, subject to confirmation by
the Senate. This appointment is effective April 15, 2016, for a term ending January 6, 2021.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/aa

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE

STATE OF FLORIDA

17 FEB 21 AM 10:18

County of SEMINOLE

DIVISION OF ELECTIONS
TALLAHASSEE, FL

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Trustee, Florida State University Board of Trustees

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Emily Fleming Duda
Signature

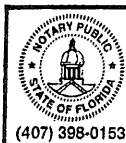
Sworn to and subscribed before me this 16th day of FEBRUARY, 2017.

Cynthia A. McAllister
Signature of Officer Administering Oath or of Notary Public

CYNTHIA A. McALLISTER
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced —



CYNTHIA A MCALLISTER
MY COMMISSION #FF019484
EXPIRES May 20, 2017
FloridaNotaryService.com

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

2451 Mikler Road

Street or Post Office Box

Oviedo, FL 32765

City, State, Zip Code

Emily Fleming Duda

Print Name

Emily Fleming Duda
Signature

3030

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

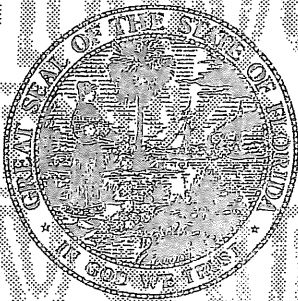
Fermin C. Miranda

is duly appointed a member of the

**Board of Trustees,
New College of Florida**

for a term beginning on the Eighth day of February, A.D., 2016,
until the Sixth day of January, A.D., 2018 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Thirteenth day of March, A.D., 2017.*



Ken Detzner

Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document



RICK SCOTT
GOVERNOR

RECEIVED
17 FEB 10 AM 9:28
DIVISION OF ELECTIONS
SECRETARY OF STATE

February 8, 2016

Secretary Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of Section 1004.32, Florida Statutes:

Mr. Fermin C. Miranda
7620 Camden Harbour Drive
Bradenton, Florida 34212

as a member of the Board of Trustees, New College of Florida, filling a vacant seat, subject to confirmation by the Senate. This appointment is effective February 8, 2016, for a term ending January 6, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/bj

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE
2017 MAR -9 AM 9:59
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

STATE OF FLORIDA

County of Sarasota

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

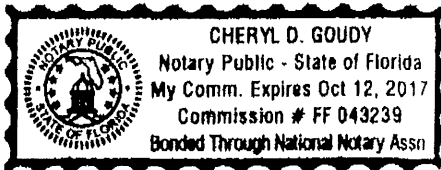
New College of Florida Trustee

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature



Sworn to and subscribed before me this 3 day of March, 2017.

Cheryl Goudy
Signature of Officer Administering Oath or of Notary Public

Cheryl Goudy

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR

Produced Identification ☐

Type of Identification Produced

Per. Known

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

7620 Camden Harbour Drive

Street or Post Office Box

Bradenton, Florida 34212

City, State, Zip Code

Fermin C. Miranda

Print Name

[Signature]
Signature

3030

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Norman A. Worthington, III

is duly appointed a member of the

**Board of Trustees,
New College of Florida**

for a term beginning on the Eighth day of February, A.D., 2016,
until the Sixth day of January, A.D., 2021 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Thirteenth day of March, A.D., 2017.*



Ken Detzner

Secretary of State



RICK SCOTT
GOVERNOR

RECEIVED
17 FEB 17 AM 9:39

DIVISION OF ELECTIONS
SECRETARY OF STATE

February 8, 2016

Secretary Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of
Section 1004.32, Florida Statutes:

Mr. Norman Addison Worthington III
4074 Roberts Point Road
Sarasota, Florida 34242

as a member of the Board of Trustees, New College of Florida, succeeding Steven Snyder,
subject to confirmation by the Senate. This appointment is effective February 8, 2016, for a
term ending January 6, 2021.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/bj

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Sarasota

RECEIVED
DEPARTMENT OF STATE
2017 MAR -8 AM 11:48
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

New College of Florida Board of Trustees

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

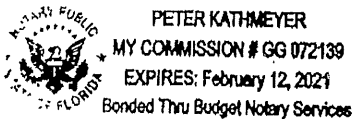
Sworn to and subscribed before me this 3rd day of March, 2017.

