Selection From: 02/02/2016 - Education PreK to 12 (1:30 PM - 3:30 PM)
Customized
Agenda Order

2016 Regular Session
02/02/2016 5:12 PM

Tab 1 **SPB 7058** by **ED**; Child Care and Development Block Grant Program

444114	A	S	L	FAV	ED, Sobel	Delete L.231 - 282:	02/02 04:26 PM

Tab 2 **SB 268** by **Ring**; (Similar to CS/H 0229) Bullying and Harassment Policies in Schools

Tab 3 **SB 808** by **Brandes**; (Similar to H 1255) Charter Schools

Tab 4 **SB 824** by **Stargel**; (Compare to CS/H 0835) Dual Enrollment Program

Tab 5 **SB 830** by **Stargel**; (Compare to CS/CS/H 7029) School Choice

339770	D	S	RCS	ED, Gaetz	Delete everything after	02/02 04:26 PM
~~333600~~	AA	S	WD	ED, Montford	Delete L.91:	02/02 04:26 PM
~~361462~~	AA	S	WD	ED, Montford	Delete L.304 - 346:	02/02 04:26 PM
~~325630~~	AA	S	WD	ED, Montford	btw L.643 - 644:	02/02 04:26 PM
897940	A	S		ED, Montford	Delete L.80:	02/01 02:19 PM
224866	A	S		ED, Montford	btw L.191 - 192:	02/01 02:20 PM
653580	A	S		ED, Montford	btw L.335 - 336:	02/01 02:20 PM

Tab 6 **SB 916** by **Altman (CO-INTRODUCERS) Soto**; (Compare to CS/H 0705) Educational Interpreters for Individuals Who are Deaf, Hard of Hearing, or Dual Sensory Impaired

790692	D	S	L	RCS	ED, Garcia	Delete everything after	02/02 04:26 PM

Tab 7 **SJR 976** by **Stargel**; (Similar to CS/H 0759) Charter Schools

Tab 8 **SB 1062** by **Stargel**; Educational Choice

Tab 9 **SB 1076** by **Legg**; Education

572688	D	S		RCS	ED, Legg	Delete everything after	02/02 04:26 PM

Tab 10 **SB 1126** by **Detert (CO-INTRODUCERS) Richter**; (Identical to H 0991) Auditory-oral Education Programs

166980	D	S	L	RCS	ED, Detert	Delete everything after	02/02 04:26 PM

Tab 11 **SB 1160** by **Detert**; (Similar to CS/H 0701) Art in the Capitol Competition

966784	D	S	L	RCS	ED, Detert	Delete everything after	02/02 04:26 PM

Tab 12 **SB 1196** by **Bean (CO-INTRODUCERS) Hutson**; (Similar to H 1305) Emergency Allergy Treatment in Schools

731612	A	S	L	RCS	ED, Brandes	Delete L.58 - 96:	02/02 04:26 PM

Tab 13 **CS/SB 1426** by **CA, Stargel (CO-INTRODUCERS) Gaetz**; (Similar to CS/H 1155) Membership Associations

Tab 14 **SB 1462** by **Latvala**; (Similar to CS/H 1147) Educational Instruction

383940	D	S	L	RCS	ED, Clemens	Delete everything after	02/02 04:27 PM

Tab 15 **SB 1678** by **Sachs**; High School Graduation Requirements

627814	D	S	L	RCS	ED, Montford	Delete everything after	02/02 04:27 PM

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

EDUCATION PRE-K - 12
Senator Legg, Chair
Senator Detert, Vice Chair

MEETING DATE: Tuesday, February 2, 2016
TIME: 1:30—3:30 p.m.
PLACE: *Pat Thomas Committee Room,* 412 Knott Building

MEMBERS: Senator Legg, Chair; Senator Detert, Vice Chair; Senators Benacquisto, Brandes, Bullard, Clemens, Gaetz, Galvano, Garcia, Montford, and Sobel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Consideration of proposed bill:		
1	**SPB 7058**	Child Care and Development Block Grant Program; Providing an exception from a prohibition against the use of information in the Department of Children and Families central abuse hotline for employment screening of certain child care personnel; revising the definition of the term “screening” for purposes of child care licensing requirements; requiring the Department of Children and Families and local licensing agencies to electronically post certain information relating to child care and school readiness providers; revising the prioritization of participation in school readiness programs, etc.	Submitted as Committee Bill Yeas 10 Nays 0
2	**SB 268** Ring (Similar CS/H 229)	Bullying and Harassment Policies in Schools; Requiring school districts to revise their bullying and harassment policy at specified intervals; requiring the policy to include mandatory reporting procedures and a list of authorized programs that provide bullying and harassment identification, prevention, and response instruction, etc. ED 02/02/2016 Favorable AED FP	Favorable Yeas 10 Nays 0
3	**SB 808** Brandes (Similar H 1255)	Charter Schools; Authorizing a municipal governing authority to become a charter school sponsor in the municipality over which the municipal governing authority has jurisdiction; requiring a municipal governing authority to make timely and efficient payment and reimbursement to charter schools; deleting a provision that prohibits high-performing charter schools from establishing more than one charter school in any given year, etc. ED 02/02/2016 Favorable CA AED AP	Favorable Yeas 8 Nays 1

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	**SB 824** Stargel (Compare CS/H 835)	Dual Enrollment Program; Exempting dual enrollment students from paying technology fees; requiring a home education secondary student to be responsible for his or her own instructional materials and transportation in order to participate in the dual enrollment program unless the articulation agreement provides otherwise; authorizing certain instructional materials to be made available free of charge to dual enrollment students in home education programs and private schools if provided for in the articulation agreement; requiring a postsecondary institution eligible to participate in the dual enrollment program to enter into an articulation agreement with certain eligible private schools, etc. ED 02/02/2016 Favorable AED AP	Favorable Yeas 10 Nays 0
5	**SB 830** Stargel (Compare CS/CS/H 7029, S 424)	School Choice; Revising the required contents of a charter school application; providing for the automatic termination of a charter under certain conditions; specifying that certain limits on the number of charter schools established do not apply under certain circumstances; authorizing certain entities to apply for status as a High-Impact Charter Network; revising charter school eligibility requirements for funding allocations, etc. ED 02/02/2016 Fav/CS AED AP	Fav/CS Yeas 9 Nays 1
6	**SB 916** Altman (Compare CS/H 705)	Educational Interpreters for Individuals Who are Deaf, Hard of Hearing, or Dual Sensory Impaired; Defining the term “educational interpreters” for inclusion in the classification of instructional personnel; providing qualifications for persons functioning as educational interpreters which must be met by a specified date, etc. ED 02/02/2016 Fav/CS AED AP	Fav/CS Yeas 10 Nays 0
7	**SJR 976** Stargel (Similar CS/HJR 759)	Charter Schools; Proposing an amendment to the State Constitution to require the State Board of Education to direct the Department of Education to establish a statewide system for the approval of charter schools within the state, etc. ED 02/02/2016 Temporarily Postponed AED RC	Temporarily Postponed

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	**SB 1062** Stargel	Educational Choice; Deleting a requirement that a student has to spend the prior school year in attendance at certain schools in order to receive a John M. McKay Scholarship; revising eligibility criteria for a student to participate in virtual instruction, etc. ED 02/02/2016 Favorable AED AP	Favorable Yeas 9 Nays 1
9	**SB 1076** Legg	Education; Prohibiting a district school board from limiting the number of public school students who may enroll in a collegiate high school program; revising the purpose of the Credit Acceleration Program, etc. ED 02/02/2016 Fav/CS AED AP	Fav/CS Yeas 10 Nays 0
10	**SB 1126** Detert (Identical H 991)	Auditory-oral Education Programs; Requiring a school district to annually add a specified number of points to the total score of all domains on a matrix of services for certain children; specifying that such children are eligible for auditory-oral education grants under certain circumstances, etc. ED 02/02/2016 Fav/CS AED FP	Fav/CS Yeas 10 Nays 0
11	**SB 1160** Detert (Similar CS/H 701)	Art in the Capitol Competition; Creating the Art in the Capitol Competition for students in specified grades; specifying procedures for student participation, notification, and the selection and display of winning submissions; authorizing rulemaking, etc. ED 02/02/2016 Fav/CS AGG FP	Fav/CS Yeas 10 Nays 0
12	**SB 1196** Bean (Similar H 1305)	Emergency Allergy Treatment in Schools; Authorizing a public school and a private school, respectively, to enter into certain arrangements with wholesale distributors or manufacturers for epinephrine auto-injectors, etc. ED 02/02/2016 Fav/CS AED AP	Fav/CS Yeas 10 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
13	**CS/SB 1426** Community Affairs / Stargel (Similar CS/H 1155)	Membership Associations; Requiring membership associations to file an annual report with the Legislature; prohibiting a membership association from using public funds for certain litigation; requiring the Auditor General to conduct certain audits annually, etc. CA 01/26/2016 Fav/CS ED 02/02/2016 Favorable AP	Favorable Yeas 5 Nays 4
14	**SB 1462** Latvala (Similar CS/H 1147)	Educational Instruction; Requiring the Commissioner of Education to develop an elective course for certain students which must be included in the Course Code Directory, etc. ED 02/02/2016 Fav/CS AED AP	Fav/CS Yeas 10 Nays 0
15	**SB 1678** Sachs (Compare CS/S 1670)	High School Graduation Requirements; Providing that a student who completes a certain apprenticeship may be awarded specified credits toward a standard high school diploma, etc. ED 02/02/2016 Fav/CS AED AP	Fav/CS Yeas 10 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.		
	State Board of Education		
16	Grady, Thomas R. (Naples)	12/31/2018	Recommend Confirm Yeas 9 Nays 1

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	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 Pre-K - 12

BILL:	SPB 7058
INTRODUCER:	For consideration by the Committee on Education Pre-K - 12
SUBJECT:	Child Care and Development Block Grant Program
DATE:	January 28, 2016 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Scott	Klebacha		**Pre-meeting**

I. Summary:

SPB 7058 revises provisions relating to health and safety standards and eligibility for the School Readiness program to align to federal requirements in the 2014 reauthorization of the Child Care and Development Block Grant.

Specifically, the bill:

- Increases health and safety standards.
- Expands requirements for employment history checks and child care personnel background screenings.
- Expands availability of child care information, including inspection and monitoring reports.
- Expands School Readiness provider standards to include preservice and inservice training requirements and appropriate group size and staff-to-child ratios.
- Aligns child eligibility criteria to the federal requirements.

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

II. Present Situation:

Child Care and Development Block Grant (CCDBG)

The Office of Child Care (OCC) of the United States Department of Health and Human Services supports low-income working families by providing access to affordable, high-quality early care and afterschool programs.[1] The OCC administers the Child Care and Development Fund (CCDF) and works with state, territory and tribal governments to provide support for children and their families to promote family economic self-sufficiency and to help children succeed in school and life through affordable, high-quality early care and afterschool programs.[2] The CCDF provides funding for state efforts to provide child care services for low-income family members who

[1] Office of Child Care, *What We Do*, http://www.acf.hhs.gov/programs/occ/about/what-we-do (last visited January 27, 2016).
[2] *Id.*

work, train for work, attend school, or whose children receive or need to receive protective services.[3] Block grant funding can be used for public or private, religious or non-religious, and center or home-based care.[4] Child care programs that accept funding must comply with state health and safety requirements.[5]

School Readiness Program

Florida's Office of Early Learning (OEL)[6] is the designated lead agency for purposes of administering the CCDF Block Grant Trust Fund and provides state-level administration for the School Readiness program.[7] The School Readiness program is a state-federal partnership between OEL and the Office of Child Care of the United States Department of Health and Human Services.[8] The School Readiness program receives funding from a mixture of state and federal sources, including the federal CCDF, the federal Temporary Assistance for Needy Families (TANF) block grant, general revenue and other state funds.[9] The School Readiness program provides subsidies for child care services and early childhood education for children of low-income families; children in protective services who are at risk of abuse, neglect, or abandonment; and children with disabilities.

The program utilizes a variety of providers to deliver program services, such as licensed and unlicensed child care providers and public and nonpublic schools.[10] The Florida Department of Children and Families' Office of Child Care Regulation (DCF), as the agency responsible for the state's child care provider licensing program, regulates some, but not all, of the child care providers that provide early learning programs.[11] The program is administered at the county or regional level by early learning coalitions (ELC).[12]

In order to be eligible to deliver the School Readiness program, a provider must be:[13]

- A licensed child care facility;
- A licensed or registered family day care home (FDCH);
- A licensed large family child care home (LFCCH);
- A public school or non-public school;

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[3] U.S. Department of Education, Office of Non-Public Education, http://www2.ed.gov/about/offices/list/oii/nonpublic/childcare.html (last visited January 27, 2016).
[4] *Id.*
[5] *Id.*
[6] In 2013, the Legislature established the Office of Early Learning in the Office of Independent Education and Parental Choice within the Department of Education (DOE).The office is administered by an executive director and is fully accountable to the Commissioner of Education but shall independently exercise all powers, duties, and functions prescribed by law, as well as adopt rules for the establishment and operation of the School Readiness program and the Voluntary Prekindergarten Education Program. Section 1, 2013-252, L.O.F., *codified as* s. 1001.213, F.S.
[7] Section 1002.82(1), F.S.
[8] Part VI, ch. 1002, F.S.; 42 U.S.C. ss. 618 & 9858-9858q.
[9] Specific Appropriation 82, s. 2, ch. 2015-232, L.O.F.
[10] Section 1002.88(1)(a), F.S.
[11] *See* ss. 402.301-319, F.S., and part VI, ch. 1002, F.S.
[12] Sections 1002.83-1002.85, F.S. There are currently 30 ELCs, but 31 is the maximum permitted by law. Section 1002.83(1), F.S. *See* Florida's Office of Early Learning, *Early Learning Coalition Directory* (Jan. 11, 2016), *available at* http://www.floridaearlylearning.com/sites/www/Uploads/files/Coalition/Coalition%20Directory/CoalitionDirectory%201.11.16.pdf.
[13] Section 1002.88(1)(a), F.S.

- A license-exempt faith-based child care provider;
- A before-school or after-school program; or
- An informal child care provider authorized in the state's CCDF plan.[14]

On November 19, 2014, the Child Care and Development Block Grant (CCDBG) Act of 2014 was signed into law reauthorizing the CCDF for the first time since 1996.[15] The new law prescribes health and safety requirements for School Readiness program providers and requires transparent information to parents and the general public about available child care choices.[16]

While Florida's School Readiness program currently meets many of the new federal requirements, there are specific federal requirements that necessitate changes to Florida law including:[17]

- Screening for child care staff to include searches of the National Sex Offender Registry, as well as searches of state criminal records, the sex offender registry and child abuse and neglect registry of any state in which the child care personnel resided during the preceding 5 years.[18]
- Posting of monitoring and inspection reports through electronic means.[19]
- Providing parents and the general public, information, via a website, regarding:
  - The availability of child care services to promote informed child care choices;
  - The process for licensing child care providers;
  - The conducting of background screening;
  - The monitoring and inspection of child care providers; and
  - The offenses that would prevent individuals and entities from serving as child care providers in the state.[20]
- Inspecting license-exempt providers receiving CCDBG funds for compliance with health, safety, and fire standards.[21]
- Requiring disaster preparedness plan to include procedures for staff and volunteer emergency preparedness training and practice drills.[22]
- Certifying in the state plan, compliance with the child abuse reporting requirements of the Child Abuse Prevention and Treatment Act.[23]

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[14] *See* Florida Office of Early Learning, *Florida's Child Care and Development Fund State Plan FFY 2014-15, available at* http://www.floridaearlylearning.com/sites/www/Uploads/files/Oel%20Resources/2014-2015_CCDF_Plan_%20Optimized.pdf. The CCDF State Plan for 2016-2018 is due March 1, 2016 to the Administration for Children and Families and will become effective, once approved, on June 1, 2016. Florida Office of Early Learning, CCDF Plan, http://www.floridaearlylearning.com/oel_resources/ccdf_plan.aspx (last visited January 27, 2016).
[15] Office of Child Care, *CCDF Reauthorization*¸ http://www.acf.hhs.gov/programs/occ/ccdf-reauthorization (last visited January 27, 2016).
[16] *Id.*
[17] Pub. L. No. 113-186, 128 Stat. 1971, Child Care and Development Block Grant Act Reauthorization (2014), *available at* https://www.gpo.gov/fdsys/pkg/PLAW-113publ186/pdf/PLAW-113publ186.pdf.
[18] Pub. L. No. 113-186, 128 Stat. 1971, Sec. 658H(b)
[19] Pub. L. No. 113-186, 128 Stat. 1971, Sec. 658E(c)(2)(C)
[20] Pub. L. No. 113-186, 128 Stat. 1971, Sec. 658E(c)(2)(C)
[21] Pub. L. No. 113-186, 128 Stat. 1971, Sec. 658E(c)(2)(K).
[22] Pub. L. No. 113-186, 128 Stat. 1971, Sec. 658E(c)(2)(U).
[23] Pub. L. No. 113-186, 128 Stat. 1971, Sec. 658E(c)(2)(L).

III. Effect of Proposed Changes:

SPB 7058 revises provisions relating to health and safety standards and eligibility for the School Readiness program to align to federal requirements in the 2014 reauthorization of the Child Care and Development Block Grant (CCDBG).

Specifically, the bill:

- Increases health and safety standards.
- Expands requirements for employment history checks and child care personnel background screenings.
- Expands availability of child care information, including inspection and monitoring reports.
- Expands School Readiness provider standards to include preservice and inservice training requirements and appropriate group size and staff-to-child ratios.
- Aligns child eligibility criteria to the federal requirements.

Health & Safety Standards

Current law requires a child care provider to provide basic health and safety of its premises and facilities and compliance with requirements for age-appropriate immunizations of children. A licensed provider may satisfy this requirement through compliance with current licensing standards for child care facilities, large family child care homes, or family day care homes. Faith-based child care providers, informal child care providers, and nonpublic schools exempt from licensure satisfy this requirement by posting a health and safety checklist adopted by the Office of Early Learning (OEL).

Pursuant to the CCDBG Reauthorization, all School Readiness program providers must meet a minimum level of health and safety requirements and receive at least one annual inspection. The bill requires registered or license-exempt School Readiness providers to comply with the health and safety checklist and training requirements adopted by OEL, as well as the child care personnel background screening requirements.

Screening of Child Care Personnel

The bill redefines the definition of "screening" to include employment history checks consisting of documented attempts to contact each employer that employed the child care applicant within the preceding 5 years and documented findings from such contact. The bill requires that a screening include a search of the criminal history records, sexual predator and sexual offender registry, and child abuse and neglect registry of any state in which the applicant resided during the preceding 5 years. In effect, the bill revises the definition of screening to align to the new federal requirements, and requires that any School Readiness provider screen individuals seeking employment in a manner consistent with the requirements.

The bill authorizes the use of information in the Department of Children and Families' (DCF) Central Abuse Hotline for purposes of conducting background screenings of child care personnel. Generally, the use of information in the Central Abuse Hotline is prohibited from being used for employment screenings, except in specified instances (*e.g.*, child or adult protective investigations or licensure or approval of child care facilities). Furthermore, the bill

authorizes employees, authorized agents, and contract providers of the OEL to have access to DCF child abuse and neglect reports and records to ensure compliance with the federal requirements.

Disqualification from Employment

The bill disqualifies a person from employment with a School Readiness provider if the person has been identified as a sex offender or has been convicted of a felony offense relating to:

- Domestic violence.[24]
- Murder.[25]
- Manslaughter; aggravated manslaughter of an elderly person or a disabled adult; aggravated manslaughter of a child; or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.[26]
- Aggravated assault.[27]
- Aggravated battery.[28]
- Kidnapping.[29]
- Luring or enticing a child.[30]
- Leading, taking, enticing, or removing a minor, with criminal intent, pending custody proceedings, dependency proceedings, or proceedings concerning alleged abuse or neglect of a minor.[31]
- Sexual battery.[32]
- Sexual activity with or solicitation of a child by a person in familial or custodial authority.[33]
- Unlawful sexual activity with certain minors.[34]
- Female genital mutilation.[35]
- Arson.[36]
- Incest.[37]
- Child abuse, aggravated child abuse, neglect of a child.[38]
- Contributing to the delinquency or dependency of a child.[39]
- Sexual performance by a child.[40]
- Sexual misconduct in juvenile justice programs.[41]

[24] Chapter 741, F.S.
[25] Section 782.04, F.S.
[26] Section 782.07, F.S.
[27] Section 784.021, F.S.
[28] Section 784.045, F.S.
[29] Section 787.01, F.S.
[30] Section 787.025, F.S.
[31] Section 787.04(2) and (3), F.S.
[32] Section 794.011, F.S.
[33] Former s. 794.041, F.S.
[34] Section 794.05, F.S.
[35] Section 794.08, F.S.
[36] Section 806.01, F.S.
[37] Section 826.04, F.S.
[38] Section 827.03, F.S.
[39] Section 827.04, F.S.
[40] Section 827.071, F.S.
[41] Section 985.701, F.S.

Also, the bill disqualifies any person who has been convicted of a misdemeanor offense relating to battery of a minor[42] or luring or enticing a child.[43]

Furthermore, if the person committed a criminal act in another state or under federal law which, if committed in this state, would constitute any of the above-listed offenses, he or she is disqualified from employment with a School Readiness provider.

Affidavit of Compliance with Mandatory Child Abuse Reporting

The bill requires each child care facility, family day care home, and large family day care home to annually submit an affidavit of compliance with the mandatory reporting requirements in Florida law.[44] The change in law is consistent with the new federal requirement that child care personnel of School Readiness providers be familiar and comply with the mandatory child abuse, abandonment, or neglect reporting requirements.

DCF Inspection & Monitoring of School Readiness Providers

The bill requires School Readiness providers to permit access to DCF to inspect facilities, personnel, and records for the purpose of verifying compliance with the standards established and adopted by OEL. Under the bill, inspection and monitoring of School Readiness providers by DCF or local licensing agencies must be governed by a memorandum of understanding between OEL and DCF or local licensing agencies for verifying compliance solely with the standards contained in the statewide provider contract and the health and safety checklist. Furthermore, the bill requires that a School Readiness provider's contract be terminated if the provider refuses permission for entry or inspection.

Child Care Information

The bill requires DCF and local licensing agencies to make electronically available to the public all licensing standards and procedures, health and safety standards for School Readiness providers, monitoring and inspection reports, and the names and addresses of licensed child care facilities, School Readiness providers, and licensed or registered family day care homes. Additionally, the bill requires the DCF to make publicly available the following information:

- Number of deaths, serious injuries, and instances of substantiated child abuse which have occurred in child care settings each year;
- Research and best practices in child development; and
- Resources regarding social-emotional development, parent and family engagement, healthy eating, and physical activity.

Requiring that such information be made publicly available is consistent with the federal requirements in the CCDBG Reauthorization.

OEL's Duty to Align Standards to the Federal Requirements

Consistent with federal law, the bill requires OEL to:

[42] Section 784.03, F.S.
[43] Section 787.025, F.S.
[44] Section 39.201, F.S.

- Develop and implement strategies to increase the supply and improve the quality of child care services for infants and toddlers, children with disabilities, children who receive care during nontraditional hours, children in underserved areas, and children in areas that have significant concentrations of poverty and unemployment.
- Establish preservice and inservice training requirements addressing, at a minimum:
  - School Readiness child development standards.
  - Health and safety requirements.
  - Social-emotional behavior intervention models.
- Establish standards for emergency preparedness plans.
- Establish group size and staff-to-child ratios.
- Establish eligibility criteria, including income-based limitations and family assets.

Child Eligibility

The bill revises provisions relating to child eligibility to align to the federal requirement that once a child is deemed eligible for School Readiness program services, he or she remains eligible for a minimum of 12 months. Under current law, a child's eligibility may be redetermined at any time based on a change in family income or upon notification of a parent's change in employment status. Consequently, the bill repeals a requirement that each early learning coalition (ELC) redetermine eligibility twice per year for an additional 50 percent of the ELC's enrollment through a statistically valid random sampling.

Pursuant to the CCDBG Reauthorization, the bill provides that if a child's eligibility priority category requires the child to be from a working family, he or she will become ineligible to receive School Readiness program services if the parent does not reestablish employment or resume attendance at a job training or educational program within 90 days after becoming unemployed or ceasing to attend the job training or educational program. Current law affords a parent 60 days to reestablish employment or resume attendance at a job training or educational program. The change will provide additional time for parents to reestablish employment or resume attendance at a job training or educational program, so that their children may continue to receive School Readiness program services.

Also, the bill authorizes an ELC to temporarily waive the parent's copayment for a child whose family's income is at or below the federal poverty level and whose family experiences a natural disaster or an event that limits the parent's ability to pay. Authorizing waiver of the copayment is consistent with federal law, which contemplates that a copayment not be a barrier to families receiving School Readiness program services.

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

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: 39.201, 39.202, 402.302, 402.3057, 402.306, 402.311, 402.319, 409.1757, 435.07, 1002.82, 1002.84, 1002.87, 1002.88, and 1002.89.

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.

444114

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/02/2016	.	
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The Committee on Education Pre-K - 12 (Sobel) recommended the following:

Senate Amendment (with title amendment)

Delete lines 231 - 282
and insert:
(c) Disqualification from employment under this chapter may not be removed from, nor may an exemption be granted to, any current or prospective personnel of a provider receiving school readiness funding under part VI of chapter 1002, if such person is registered as a sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has been convicted of crimes referenced in 42

444114

11 U.S.C. s. 9858f. Such persons are disqualified from employment
12 with a school readiness provider regardless of any prior
13 exemptions from disqualification. Any person employed by a
14 school readiness provider on July 1, 2016, who has been granted
15 an exemption from disqualification must be rescreened no later
16 than August 1, 2016.
17
18 ========== T I T L E A M E N D M E N T ==========
19 And the title is amended as follows:
20 Delete lines 30 - 32
21 and insert:
22 s. 435.07, F.S.; prohibiting removal or exemption from
23 disqualification from employment for any school
24 readiness provider personnel if registered as a sex
25 offender or convicted of specified crimes; amending s.
26 1002.82, F.S.;

FOR CONSIDERATION By the Committee on Education Pre-K - 12

581-02203A-16 20167058pb

A bill to be entitled

An act relating to the Child Care and Development Block Grant Program; amending s. 39.201, F.S.; providing an exception from a prohibition against the use of information in the Department of Children and Families central abuse hotline for employment screening of certain child care personnel; amending s. 39.202, F.S.; expanding the list of entities that have access to child abuse records for purposes of approving providers of school readiness services; amending s. 402.302, F.S.; revising the definition of the term "screening" for purposes of child care licensing requirements; amending s. 402.3057, F.S.; clarifying individuals who are exempt from certain refingerprinting or rescreening requirements; amending s. 402.306, F.S.; requiring the Department of Children and Families and local licensing agencies to electronically post certain information relating to child care and school readiness providers; amending s. 402.311, F.S.; requiring school readiness program providers to provide the Department of Children and Families or local licensing agencies with access to facilities, personnel, and records for inspection purposes; amending s. 402.319, F.S.; requiring certain child care providers to submit an affidavit of compliance with certain mandatory reporting requirements; amending s. 409.1757, F.S.; clarifying individuals who are exempt from certain refingerprinting or rescreening requirements; amending s. 435.07, F.S.; providing criteria for a person's disqualification from employment with a school readiness program provider; amending s. 1002.82, F.S.;

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revising the duties of the Office of Early Learning of the Department of Education; requiring the office to coordinate with the Department of Children and Families and local licensing agencies for inspections of school readiness program providers; amending s. 1002.84, F.S.; revising provisions relating to determination of child eligibility for school readiness programs; revising requirements for determining parent copayments for the programs; amending s. 1002.87, F.S.; revising the prioritization of participation in school readiness programs; revising school readiness program eligibility requirements for parents; amending s. 1002.88, F.S.; revising requirements for school readiness program providers; amending s. 1002.89, F.S.; providing for additional uses of funds for school readiness programs; providing an effective date.

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

Section 1. Subsection (6) of section 39.201, Florida Statutes, is amended to read:

39.201 Mandatory reports of child abuse, abandonment, or neglect; mandatory reports of death; central abuse hotline.—

(6) Information in the central abuse hotline may not be used for employment screening, except as provided in s. 39.202(2)(a) and (h) <u>or s. 402.302(15)</u>. Information in the central abuse hotline and the department's automated abuse information system may be used by the department, its authorized

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62 agents or contract providers, the Department of Health, or
63 county agencies as part of the licensure or registration process
64 pursuant to ss. 402.301-402.319 and ss. 409.175-409.176.
65 Section 2. Paragraph (a) of subsection (2) of section
66 39.202, Florida Statutes, is amended to read:
67 39.202 Confidentiality of reports and records in cases of
68 child abuse or neglect.—
69 (2) Except as provided in subsection (4), access to such
70 records, excluding the name of the reporter which shall be
71 released only as provided in subsection (5), shall be granted
72 only to the following persons, officials, and agencies:
73 (a) Employees, authorized agents, or contract providers of
74 the department, the Department of Health, the Agency for Persons
75 with Disabilities, the Office of Early Learning, or county
76 agencies responsible for carrying out:
77 1. Child or adult protective investigations;
78 2. Ongoing child or adult protective services;
79 3. Early intervention and prevention services;
80 4. Healthy Start services;
81 5. Licensure or approval of adoptive homes, foster homes,
82 child care facilities, facilities licensed under chapter 393, ~~or~~
83 family day care homes, ~~or informal child care~~ providers who
84 receive school readiness funding under part VI of chapter 1002,
85 or other homes used to provide for the care and welfare of
86 children; or
87 6. Services for victims of domestic violence when provided
88 by certified domestic violence centers working at the
89 department's request as case consultants or with shared clients.
90

91 Also, employees or agents of the Department of Juvenile Justice
92 responsible for the provision of services to children, pursuant
93 to chapters 984 and 985.
94 Section 3. Subsection (15) of section 402.302, Florida
95 Statutes, is amended to read:
96 402.302 Definitions.—As used in this chapter, the term:
97 (15) "Screening" means the act of assessing the background
98 of child care personnel, in accordance with state and federal
99 law, and volunteers and includes, but is not limited to:~~,~~
100 (a) Employment history checks, including documented
101 attempts to contact each employer that employed the applicant
102 within the preceding 5 years and documentation of the findings.
103 (b) A search of the criminal history records, sexual
104 predator and sexual offender registry, and child abuse and
105 neglect registry of any state in which the applicant resided
106 during the preceding 5 years.
107
108 An applicant must submit a full set of fingerprints to the
109 department or to a vendor, an entity, or an agency authorized by
110 s. 943.053(13). The department, vendor, entity, or agency shall
111 forward the fingerprints to ~~local criminal records checks~~
112 ~~through local law enforcement agencies, fingerprinting for all~~
113 ~~purposes and checks in this subsection, statewide criminal~~
114 ~~records checks through~~ the Department of Law Enforcement for
115 state processing, and the Department of Law Enforcement shall
116 forward the fingerprints to~~, and federal criminal records checks~~
117 ~~through~~ the Federal Bureau of Investigation for national
118 processing.
119 Section 4. Section 402.3057, Florida Statutes, is amended

to read:

402.3057 Individuals ~~Persons~~ not required to be refingerprinted or rescreened.—Individuals ~~Any provision of law to the contrary notwithstanding, human resource personnel~~ who have been fingerprinted or screened pursuant to chapters 393, 394, 397, 402, and 409, ~~and teachers and noninstructional personnel who have been fingerprinted pursuant to chapter 1012,~~ who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. 110.1127(2)(c), 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(6), are ~~shall~~ not ~~be~~ required to be refingerprinted or rescreened in order to comply with any ~~caretaker~~ screening or fingerprinting requirements of this chapter.

Section 5. Subsection (3) of section 402.306, Florida Statutes, is amended to read:

402.306 Designation of licensing agency; dissemination by the department and local licensing agency of information on child care.—

(3) The department and local licensing agencies, or the designees thereof, shall be responsible for coordination and dissemination of information on child care to the community and shall make available through electronic means ~~upon request~~ all licensing standards and procedures, health and safety standards for school readiness providers, monitoring and inspection reports, and ~~in addition to~~ the names and addresses of licensed child care facilities, school readiness program providers, and,

where applicable pursuant to s. 402.313, licensed or registered family day care homes. This information must also include the number of deaths, serious injuries, and instances of substantiated child abuse which have occurred in child care settings each year; research and best practices in child development; and resources regarding social-emotional development, parent and family engagement, healthy eating, and physical activity.

Section 6. Section 402.311, Florida Statutes, is amended to read:

402.311 Inspection.—

(1) A licensed child care facility shall accord to the department or the local licensing agency, whichever is applicable, the privilege of inspection, including access to facilities and personnel and to those records required in s. 402.305, at reasonable times during regular business hours, to ensure compliance with ~~the provisions of~~ ss. 402.301-402.319. The right of entry and inspection shall also extend to any premises which the department or local licensing agency has reason to believe are being operated or maintained as a child care facility without a license, but no such entry or inspection of any premises shall be made without the permission of the person in charge thereof unless a warrant is first obtained from the circuit court authorizing such entry or inspection ~~same~~. Any application for a license or renewal made pursuant to this act or the advertisement to the public for the provision of child care as defined in s. 402.302 shall constitute permission for any entry or inspection of the premises for which the license is sought in order to facilitate verification of the information

178 submitted on or in connection with the application. In the event
179 a licensed facility refuses permission for entry or inspection
180 to the department or local licensing agency, a warrant shall be
181 obtained from the circuit court authorizing entry or inspection
182 before ~~same prior to~~ such entry or inspection. The department or
183 local licensing agency may institute disciplinary proceedings
184 pursuant to s. 402.310~~,~~ for such refusal.
185 (2) A school readiness program provider shall accord to the
186 department or the local licensing agency, whichever is
187 applicable, the privilege of inspection, including access to
188 facilities, personnel, and records, to verify compliance with s.
189 1002.88. Entry, inspection, and issuance of an inspection report
190 by the department or the local licensing agency to verify
191 compliance with s. 1002.88 is an exercise of a discretionary
192 power to enforce compliance with the laws duly enacted by a
193 governmental body.
194 (3) The department's issuance, transmittal, or publication
195 of an inspection report resulting from an inspection under this
196 section does not constitute agency action subject to chapter
197 120.
198 Section 7. Subsection (3) is added to section 402.319,
199 Florida Statutes, to read:
200 402.319 Penalties.—
201 (3) Each child care facility, family day care home, and
202 large family day care home shall annually submit an affidavit of
203 compliance with s. 39.201.
204 Section 8. Section 409.1757, Florida Statutes, is amended
205 to read:
206 409.1757 Individuals ~~Persons~~ not required to be

207 refingerprinted or rescreened.—Individuals ~~Any law to the~~
208 ~~contrary notwithstanding, human resource personnel~~ who have been
209 fingerprinted or screened pursuant to chapters 393, 394, 397,
210 402, and this chapter, teachers who have been fingerprinted
211 pursuant to chapter 1012, and law enforcement officers who meet
212 the requirements of s. 943.13, who have not been unemployed for
213 more than 90 days thereafter, and who under the penalty of
214 perjury attest to the completion of such fingerprinting or
215 screening and to compliance with this section and the standards
216 for good moral character as contained in such provisions as ss.
217 110.1127(2)(c), 393.0655(1), 394.457(6), 397.451, 402.305(2),
218 409.175(6), and 943.13(7), are not required to be
219 refingerprinted or rescreened in order to comply with any
220 ~~caretaker~~ screening or fingerprinting requirements of this
221 chapter.
222 Section 9. Paragraph (c) is added to subsection (4) of
223 section 435.07, Florida Statutes, to read:
224 435.07 Exemptions from disqualification.—Unless otherwise
225 provided by law, the provisions of this section apply to
226 exemptions from disqualification for disqualifying offenses
227 revealed pursuant to background screenings required under this
228 chapter, regardless of whether those disqualifying offenses are
229 listed in this chapter or other laws.
230 (4)
231 (c) A person is ineligible for employment with a provider
232 that receives school readiness funding under part VI of chapter
233 1002 if the person has been identified as a sex offender or has
234 been convicted of:
235 1. A felony offense prohibited under any of the following

236 statutes:
237 a. Chapter 741, relating to domestic violence.
238 b. Section 782.04, relating to murder.
239 c. Section 782.07, relating to manslaughter, aggravated
240 manslaughter of an elderly person or a disabled adult,
241 aggravated manslaughter of a child, or aggravated manslaughter
242 of an officer, a firefighter, an emergency medical technician,
243 or a paramedic.
244 d. Section 784.021, relating to aggravated assault.
245 e. Section 784.045, relating to aggravated battery.
246 f. Section 787.01, relating to kidnapping.
247 g. Section 787.025, relating to luring or enticing a child.
248 h. Section 787.04(2), relating to leading, taking,
249 enticing, or removing a minor beyond the state limits, or
250 concealing the location of a minor, with criminal intent,
251 pending custody proceedings.
252 i. Section 787.04(3), relating to leading, taking,
253 enticing, or removing a minor beyond the state limits, or
254 concealing the location of a minor, with criminal intent,
255 pending dependency proceedings or proceedings concerning alleged
256 abuse or neglect of a minor.
257 j. Section 794.011, relating to sexual battery.
258 k. Former s. 794.041, relating to sexual activity with or
259 solicitation of a child by a person in familial or custodial
260 authority.
261 l. Section 794.05, relating to unlawful sexual activity
262 with certain minors.
263 m. Section 794.08, relating to female genital mutilation.
264 n. Section 806.01, relating to arson.

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265 o. Section 826.04, relating to incest.
266 p. Section 827.03, relating to child abuse, aggravated
267 child abuse, or neglect of a child.
268 q. Section 827.04, relating to contributing to the
269 delinquency or dependency of a child.
270 r. Section 827.071, relating to sexual performance by a
271 child.
272 s. Section 985.701, relating to sexual misconduct in
273 juvenile justice programs.
274 2. A misdemeanor offense prohibited under any of the
275 following statutes:
276 a. Section 784.03, relating to battery, if the victim of
277 the offense was a minor.
278 b. Section 787.025, relating to luring or enticing a child.
279 3. A criminal act committed in another state or under
280 federal law which, if committed in this state, would constitute
281 an offense prohibited under any statute listed in subparagraph
282 1. or subparagraph 2.
283 Section 10. Paragraph (i) of subsection (2) of section
284 1002.82, Florida Statutes, is amended, and paragraphs (s)
285 through (x) are added to that subsection, to read:
286 1002.82 Office of Early Learning; powers and duties.—
287 (2) The office shall:
288 (i) Enter into a memorandum of understanding with local
289 licensing agencies and ~~Develop, in coordination with~~ the Child
290 Care Services Program Office of the Department of Children and
291 Families for inspections of school readiness program providers
292 to monitor and verify compliance with s. 1002.88 and the health
293 and safety checklist adopted by the office. The provider

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294 contract of a school readiness program provider that refuses
295 permission for entry or inspection shall be terminated. The~~, and~~
296 ~~adopt a~~ health and safety checklist may ~~to be completed by~~
297 ~~license-exempt providers that does~~ not exceed the requirements
298 of s. 402.305 and the Child Care and Development Fund pursuant
299 to 45 C.F.R. part 98.
300 (s) Develop and implement strategies to increase the supply
301 and improve the quality of child care services for infants and
302 toddlers, children with disabilities, children who receive care
303 during nontraditional hours, children in underserved areas, and
304 children in areas that have significant concentrations of
305 poverty and unemployment.
306 (t) Establish preservice and inservice training
307 requirements that address, at a minimum, school readiness child
308 development standards, health and safety requirements, and
309 social-emotional behavior intervention models, which may include
310 positive behavior intervention and support models.
311 (u) Establish standards for emergency preparedness plans
312 for school readiness program providers.
313 (v) Establish group sizes.
314 (w) Establish staff-to-children ratios that do not exceed
315 the requirements of s. 402.302(8) or (11) or s. 402.305(4), as
316 applicable, for school readiness program providers.
317 (x) Establish eligibility criteria, including limitations
318 based on income and family assets, in accordance with s. 1002.87
319 and federal law.
320 Section 11. Subsections (7) and (8) of section 1002.84,
321 Florida Statutes, are amended to read:
322 1002.84 Early learning coalitions; school readiness powers

323 and duties.—Each early learning coalition shall:
324 (7) Determine child eligibility pursuant to s. 1002.87 and
325 provider eligibility pursuant to s. 1002.88. ~~At a minimum,~~ Child
326 eligibility must be redetermined annually. ~~Redetermination must~~
327 ~~also be conducted twice per year for an additional 50 percent of~~
328 ~~a coalition's enrollment through a statistically valid random~~
329 ~~sampling.~~ A coalition must document the reason ~~why~~ a child is no
330 longer eligible for the school readiness program according to
331 the standard codes prescribed by the office.
332 (8) Establish a parent sliding fee scale that provides for
333 ~~requires~~ a parent copayment that is not a barrier to families
334 receiving ~~to participate in the~~ school readiness program
335 services. Providers are required to collect the parent's
336 copayment. A coalition may, on a case-by-case basis, waive the
337 copayment for an at-risk child or temporarily waive the
338 copayment for a child whose family's income is at or below the
339 federal poverty level and whose family experiences a natural
340 disaster or an event that limits the parent's ability to pay,
341 such as incarceration, placement in residential treatment, or
342 becoming homeless, or an emergency situation such as a household
343 fire or burglary, or while the parent is participating in
344 parenting classes. A parent may not transfer school readiness
345 program services to another school readiness program provider
346 until the parent has submitted documentation from the current
347 school readiness program provider to the early learning
348 coalition stating that the parent has satisfactorily fulfilled
349 the copayment obligation.
350 Section 12. Subsections (1), (4), (5), and (6) of section
351 1002.87, Florida Statutes, are amended to read:

1002.87 School readiness program; eligibility and enrollment.—

(1) ~~Effective August 1, 2013, or upon reevaluation of eligibility for children currently served, whichever is later,~~ Each early learning coalition shall give priority for participation in the school readiness program as follows:

(a) Priority shall be given first to a child younger than 13 years of age from a family that includes a parent who is receiving temporary cash assistance under chapter 414 and subject to the federal work requirements.