Signature of Officer Administering Oath or of Notary Public

Peter Kathmeyer
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

4074 Roberts Pt Rd

Street or Post Office Box

Sarasota, FL 34242

City, State, Zip Code

Norman A. Worthington III

Print Name

Signature



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

April 3, 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, April 3, 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,

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

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

CourtSmart Tag Report

Room: KN 412
Caption: Senate Education Committee

Case No.:
Judge:

Type:

Started: 4/3/2017 1:34:58 PM
Ends: 4/3/2017 3:30:16 PM **Length:** 01:55:19

1:35:07 PM	Meeting called to order by Chair Simpson
1:35:09 PM	Quorum present
1:35:43 PM	Sen. Hukill is excused
1:35:50 PM	Pledge of Allegiance
1:36:00 PM	Chair
1:36:06 PM	Appointments
1:36:27 PM	Sen. Mayfield moves to approve all appointees on Tab 22 and 23
1:36:48 PM	Roll call on appointments - Confirmed favorably
1:37:14 PM	
1:37:58 PM	Tab 2 - CS/SB 496 by Sen. Brandes
1:39:19 PM	Amendment # 977766 by Sen. Brandes
1:39:41 PM	Chair
1:39:49 PM	Sen. Brandes waives to close
1:39:54 PM	Amendment adopted
1:39:58 PM	Back on bill as amended
1:40:27 PM	Cynthia Henderson, waives to support as amended
1:40:32 PM	Greg Black, Attorney, Mayo Clinic, waives in support
1:40:34 PM	Sen. Brandes waives to close
1:40:39 PM	Roll Call on CS/SB 496 favorably
1:41:21 PM	Tab 20 - SB 1598 by Sen. Brandes
1:42:02 PM	Late filed amendment # 430214 by Sen. Brandes
1:42:15 PM	Sen. Brandes to explain
1:42:21 PM	Sen. Thurston
1:43:29 PM	Late filed amendment is adopted
1:44:28 PM	Late filed amendment # 149092 by Sen. Brandes
1:45:00 PM	Late filed amendment is adopted
1:45:04 PM	Back on bill as amended
1:45:15 PM	Sen. Brandes waives to close
1:45:21 PM	Roll call on CS/SB 1598 favorable
1:45:56 PM	Tab 16 - SB 1468 by Sen. Galvano
1:46:37 PM	Amendment # 435272 by Sen. Galvano
1:47:39 PM	Chair
1:47:58 PM	Sen. Galvano waives to close on amendment
1:48:00 PM	Sen. Galvano waives to close on amendment
1:48:04 PM	Amendment is adopted
1:48:09 PM	Back on bill as amended
1:48:15 PM	Sen. Galvano waives to close on bill
1:48:26 PM	Roll Call on CS/SB 1468 favorable
1:49:06 PM	Tab 7 - SB 926 by Sen. Flores
1:51:33 PM	Amendment #945386 by Sen. Simmons - Sen. Mayfield to speak on amendment
1:52:17 PM	Late Filed Amendment to Amendment #553330 by Sen. Lee
1:54:43 PM	Sen. Flores
1:56:30 PM	Sen. Lee
1:59:19 PM	Joy Frank, General Counsel, Fla. Assoc. of District School Superintendents, waives in support
1:59:29 PM	Sue Sommer, Fla. Citizens Alliance, waives in support
1:59:38 PM	Sen. Farmer
2:00:11 PM	Sen. Thurston
2:01:46 PM	Chair
2:01:48 PM	Sen. Stewart
2:02:36 PM	Sen. Lee
2:02:54 PM	Chair
2:02:56 PM	Sen. Lee to close - waive to close