(b) Priority shall be given next to an at-risk child younger than 9 years of age.

(c) Priority shall be given next to a child from birth to the beginning of the school year for which the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2. who is from a working family that is economically disadvantaged, and may include such child's eligible siblings, beginning with the school year in which the sibling is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2. until the beginning of the school year in which the sibling is eligible to begin 6th grade, provided that the first priority for funding an eligible sibling is local revenues available to the coalition for funding direct services. ~~However, a child eligible under this paragraph ceases to be eligible if his or her family income exceeds 200 percent of the federal poverty level.~~

(d) Priority shall be given next to a child of a parent who transitions from the work program into employment as described in s. 445.032 from birth to the beginning of the school year for

which the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2.

(e) Priority shall be given next to an at-risk child who is at least 9 years of age but younger than 13 years of age. An at-risk child whose sibling is enrolled in the school readiness program within an eligibility priority category listed in paragraphs (a)-(c) shall be given priority over other children who are eligible under this paragraph.

(f) Priority shall be given next to a child who is younger than 13 years of age from a working family that is economically disadvantaged. A child who is eligible under this paragraph whose sibling is enrolled in the school readiness program under paragraph (c) shall be given priority over other children who are eligible under this paragraph. ~~However, a child eligible under this paragraph ceases to be eligible if his or her family income exceeds 200 percent of the federal poverty level.~~

(g) Priority shall be given next to a child of a parent who transitions from the work program into employment as described in s. 445.032 who is younger than 13 years of age.

(h) Priority shall be given next to a child who has special needs, has been determined eligible as a student with a disability, has a current individual education plan with a Florida school district, and is not younger than 3 years of age. A special needs child eligible under this paragraph remains eligible until the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2.

(i) Notwithstanding paragraphs (a)-(d), priority shall be given last to a child who otherwise meets one of the eligibility criteria in paragraphs (a)-(d) but who is also enrolled

concurrently in the federal Head Start Program and the Voluntary Prekindergarten Education Program.

(4) The parent of a child enrolled in the school readiness program must notify the coalition or its designee within 10 days after any change in employment status, income, or family size or failure to maintain attendance at a job training or educational program in accordance with program requirements. ~~Upon notification by the parent, the child's eligibility must be reevaluated.~~

(5) A child whose eligibility priority category requires the child to be from a working family ceases to be eligible for the school readiness program if a parent with whom the child resides does not reestablish employment or resume attendance at a job training or educational program within 90 ~~60~~ days after becoming unemployed or ceasing to attend a job training or educational program.

(6) Eligibility for each child must be reevaluated annually. Upon reevaluation, a child may not continue to receive school readiness program services if he or she has ceased to be eligible under this section. A child who is ineligible due to a parent's job loss or cessation of job training or education shall continue to receive school readiness program services for at least 3 months to enable the parent to obtain employment.

Section 13. Paragraphs (c), (d), and (e) of subsection (1) of section 1002.88, Florida Statutes, are amended to read:

1002.88 School readiness program provider standards; eligibility to deliver the school readiness program.—

(1) To be eligible to deliver the school readiness program, a school readiness program provider must:

(c) Provide basic health and safety of its premises and facilities and compliance with requirements for age-appropriate immunizations of children enrolled in the school readiness program.

1. For a provider that is licensed ~~child care facility, a large family child care home, or a licensed family day care home~~, compliance with s. 402.305, s. 402.3131, or s. 402.313 and this subsection, as verified pursuant to s. 402.311, satisfies this requirement.

2. For a provider that is a registered family day care home or is not subject to licensure or registration by the Department of Children and Families, compliance with this subsection, as verified pursuant to s. 402.311, satisfies this requirement. Upon such verification, the provider ~~For a public or nonpublic school, compliance with s. 402.3025 or s. 1003.22 satisfies this requirement. A faith-based child care provider, an informal child care provider, or a nonpublic school, exempt from licensure under s. 402.316 or s. 402.3025,~~ shall annually post ~~complete~~ the health and safety checklist adopted by the office~~,~~ ~~post the checklist~~ prominently on its premises in plain sight for visitors and parents~~,~~ and shall annually submit the checklist ~~it annually~~ to its local early learning coalition.

(d) Provide an appropriate group size and staff-to-children ratio~~, pursuant to s. 402.305(4) or s. 402.302(8) or (11), as applicable, and as verified pursuant to s. 402.311~~.

(e) Employ child care personnel, as defined in s. 402.302(3), who have satisfied the screening requirements of chapter 402 and fulfilled the training requirements of the office ~~Provide a healthy and safe environment pursuant to s.~~

468 ~~402.305(5), (6), and (7), as applicable, and as verified~~
469 ~~pursuant to s. 402.311~~.
470 Section 14. Paragraph (b) of subsection (6) and subsection
471 (7) of section 1002.89, Florida Statutes, are amended to read:
472 1002.89 School readiness program; funding.—
473 (6) Costs shall be kept to the minimum necessary for the
474 efficient and effective administration of the school readiness
475 program with the highest priority of expenditure being direct
476 services for eligible children. However, no more than 5 percent
477 of the funds described in subsection (5) may be used for
478 administrative costs and no more than 22 percent of the funds
479 described in subsection (5) may be used in any fiscal year for
480 any combination of administrative costs, quality activities, and
481 nondirect services as follows:
482 (b) Activities to improve the quality of child care as
483 described in 45 C.F.R. s. 98.51, which must ~~shall~~ be limited to
484 the following:
485 1. Developing, establishing, expanding, operating, and
486 coordinating resource and referral programs specifically related
487 to the provision of comprehensive consumer education to parents
488 and the public to promote informed child care choices specified
489 in 45 C.F.R. s. 98.33 ~~regarding participation in the school~~
490 ~~readiness program and parental choice~~.
491 2. Awarding grants and providing financial support to
492 school readiness program providers and their staff to assist
493 them in meeting applicable state requirements for child care
494 performance standards, implementing developmentally appropriate
495 curricula and related classroom resources that support
496 curricula, providing literacy supports, and providing continued

497 professional development and training. Any grants awarded
498 pursuant to this subparagraph shall comply with ~~the requirements~~
499 ~~of~~ ss. 215.971 and 287.058.
500 3. Providing training, ~~and~~ technical assistance, and
501 financial support to ~~for~~ school readiness program providers and
502 their~~,~~ staff~~,~~ and parents on standards, child screenings, child
503 assessments, child development research and best practices,
504 developmentally appropriate curricula, character development,
505 teacher-child interactions, age-appropriate discipline
506 practices, health and safety, nutrition, first aid,
507 cardiopulmonary resuscitation, the recognition of communicable
508 diseases, and child abuse detection, ~~and~~ prevention, and
509 reporting.
510 4. Providing, from among the funds provided for the
511 activities described in subparagraphs 1.-3., adequate funding
512 for infants and toddlers as necessary to meet federal
513 requirements related to expenditures for quality activities for
514 infant and toddler care.
515 5. Improving the monitoring of compliance with, and
516 enforcement of, applicable state and local requirements as
517 described in and limited by 45 C.F.R. s. 98.40.
518 6. Responding to Warm-Line requests by providers and
519 parents ~~related to school readiness program children~~, including
520 providing developmental and health screenings to school
521 readiness program children.
522 (7) Funds appropriated for the school readiness program may
523 not be expended for the purchase or improvement of land; for the
524 purchase, construction, or permanent improvement of any building
525 or facility; or for the purchase of buses. However, funds may be

526 expended for minor remodeling and upgrading of child care
527 facilities which is necessary for the administration of the
528 program and to ensure that providers meet state and local child
529 care standards, including applicable health and safety
530 requirements.
531 Section 15. This act shall take effect July 1, 2016.

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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 Pre-K - 12

BILL: SB 268

INTRODUCER: Senator Ring

SUBJECT: Bullying and Harassment Policies in Schools

DATE: February 1, 2016 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Scott	Klebacha	ED	**Pre-meeting**
2.			AED	
3.			FP	

I. Summary:

SB 268 requires periodic revision of a school district's anti-bullying and harassment policy, modifies the information that must be contained in the policy, and requires schools to implement the policy.

Specifically, the bill adds the requirements that each:

- School district revise its anti-bullying and harassment policy at least every 3 years.
- School implement the school district's anti-bullying and harassment policy.
- School district's anti-bullying and harassment policy:
  - Make the reporting of bullying or harassment mandatory; and
  - Include a list of bullying prevention and intervention programs authorized by the school district to provide instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment.

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

II. Present Situation:

Bullying and Harassment

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

- During a public K-12 education program or activity.
- During a school-related or school-sponsored program or activity.

[1] Chapter 2008-123, L.O.F., also known as the "Jeffrey Johnston Stand Up for All Students" Act.
[2] Section 1006.147(2), F.S.

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

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

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

The law further specifies that bullying and harassment include:[8]

- Retaliating against a student or school employee for reporting bullying or harassment;
- Reporting bullying or harassment in bad faith;

---

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

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

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

[6] Section 1006.147(3)(a), F.S.

[7] *Id.* at (3)(b).

[8] *Id.* at (3)(f).

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

Policy and Reporting Requirements

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

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

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

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[9] *Id.* at (4). The policy must be in substantial compliance with the Department of Education's model policy. *Id. See* Florida Department of Education, Bullying Prevention, *Model Policy Against Bullying and Harassment* (Revised July 2013), http://www.fldoe.org/schools/safe-healthy-schools/safe-schools/bullying-prevention.stml (last visited January 29, 2016).
[10] Section 1006.147(4), F.S.
[11] *Id.*
[12] Section 1006.09(6), F.S. The School Environmental Safety Incident Reporting (SESIR) System is used by the Office for Safe Schools within the Florida Department of Education to compile data on incidents of crime, violence, and disruptive behaviors that occur on school grounds, on school transportation, and at off-campus, school-sponsored events. Such data is contained in the *Statewide Report on School Safety and Discipline Data*, http://www.fldoe.org/safeschools/sesir.asp (last visited January 29, 2016).
[13] Section 1006.147(4), F.S.

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

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

III. Effect of Proposed Changes:

SB 268 requires periodic revision of a school district's anti-bullying and harassment policy, modifies the information that must be contained in the policy, and requires schools to implement the policy.

Specifically, the bill adds the requirements that each:

- School district revise its anti-bullying and harassment policy at least every 3 years.
- School implement the school district's anti-bullying and harassment policy.
- School district's anti-bullying and harassment policy:
  - Make the reporting of bullying or harassment mandatory; and
  - Include a list of bullying prevention and intervention programs authorized by the school district to provide instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment.

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

- Removing the requirement that a school district's anti-bullying and harassment policy contain a procedure for providing instruction on identifying, preventing, and adding a requirement that the school district's policy contain a list of programs authorized by the school district to provide such instruction.
- Adding a requirement that the school district's anti-bullying and harassment policy be implemented in a manner that is ongoing throughout the school year and integrated with the school's bullying prevention and intervention program.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

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[14] Section 1006.09(7), F.S.
[15] *Id.* at (8).

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, if school districts hire private providers to offer bullying and harassment instruction, rather than provide the instruction directly, those private providers may experience an increase in revenue.[16]

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends section 1006.147 of the Florida Statutes.

IX. Additional Information:

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

None.

B. Amendments:

None.

[16] Florida Department of Education, *2016 Agency Legislative Bill Analysis* (SB 268), at 4 (on file with the staff of the Senate Committee on Education Pre-K – 12).

By Senator Ring

29-00417-16 2016268__

A bill to be entitled

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

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

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

1006.147 Bullying and harassment prohibited.—

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

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29-00417-16 2016268__

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

(a) A statement prohibiting bullying and harassment.

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

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

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

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

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

(g) A procedure for the prompt investigation of a report of

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59 bullying or harassment and the persons responsible for the
60 investigation. The investigation of a reported act of bullying
61 or harassment is deemed to be a school-related activity and
62 begins with a report of such an act. Incidents that require a
63 reasonable investigation when reported to appropriate school
64 authorities shall include alleged incidents of bullying or
65 harassment allegedly committed against a child while the child
66 is en route to school aboard a school bus or at a school bus
67 stop.
68 (h) A process to investigate whether a reported act of
69 bullying or harassment is within the scope of the district
70 school system and, if not, a process for referral of such an act
71 to the appropriate jurisdiction. Computers without web-filtering
72 software or computers with web-filtering software that is
73 disabled shall be used when complaints of cyberbullying are
74 investigated.
75 (i) A procedure for providing immediate notification to the
76 parents of a victim of bullying or harassment and the parents of
77 the perpetrator of an act of bullying or harassment, as well as
78 notification to all local agencies where criminal charges may be
79 pursued against the perpetrator.
80 (j) A procedure to refer victims and perpetrators of
81 bullying or harassment for counseling.
82 (k) A procedure for including incidents of bullying or
83 harassment in the school's report of data concerning school
84 safety and discipline required under s. 1006.09(6). The report
85 must include each incident of bullying or harassment and the
86 resulting consequences, including discipline and referrals. The
87 report must include in a separate section each reported incident

88 of bullying or harassment that does not meet the criteria of a
89 prohibited act under this section with recommendations regarding
90 such incidents. The Department of Education shall aggregate
91 information contained in the reports.
92 (l) A list of programs authorized by the school district
93 which provide ~~procedure for providing~~ instruction to students,
94 parents, teachers, school administrators, counseling staff, and
95 school volunteers on identifying, preventing, and responding to
96 bullying or harassment, including instruction on recognizing
97 behaviors that lead to bullying and harassment and taking
98 appropriate preventive action based on those observations.
99 (m) A procedure for regularly reporting to a victim's
100 parents the actions taken to protect the victim.
101 (n) A procedure for publicizing the policy, which must
102 include its publication in the code of student conduct required
103 under s. 1006.07(2) and in all employee handbooks.
104 Section 2. This act shall take effect July 1, 2016.

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 Pre-K - 12

BILL: SB 808

INTRODUCER: Senator Brandes

SUBJECT: Charter Schools

DATE: February 1, 2016 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	**Pre-meeting**
2.			CA	
3.			AED	
4.			AP	

I. Summary:

SB 808 authorizes municipal governing authorities to sponsor charter schools in the municipality over which the municipal governing authority has jurisdiction.

The bill also deletes the prohibitions on (consequently authorizes) a high performing charter school from:

- Establishing more than one charter school that will substantially replicate its educational program per year.
- Subsequently applying for additional charter schools that substantially replicate its education program unless each such charter school achieves high performing charter school status.

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

II. Present Situation:

Charter Schools

Charter schools are nonsectarian, public schools that operate under a performance contract with a sponsor, which is typically a school district.[1] Charter schools are exempt from many laws and regulations applicable to traditional public schools to encourage the use of innovative learning methods.[2] One of the guiding principles of charter schools is to "meet high standards of student achievement while providing parents flexibility to choose among diverse educational

[1] Section 1002.33(5)(a), (6)(h), (7) and (9)(a), F.S.
[2] Section 1002.33(2)(b)3, and (16), F.S.

opportunities within the state's public school system."[3] The terms and conditions for the operation of the school are set forth in a performance contract or "charter."[4]

Charter School Sponsors

Only district school boards or universities are authorized to sponsor charter schools.[5] A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.[6] A state university may grant a charter to a lab school, and shall be considered the school's sponsor.[7]

Florida law tasks sponsors with authorizing new charter schools and providing continuing oversight of each charter school in the school district.[8] The law establishes several processes designed to enable the sponsor to perform these roles, including:

- Authority to review and approve or deny charter school applications.[9]
- Authority to enforce the terms and conditions of the charter agreement.[10]
- Annual reporting of student achievement and financial information by each charter school to the sponsor.[11]
- Sponsor monitoring of annual financial audits[12] and monthly financial statements submitted by charter schools in the school district.[13]
- Interventions for remedying unsatisfactory academic performance and financial instability.[14]
- Authority to close charter schools for academic or financial failure; poor management; violations of law; or child health, safety, and welfare violations.[15]

Application Process

An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state.[16]

The law establishes an application process for establishing a new charter school.[17] An applicant must submit a charter school application to the sponsor.[18] The sponsor must review and approve or deny the application.[19] The law requires sponsors and applicants to use a standard charter

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[3] Section 1002.33(2)(a)1, F.S.
[4] Section 1002.33(6)(h), F.S.
[5] Section 1002.33(5)(a), F.S.
[6] *Id.*
[7] *Id.* Such school shall be considered a charter lab school. *Id.*
[8] Section 1002.33(6), F.S.
[9] Section 1002.33(6), F.S.
[10] Section 1002.33(6)(h) and (7), F.S.
[11] Section 1002.33(9)(k), F.S.
[12] Sections 218.39(1)(e) and (f), 1002.33(9)(j)1. and 2., F.S.
[13] Section 1002.33(9)(g), F.S.
[14] Section 1002.33(9)(n), F.S.
[15] Section 1002.33(8), F.S.
[16] Section 1002.33(3)(a), F.S.
[17] Section 1002.33(6)(a), F.S.
[18] *Id.*
[19] *Id.*

school application and application evaluation instrument.[20] The standard application is designed to enable the sponsor to evaluate the applicant's educational plan, organizational plan, financial viability, and business plan.[21]

Charter school sponsors evaluate a variety of factors when considering an application to open a charter school. [22] The standard application requires the applicant to:[23]

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

Charter Agreement

Should the sponsor approve a charter school application, the sponsor and the governing board of the charter school will enter into a charter agreement.[24] The agreement must address major issues involving the operation of the charter school, including but not limited to the schools mission, the curriculum, instructional methods to be used, how educational goals and performance standards are met, requirements for graduation, the financial and administrative management of the school, asset and liability projections, the facilities to be used, teacher qualifications, and full disclosure of all relatives employed by the charter school.[25]

The initial term of a charter is for 4 or 5 years.[26] However, 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 are eligible for up to a 15-year charter, subject to approval by the sponsor.[27] These long-term charters remain subject to annual review, and may be terminated as specified in statute.[28]

Charter School In A Municipality

A charter school in a municipality designation may be granted to a municipality that possesses a charter; enrolls students based upon a random lottery; and enrolls students according to racial/ethnic balances.[29]

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[20] *Id.*
[21] *Id.*
[22] Section 1002.33(6)(a), (7), (8), (9), F.S.
[23] *Id.*
[24] Section 1002.33(7), F.S.
[25] *Id.*
[26] Section 1002.33(7)(a)12., F.S.
[27] Id. Additional circumstances exist that may enable a 15 year term. *Id.*
[28] *Id.* Contract nonrenewal or termination provisions are in s. 1002.33(8), F.S.
[29] Section 1002.33(15), F.S.

When a municipality has submitted charter applications for the establishment of a charter school feeder pattern,[30] consisting of elementary, middle, and senior high schools, and each individual charter application is approved by the sponsor, the schools are then designated as one school.[31]

There are 15 self-reported charter schools-in-a-municipality in Florida.[32]

High-Performing Charter Schools

A charter school is a high-performing charter school if it:[33]

- Received at least two school grades of "A" and no school grade below "B," during each of the previous three school years.
- Received an unqualified opinion on each annual financial audit in the most recent three fiscal years for which such audits are available.
- Did not receive a financial audit that revealed one or more of the financial emergency conditions in the most recent three fiscal years for which such audits are available. However, this requirement is deemed met for a charter school-in-the-workplace if there is a finding in an audit that the school has the monetary resources available to cover any reported deficiency or that the deficiency does not result in a deteriorating financial condition.

A high-performing charter school is authorized to:[34]

- Increase its student enrollment once per school year to more than the capacity identified in the charter, but student enrollment may not exceed the current facility capacity.
- Expand grade levels within kindergarten through grade 12 to add grade levels not already served if any annual enrollment increase resulting from grade level expansion is within the limit established its contract.
- Submit a quarterly, rather than a monthly, financial statement to the sponsor.
- Consolidate under a single charter the charters of multiple high-performing charter schools operated in the same school district by the charter schools' governing board regardless of the renewal cycle.
- Receive a modification of its charter to a term of 15 years or a 15-year charter renewal. The charter may be modified or renewed for a shorter term at the option of the high-performing charter school.

A high performing charter school may not establish more than one charter school within the state in any year.[35] A subsequent application to establish a charter school may not be submitted unless each charter school established in this manner achieves high-performing charter school status.[36]

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[30] The term feeder pattern is not specifically defined in charter school statutes or rules. However, in the school grading purposes, a feeder pattern exists if at least 60 % of the students in school "A" are scheduled to be assigned to school "B." See, s. 1008.34(3)(a)2., F.S.
[31] Section 1002.33(15), F.S.
[32] E-mail, Florida Department of Education, Office of K-12 School Choice (February 1, 2016).
[33] Section 1002.331(1), F.S.
[34] Section 1002.331(2), F.S.
[35] Section 1002.331(3), F.S.
[36] *Id.*

As of October 31, 2015, there are 167 high-performing charter schools in Florida.[37]

III. Effect of Proposed Changes:

SB 808 authorizes municipal governing authorities to sponsor charter schools in the municipality over which the municipal governing authority has jurisdiction.

The bill also deletes the prohibitions on (consequently authorizes) a high performing charter school from:

- Establishing more than one charter school that will substantially replicate its educational program per year.
- Subsequently applying for additional charter schools that substantially replicate its education program unless each such charter school achieves high performing charter school status.

Municipal Governing Authority As A Charter School Sponsor

The bill authorizes municipal governing authorities to sponsor, without school board approval, charter schools in the municipality over which the municipal governing authority has jurisdiction.

In effect, the bill allows municipality to sponsor a charter school, in addition to current law, which allows municipalities to contract with a sponsor to operate charter schools (such as a charter school-in-the municipality).

High Performing Charter Schools

The bill removes prohibitions, thus authorizes a high performing charter school to:

- Establish more than one charter school that will substantially replicate its educational program per year.
- Subsequently apply for additional charter schools that substantially replicate its education program before each such charter school achieves high performing charter school status.

In effect, a high performing charter school will not be limited in the number of applications it may file to substantially replicate its education program.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

[37] Florida Department of Education, *Florida's Charter Schools Fact Sheet, available at* http://www.fldoe.org/core/fileparse.php/7696/urlt/Charter_Oct_2015_11-20-15.pdf.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

In 2006, the Legislature enacted s. 1002.335, F.S., which established the "Florida Schools of Excellence Commission" as an independent, state-level entity with the power to authorize charter schools throughout the State of Florida. Under the statute, district school boards could exercise exclusive authority to authorize charter schools only if the State Board of Education granted them such power within their district. The court found that the statute created a parallel system of free public education escaping the operation and control of local elected school boards. The statute was found facially unconstitutional on the grounds that it posed a total and fatal conflict with article IX, section 4 of the Florida Constitution. See, *Duval County School Board v. State Board of Education*, 998 So.2d 641 (Fla. 1st DCA, 2008).

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Not determined.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.33, 1002.331.

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 Brandes

22-00854B-16 2016808__

A bill to be entitled

An act relating to charter schools; amending s. 1002.33, F.S.; authorizing a municipal governing authority to become a charter school sponsor in the municipality over which the municipal governing authority has jurisdiction; providing that certain long-term charters are subject to the approval of the municipal governing authority; requiring a municipal governing authority to make timely and efficient payment and reimbursement to charter schools; authorizing a municipal governing authority to distribute funds to a charter school for a specified period of time under certain circumstances; amending s. 1002.331, F.S.; deleting a provision that prohibits high-performing charter schools from establishing more than one charter school in any given year; providing an effective date.

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

Section 1. Paragraph (a) of subsection (5), paragraph (a) of subsection (7), subsection (14), paragraph (c) of subsection (15), paragraph (e) of subsection (17), and subsection (25) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(5) SPONSOR; DUTIES.—

(a) *Sponsoring entities.*—

1. A district school board or a municipal governing authority may sponsor a charter school in the county or the

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municipality over which the district school board or the municipal governing authority has jurisdiction.

2. A state university may grant a charter to a lab school created under s. 1002.32 and shall be considered to be the school's sponsor. Such school shall be considered a charter lab school.

(7) CHARTER.—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.

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59 b. In order to provide students with access to diverse
60 instructional delivery models, to facilitate the integration of
61 technology within traditional classroom instruction, and to
62 provide students with the skills they need to compete in the
63 21st century economy, the Legislature encourages instructional
64 methods for blended learning courses consisting of both
65 traditional classroom and online instructional techniques.
66 Charter schools may implement blended learning courses which
67 combine traditional classroom instruction and virtual
68 instruction. Students in a blended learning course must be full-
69 time students of the charter school and receive the online
70 instruction in a classroom setting at the charter school.
71 Instructional personnel certified pursuant to s. 1012.55 who
72 provide virtual instruction for blended learning courses may be
73 employees of the charter school or may be under contract to
74 provide instructional services to charter school students. At a
75 minimum, such instructional personnel must hold an active state
76 or school district adjunct certification under s. 1012.57 for
77 the subject area of the blended learning course. The funding and
78 performance accountability requirements for blended learning
79 courses are the same as those for traditional courses.
80 3. The current incoming baseline standard of student
81 academic achievement, the outcomes to be achieved, and the
82 method of measurement that will be used. The criteria listed in
83 this subparagraph shall include a detailed description of:
84 a. How the baseline student academic achievement levels and
85 prior rates of academic progress will be established.
86 b. How these baseline rates will be compared to rates of
87 academic progress achieved by these same students while

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88 attending the charter school.
89 c. To the extent possible, how these rates of progress will
90 be evaluated and compared with rates of progress of other
91 closely comparable student populations.
92
93 The district school board is required to provide academic
94 student performance data to charter schools for each of their
95 students coming from the district school system, as well as
96 rates of academic progress of comparable student populations in
97 the district school system.
98 4. The methods used to identify the educational strengths
99 and needs of students and how well educational goals and
100 performance standards are met by students attending the charter
101 school. The methods shall provide a means for the charter school
102 to ensure accountability to its constituents by analyzing
103 student performance data and by evaluating the effectiveness and
104 efficiency of its major educational programs. Students in
105 charter schools shall, at a minimum, participate in the
106 statewide assessment program created under s. 1008.22.
107 5. In secondary charter schools, a method for determining
108 that a student has satisfied the requirements for graduation in
109 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.
110 6. A method for resolving conflicts between the governing
111 board of the charter school and the sponsor.
112 7. The admissions procedures and dismissal procedures,
113 including the school’s code of student conduct.
114 8. The ways by which the school will achieve a
115 racial/ethnic balance reflective of the community it serves or
116 within the racial/ethnic range of other public schools in the

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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 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 or the municipal governing authority. 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 or the municipal governing authority. 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

175 addresses the implementation of each element thereof and the
176 date by which the charter shall be awarded in order to meet this
177 timetable.
178 17. In the case of an existing public school that is being
179 converted to charter status, alternative arrangements for
180 current students who choose not to attend the charter school and
181 for current teachers who choose not to teach in the charter
182 school after conversion in accordance with the existing
183 collective bargaining agreement or district school board rule in
184 the absence of a collective bargaining agreement. However,
185 alternative arrangements shall not be required for current
186 teachers who choose not to teach in a charter lab school, except
187 as authorized by the employment policies of the state university
188 which grants the charter to the lab school.
189 18. Full disclosure of the identity of all relatives
190 employed by the charter school who are related to the charter
191 school owner, president, chairperson of the governing board of
192 directors, superintendent, governing board member, principal,
193 assistant principal, or any other person employed by the charter
194 school who has equivalent decisionmaking authority. For the
195 purpose of this subparagraph, the term "relative" means father,
196 mother, son, daughter, brother, sister, uncle, aunt, first
197 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
198 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
199 stepfather, stepmother, stepson, stepdaughter, stepbrother,
200 stepsister, half brother, or half sister.
201 19. Implementation of the activities authorized under s.
202 1002.331 by the charter school when it satisfies the eligibility
203 requirements for a high-performing charter school. A high-

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204 performing charter school shall notify its sponsor in writing by
205 March 1 if it intends to increase enrollment or expand grade
206 levels the following school year. The written notice shall
207 specify the amount of the enrollment increase and the grade
208 levels that will be added, as applicable.
209 (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION
210 OF THE STATE AND SCHOOL DISTRICT; CREDIT OR TAXING POWER NOT TO
211 BE PLEDGED.—Any arrangement entered into to borrow or otherwise
212 secure funds for a charter school authorized in this section
213 from a source other than the state or a school district shall
214 indemnify the state and the school district from any and all
215 liability, including, but not limited to, financial
216 responsibility for the payment of the principal or interest. Any
217 loans, bonds, or other financial agreements are not obligations
218 of the state or the school district but are obligations of the
219 charter school authority and are payable solely from the sources
220 of funds pledged by such agreement. The credit or taxing power
221 of the state or the school district shall not be pledged and no
222 debts shall be payable out of any moneys except those of the
223 legal entity in possession of a valid charter approved by a
224 district school board or a municipal governing authority
225 pursuant to this section.
226 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
227 A-MUNICIPALITY.—
228 (c) A charter school-in-a-municipality designation may be
229 granted to a municipality that possesses a charter; enrolls
230 students based upon a random lottery that involves all of the
231 children of the residents of that municipality who are seeking
232 enrollment, as provided for in subsection (10); and enrolls

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233 students according to the racial/ethnic balance provisions
234 described in subparagraph (7)(a)8. When a municipality has
235 submitted charter applications for the establishment of a
236 charter school feeder pattern, consisting of elementary, middle,
237 and senior high schools, and each individual charter application
238 is approved by the district school board or the municipal
239 governing authority, such schools shall then be designated as
240 one charter school for all purposes listed pursuant to this
241 section. Any portion of the land and facility used for a public
242 charter school shall be exempt from ad valorem taxes, as
243 provided for in s. 1013.54, for the duration of its use as a
244 public school.
245 (17) FUNDING.—Students enrolled in a charter school,
246 regardless of the sponsorship, shall be funded as if they are in
247 a basic program or a special program, the same as students
248 enrolled in other public schools in the school district. Funding
249 for a charter lab school shall be as provided in s. 1002.32.
250 (e) District school boards and municipal governing
251 authorities shall make timely and efficient payment and
252 reimbursement to charter schools, including processing paperwork
253 required to access special state and federal funding for which
254 they may be eligible. The district school board or the municipal
255 governing authority may distribute funds to a charter school for
256 up to 3 months based on the projected full-time equivalent
257 student membership of the charter school. Thereafter, the
258 results of full-time equivalent student membership surveys shall
259 be used in adjusting the amount of funds distributed monthly to
260 the charter school for the remainder of the fiscal year. The
261 payment shall be issued no later than 10 working days after the

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262 district school board or the municipal governing authority
263 receives a distribution of state or federal funds. If a warrant
264 for payment is not issued within 10 working days after receipt
265 of funding by the district school board or the municipal
266 governing authority, the school district or the municipality
267 shall pay to the charter school, in addition to the amount of
268 the scheduled disbursement, interest at a rate of 1 percent per
269 month calculated on a daily basis on the unpaid balance from the
270 expiration of the 10 working days until such time as the warrant
271 is issued.
272 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
273 SCHOOL SYSTEMS.—A charter school system's governing board shall
274 be designated a local educational agency for the purpose of
275 receiving federal funds, the same as though the charter school
276 system were a school district, if the governing board of the
277 charter school system has adopted and filed a resolution with
278 its sponsoring district school board or municipal governing
279 authority and the Department of Education in which the governing
280 board of the charter school system accepts the full
281 responsibility for all local education agency requirements and
282 the charter school system meets all of the following:
283 (a) Includes both conversion charter schools and
284 nonconversion charter schools;
285 (b) Has all schools located in the same county;
286 (c) Has a total enrollment exceeding the total enrollment
287 of at least one school district in the state;
288 (d) Has the same governing board; and
289 (e) Does not contract with a for-profit service provider
290 for management of school operations.

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291

292 Such designation does not apply to other provisions unless
293 specifically provided in law.
294 Section 2. Subsection (3) of section 1002.331, Florida
295 Statutes, is amended to read:
296 1002.331 High-performing charter schools.—
297 (3)~~(a)~~ A high-performing charter school may submit an
298 application pursuant to s. 1002.33(6) in any school district in
299 the state to establish and operate a new charter school that
300 will substantially replicate its educational program. An
301 application submitted by a high-performing charter school must
302 state that the application is being submitted pursuant to this
303 subsection ~~paragraph~~ and must include the verification letter
304 provided by the Commissioner of Education pursuant to subsection
305 (5). If the sponsor fails to act on the application within 60
306 days after receipt, the application is deemed approved and the
307 procedure in s. 1002.33(6)(h) applies. If the sponsor denies the
308 application, the high-performing charter school may appeal
309 pursuant to s. 1002.33(6).
310 ~~(b) A high-performing charter school may not establish more~~
311 ~~than one charter school within the state under paragraph (a) in~~
312 ~~any year. A subsequent application to establish a charter school~~
313 ~~under paragraph (a) may not be submitted unless each charter~~
314 ~~school established in this manner achieves high-performing~~
315 ~~charter school status.~~
316 Section 3. This act shall take effect July 1, 2016.

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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 Pre-K - 12

BILL: SB 824

INTRODUCER: Senator Stargel

SUBJECT: Dual Enrollment Program

DATE: February 1, 2016 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	**Pre-meeting**
2.			AED	
3.			AP	

I. Summary:

SB 824 modifies public and private dual enrollment articulation agreement requirements, expands fee exemptions for dually-enrolled students, and specifies funding for certain public postsecondary institutions. Specifically, the bill:

- Establishes August 1 as the annual deadline by which the dual enrollment articulation agreements with home education program students, private schools, and state universities or eligible private colleges and universities must be submitted to the Department of Education.
- Clarifies that the provision of instructional materials and transportation for home education program students and private schools must be addressed in the articulation agreement with the partnering postsecondary institution.
- Establishes provisions that must be included in the articulation agreements with private schools.
- Adds technology fees to the existing fees that public and private school students and home education program students are exempt from paying for dual enrollment courses.
- Specifies funding, subject to annual appropriation in the GAA, for public postsecondary institutions for dual enrollment courses taken by private school students, except for the private school students for whom such postsecondary institutions are otherwise compensated.

The bill takes effect July 1, 2016.

II. Present Situation:

Each year, more than 50,000 students participate in Florida's dual enrollment program and participation is continuing to grow.[1] Dual enrollment is an acceleration mechanism that allows a student, who is enrolled in grades 6 through 12 in a Florida public school or in a Florida private

[1] Florida Department of Education, *Dual Enrollment FAQs* (Revised July 26, 2015), *available at* http://www.fldoe.org/core/fileparse.php/5423/urlt/DualEnrollmentFAQ.pdf, at 1.

school[2] or who is a home education[3] student, to enroll in a postsecondary course that is creditable toward high school completion and a career certificate, an associate degree, or a baccalaureate degree.[4] A student who is enrolled in postsecondary instruction that is not creditable toward a high school diploma must not be classified as a dual enrollment student.[5] Eligible students are authorized to enroll in dual enrollment courses conducted during school hours, after school hours, and during the summer term.[6] If, however, a student is projected to graduate from high school before the scheduled completion date for a postsecondary course, the student must not register for that course through dual enrollment.[7]

Student Eligibility Requirements

To enroll in a postsecondary course through dual enrollment, a student must demonstrate readiness to perform college-level work.[8] To demonstrate readiness for college-credit dual enrollment courses, students must attain a 3.0 unweighted high school grade point average (GPA) and the minimum required score on a common placement test[9] adopted by the State Board of Education.[10] To enroll in a career dual enrollment course, students must attain a 2.0 unweighted high school GPA.[11] Florida College System (FCS) institution boards of trustees may establish additional initial student eligibility requirements which must be specified in dual enrollment articulation agreements.[12] However, such requirements must not "arbitrarily prohibit students who have demonstrated the ability to master advanced courses from participating in dual enrollment courses."[13]

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

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

[4] Section 1007.271(1)-(2), F.S.

[5] Section 1007.271(1), F.S.

[6] Section 1007.271(2), F.S.

[7] *Id*.

[8] Section 1007.271(3), F.S.

[9] A student may take the Florida Postsecondary Education Readiness Test (PERT), Accuplacer, SAT, or Enhanced ACT to demonstrate reading, writing, and mathematics proficiency, by meeting specified minimum test scores, to perform college-level work. Rule 6A-10.0315, F.A.C.

[10] Section 1007.271(3), F.S.

[11] *Id*.

[12] *Id*.

[13] *Id*.

Dual Enrollment Articulation Agreements

Dual enrollment articulation agreements (articulation agreement) are locally-developed agreements between a school district, a home education parent, or a private school and an eligible postsecondary institution[14] regarding participation in dual enrollment courses.[15] The articulation agreement between each school district and public postsecondary institution are mandatory and must be submitted to the Florida Department of Education (DOE or department) annually by August 1.[16] However, articulation agreements between postsecondary institutions and private secondary schools are optional and not submitted to the department.[17] In addition, articulation agreements between a home education parent and the partnering postsecondary institution are not required to be submitted to the department.[18] Consequently, DOE does not annually collect information on articulation agreements for private schools and home education program students.

Currently, all state universities and FCS institutions participate in dual enrollment.[19]

Tuition, Fees, and Other Costs

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

Instructional materials assigned for dual enrollment courses must be provided to dual enrollment students from Florida public high schools free of charge.[21] This requirement does not prohibit a FCS institution from providing instructional materials at no cost to a home education program or a private school student.[22] Instructional materials purchased by a district school board or a FCS institution board of trustees on behalf of dual enrollment students must be the property of the board that purchased the instructional materials.[23]

III. Effect of Proposed Changes:

SB 824 modifies public and private dual enrollment articulation agreement requirements, expands fee exemptions for dually-enrolled students, and specifies funding for certain public postsecondary institutions.