2:03:05 PM Amendment to Amendment is adopted
 2:03:13 PM TP SB 926
 2:03:19 PM Tab 1- SB 468 by Sen. Stargel
 2:04:04 PM Chair
 2:04:24 PM Catherine Baer, The Tea Party Network/ Common Ground- waive in opposition
 2:04:31 PM Marie-Claire Leman, Tallahassee, waives against
 2:04:44 PM Michelle White, COO, Fla. Assoc. of Elementary & Middle School Principals -waives in support
 2:04:52 PM John Mixon, Exec. Director, Fla. School Association, waives in support
 2:04:54 PM Alexandra Dominguez, Senior Advocacy Associate, Foundation for Fla's Future- waives in support
 2:05:01 PM Dr. Fely Curve, Ph.D., The Children's Forum, waives in support
 2:05:07 PM Beth Overholt, Opt Out Leon County Chair, Common Ground, to speak against bill
 2:06:13 PM Sen. Lee
 2:07:11 PM Sen. Stargel
 2:08:11 PM Chair
 2:08:16 PM Sen. Stargel to close on bill
 2:08:25 PM Roll Call for SB 468 favorable
 2:08:56 PM Tab 10 - SB 1276 by Sen. Stargel
 2:09:33 PM Chair
 2:09:36 PM Madeline Pumariega, Chancellor of Florida College System, waives in support
 2:09:39 PM Matt Dauphin, President, Graduate Assistants United, waives in support
 2:09:48 PM Brandi Gunder, Deputy Policy Coordinator, Governor's Office, waives in support
 2:09:59 PM Cody Vildostegui, Policy Chief, Gov. Office, waives in support
 2:10:06 PM Chris Segal, Graduate Research Assistant, speaking in support
 2:10:59 PM
 2:11:52 PM Matt Dauphin, President, Graduate Assistants United, UFF, speaking for bill
 2:13:02 PM Marshall Criser, Chancellor, State University System of Florida, waives in support
 2:13:45 PM Brendon Scherer, Teaching Assistant, waives in support of the bill
 2:14:00 PM Sen. Farmer
 2:14:30 PM Chair
 2:14:33 PM Sen. Stargel to close
 2:14:58 PM Roll call on SB 1276 favorable
 2:15:22 PM Tab 21- SB 1710 by Sen. Stargel
 2:16:18 PM Chair
 2:16:24 PM Amber Kelly, Dir. of Policy and Communications, Fla. Family Action- waives in support
 2:16:35 PM Laurye Messer, Adjunct History Instructor, Community College history professors, speaking for the bill
 2:18:33 PM Sen. Stargel waives on close
 2:18:41 PM Roll call on SB 1710 favorable
 2:18:59 PM Tab 13- CS/SB 1330 by Sen. Stargel
 2:19:23 PM Hand written amendment by Sen. Flores
 2:20:35 PM Chair
 2:20:43 PM Amendment is adopted
 2:20:49 PM Back on bill as amended
 2:21:00 PM Sen. Farmer
 2:21:54 PM Sen. Stewart
 2:22:47 PM Sen. Stargel
 2:22:51 PM Sen. Stewart
 2:22:57 PM Sen. Stargel
 2:23:32 PM Bill Bunkley, President, Florida Ethics & Religious Liberty Commission, waives in support
 2:23:33 PM Kelly Quinten, Legislative Advocate, League of Women Voters of Florida, in opposition
 2:23:35 PM Allison Hulgus, Mom's Demand Action, in opposition
 2:23:41 PM Chair
 2:23:45 PM Sen. Stargel to close
 2:23:53 PM Roll Call CS/CS/1330 - favorable
 2:24:36 PM Tab 18 - SB 1552 by Sen. Simmons
 2:25:15 PM Chair
 2:25:18 PM Late filed Amendment # 214866 by Sen. Simmons
 2:25:51 PM Chair
 2:26:05 PM Sen. Thurston
 2:26:15 PM Sen. Simmons
 2:27:27 PM Chair
 2:27:31 PM Sen. Simmons waives to close on amendment
 2:27:39 PM Amendment - Favorable