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[14] An eligible postsecondary institution is a state university, a Florida College System (FCS) institution, or "an independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools, and confers degrees as defined in s. 1005.02" Sections 1007.271 and 1011.62(1)(i), F.S.
[15] Section 1007.271, F.S.; Florida Department of Education, *Dual Enrollment FAQs* (Revised July 26, 2015), *available at* http://www.fldoe.org/core/fileparse.php/5423/urlt/DualEnrollmentFAQ.pdf, at 3.
[16] Section 1007.271(21), F.S.
[17] Section 1007.271(24), F.S.
[18] Section 1007.271(13), F.S.
[19] Email, Board of Governors (Jan. 28, 2016); Email, Florida Department of Education (Jan. 28, 2016), on file with the Committee on Education Pre-K – 12 staff; *see also* Florida Department of Education, *2014-15 Dual Enrollment Agreements*, http://www.fldoe.org/policy/articulation/1415dual-enrollment-agreements.stml (last visited Jan. 28, 2016).
[20] Section 1007.271(2), F.S.
[21] Section 1007.271(17), F.S.
[22] *Id*.
[23] *Id*.

Dual Enrollment Articulation Agreements

Consistent with the annual deadline for submitting dual enrollment articulation agreements between postsecondary institutions and school districts to the Department of Education (DOE or department), the bill also requires the following dual enrollment articulation agreements to be submitted annually to the department by August 1:

- An agreement between an eligible postsecondary institution[24] and home education program student seeking enrollment in a dual enrollment course, and his or her parent.
- An agreement between an eligible postsecondary institution and a private school, in the postsecondary institution's geographic service area, seeking to offer dual enrollment courses to students in the private school.
- An agreement between a district school board or Florida College System (FCS) institution and a state university or an eligible private college or university.

This provision will allow the department to compile information on locally-developed dual enrollment articulation agreements with eligible postsecondary institutions. Additionally, the bill modifies articulation agreements with home education program students and establishes provisions that must be included in the articulation agreements with private schools.

Home Education Program Students

The bill:

- Modifies an existing provision to clarify that each postsecondary institution that is eligible to receive funding for participation in dual enrollment,[25] must enter into a home education articulation agreement with each home education program student seeking enrollment in a dual enrollment course, and his or her parent.
- Adds a requirement that the home education articulation agreements include a provision expressing whether the postsecondary institution or the student is responsible for providing instructional materials and transportation.

Private Schools

Current law authorizes, but does not require, postsecondary institutions to enter into dual enrollment articulation agreements with private secondary schools. Consequently, consistent with dual enrollment articulation agreements for public school students and home education program students, the bill:

- Requires each eligible postsecondary institution to enter into an articulation agreement with each private school, in the postsecondary institution's geographic service area, seeking to offer dual enrollment courses to its students.
- Establishes provisions that must be included in the articulation agreements with private schools, which includes provisions similar to the information that must be included in the home education articulation agreements (e.g., delineation of available courses and programs,

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

and initial and continued student eligibility requirements which must not exceed the requirements for other dual enrollment students) and additional provisions that:

- Clarify that the private school will award appropriate credit toward high school completion for the postsecondary course taken through dual enrollment.
- Express that costs associated with taking dual enrollment courses will not be passed along to the private school students who enroll in such courses.
- State whether the private school will compensate the postsecondary institution for the standard tuition rate per credit hour for the dual enrollment courses taken by students enrolled in the private school, or the postsecondary institution will seek compensation from appropriations in the General Appropriations Act (GAA), as specified.

Electronic Submission System for Dual Enrollment Articulation Agreements

The bill requires the electronic submission system for submitting dual enrollment articulation agreements between public postsecondary institutions and school districts to also be used for the submission of articulation agreements with home education program and private school students. This provision may streamline the process for submitting the articulation agreements with home education program and private school students which will assist with compiling relevant information.

Compliance Review

The bill requires the department to review, for compliance, articulation agreements with home education program students and private schools, in effect, aligning this provision with the department's oversight responsibility for articulation agreements between public postsecondary institutions and school districts.

Tuition, Fees, and Other Costs

The bill requires that, in addition to registration, tuition, and laboratory fees, all dual enrollment students will also be exempt from technology fees. In 2015-2016, the average technology fee was $5.23 per credit hour at state universities[26] and $3.96 per credit hour at Florida College System institutions.[27]

Additionally, the bill specifies funding, subject to annual appropriation in the GAA, for public postsecondary institutions for each dual enrollment course taken by a private school student during the prior academic year, except for the private school students for whom such postsecondary institutions are otherwise compensated.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

[26] Email, Board of Governors for the State University System of Florida (Jan. 28, 2016).
[27] Email, Florida Department of Education, Division of Florida Colleges (Jan. 28, 2016).

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: 1002.20, 1007.271, and 1011.62.

IX. Additional Information:

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

None.

B. Amendments:

None.

By Senator Stargel

A bill to be entitled

An act relating to the dual enrollment program; amending s. 1007.271, F.S.; exempting dual enrollment students from paying technology fees; requiring a home education secondary student to be responsible for his or her own instructional materials and transportation in order to participate in the dual enrollment program unless the articulation agreement provides otherwise; requiring a postsecondary institution eligible to participate in the dual enrollment program to enter into a home education articulation agreement; requiring the postsecondary institution to annually complete and submit the agreement to the Department of Education by a specified date; conforming provisions to changes made by the act; authorizing certain instructional materials to be made available free of charge to dual enrollment students in home education programs and private schools if provided for in the articulation agreement; requiring the department to review dual enrollment articulation agreements submitted for certain students, including home education students and private school students, to participate in a dual enrollment program; requiring the Commissioner of Education to notify the district school board superintendent and the president of the postsecondary institution if the dual enrollment articulation agreement does not comply with statutory requirements; requiring a district school board and a Florida College System institution to annually

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complete and submit to the department by a specified date a dual enrollment articulation agreement with a state university or an eligible independent college or university, as applicable; providing requirements for a private school student to participate in a dual enrollment program; requiring a postsecondary institution eligible to participate in the dual enrollment program to enter into an articulation agreement with certain eligible private schools; requiring the postsecondary institution to annually complete and submit the articulation agreement to the department by a specified date; providing requirements for the articulation agreement; providing for funding for each dual enrollment course taken by certain students; amending ss. 1002.20 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. Subsections (2), (10), (11), (13), (16), (17), (22), (23), and (24) of section 1007.271, Florida Statutes, are amended, and subsection (25) is added to that section, to read:

1007.271 Dual enrollment programs.—

(2) For the purpose of this section, an eligible secondary student is a student who is enrolled in any of grades 6 through 12 in a Florida public school or in a Florida private school that is in compliance with s. 1002.42(2) and provides a secondary curriculum pursuant to s. 1003.4282. A student

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59 ~~Students~~ who is ~~are~~ eligible for dual enrollment pursuant to
60 this section may enroll in dual enrollment courses conducted
61 during school hours, after school hours, and during the summer
62 term. However, if the student is projected to graduate from high
63 school before the scheduled completion date of a postsecondary
64 course, the student may not register for that course through
65 dual enrollment. The student may apply to the postsecondary
66 institution and pay the required registration, tuition, and fees
67 if the student meets the postsecondary institution's admissions
68 requirements under s. 1007.263. Instructional time for dual
69 enrollment may vary from 900 hours; however, the full-time
70 equivalent student membership value is ~~shall be~~ subject to ~~the~~
71 ~~provisions in~~ s. 1011.61(4). A student enrolled as a dual
72 enrollment student is exempt from the payment of registration,
73 tuition, technology, and laboratory fees. Applied academics for
74 adult education instruction, developmental education, and other
75 forms of precollegiate instruction, as well as physical
76 education courses that focus on the physical execution of a
77 skill, rather than the intellectual attributes of the activity,
78 are ineligible for inclusion in the dual enrollment program.
79 Recreation and leisure studies courses shall be evaluated
80 individually in the same manner as physical education courses
81 for potential inclusion in the program.
82 (10) Early admission is a form of dual enrollment through
83 which an eligible secondary student enrolls ~~students enroll~~ in a
84 postsecondary institution on a full-time basis in courses that
85 are creditable toward the high school diploma and the associate
86 or baccalaureate degree. A student must enroll in a minimum of
87 12 college credit hours per semester or the equivalent to

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88 participate in the early admission program; however, a student
89 may not be required to enroll in more than 15 college credit
90 hours per semester or the equivalent. A student ~~Students~~
91 enrolled pursuant to this subsection is ~~are~~ exempt from the
92 payment of registration, tuition, technology, and laboratory
93 fees.
94 (11) Career early admission is a form of career dual
95 enrollment through which an eligible secondary student enrolls
96 ~~students enroll~~ full time in a career center or a Florida
97 College System institution in postsecondary programs leading to
98 industry certifications, as listed in the CAPE Postsecondary
99 Industry Certification Funding List pursuant to s. 1008.44,
100 which are creditable toward the high school diploma and the
101 certificate or associate degree. Participation in the career
102 early admission program is limited to students who have
103 completed a minimum of 4 semesters of full-time secondary
104 enrollment, including studies undertaken in ~~the ninth~~ grade 9. A
105 student ~~Students~~ enrolled pursuant to this section is ~~are~~ exempt
106 from the payment of registration, tuition, technology, and
107 laboratory fees.
108 (13)(a) The dual enrollment program for a home education
109 student ~~students~~ consists of the enrollment of an eligible home
110 education secondary student in a postsecondary course creditable
111 toward an associate degree, a career certificate, or a
112 baccalaureate degree. To participate in the dual enrollment
113 program, an eligible home education secondary student must:
114 1. Provide proof of enrollment in a home education program
115 pursuant to s. 1002.41.
116 2. Be responsible for his or her own instructional

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117 materials and transportation unless provided for in the
118 articulation agreement ~~otherwise~~.
119 3. Sign a home education articulation agreement pursuant to
120 paragraph (b).
121 (b) Each postsecondary institution eligible to participate
122 in the dual enrollment program pursuant to s. 1011.62(1)(i) must
123 ~~shall~~ enter into a home education articulation agreement with
124 each home education student seeking enrollment in a dual
125 enrollment course and the student's parent. By August 1 of each
126 year, the eligible postsecondary institution shall complete and
127 submit the home education articulation agreement to the
128 Department of Education. The home education articulation
129 agreement must ~~shall~~ include, at a minimum:
130 1. A delineation of courses and programs available to a
131 ~~dually enrolled~~ home education student who participates in a
132 dual enrollment program ~~students~~. The postsecondary institution
133 may add, revise, or delete courses and programs ~~may be added,~~
134 ~~revised, or deleted~~ at any time ~~by the postsecondary~~
135 ~~institution~~.
136 2. The initial and continued eligibility requirements for
137 home education student participation, not to exceed those
138 required of other dual enrollment ~~dually enrolled~~ students.
139 3. A provision expressing whether the postsecondary
140 institution or the student is responsible ~~The student's~~
141 ~~responsibilities~~ for providing ~~his or her own~~ instructional
142 materials and transportation.
143 4. A copy of the statement on transfer guarantees developed
144 by the Department of Education under subsection (15).
145 (16) A student ~~Students~~ who meets ~~meet~~ the eligibility

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146 requirements of this section and who chooses ~~choose~~ to
147 participate in dual enrollment programs is ~~are~~ exempt from the
148 payment of registration, tuition, technology, and laboratory
149 fees.
150 (17) Instructional materials assigned for use in ~~within~~
151 dual enrollment courses shall be made available to dual
152 enrollment students from Florida public high schools free of
153 charge. This subsection does not prohibit a postsecondary
154 ~~Florida College System~~ institution from providing instructional
155 materials at no cost to a home education student or student from
156 a private school, if provided for in the articulation agreement.
157 Instructional materials purchased by a district school board or
158 Florida College System institution board of trustees on behalf
159 of dual enrollment students are ~~shall be~~ the property of the
160 board against which the purchase is charged.
161 (22) The Department of Education shall develop an
162 electronic submission system for dual enrollment articulation
163 agreements and shall review, for compliance, each dual
164 enrollment articulation agreement submitted pursuant to
165 subsections (13), ~~subsection~~ (21), and (24). The Commissioner of
166 Education shall notify the district school superintendent and
167 the president of the postsecondary institution that is eligible
168 to participate in the dual enrollment program pursuant to s.
169 1011.62(1)(i) ~~Florida College System institution president~~ if
170 the dual enrollment articulation agreement does not comply with
171 statutory requirements and shall submit any dual enrollment
172 articulation agreement with unresolved issues of noncompliance
173 to the State Board of Education.
174 (23) A district school board ~~boards~~ and a Florida College

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175 System institution ~~institutions~~ may enter into an additional
176 dual enrollment articulation agreement ~~agreements~~ with a state
177 university ~~universities~~ for the purposes of this section. A
178 school district ~~districts~~ may also enter into a dual enrollment
179 articulation agreement ~~agreements~~ with an eligible independent
180 college or university ~~colleges and universities~~ pursuant to s.
181 1011.62(1)(i). By August 1 of each year, the district school
182 board and the Florida College System institution shall complete
183 and submit the dual enrollment articulation agreement with the
184 state university or an eligible independent college or
185 university, as applicable, to the Department of Education.
186 (24)(a) The dual enrollment program for a private school
187 student consists of the enrollment of an eligible private school
188 student in a postsecondary course creditable toward an associate
189 degree, a career certificate, or a baccalaureate degree. In
190 addition, the private school in which the student is enrolled
191 must award credit toward high school completion for the
192 postsecondary course under the dual enrollment program. To
193 participate in the dual enrollment program, an eligible private
194 school student must:
195 1. Provide proof of enrollment in a private school pursuant
196 to subsection (2).
197 2. Be responsible for his or her own instructional
198 materials and transportation unless provided for in the
199 articulation agreement.
200 3. Sign a private school articulation agreement pursuant to
201 paragraph (b).
202 (b) Each postsecondary institution eligible to participate
203 in the dual enrollment program pursuant to s. 1011.62(1)(i) must

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

204 enter into a private school articulation agreement with each
205 eligible private school in its geographic service area seeking
206 to offer dual enrollment courses to its students. By August 1 of
207 each year, the eligible postsecondary institution shall complete
208 and submit the private school articulation agreement to the
209 Department of Education. The articulation agreement must
210 include, at a minimum:
211 1. A delineation of courses and programs available to the
212 private school. The postsecondary institution may add, revise,
213 or delete courses and programs at any time.
214 2. The initial and continued eligibility requirements for
215 private school student participation, not to exceed those
216 required of other dual enrollment students.
217 3. A provision expressing whether the private school, the
218 postsecondary institution, or the student is responsible for
219 providing instructional materials and transportation.
220 4. A provision clarifying that the private school will
221 award appropriate credit toward high school completion for the
222 postsecondary course under the dual enrollment program.
223 5. A provision expressing that costs associated with
224 tuition and fees, including technology, registration, and
225 laboratory fees, will not be passed along to the student.
226 6. A provision stating whether the private school will
227 compensate the postsecondary institution for the standard
228 tuition rate per credit hour for each dual enrollment course
229 taken by its students or the postsecondary institution will seek
230 compensation pursuant to subsection (25).
231 7. A copy of the statement on transfer guarantees developed
232 by the Department of Education under subsection (15)

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

233 ~~Postsecondary institutions may enter into dual enrollment~~
234 ~~articulation agreements with private secondary schools pursuant~~
235 ~~to subsection (2)~~.
236 (25) Subject to annual appropriation in the General
237 Appropriations Act, a public postsecondary institution shall
238 receive an amount of funding equivalent to the standard tuition
239 rate per credit hour for each dual enrollment course taken by a
240 private school student pursuant to subsection (24) during the
241 prior academic year, except for any students for whom the
242 postsecondary institution is otherwise compensated at the
243 standard tuition rate per credit hour.
244 Section 2. Paragraph (d) of subsection (19) of section
245 1002.20, Florida Statutes, is amended to read:
246 1002.20 K-12 student and parent rights.—Parents of public
247 school students must receive accurate and timely information
248 regarding their child's academic progress and must be informed
249 of ways they can help their child to succeed in school. K-12
250 students and their parents are afforded numerous statutory
251 rights including, but not limited to, the following:
252 (19) INSTRUCTIONAL MATERIALS.—
253 (d) *Dual enrollment students.*—Instructional materials
254 purchased by a district school board or Florida College System
255 institution board of trustees on behalf of ~~public school~~ dual
256 enrollment students shall be made available free of charge to
257 the dual enrollment students ~~free of charge,~~ in accordance with
258 s. 1007.271(17).
259 Section 3. Paragraph (i) of subsection (1) of section
260 1011.62, Florida Statutes, is amended to read:
261 1011.62 Funds for operation of schools.—If the annual

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

262 allocation from the Florida Education Finance Program to each
263 district for operation of schools is not determined in the
264 annual appropriations act or the substantive bill implementing
265 the annual appropriations act, it shall be determined as
266 follows:
267 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
268 OPERATION.—The following procedure shall be followed in
269 determining the annual allocation to each district for
270 operation:
271 (i) *Calculation of full-time equivalent membership with*
272 *respect to dual enrollment instruction.*—Students enrolled in
273 dual enrollment instruction pursuant to s. 1007.271 may be
274 included in calculations of full-time equivalent student
275 memberships for basic programs for grades 9 through 12 by a
276 district school board. Instructional time for dual enrollment
277 may vary from 900 hours; however, the full-time equivalent
278 student membership value shall be subject to the provisions in
279 s. 1011.61(4). Dual enrollment full-time equivalent student
280 membership shall be calculated in an amount equal to the hours
281 of instruction that would be necessary to earn the full-time
282 equivalent student membership for an equivalent course if it
283 were taught in the school district. Students in dual enrollment
284 courses may also be calculated as the proportional shares of
285 full-time equivalent enrollments they generate for a Florida
286 College System institution or university conducting the dual
287 enrollment instruction. Early admission students shall be
288 considered dual enrollments for funding purposes. Students may
289 be enrolled in dual enrollment instruction provided by an
290 eligible independent college or university and may be included

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

291 in calculations of full-time equivalent student memberships for
292 basic programs for grades 9 through 12 by a district school
293 board. However, those provisions of law which exempt dual
294 enrollment students ~~enrolled~~ and early admission students from
295 payment of instructional materials and tuition and fees,
296 including registration, technology, and laboratory fees, do
297 ~~shall~~ not apply to students who select the option of enrolling
298 in an eligible independent institution. An independent college
299 or university that ~~which~~ is located and chartered in Florida, is
300 not for profit, is accredited by the Commission on Colleges of
301 the Southern Association of Colleges and Schools or the
302 Accrediting Council for Independent Colleges and Schools, and
303 confers degrees as defined in s. 1005.02 is ~~shall be~~ eligible
304 for inclusion in the dual enrollment or early admission program.
305 Students enrolled in dual enrollment instruction are ~~shall be~~
306 exempt from the payment of tuition and fees, including
307 registration, technology, and laboratory fees. A ~~No~~ student
308 enrolled in college credit mathematics or English dual
309 enrollment instruction may not ~~shall~~ be funded as a dual
310 enrollment unless the student has successfully completed the
311 relevant section of the entry-level examination required
312 pursuant to s. 1008.30.
313 Section 4. This act shall take effect July 1, 2016.

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

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 830

INTRODUCER: Senator Stargel

SUBJECT: School Choice

DATE: February 1, 2016 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	**Pre-meeting**
2.			AED	
3.			AP	

I. Summary:

SB 830 expands charter school and virtual instruction accountability and flexibility, and creates a new High-Impact Charter School Network.

More specifically, the bill:

- Revises charter school application, sponsor oversight, student eligibility, and funding requirements.
- Expands authority for High-Performing charter schools to replicate and streamlines initial and continuing high-performing status requirements.
- Creates a High-Impact Charter Network, provides for an application for the designation, enables operation in critical needs areas, and requires review of financial and student assessment performance.
- Revises virtual instruction requirements to automatically terminate an approved provider's contract if the provider earns two consecutive school grades of "F" or school improvement ratings of "unsatisfactory."

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

II. Present Situation:

The present situation for the relevant portions of SB 830 is discussed in the Effect of Proposed Changes Section of this analysis.

III. Effect of Proposed Changes:

SB 830 expands school choice accountability and flexibility related to existing charter schools, high-performing charter schools, and virtual instruction.

Charter Schools

Overview

Charter schools are nonsectarian, public schools that operate under a performance contract with a sponsor, which is typically a school district.[1] Charter schools are exempt from many laws and regulations applicable to traditional public schools to encourage the use of innovative learning methods.[2] One of the guiding principles of charter schools is to "meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system."[3] The terms and conditions for the operation of the school are set forth in a performance contract or "charter."[4]

The bill modifies charter school requirements related to the application processes, sponsor oversight, student eligibility, and funding.

Application Process

Present Situation

The law establishes an application process for establishing a new charter school.[5] An applicant must submit a charter school application to the sponsor.[6] The sponsor must review and approve or deny the application.[7] The law requires sponsors and applicants to use a standard charter school application and application evaluation instrument.[8] The standard application is designed to enable the sponsor to evaluate the applicant's educational plan, organizational plan, financial viability, and business plan.[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 company's history operating charter schools, and list other charter schools managed by the company along with student achievement and financial performance data of such schools.

[1] Section 1002.33(5)(a), (6)(h), (7) and (9)(a), F.S.
[2] Section 1002.33(2)(b)3, and (16), F.S.
[3] Section 1002.33(2)(a)1, F.S.
[4] Section 1002.33(6)(h), F.S.
[5] Section 1002.33(6)(a), F.S.
[6] *Id.*
[7] *Id.*
[8] *Id.*
[9] *Id.*
[10] Section 1002.33(6)(a), (7), (8), (9), F.S.
[11] *Id.*

Effect of Proposed Changes

The bill requires the charter school application to contain a list and school grades of all charter schools currently or previously operated by the applicant, applicant group, or proposed management company.

The bill also requires the sponsor to consider the performance of all charter schools currently or previously operated by the applicant, applicant group, or proposed management company; thus increasing the transparency of such information.

Sponsor Oversight

Present Situation

Florida law tasks sponsors (typically school boards) with authorizing new charter schools and providing continuing oversight of each charter school in the school district.[12] The law establishes several processes designed to enable the sponsor to perform these roles, including:

- Authority to review and approve or deny charter school applications.[13]
- Authority to enforce the terms and conditions of the charter agreement.[14]
- Annual reporting of student achievement and financial information by each charter school to the sponsor.[15]
- Sponsor monitoring of annual financial audits[16] and monthly financial statements submitted by charter schools in the school district.[17]
- Interventions for remedying unsatisfactory academic performance and financial instability.[18]
- Authority to close charter schools for academic or financial failure; poor management; violations of law; or child health, safety, and welfare violations.[19]

The sponsor is required to terminate a charter if the charter schools earns two consecutive grades of "F" unless:

- The school was established to turn around the performance of district public school.
- The charter school 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 State Board of Education grants the charter school a 1- year, one-time waiver of termination, if the charter school that has been in operation for less than 5 years demonstrates that the leaning 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.

[12] Section 1002.33(6), F.S.
[13] Section 1002.33(6), F.S.
[14] Section 1002.33(6)(h) and (7), F.S.
[15] Section 1002.33(9)(k), F.S.
[16] Sections 218.39(1)(e) and (f), 1002.33(9)(j)1. and 2., F.S.
[17] Section 1002.33(9)(g), F.S.
[18] Section 1002.33(9)(n), F.S.
[19] Section 1002.33(8), F.S.

Effect of Proposed Changes

The bill provides that a charter school's charter is automatically terminated if the school earns two consecutive grades of "F" after all school grades are final.[20] The sponsor is required to notify in writing the charter school's governing board, the charter school principal, and the department when the charter is automatically terminated. The sponsor's letter of termination is a final order subject to appeal pursuant to s. 120.68, F.S.[21] In effect, school districts will be required to immediately close "FF" charter schools, bypassing the possibility for the charter school to remain open throughout the duration of the traditional charter contract termination process.

The bill continues to require the charter school to be governed by existing dissolution procedures and prohibitions on expenditures when the charter is automatically terminated pursuant to this provision.

Student Eligibility

Present Situation

A charter school must be open to any student covered in an interdistrict agreement or residing in the school district in which the charter school is located.[22] The charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building.[23] In such case, all applicants shall have an equal chance of being admitted through a random selection process.[24]

A charter school may give enrollment preference to populations of students who:[25]

- Are siblings of a student enrolled in the charter school.
- Are the children of a:
  - Member of the governing board of the charter school.
  - Employee of the charter school.
  - Employee of the business partner of a charter school-in-the-workplace or a resident of the municipality in which such charter school is located.
  - Resident of a municipality that operates a charter school-in-a-municipality.
- Have successfully completed a voluntary prekindergarten education program provided by the charter school or the charter school's governing board in the previous year.
- Are the children of an active member of any branch of the United Stated Armed Forces.

Effect of Proposed Changes

The bill provides that a charter school may not deny the application or continued enrollment of a student based on the student's current or prior academic performance, including grade retention. In effect, the provision explicitly prohibits a charter school from considering these factors when selecting applicants for enrollment.

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[20] The bill retains the current exceptions in law.
[21] Section 120.68, F.S., specifies the provisions in the Administrative Procedures Act for appellate review of final agency action.
[22] Section 1002.33(10)(a), F.S.
[23] Section 1002.33(10)(b), F.S.
[24] *Id.* A charter school may also limit the enrollment process only to target specified populations. Section 1002.33(10)(e), F.S.
[25] Section 1002.33(10)(d), F.S.

However, the bill creates new, additional, categories of enrollment preferences for charter schools for students who are currently enrolled or were enrolled during the prior school year in a public school that earned a grade of "F" or that earned three consecutive grades of "D" or who are zoned for such school.

FEFP Categorical Program Funds and Payments

Present Situation

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 (FEFP). Current law specifically includes transportation and the Florida digital classroom allocation as examples of these categorical program funds.[26]

District school boards are required to make timely and efficient payment and reimbursement to charter schools.[27] The payment is to be issued no later than 10 working days after the district school board receives a distribution of funds.[28]

Effect of Proposed Changes

The bill adds the research-based reading allocation to the list of categorical program funds specified in law as examples of categorical program funds that school districts must proportionately share with eligible charter schools. In effect, the bill clarifies that school districts must proportionally share the research-based reading allocation with eligible charter schools.

The bill establishes specific payment cycles and amounts of funds to charter schools on a monthly or bimonthly basis, based on the district's fiscal year. A district school board is prohibited from delaying payment to a charter school if receipt of local funds is delayed. In effect, charter schools will receive funding on specific dates, which may not be delayed by the school district.

Capital Outlay Funding

Present Situation

To be eligible for a capital funding allocation, and charter school must:[29]

- Meet one of the following criteria:
  - Have been in operation for 3 or more years;
  - 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 pattern chain of a charter school within the same school district that is currently receiving capital outlay funds;
  - Have been accredited by the Commission on Schools of the Southern Association of Colleges and Schools; or

[26] Section 1002.33(17)(b), F.S.
[27] Section 1002.33(17)(e), F.S.
[28] *Id.*
[29] Section 1013.62(1), F.S.

  - Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace.
- Have financial stability for future operation as a charter school.
- Have satisfactory student achievement based on state accountability standards applicable to the charter school.
- Serve students in facilities that are not provided by the charter school's sponsor.

Effect of Proposed Changes

The bill revises the financial stability criteria to require the charter school to have an annual audit that does not reveal one or more of the financial emergency conditions specified in law[30] for the most recent fiscal year for which such an audit is available. In effect, the bill provides a clearer, uniform, definition for evaluating the financial stability of a charter school when determining eligibility to receive capital outlay funds.

High-Performing Charter Schools

Present Situation

A charter school is a high-performing charter school if it:[31]
- Received at least two school grades of "A" and no school grade below "B," during each of the previous three school years.
- Received an unqualified opinion on each annual financial audit in the most recent three fiscal years for which such audits are available.
- Did not receive a financial audit that revealed one or more of the financial emergency conditions in the most recent three fiscal years for which such audits are available.

A high-performing charter school may submit an application in any school district in the state to establish and operate a new charter school that will substantially replicate its educational program.[32] A high-performing charter school may not establish more than one charter school pursuant to this provision in any year.[33] Subsequent applications may not be submitted unless each charter school established in the manner achieves high-performing status.[34]

A high-performing charter school is authorized to:[35]
- Increase its student enrollment once per school year to more than the capacity identified in the charter, but student enrollment may not exceed the current facility capacity.
- Expand grade levels within kindergarten through grade 12 to add grade levels not already served if any annual enrollment increase resulting from grade level expansion is within the limit established its contract.
- Submit a quarterly, rather than a monthly, financial statement to the sponsor.

[30] Section 218.503(1), F.S.
[31] Section 1002.331(1), F.S.
[32] Section 1002.331(3)(a), F.S.
[33] Section 1002.331(b), F.S.
[34] *Id.*
[35] Section 1002.331(2), F.S.

- Consolidate under a single charter the charters of multiple high-performing charter schools operated in the same school district by the charter schools' governing board regardless of the renewal cycle.
- Receive a modification of its charter to a term of 15 years or a 15-year charter renewal. The charter may be modified or renewed for a shorter term at the option of the high-performing charter school.

A high-performing charter school may not increase enrollment or expand grade levels following any school year in which it receives a school grade of "C" or below.[36]

If the charter school receives a school grade of "C" or below in any 2 years during the term of the charter, the term of the charter may be modified by the sponsor and the charter school loses its high-performing status.[37] Additionally, a high-performing charter school maintains its high-performing status until the Commissioner determines that the school no longer meets the eligibility criteria.[38] These two provisions have been interpreted by the judicial branch to mean that the Commissioner's determination applies only to initial eligibility requirements, while the 2 "C" provision applied to loss of status after it was granted.[39]

Effect of Proposed Changes

The bill provides that the limits for establishing no more than one replicating charter school per year do not apply to a charter school established:

- By a high-performing charter school in the attendance zone of a school identified as in need of intervention and support.
- To meet capacity needs.
- To meet needs for innovative choice options identified by the district school board.

The bill removes language preventing a high-performing charter school from expanding enrollment or grade levels following the school year in which the school receives a grade of "C" or below. In effect, the bill allows a high-performing charter school to continue to expand enrollment or grade levels regardless of school grade.

The bill removes language that causes a high-performing charter school to lose its high-performing status if the school receives a school grade of "C" or below in any 2 years. In effect, the standard to gain, and retain, high-performing status will be the same (i.e., the Commissioner's annual review to determine continued compliance).

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[36] Section 1002.331(4), F.S.
[37] *Id.*
[38] *Id.* The Commissioner of Education (Commissioner) is required to annually determine whether a high-performing charter school continues to meet the eligibility criteria. Section 1002.331(5), F.S. This provision was added to statute, effective July 1, 2013, via ch. 2013-250, L.O.F.
[39] *Department of Education v. Educational Charter Foundation of Florida, Inc., d/b/a Imagine Schools at South Lake*, 177 So.3d 1036 (1st DCA, 2015).

High-Impact Charter Network

Present Situation

There currently is no high-impact charter network authorized under Florida law.

Effect of Proposed Changes

The bill creates High-Impact Charter Networks.

A 501(c)(3) nonprofit organization that is authorized by law to operate a public charter school, that successfully operates a system of charter schools that serve primarily educationally disadvantaged students may apply to the State Board of Education (SBE) for status as a High-Impact Charter Network.

The application process must include the SBE's review of:

- School-level financial performance; and
- Statewide assessments of all charter schools currently and previously operated by the entity. The assessment review must include schoolwide and subgroup performance for the 3 most recent years, as compared to all students in other schools at the same grade level, and as compared with other schools serving similar student demographics; and
    - This assessment review may also include performance on nationally norm-referenced assessments, student attendance and retention rates, graduation rates, college attendance rates, college persistence rates, and other outcomes measures as determined by the SBE.

An entity that is designated as a High-Impact Charter Network may submit a charter school applications to district school boards to establish and operate charter schools in critical need areas. Critical need means an area that is served by one or more traditional public schools that meet at least one of the following criteria:

- Received a school grade of "D" or "F" in 4 of the preceding 5 years;[40] or
- Had fewer than 25% of students passing statewide, standardized in English Language Arts in the most recent year for which assessment scores are available.

If approved by the SBE, the High-Impact Charter Network status is valid for up to 4 years. If the entity seeks renewal, the SBE must review the academic and financial performance of the charter schools established in critical need areas and operated by the entity.

The bill provides that a charter school operated by a High-Impact Charter Network in a critical need area:

- Is eligible to receive capital outlay funding.
- Will have its administrative fee paid to the sponsor waived so long as the network maintains its status as a High-Impact Charter Network.

The bill required the SBE to adopt rules prescribing a process to review the application, and to administer this section.

[40] The bill provides that for purposes of determining critical need areas, school grades issued for the 2014-2015 school year may not be considered.

Virtual Instruction

Present Situation

A virtual instruction program is a program of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both.[41] The Florida Virtual School (FLVS), school district FLVS franchises, and Florida College System institutions are approved providers.[42] The DOE may approve other virtual instruction providers, if certain criteria are met.[43]

Virtual instruction providers must align curriculum and course content to Florida's standards, offer instruction designed for the student to gain proficiency, provide each student with all necessary instructional materials, not require tuition or other registration fees, and provide certain students with all equipment necessary to participate in the virtual instruction program.[44] Each contract with an approved provider must contain, at a minimum, a detailed curriculum plan, methods for determining each student has met state graduation requirements, methods for resolving conflicts, contract termination provisions, and responsibility for existing debts.[45] Each approved provider must participate in the statewide assessment program and receive a school grade or school improvement rating, as applicable.[46]

A DOE-approved virtual instruction provider's contract must be terminated if the provider earns a school grade of "D" or "F" or a school improvement rating of "Declining" in any two years of a consecutive four year period.[47] In such cases, the provider must be removed from the approved provider list for at least one year. The provider may be placed back on the list after DOE determines that the provider meets the eligibility requirements and has corrected the academic performance deficiencies.[48]

Effect of Proposed Changes

The bill renames the school improvement rating "declining" to "unsatisfactory" to conform to current school improvement rating terminology of commendable, maintaining, and unsatisfactory.

The bill also revises existing requirements to automatically terminate an approved provider's contract if the provider earns two consecutive school grades of "F" or school improvement ratings of "unsatisfactory." In effect, the bill revises termination provisions from 2 D, F, or unsatisfactory ratings in any 4 year period (e.g, school grades of D, A, B, D over four years) to

[41] Section 1002.45(1)(a)2., F.S.
[42] Section 1002.45(1)(a), F.S.
[43] Section 1002.45(2), F.S.
[44] Section 1002.45(3), F.S.
[45] *Id.*
[46] Section 1002.45(8)(a), F.S.
[47] Section 1002.45(8)(d), F.S. The school improvement rating system is based on the following ratings: Commendable (meaning a significant percentage of students attending the school are making learning gains); Maintaining (meaning a sufficient percentage of the students attending the school are making learning gains); and Unsatisfactory (meaning an insufficient percentage of students attending the school are making learning gains). Section 1008.341(a), F.S.
[48] *Id.*

two consecutive F or unsatisfactory ratings (e.g,. school grades of F, F in consecutive years). The bill also requires DOE to automatically (e.g,. immediate) terminate the contract.

The bill provides and effective date of July 1, 2016.

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: 1002.33, 1002.331, 1002.45, 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.

339770

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2016	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (1), paragraph (a) of subsection (2), paragraphs (a) and (b) of subsection (6), paragraphs (a) and (d) of subsection (7), paragraphs (g), (n), and (p) of subsection (9), paragraphs (a) and (d) of subsection (10), subsection (13), paragraphs (b) and (e) of subsection (17), paragraph (a) of subsection (18), and paragraph (a) of subsection (20) of section

339770

1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(1) AUTHORIZATION.—Charter schools shall be part of the state's program of public education. All charter schools in Florida are public schools. A charter school may be formed by creating a new school or converting an existing public school to charter status. A charter school may operate a virtual charter school pursuant to s. 1002.45(1)(d) to provide full-time online instruction to eligible students~~, pursuant to s. 1002.455,~~ in kindergarten through grade 12. An existing ~~A~~ charter school that is seeking to become a virtual charter school must amend its charter or submit a new application pursuant to subsection (6) to become a virtual charter school. A virtual charter school is subject to the requirements of this section; however, a virtual charter school is exempt from subsections (18) and (19), subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and s. 1003.03. A public school may not use the term charter in its name unless it has been approved under this section.

(2) GUIDING PRINCIPLES; PURPOSE.—

(a) Charter schools in Florida shall be guided by the following principles:

1. Meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system.

2. Promote enhanced academic success and financial efficiency by aligning responsibility with accountability.

3. Provide parents with sufficient information on whether their child is reading at grade level and whether the child

339770

40 gains at least a year's worth of learning for every year spent
41 in the charter school. For a student who exhibits a substantial
42 deficiency in reading, as determined by the charter school, the
43 school shall notify the parent of the deficiency, the intensive
44 interventions and supports used, and the student's progress in
45 accordance with s. 1008.25(5).
46 (6) APPLICATION PROCESS AND REVIEW.—Charter school
47 applications are subject to the following requirements:
48 (a) A person or entity seeking ~~wishing~~ to open a charter
49 school shall prepare and submit an application on a model
50 application form prepared by the Department of Education which:
51 1. Demonstrates how the school will use the guiding
52 principles and meet the statutorily defined purpose of a charter
53 school.
54 2. Provides a detailed curriculum plan that illustrates how
55 students will be provided services to attain the Sunshine State
56 Standards.
57 3. Contains goals and objectives for improving student
58 learning and measuring that improvement. These goals and
59 objectives must indicate how much academic improvement students
60 are expected to show each year, how success will be evaluated,
61 and the specific results to be attained through instruction.
62 4. Describes the reading curriculum and differentiated
63 strategies that will be used for students reading at grade level
64 or higher and a separate curriculum and strategies for students
65 who are reading below grade level. A sponsor shall deny an
66 application ~~a charter~~ if the school does not propose a reading
67 curriculum that is evidence-based and includes explicit,
68 systematic, and multisensory reading instructional strategies;

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69 however, a sponsor may not require the charter school to
70 implement the reading plan adopted by the school district
71 pursuant to s. 1011.62(9) ~~consistent with effective teaching~~
72 ~~strategies that are grounded in scientifically based reading~~
73 ~~research~~.
74 5. Contains an annual financial plan for each year
75 requested by the charter for operation of the school for up to 5
76 years. This plan must contain anticipated fund balances based on
77 revenue projections, a spending plan based on projected revenues
78 and expenses, and a description of controls that will safeguard
79 finances and projected enrollment trends.
80 6. Discloses the name of each applicant, governing board
81 member, and all proposed education services providers; the name
82 and sponsor of any charter school operated by each applicant,
83 each governing board member, and each proposed education
84 services provider that has closed and the reasons for the
85 closure; and the academic and financial history of such charter
86 schools, which the sponsor shall consider in deciding whether to
87 approve or deny the application.
88 7.~~6.~~ Contains additional information a sponsor may require,
89 which shall be attached as an addendum to the charter school
90 application described in this paragraph.
91 8.~~7.~~ For the establishment of a virtual charter school,
92 documents that the applicant has contracted with a provider of
93 virtual instruction services pursuant to s. 1002.45(1)(d).
94 (b) A sponsor shall receive and review all applications for
95 a charter school using the ~~an~~ evaluation instrument developed by
96 the Department of Education. A sponsor shall receive and
97 consider charter school applications received on or before

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98 August 1 of each calendar year for charter schools to be opened
99 at the beginning of the school district's next school year, or
100 to be opened at a time agreed to by the applicant and the
101 sponsor. A sponsor may not refuse to receive a charter school
102 application submitted before August 1 and may receive an
103 application submitted later than August 1 if it chooses. In
104 order to facilitate greater collaboration in the application
105 process, an applicant may submit a draft charter school
106 application on or before May 1 with an application fee of $500.
107 If a draft application is timely submitted, the sponsor shall
108 review and provide feedback as to material deficiencies in the
109 application by July 1. The applicant shall then have until
110 August 1 to resubmit a revised and final application. The
111 sponsor may approve the draft application. Except as provided
112 for a draft application, a sponsor may not charge an applicant
113 for a charter any fee for the processing or consideration of an
114 application, and a sponsor may not base its consideration or
115 approval of a final application upon the promise of future
116 payment of any kind. Before approving or denying any final
117 application, the sponsor shall allow the applicant, upon receipt
118 of written notification, at least 7 calendar days to make
119 technical or nonsubstantive corrections and clarifications,
120 including, but not limited to, corrections of grammatical,
121 typographical, and like errors or missing signatures, if such
122 errors are identified by the sponsor as cause to deny the final
123 application.
124 1. In order to facilitate an accurate budget projection
125 process, a sponsor shall be held harmless for FTE students who
126 are not included in the FTE projection due to approval of