2:27:47 PM Back on bill as amended
 2:27:55 PM John Mixon, Ex. Director, Fla. Assoc. Secondary School Principals -waives in support
 2:28:00 PM Jessica Janasiewics, Gov. Consultant, Fla. Association of School Administrators, waives in support
 2:28:06 PM Sen. Simmons waives to close on bill as amended
 2:28:18 PM Roll Call on CS/SB 1552 favorable
 2:28:38 PM Chair
 2:28:53 PM Tab 9 - CS/SB 1224 by Sen. Passidomo
 2:29:44 PM Chair
 2:29:54 PM Sen. Passidomo waives to close
 2:30:03 PM Roll call on CS/SB 1224 - favorable
 2:30:26 PM Tab 11- SB 1302 by Sen. Gibson
 2:32:30 PM Chair
 2:32:32 PM Sen. Gibson waives to close
 2:32:38 PM Roll call on SB 1302 favorable
 2:33:05 PM Tab 5 - SB 868 by Sen. Baxley
 2:34:11 PM Amendment #289776 by Sen. Baxley
 2:34:40 PM Chair
 2:34:44 PM Tanya Cooper, Dir. Gov. Relations, FDOE, waives in support of amendment
 2:34:56 PM Amendment as adopted
 2:35:03 PM Amendment # 781634 by Sen. Baxley
 2:35:40 PM Tillie Elvrum, President, Public School Option.org, speaks in support of amendment
 2:37:07 PM Tanya Cooper, Dir. Gov. Relations, FDOE, waives in support of amendment
 2:37:16 PM Sen. Thurston
 2:37:22 PM Sen. Baxley
 2:39:09 PM Chair
 2:39:22 PM Sen. Baxley waives to close on amendment
 2:39:29 PM Amendment adopted
 2:39:33 PM Back on bill as amended
 2:39:40 PM Debbie Mortham, Advocacy Director, Foundation for Florida's Future, waives in support
 2:39:56 PM Amber Kelly, Dir. of Policy & Communications, Fla. Family Action, waives in support
 2:39:58 PM Holly Saygus, Exec. Dir. Gov. Affairs, Florida Virtual School, waives in support
 2:40:07 PM Brewster Bevis, Sr. V.P., Associated Industries of FL, waives in support
 2:40:10 PM Tanya Cooper, Dir. Gov. Relations, FDOE, waives in support
 2:40:11 PM Sen. Baxley waives close on bill
 2:40:16 PM Roll call for CS/SB 868 favorable
 2:41:00 PM Tab 12 - SB 1314 by Sen. Grimsley
 2:41:42 PM Chair
 2:42:26 PM Amendment #881744 by Sen. Grimsley
 2:42:35 PM Sen. Grimsley waives to close on amendment
 2:42:50 PM Amendment is adopted
 2:43:00 PM Back on bill as amended
 2:43:03 PM Sen. Stewart
 2:43:18 PM Sen. Grimsley
 2:43:30 PM Sen. Thurston
 2:43:35 PM Sen. Grimsley
 2:44:21 PM Sen. Thurston
 2:44:25 PM Sen. Grimsley
 2:44:57 PM Sen. Farmer
 2:45:02 PM Sen. Grimsley
 2:45:58 PM Sen. Farmer
 2:46:36 PM Rabbi Moshe Matz, Exec. Dir. Aquadath Israel of Florida, waives in support
 2:46:43 PM Debbie Mortham, Advocacy Director, Foundation for Florida's Future, waives in support
 2:46:49 PM Amber Kelly, Dir. of Policy and Communications, Fla. Family Action, waives in support
 2:46:58 PM James Herzog, Assoc. Dir. for Education, Fla. Conference of Catholic Bishops, speaking in support
 2:47:13 PM Skylar Zander, Deputy State Director, Americans for Prosperity, waives in support
 2:47:16 PM Sara Clements, Dir. External Affairs, Step Up for Students, waives in support
 2:47:17 PM Dr. Barbara Hodges, Exec. Dir. of Fla. Council of Indep. Schools, Pres. of FAANS, speaking in opposition
 to one section of the bill
 2:47:23 PM Sen. Grimsley
 2:48:02 PM
 2:50:20 PM Theresa Day, Parent Trinity Catholic School, speaking for bill
 2:52:00 PM Sen. Farmer

2:53:20 PM Sen. Thurston
 2:54:23 PM Sen. Flores
 2:55:45 PM Sen. Grimsley to close on bill
 2:56:22 PM Chair
 2:56:24 PM Roll call on CS/SB 1314 - favorable
 2:57:13 PM Tab 4 - SB 856 by Sen. Broxson
 2:57:48 PM Chair
 2:57:52 PM Sen. Thurston
 2:58:12 PM Sen. Broxson
 2:58:20 PM Sen. Thurston
 2:58:25 PM Sen. Broxson
 2:58:30 PM Sen. Thurston
 2:59:49 PM Sen. Broxson
 3:00:35 PM Sen. Stewart
 3:01:01 PM Sen. Broxson
 3:02:26 PM Sen. Thurston
 3:03:01 PM Sen. Broxson
 3:03:08 PM Andrea Messina, Exec. Dir., Fla. School Bds. Association, waives in support
 3:03:10 PM Joe Minor, Labor & Leg. Relations Spec., United Teachers of Dade, speaking against the bill
 3:03:40 PM Spencer Pylant, Communications & Government Relations Liaison, Pasco County, speaking for the bill
 3:05:16 PM Ted Rous, Super. of Schools, Suwannee, speaking against the bill
 3:07:37 PM Sen. Thurston in debate on bill
 3:09:56 PM Sen. Lee
 3:11:44 PM Chair
 3:11:47 PM Sen. Broxson to close on the bill
 3:12:11 PM Roll Call on SB 856 - favorable
 3:12:29 PM Back on Tab 7 - SB 926
 3:12:31 PM
 3:12:41 PM Amendment #654648 by Sen. Flores
 3:13:21 PM Sen. Galvano moves to limit debate to a time certain on votes for amendments to 3:25pm
 3:13:25 PM Chair, any objections - no objections
 3:13:27 PM Sen. Flores on amendment
 3:13:39 PM Shawn Frost, President, Fla. Coalition of School Board Members, waives in support
 3:13:44 PM Sue Sommer, Citizen Representative, Fla. Citizen Alliance, waives in support
 3:13:53 PM Sen. Flores waives to close
 3:13:58 PM Amendment is adopted
 3:14:04 PM Amendment # 723896 by Sen. Stewart
 3:14:26 PM Sen. Stewart to withdraw amendment
 3:14:30 PM Amendment #512972 by Sen. Simmons
 3:14:40 PM Late filed Substitute Amendment # 351834 by Sen. Simmons
 3:15:20 PM Marie-Claire Leman, Common Ground, speaking for information
 3:16:19 PM Sen. Farmer
 3:16:27 PM Sen. Mayfield
 3:16:35 PM Sen. Simmons to close on SA
 3:16:56 PM Amendment is adopted
 3:16:59 PM Late filed Substitute Amendment #559976 by Sen. Simmons
 3:17:00 PM
 3:17:01 PM No objection to late filed substitute amendment
 3:17:02 PM Sen. Simmons to explain amendment
 3:17:03 PM Amendment is adopted
 3:17:04 PM Amendment #464772 by Sen. Simmons
 3:17:10 PM Late filed Substitute Amendment #748116 by Sen. Simmons
 3:17:13 PM Eileen Fernandez, Associate General Counsel, Orange County Public Schools, waive in support
 3:17:15 PM Sen. Simmons waives to close on amendment
 3:17:17 PM Substitute Amendment is adopted
 3:17:20 PM
 3:18:29 PM
 3:18:37 PM
 3:18:42 PM
 3:18:47 PM Amendment #747760 by Sen. Flores
 3:19:11 PM Beth Overhold, Chair, Opt Out Leon County, Common Ground, waives in support
 3:19:18 PM Sue Summer, Citizen Representative, Fla. Citizen Alliance, waives in support