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127 charter school applications after the FTE projection deadline.
128 In a further effort to facilitate an accurate budget projection,
129 within 15 calendar days after receipt of a charter school
130 application, a sponsor shall report to the Department of
131 Education the name of the applicant entity, the proposed charter
132 school location, and its projected FTE.
133 2. In order to ensure fiscal responsibility, an application
134 for a charter school shall include a full accounting of expected
135 assets, a projection of expected sources and amounts of income,
136 including income derived from projected student enrollments and
137 from community support, and an expense projection that includes
138 full accounting of the costs of operation, including start-up
139 costs.
140 3.a. A sponsor shall by a majority vote approve or deny an
141 application no later than 60 calendar days after the application
142 is received, unless the sponsor and the applicant mutually agree
143 in writing to temporarily postpone the vote to a specific date,
144 at which time the sponsor shall by a majority vote approve or
145 deny the application. If the sponsor fails to act on the
146 application, an applicant may appeal to the State Board of
147 Education as provided in paragraph (c). If an application is
148 denied, the sponsor shall, within 10 calendar days after such
149 denial, articulate in writing the specific reasons, based upon
150 good cause, supporting its denial of the ~~charter~~ application and
151 shall provide the letter of denial and supporting documentation
152 to the applicant and to the Department of Education.
153 b. An application submitted by a high-performing charter
154 school identified pursuant to s. 1002.331 may be denied by the
155 sponsor only if the sponsor demonstrates by clear and convincing

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156 evidence that:
157 (I) The application does not materially comply with the
158 requirements in paragraph (a);
159 (II) The charter school proposed in the application does
160 not materially comply with the requirements in paragraphs
161 (9)(a)-(f);
162 (III) The proposed charter school’s educational program
163 does not substantially replicate that of the applicant or one of
164 the applicant’s high-performing charter schools;
165 (IV) The applicant has made a material misrepresentation or
166 false statement or concealed an essential or material fact
167 during the application process; or
168 (V) The proposed charter school’s educational program and
169 financial management practices do not materially comply with the
170 requirements of this section.
171
172 Material noncompliance is a failure to follow requirements or a
173 violation of prohibitions applicable to charter school
174 applications, which failure is quantitatively or qualitatively
175 significant either individually or when aggregated with other
176 noncompliance. An applicant is considered to be replicating a
177 high-performing charter school if the proposed school is
178 substantially similar to at least one of the applicant’s high-
179 performing charter schools and the organization or individuals
180 involved in the establishment and operation of the proposed
181 school are significantly involved in the operation of replicated
182 schools.
183 c. If the sponsor denies an application submitted by a
184 high-performing charter school, the sponsor must, within 10

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185 calendar days after such denial, state in writing the specific
186 reasons, based upon the criteria in sub-subparagraph b.,
187 supporting its denial of the application and must provide the
188 letter of denial and supporting documentation to the applicant
189 and to the Department of Education. The applicant may appeal the
190 sponsor's denial of the application directly to the State Board
191 of Education and, if an appeal is filed, must provide a copy of
192 the appeal to the sponsor pursuant to paragraph (c) ~~sub-~~
193 ~~subparagraph (c)3.b~~.
194 4. For budget projection purposes, the sponsor shall report
195 to the Department of Education the approval or denial of an ~~a~~
196 ~~charter~~ application within 10 calendar days after such approval
197 or denial. In the event of approval, the report to the
198 Department of Education shall include the final projected FTE
199 for the approved charter school.
200 5. Upon approval of an ~~a charter~~ application, the initial
201 startup shall commence with the beginning of the public school
202 calendar for the district in which the charter is granted. A
203 charter school may defer the opening of the school's operations
204 for up to 2 years to provide time for adequate facility
205 planning. The charter school must provide written notice of such
206 intent to the sponsor and the parents of enrolled students at
207 least 30 calendar days before the first day of school ~~unless the~~
208 ~~sponsor allows a waiver of this subparagraph for good cause~~.
209 (7) CHARTER.—The major issues involving the operation of a
210 charter school shall be considered in advance and written into
211 the charter. The charter shall be signed by the governing board
212 of the charter school and the sponsor, following a public
213 hearing to ensure community input.

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214 (a) The charter shall address and criteria for approval of
215 the charter shall be based on:
216 1. The school's mission, the students to be served, and the
217 ages and grades to be included.
218 2. The focus of the curriculum, the instructional methods
219 to be used, any distinctive instructional techniques to be
220 employed, and identification and acquisition of appropriate
221 technologies needed to improve educational and administrative
222 performance which include a means for promoting safe, ethical,
223 and appropriate uses of technology which comply with legal and
224 professional standards.
225 a. The charter shall ensure that reading is a primary focus
226 of the curriculum and that resources are provided to identify
227 and provide specialized instruction for students who are reading
228 below grade level. The curriculum and instructional strategies
229 for reading must be consistent with the Next Generation Sunshine
230 State Standards and evidence-based ~~grounded in scientifically~~
231 ~~based reading research~~.
232 b. In order to provide students with access to diverse
233 instructional delivery models, to facilitate the integration of
234 technology within traditional classroom instruction, and to
235 provide students with the skills they need to compete in the
236 21st century economy, the Legislature encourages instructional
237 methods for blended learning courses consisting of both
238 traditional classroom and online instructional techniques.
239 Charter schools may implement blended learning courses which
240 combine traditional classroom instruction and virtual
241 instruction. Students in a blended learning course must be full-
242 time students of the charter school pursuant to s.

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243 1011.61(1)(a)1. ~~and receive the online instruction in a~~
244 ~~classroom setting at the charter school.~~ Instructional personnel
245 certified pursuant to s. 1012.55 who provide virtual instruction
246 for blended learning courses may be employees of the charter
247 school or may be under contract to provide instructional
248 services to charter school students. At a minimum, such
249 instructional personnel must hold an active state or school
250 district adjunct certification under s. 1012.57 for the subject
251 area of the blended learning course. The funding and performance
252 accountability requirements for blended learning courses are the
253 same as those for traditional courses.
254 3. The current incoming baseline standard of student
255 academic achievement, the outcomes to be achieved, and the
256 method of measurement that will be used. The criteria listed in
257 this subparagraph shall include a detailed description of:
258 a. How the baseline student academic achievement levels and
259 prior rates of academic progress will be established.
260 b. How these baseline rates will be compared to rates of
261 academic progress achieved by these same students while
262 attending the charter school.
263 c. To the extent possible, how these rates of progress will
264 be evaluated and compared with rates of progress of other
265 closely comparable student populations.
266
267 The district school board is required to provide academic
268 student performance data to charter schools for each of their
269 students coming from the district school system, as well as
270 rates of academic progress of comparable student populations in
271 the district school system.

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272 4. The methods used to identify the educational strengths
273 and needs of students and how well educational goals and
274 performance standards are met by students attending the charter
275 school. The methods shall provide a means for the charter school
276 to ensure accountability to its constituents by analyzing
277 student performance data and by evaluating the effectiveness and
278 efficiency of its major educational programs. Students in
279 charter schools shall, at a minimum, participate in the
280 statewide assessment program created under s. 1008.22.
281 5. In secondary charter schools, a method for determining
282 that a student has satisfied the requirements for graduation in
283 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.
284 6. A method for resolving conflicts between the governing
285 board of the charter school and the sponsor.
286 7. The admissions procedures and dismissal procedures,
287 including the school's code of student conduct. Admission or
288 dismissal must not be based on a student's academic performance.
289 8. The ways by which the school will achieve a
290 racial/ethnic balance reflective of the community it serves or
291 within the racial/ethnic range of other public schools in the
292 same school district.
293 9. The financial and administrative management of the
294 school, including a reasonable demonstration of the professional
295 experience or competence of those individuals or organizations
296 applying to operate the charter school or those hired or
297 retained to perform such professional services and the
298 description of clearly delineated responsibilities and the
299 policies and practices needed to effectively manage the charter
300 school. A description of internal audit procedures and

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301 establishment of controls to ensure that financial resources are
302 properly managed must be included. Both public sector and
303 private sector professional experience shall be equally valid in
304 such a consideration.
305 10. The asset and liability projections required in the
306 application which are incorporated into the charter and shall be
307 compared with information provided in the annual report of the
308 charter school.
309 11. A description of procedures that identify various risks
310 and provide for a comprehensive approach to reduce the impact of
311 losses; plans to ensure the safety and security of students and
312 staff; plans to identify, minimize, and protect others from
313 violent or disruptive student behavior; and the manner in which
314 the school will be insured, including whether or not the school
315 will be required to have liability insurance, and, if so, the
316 terms and conditions thereof and the amounts of coverage.
317 12. The term of the charter which shall provide for
318 cancellation of the charter if insufficient progress has been
319 made in attaining the student achievement objectives of the
320 charter and if it is not likely that such objectives can be
321 achieved before expiration of the charter. The initial term of a
322 charter shall be for 4 or 5 years. In order to facilitate access
323 to long-term financial resources for charter school
324 construction, charter schools that are operated by a
325 municipality or other public entity as provided by law are
326 eligible for up to a 15-year charter, subject to approval by the
327 district school board. A charter lab school is eligible for a
328 charter for a term of up to 15 years. In addition, to facilitate
329 access to long-term financial resources for charter school

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330 construction, charter schools that are operated by a private,
331 not-for-profit, s. 501(c)(3) status corporation are eligible for
332 up to a 15-year charter, subject to approval by the district
333 school board. Such long-term charters remain subject to annual
334 review and may be terminated during the term of the charter, but
335 only according to the provisions set forth in subsection (8).
336 13. The facilities to be used and their location. The
337 sponsor may not require a charter school to have a certificate
338 of occupancy or a temporary certificate of occupancy for such a
339 facility earlier than 15 calendar days before the first day of
340 school.
341 14. The qualifications to be required of the teachers and
342 the potential strategies used to recruit, hire, train, and
343 retain qualified staff to achieve best value.
344 15. The governance structure of the school, including the
345 status of the charter school as a public or private employer as
346 required in paragraph (12)(i).
347 16. A timetable for implementing the charter which
348 addresses the implementation of each element thereof and the
349 date by which the charter shall be awarded in order to meet this
350 timetable.
351 17. In the case of an existing public school that is being
352 converted to charter status, alternative arrangements for
353 current students who choose not to attend the charter school and
354 for current teachers who choose not to teach in the charter
355 school after conversion in accordance with the existing
356 collective bargaining agreement or district school board rule in
357 the absence of a collective bargaining agreement. However,
358 alternative arrangements shall not be required for current

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359 teachers who choose not to teach in a charter lab school, except
360 as authorized by the employment policies of the state university
361 which grants the charter to the lab school.
362 18. Full disclosure of the identity of all relatives
363 employed by the charter school who are related to the charter
364 school owner, president, chairperson of the governing board of
365 directors, superintendent, governing board member, principal,
366 assistant principal, or any other person employed by the charter
367 school who has equivalent decisionmaking authority. For the
368 purpose of this subparagraph, the term "relative" means father,
369 mother, son, daughter, brother, sister, uncle, aunt, first
370 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
371 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
372 stepfather, stepmother, stepson, stepdaughter, stepbrother,
373 stepsister, half brother, or half sister.
374 19. Implementation of the activities authorized under s.
375 1002.331 by the charter school when it satisfies the eligibility
376 requirements for a high-performing charter school. A high-
377 performing charter school shall notify its sponsor in writing by
378 March 1 if it intends to increase enrollment or expand grade
379 levels the following school year. The written notice shall
380 specify the amount of the enrollment increase and the grade
381 levels that will be added, as applicable.
382 (d)~~1.~~ A charter may be terminated by a charter school's
383 governing board through voluntary closure. The decision to cease
384 operations must be determined at a public meeting. The governing
385 board shall notify the parents and sponsor of the public meeting
386 in writing before the public meeting. The governing board must
387 notify the sponsor, parents of enrolled students, and the

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388 department in writing within 24 hours after the public meeting
389 of its determination. The notice shall state the charter
390 school's intent to continue operations or the reason for the
391 closure and acknowledge that the governing board agrees to
392 follow the procedures for dissolution and reversion of public
393 funds pursuant to paragraphs (8)(e)-(g) and (9)(o) ~~Each charter~~
394 ~~school's governing board must appoint a representative to~~
395 ~~facilitate parental involvement, provide access to information,~~
396 ~~assist parents and others with questions and concerns, and~~
397 ~~resolve disputes~~. ~~The representative must reside in the school~~
398 ~~district in which the charter school is located and may be a~~
399 ~~governing board member, charter school employee, or individual~~
400 ~~contracted to represent the governing board. If the governing~~
401 ~~board oversees multiple charter schools in the same school~~
402 ~~district, the governing board must appoint a separate individual~~
403 ~~representative for each charter school in the district. The~~
404 ~~representative's contact information must be provided annually~~
405 ~~in writing to parents and posted prominently on the charter~~
406 ~~school's website if a website is maintained by the school. The~~
407 ~~sponsor may not require that governing board members reside in~~
408 ~~the school district in which the charter school is located if~~
409 ~~the charter school complies with this paragraph.~~
410 ~~2. Each charter school's governing board must hold at least~~
411 ~~two public meetings per school year in the school district. The~~
412 ~~meetings must be noticed, open, and accessible to the public,~~
413 ~~and attendees must be provided an opportunity to receive~~
414 ~~information and provide input regarding the charter school's~~
415 ~~operations. The appointed representative and charter school~~
416 ~~principal or director, or his or her equivalent, must be~~

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417 ~~physically present at each meeting.~~
418 (9) CHARTER SCHOOL REQUIREMENTS.—
419 (g)1. In order to provide financial information that is
420 comparable to that reported for other public schools, charter
421 schools are to maintain all financial records that constitute
422 their accounting system:
423 a. In accordance with the accounts and codes prescribed in
424 the most recent issuance of the publication titled "Financial
425 and Program Cost Accounting and Reporting for Florida Schools";
426 or
427 b. At the discretion of the charter school's governing
428 board, a charter school may elect to follow generally accepted
429 accounting standards for not-for-profit organizations, but must
430 reformat this information for reporting according to this
431 paragraph.
432 2. Charter schools shall provide annual financial report
433 and program cost report information in the state-required
434 formats for inclusion in district reporting in compliance with
435 s. 1011.60(1). Charter schools that are operated by a
436 municipality or are a component unit of a parent nonprofit
437 organization may use the accounting system of the municipality
438 or the parent but must reformat this information for reporting
439 according to this paragraph.
440 3. A charter school shall, upon approval of the charter
441 contract, provide the sponsor with a concise, uniform, monthly
442 financial statement summary sheet that contains a balance sheet
443 and a statement of revenue, expenditures, and changes in fund
444 balance. The balance sheet and the statement of revenue,
445 expenditures, and changes in fund balance shall be in the

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446 governmental funds format prescribed by the Governmental
447 Accounting Standards Board. A high-performing charter school
448 pursuant to s. 1002.331 may provide a quarterly financial
449 statement in the same format and requirements as the uniform
450 monthly financial statement summary sheet. The sponsor shall
451 review each monthly or quarterly financial statement to identify
452 the existence of any conditions identified in s. 1002.345(1)(a).
453 4. A charter school shall maintain and provide financial
454 information as required in this paragraph. The financial
455 statement required in subparagraph 3. must be in a form
456 prescribed by the Department of Education.
457 (n)1. The director and a representative of the governing
458 board of a charter school that has earned a grade of "D" or "F"
459 pursuant to s. 1008.34 shall appear before the sponsor to
460 present information concerning each contract component having
461 noted deficiencies. The director and a representative of the
462 governing board shall submit to the sponsor for approval a
463 school improvement plan to raise student performance. Upon
464 approval by the sponsor, the charter school shall begin
465 implementation of the school improvement plan. The department
466 shall offer technical assistance and training to the charter
467 school and its governing board and establish guidelines for
468 developing, submitting, and approving such plans.
469 2.a. If a charter school earns three consecutive grades of
470 "D," two consecutive grades of "D" followed by a grade of "F,"
471 or two nonconsecutive grades of "F" within a 3-year period, the
472 charter school governing board shall choose one of the following
473 corrective actions:
474 (I) Contract for educational services to be provided

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475 directly to students, instructional personnel, and school
476 administrators, as prescribed in state board rule;
477 (II) Contract with an outside entity that has a
478 demonstrated record of effectiveness to operate the school;
479 (III) Reorganize the school under a new director or
480 principal who is authorized to hire new staff; or
481 (IV) Voluntarily close the charter school.
482 b. The charter school must implement the corrective action
483 in the school year following receipt of a third consecutive
484 grade of "D," a grade of "F" following two consecutive grades of
485 "D," or a second nonconsecutive grade of "F" within a 3-year
486 period.
487 c. The sponsor may annually waive a corrective action if it
488 determines that the charter school is likely to improve a letter
489 grade if additional time is provided to implement the
490 intervention and support strategies prescribed by the school
491 improvement plan. Notwithstanding this sub-subparagraph, a
492 charter school that earns a second consecutive grade of "F" is
493 subject to subparagraph 4.
494 d. A charter school is no longer required to implement a
495 corrective action if it improves by at least one letter grade.
496 However, the charter school must continue to implement
497 strategies identified in the school improvement plan. The
498 sponsor must annually review implementation of the school
499 improvement plan to monitor the school's continued improvement
500 pursuant to subparagraph 5.
501 e. A charter school implementing a corrective action that
502 does not improve by at least one letter grade after 2 full
503 school years of implementing the corrective action must select a

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504 different corrective action. Implementation of the new
505 corrective action must begin in the school year following the
506 implementation period of the existing corrective action, unless
507 the sponsor determines that the charter school is likely to
508 improve a letter grade if additional time is provided to
509 implement the existing corrective action. Notwithstanding this
510 sub-subparagraph, a charter school that earns a second
511 consecutive grade of "F" while implementing a corrective action
512 is subject to subparagraph 4.
513 3. A charter school with a grade of "D" or "F" that
514 improves by at least one letter grade must continue to implement
515 the strategies identified in the school improvement plan. The
516 sponsor must annually review implementation of the school
517 improvement plan to monitor the school's continued improvement
518 pursuant to subparagraph 5.
519 4. A charter school's charter contract is automatically
520 terminated if the school earns two consecutive grades of "F"
521 after all school grade appeals are final ~~The sponsor shall~~
522 ~~terminate a charter if the charter school earns two consecutive~~
523 ~~grades of "F"~~ unless:
524 a. The charter school is established to turn around the
525 performance of a district public school pursuant to s.
526 1008.33(4)(b)3. Such charter schools shall be governed by s.
527 1008.33;
528 b. The charter school serves a student population the
529 majority of which resides in a school zone served by a district
530 public school that earned a grade of "F" in the year before the
531 charter school opened and the charter school earns at least a
532 grade of "D" in its third year of operation. The exception

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533 provided under this sub-subparagraph does not apply to a charter
534 school in its fourth year of operation and thereafter; or
535 c. The state board grants the charter school a waiver of
536 termination. The charter school must request the waiver within
537 15 days after the department's official release of school
538 grades. The state board may waive termination if the charter
539 school demonstrates that the Learning Gains of its students on
540 statewide assessments are comparable to or better than the
541 Learning Gains of similarly situated students enrolled in nearby
542 district public schools. The waiver is valid for 1 year and may
543 only be granted once. Charter schools that have been in
544 operation for more than 5 years are not eligible for a waiver
545 under this sub-subparagraph.
546
547 The sponsor shall notify the charter school's governing board,
548 the charter school principal, and the department in writing when
549 a charter contract is terminated under this subparagraph. The
550 letter of termination must meet the requirements of paragraph
551 (8)(c). A charter terminated under this subparagraph must follow
552 the procedures for dissolution and reversion of public funds
553 pursuant to paragraphs (8)(e)-(g) and (9)(o).
554 5. The director and a representative of the governing board
555 of a graded charter school that has implemented a school
556 improvement plan under this paragraph shall appear before the
557 sponsor at least once a year to present information regarding
558 the progress of intervention and support strategies implemented
559 by the school pursuant to the school improvement plan and
560 corrective actions, if applicable. The sponsor shall communicate
561 at the meeting, and in writing to the director, the services