3:19:24 PM Angela Gallo, Leg. Chair, Florida PTA, waives in support
3:19:32 PM Sen. Flores waives to close
3:19:40 PM Amendment is adopted
3:19:44 PM Amendment # 173108 by Sen. Simmons
3:19:56 PM Late filed Substitute Amendment #565816 by Sen. Simmons
3:20:43 PM Eileen Fernandez, Associate Gen. Counsel, Orange County School Board, waives in support
3:20:50 PM Marie-Claire Leman, Common Ground, waives in support
3:20:55 PM Linda Kobert, Vice Chair, Orange County School Board, waives in support
3:20:59 PM Sen. Simmons waives to close
3:21:00 PM Amendment is adopted
3:21:02 PM Amendment # 521886 by Sen. Simmons
3:21:10 PM Late filed Substitute Amendment #963662 by Sen. Simmons
3:21:51 PM Wendy M. Dodge, Dir. of Leg. Affairs & Policy, Polk County Schools, waives in support
3:22:00 PM Eileen Fernandez, Associate Gen. Counsel, Orange Co. Public Schools, waives in support
3:22:05 PM
3:22:06 PM Catherine Baer, Chair, The Tea Party Network/Common Ground, waives in support
3:22:11 PM Linda Cobart, Vice Chair, Orange County School Board, waives in support
3:22:19 PM Iraidr Mendez-Cartaya, Assoc. Superintendent, Miami-Dade County Public Schools, waives in support
3:22:25 PM Sen. Simmons waives to close
3:22:30 PM Amendment is adopted
3:22:38 PM Amendment#719744 by Sen. Stewart
3:23:10 PM Sen. Stewart waives to close
3:23:11 PM Amendment is adopted
3:23:22 PM Amendment #121682 by Sen. Flores
3:23:39 PM Beth Overhold, County Chair, Opt Out Leon County - waives in opposition
3:23:40 PM Catherine Baer, Chair, The Tea Party Network/Common Ground, waives in support
3:23:50 PM Marie Claire-Leman, Common Ground, waives in opposition
3:23:51 PM Angela Gallo, Leg. Chair, Florida PTA, waives in support
3:23:53 PM Sue Sommer, Citizens Rep., Florida Citizen Alliance, waives in support
3:23:58 PM Fely Curve, Ph.D, Partner, Curve & Associates, LLC, The Children's Forum, waives in support
3:24:04 PM
3:24:12 PM Sen. Flores waives to close on Amendment
3:24:15 PM Amendment is adopted
3:24:20 PM Amendment #575042 by Sen. Stewart
3:24:24 PM Sen. Simmons shows time as 3:24 and we have a time certain as 3:25 to close on bill
3:25:05 PM Sue Sommer, Citizens Representative, Fla. Citizens Alliance, waives in support
3:25:09 PM Eileen Fernandez, Assoc. General Counsel, Orange County Public School, waives in support
3:25:13 PM Angela Gallo, Leg. Chair, FPTA, waives in support
3:25:20 PM Sen. Stewart waives to close
3:25:21 PM Amendment is adopted
3:25:24 PM Back on the bill as amended
3:25:29 PM Roll call on CS/926 - favorable
3:26:09 PM Sen. Simmons wishes to be shown as voting in the affirmative on SB's 496, 1598, 1468, 468, 1276 and 1710.
3:26:23 PM Chair, without objection show it as adopted
3:26:44 PM Tab 8- SB 984 by Sen. Bean
3:26:57 PM Late filed Amendment #402750 by Sen. Bean
3:27:13 PM Sen. Bean waives close
3:27:14 PM Late filed amendment adopted
3:27:16 PM Back on bill as amended
3:27:22 PM Matt Jordan, GRD, American Cancer Society Cancer Action Network, waives in support
3:27:26 PM Fely Curva, Ph.D., Partner, Curva & Associates, LLC, Society of Health & Physical Educators (SHAPE), Fl., waives in support
3:27:30 PM Rivers Buford, III, Government Relations Director, American Heart Association, waives in support
3:27:36 PM Sen. Dean waives to close
3:27:41 PM Roll call on CS/SB 984 - favorable
3:28:17 PM Tab 15- SB 1368 by Sen. Perry, presented by Sen. Mayfield
3:28:36 PM Amendment #689246 by Sen. Farmer
3:28:57 PM
3:29:02 PM Sen. Farmer waives to close on amend.
3:29:10 PM Amendment is adopted
3:29:11 PM Back on bill as amended

3:29:14 PM Michael Lyons, VP, Speciality Education, UHS of Delaware, Inc., waives in support
3:29:21 PM Sen. Mayfield waives to close
3:29:33 PM Roll Call CS/SB 1368 is favorable
3:29:54 PM Sen. Thurston wishes to be show as voting favorable on SB 926
3:29:56 PM Chair, without objection show that adopted
3:30:05 PM Meeting adjourned