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562 provided to the school to help the school address its
563 deficiencies.
564 6. Notwithstanding any provision of this paragraph except
565 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter
566 at any time pursuant to subsection (8).
567 (p)1. Each charter school shall maintain a website that
568 enables the public to obtain information regarding the school;
569 the school's academic performance; the names of the governing
570 board members; the programs at the school; any management
571 companies, service providers, or education management
572 corporations associated with the school; the school's annual
573 budget and its annual independent fiscal audit; the school's
574 grade pursuant to s. 1008.34; and, on a quarterly basis, the
575 minutes of governing board meetings.
576 2. Each charter school's governing board must appoint a
577 representative to facilitate parental involvement, provide
578 access to information, assist parents and others with questions
579 and concerns, and resolve disputes. The representative must
580 reside in the school district in which the charter school is
581 located and may be a governing board member, a charter school
582 employee, or an individual contracted to represent the governing
583 board. If the governing board oversees multiple charter schools
584 in the same school district, the governing board must appoint a
585 separate representative for each charter school in the district.
586 The representative's contact information must be provided
587 annually in writing to parents and posted prominently on the
588 charter school's website. The sponsor may not require governing
589 board members to reside in the school district in which the
590 charter school is located if the charter school complies with

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591 this subparagraph.
592 3. Each charter school's governing board must hold at least
593 two public meetings per school year in the school district where
594 the charter school is located. The meetings must be noticed,
595 open, and accessible to the public, and attendees must be
596 provided an opportunity to receive information and provide input
597 regarding the charter school's operations. The appointed
598 representative and charter school principal or director, or his
599 or her designee, must be physically present at each meeting.
600 Members of the governing board may attend in person or by means
601 of communications media technology used in accordance with rules
602 adopted by the Administration Commission under s. 120.54(5).
603 (10) ELIGIBLE STUDENTS.—
604 (a) A charter school shall be open to any student covered
605 in an interdistrict agreement or residing in the school district
606 in which the charter school is located; however, in the case of
607 a charter lab school, the charter lab school shall be open to
608 any student eligible to attend the lab school as provided in s.
609 1002.32 or who resides in the school district in which the
610 charter lab school is located. Any eligible student shall be
611 allowed interdistrict transfer to attend a charter school when
612 based on good cause. Good cause shall include, but is not
613 limited to, geographic proximity to a charter school in a
614 neighboring school district. A charter school that has not
615 reached capacity, as determined by the charter school's
616 governing board, may be open for enrollment to any student in
617 the state.
618 (d) A charter school may give enrollment preference to the
619 following student populations:

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620 1. Students who are siblings of a student enrolled in the
621 charter school.
622 2. Students who are the children of a member of the
623 governing board of the charter school.
624 3. Students who are the children of an employee of the
625 charter school.
626 4. Students who are the children of:
627 a. An employee of the business partner of a charter school-
628 in-the-workplace established under paragraph (15)(b) or a
629 resident of the municipality in which such charter school is
630 located; or
631 b. A resident of a municipality that operates a charter
632 school-in-a-municipality pursuant to paragraph (15)(c) or allows
633 a charter school to use a school facility or portion of land
634 owned by the municipality for the operation of the charter
635 school.
636 5. Students who have successfully completed a voluntary
637 prekindergarten education program under ss. 1002.51-1002.79
638 provided by the charter school or the charter school's governing
639 board during the previous year.
640 6. Students who are the children of an active duty member
641 of any branch of the United States Armed Forces.
642 7. Students who attended or are assigned to failing schools
643 pursuant to s. 1002.38(2).
644 (13) CHARTER SCHOOL COOPERATIVES.—Charter schools may enter
645 into cooperative agreements to form charter school cooperative
646 organizations that may provide ~~the following~~ services to further
647 educational, operational, and administrative initiatives in
648 which the participating charter schools share common interests~~:~~

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649 ~~charter school planning and development, direct instructional~~
650 ~~services, and contracts with charter school governing boards to~~
651 ~~provide personnel administrative services, payroll services,~~
652 ~~human resource management, evaluation and assessment services,~~
653 ~~teacher preparation, and professional development~~.
654 (17) FUNDING.—Students enrolled in a charter school,
655 regardless of the sponsorship, shall be funded as if they are in
656 a basic program or a special program, the same as students
657 enrolled in other public schools in the school district. Funding
658 for a charter lab school shall be as provided in s. 1002.32.
659 (b) The basis for the agreement for funding students
660 enrolled in a charter school shall be the sum of the school
661 district's operating funds from the Florida Education Finance
662 Program as provided in s. 1011.62 and the General Appropriations
663 Act, including gross state and local funds, discretionary
664 lottery funds, and funds from the school district's current
665 operating discretionary millage levy; divided by total funded
666 weighted full-time equivalent students in the school district;
667 multiplied by the weighted full-time equivalent students for the
668 charter school. Charter schools whose students or programs meet
669 the eligibility criteria in law are entitled to their
670 proportionate share of categorical program funds included in the
671 total funds available in the Florida Education Finance Program
672 by the Legislature, including transportation, the research-based
673 reading allocation, and the Florida digital classrooms
674 allocation. Total funding for each charter school shall be
675 recalculated during the year to reflect the revised calculations
676 under the Florida Education Finance Program by the state and the
677 actual weighted full-time equivalent students reported by the

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678 charter school during the full-time equivalent student survey
679 periods designated by the Commissioner of Education. Any
680 unrestricted surplus or unrestricted net assets identified in
681 the charter school's annual audit may be used for K-12
682 educational purposes for charter schools within the district
683 operated by the not-for-profit or municipal entity operating the
684 charter school with the surplus. Surplus operating funds shall
685 be used in accordance with s. 1011.62, and surplus capital
686 outlay funds shall be used in accordance with s. 1013.62(2).
687 (e) District school boards shall make timely and efficient
688 payment and reimbursement to charter schools, including
689 processing paperwork required to access special state and
690 federal funding for which they may be eligible. Payments of
691 funds under paragraph (b) shall be made monthly or twice a
692 month, beginning with the start of the district school board's
693 fiscal year. Each payment shall be one-twelfth, or one twenty-
694 fourth, as applicable, of the total state and local funds
695 described in paragraph (b) and adjusted as set forth therein.
696 For the first 2 years of a charter school's operation, if a
697 minimum of 75 percent of the projected enrollment is entered
698 into the sponsor's student information system by the first day
699 of the current month, the district school board shall ~~may~~
700 distribute funds to the ~~a charter~~ school for the ~~up to 3~~ months
701 of July through October based on the projected full-time
702 equivalent student membership of the charter school as submitted
703 in the approved application. If less than 75 percent of the
704 projected enrollment is entered into the sponsor's student
705 information system by the first day of the current month, the
706 sponsor shall base payments on the actual number of student

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707 enrollment entered into the sponsor's student information
708 system. Thereafter, the results of full-time equivalent student
709 membership surveys shall be used in adjusting the amount of
710 funds distributed monthly to the charter school for the
711 remainder of the fiscal year. The payments ~~payment~~ shall be
712 issued no later than 10 working days after the district school
713 board receives a distribution of state or federal funds or the
714 date the payment is due pursuant to this subsection. If a
715 warrant for payment is not issued within 10 working days after
716 receipt of funding by the district school board, the school
717 district shall pay to the charter school, in addition to the
718 amount of the scheduled disbursement, interest at a rate of 1
719 percent per month calculated on a daily basis on the unpaid
720 balance from the expiration of the 10 working days until such
721 time as the warrant is issued. The district school board may not
722 delay payment to a charter school of any portion of the funds
723 provided in paragraph (b) based on the timing of receipt of
724 local funds by the district school board.
725 (18) FACILITIES.—
726 (a) A startup charter school shall utilize facilities which
727 comply with the Florida Building Code pursuant to chapter 553
728 except for the State Requirements for Educational Facilities.
729 Conversion charter schools shall utilize facilities that comply
730 with the State Requirements for Educational Facilities provided
731 that the school district and the charter school have entered
732 into a mutual management plan for the reasonable maintenance of
733 such facilities. The mutual management plan shall contain a
734 provision by which the district school board agrees to maintain
735 charter school facilities in the same manner as its other public

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736 schools within the district. Charter schools, with the exception
737 of conversion charter schools, are not required to comply, but
738 may choose to comply, with the State Requirements for
739 Educational Facilities of the Florida Building Code adopted
740 pursuant to s. 1013.37. The local governing authority shall not
741 adopt or impose any local building requirements or site-
742 development restrictions, such as parking and site-size
743 criteria, that are addressed by and more stringent than those
744 found in the State Requirements for Educational Facilities of
745 the Florida Building Code. ~~Beginning July 1, 2011,~~ A local
746 governing authority must treat charter schools equitably in
747 comparison to similar requirements, restrictions, and site
748 planning processes imposed upon public schools that are not
749 charter schools. The agency having jurisdiction for inspection
750 of a facility and issuance of a certificate of occupancy or use
751 shall be the local municipality or, if in an unincorporated
752 area, the county governing authority. If an official or employee
753 of the local governing authority refuses to comply with this
754 paragraph, the aggrieved school or entity has an immediate right
755 to bring an action in circuit court to enforce its rights by
756 injunction. An aggrieved party that receives injunctive relief
757 may be awarded attorney fees and court costs.
758 (20) SERVICES.—
759 (a)1. A sponsor shall provide certain administrative and
760 educational services to charter schools. These services shall
761 include contract management services; full-time equivalent and
762 data reporting services; exceptional student education
763 administration services; services related to eligibility and
764 reporting duties required to ensure that school lunch services

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765 under the federal lunch program, consistent with the needs of
766 the charter school, are provided by the school district at the
767 request of the charter school, that any funds due to the charter
768 school under the federal lunch program be paid to the charter
769 school as soon as the charter school begins serving food under
770 the federal lunch program, and that the charter school is paid
771 at the same time and in the same manner under the federal lunch
772 program as other public schools serviced by the sponsor or the
773 school district; test administration services, including payment
774 of the costs of state-required or district-required student
775 assessments; processing of teacher certificate data services;
776 and information services, including equal access to student
777 information systems that are used by public schools in the
778 district in which the charter school is located. Student
779 performance data for each student in a charter school,
780 including, but not limited to, FCAT scores, standardized test
781 scores, previous public school student report cards, and student
782 performance measures, shall be provided by the sponsor to a
783 charter school in the same manner provided to other public
784 schools in the district.
785 2. A total administrative fee for the provision of such
786 services shall be calculated based upon up to 5 percent of the
787 available funds defined in paragraph (17)(b) for all students,
788 except that when 75 percent or more of the students enrolled in
789 the charter school are exceptional students as defined in s.
790 1003.01(3), the 5 percent of those available funds shall be
791 calculated based on unweighted full-time equivalent students.
792 However, a sponsor may only withhold up to a 5-percent
793 administrative fee for enrollment for up to and including 250

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794 students. For charter schools with a population of 251 or more
795 students, the difference between the total administrative fee
796 calculation and the amount of the administrative fee withheld
797 may only be used for capital outlay purposes specified in s.
798 1013.62(2).
799 3. For high-performing charter schools, as defined in s.
800 1002.331 ~~ch. 2011-232~~, a sponsor may withhold a total
801 administrative fee of up to 2 percent for enrollment up to and
802 including 250 students per school.
803 4. In addition, a sponsor may withhold only up to a 5-
804 percent administrative fee for enrollment for up to and
805 including 500 students within a system of charter schools which
806 meets all of the following:
807 a. Includes both conversion charter schools and
808 nonconversion charter schools;
809 b. Has all schools located in the same county;
810 c. Has a total enrollment exceeding the total enrollment of
811 at least one school district in the state;
812 d. Has the same governing board; and
813 e. Does not contract with a for-profit service provider for
814 management of school operations.
815 5. The difference between the total administrative fee
816 calculation and the amount of the administrative fee withheld
817 pursuant to subparagraph 4. may be used for instructional and
818 administrative purposes as well as for capital outlay purposes
819 specified in s. 1013.62(2).
820 6. For a high-performing charter school system that also
821 meets the requirements in subparagraph 4., a sponsor may
822 withhold a 2-percent administrative fee for enrollments up to

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823 and including 500 students per system.
824 7. Sponsors shall not charge charter schools any additional
825 fees or surcharges for administrative and educational services
826 in addition to the maximum 5-percent administrative fee withheld
827 pursuant to this paragraph.
828 8. The sponsor of a virtual charter school may withhold a
829 fee of up to 5 percent. The funds shall be used to cover the
830 cost of services provided under subparagraph 1. and
831 implementation of the school district's digital classrooms plan
832 pursuant to s. 1011.62.
833 9. For charter schools that operate in a critical need
834 area, as defined in s. 1002.333, a sponsor may withhold a total
835 administrative fee of up to 3 percent for enrollment up to and
836 including 250 students per school.
837 10. A charter school whose initial application is submitted
838 under s. 1002.331 and denied by the district school board is
839 exempt from the administrative fee requirements of this
840 paragraph.
841 Section 2. Paragraph (e) of subsection (2), paragraph (b)
842 of subsection (3), and subsections (4) and (5) of section
843 1002.331, Florida Statutes, are amended to read:
844 1002.331 High-performing charter schools.—
845 (2) A high-performing charter school is authorized to:
846 (e) Receive a modification of its charter to an additional
847 ~~a~~ term of 15 years or a 15-year charter renewal. The charter may
848 be modified or renewed for a shorter term at the option of the
849 high-performing charter school. The sponsor has 30 days after
850 the charter school receives its high-performing designation to
851 provide a charter renewal to the charter school. The charter

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852 school and sponsor have 20 days to negotiate and provide notice
853 of the charter contract for final approval by the sponsor. The
854 proposed charter contract must be provided to the charter school
855 at least 7 days before the date of the meeting at which the
856 charter is scheduled for final approval by the sponsor. A
857 dispute may be appealed to an administrative law judge appointed
858 by the Division of Administrative Hearings pursuant to s.
859 1002.33(6)(h). The charter must be consistent with s.
860 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual
861 review by the sponsor, and may be terminated during its term
862 pursuant to s. 1002.33(8).
863
864 A high-performing charter school shall notify its sponsor in
865 writing by March 1 if it intends to increase enrollment or
866 expand grade levels the following school year. The written
867 notice shall specify the amount of the enrollment increase and
868 the grade levels that will be added, as applicable. If a charter
869 school notifies the sponsor of its intent to expand, the sponsor
870 shall modify the charter within 90 days to include the new
871 enrollment maximum and may not make any other changes. The
872 sponsor may deny a request to increase the enrollment of a high-
873 performing charter school if the commissioner has declassified
874 the charter school as high-performing. If a high-performing
875 charter school requests to consolidate multiple charters, the
876 sponsor has ~~shall have~~ 40 days after receipt of that request to
877 provide an initial draft charter to the charter school. The
878 sponsor and charter school has ~~shall have~~ 50 days thereafter to
879 negotiate and notice the charter contract for final approval by
880 the sponsor.

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881 (3)
882 (b) A high-performing charter school may not establish more
883 than one charter school within the state under paragraph (a) in
884 any year. A subsequent application to establish a charter school
885 under paragraph (a) may not be submitted unless each charter
886 school established in this manner achieves high-performing
887 charter school status. This paragraph does not apply to charter
888 schools established by a high-performing charter school in the
889 attendance zone of a public school that earns a grade of "F" or
890 three consecutive grades of "D" pursuant to s. 1008.34 or to
891 meet capacity needs or needs for innovative school choice
892 options identified by the district school board.
893 ~~(4) A high-performing charter school may not increase~~
894 ~~enrollment or expand grade levels following any school year in~~
895 ~~which it receives a school grade of "C" or below. If the charter~~
896 ~~school receives a school grade of "C" or below in any 2 years~~
897 ~~during the term of the charter awarded under subsection (2), the~~
898 ~~term of the charter may be modified by the sponsor and the~~
899 ~~charter school loses its high-performing charter school status~~
900 ~~until it regains that status under subsection (1).~~
901 (4) ~~(5)~~ The Commissioner of Education, upon request by a
902 charter school, shall verify that the charter school meets the
903 criteria in subsection (1) and provide a letter to the charter
904 school and the sponsor stating that the charter school is a
905 high-performing charter school pursuant to this section. The
906 commissioner shall annually determine whether a high-performing
907 charter school under subsection (1) continues to meet the
908 criteria in that subsection. Such high-performing charter school
909 shall maintain its high-performing status unless the

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910 commissioner determines that the charter school no longer meets
911 the criteria in subsection (1), at which time the commissioner
912 shall send a letter to the charter school and its sponsor
913 providing notification that the charter school has been
914 declassified ~~of its declassification~~ as a high-performing
915 charter school.
916 Section 3. Section 1002.333, Florida Statutes, is created
917 to read:
918 1002.333 High Impact Charter Network.—
919 (1) As used in this section, the term:
920 (a) "Critical need area" means an area that is served by
921 one or more nonalternative, traditional public schools that
922 received a school grade of "D" or "F" pursuant to s. 1008.34 in
923 4 of the most recent 5 years.
924 (b) "Entity" means a nonprofit organization with tax exempt
925 status under s. 501(c)(3) of the Internal Revenue Code that is
926 authorized by law to operate a public charter school.
927 (2) An entity that successfully operates a system of
928 charter schools that primarily serves educationally
929 disadvantaged students, as defined in the Elementary and
930 Secondary Education Act, 20 U.S.C. s. 1115(b)(2), may apply to
931 the state board for status as a High Impact Charter Network. The
932 state board shall adopt rules prescribing a process for
933 determining whether the entity meets the requirements of this
934 subsection by reviewing student demographic, academic, and
935 financial performance data. The process shall include a review
936 of all schools currently or previously operated by the entity,
937 including schoolwide and subgroup performance on all statewide,
938 standardized assessments for the most recent 3 years as compared

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939 to all students at the same grade level, and as compared with
940 other schools serving similar demographics of students, and
941 school-level financial performance. The review may also include
942 performance on nationally norm-referenced assessments, student
943 attendance and retention rates, graduation rates, college
944 attendance rates, college persistence rates, and other outcome
945 measures as determined by the state board.
946 (3) An entity that is designated as a High Impact Charter
947 Network pursuant to this subsection may submit an application
948 pursuant to s. 1002.33 to establish and operate charter schools
949 in critical need areas. Notwithstanding s. 1013.62(1)(a), a
950 charter school operated by a High Impact Charter Network in a
951 critical need area is eligible to receive charter school capital
952 outlay.
953 (4) The administrative fee provided for in s.
954 1002.33(20)(a) shall be waived for a charter school established
955 by a High Impact Charter Network in a critical need area as long
956 as the network maintains its status as a High Impact Charter
957 Network.
958 (5) The department shall give priority to charter schools
959 operated by a High Impact Charter Network in the department's
960 Public Charter School Grant Program competitions. Priority shall
961 only be provided for new charter schools that will operate in a
962 critical need area.
963 (6) The initial High Impact Charter Network status is valid
964 for up to 4 years. If an entity seeks renewal of its status, the
965 state board shall review the academic and financial performance
966 of the charter schools established in areas of critical need
967 pursuant to subsection (2).

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968 (7) For purposes of determining areas of critical need,
969 school grades issued for the 2014-2015 school year may not be
970 considered.
971 (8) The State Board of Education shall adopt rules to
972 administer this section.
973 Section 4. Paragraph (a) of subsection (3) and paragraph
974 (a) of subsection (8) of section 1002.37, Florida Statutes, are
975 amended to read:
976 1002.37 The Florida Virtual School.—
977 (3) Funding for the Florida Virtual School shall be
978 provided as follows:
979 (a)1. The calculation of "full-time equivalent student"
980 shall be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject
981 to s. 1011.61(4) ~~For a student in grades 9 through 12, a "full-~~
982 ~~time equivalent student" is one student who has successfully~~
983 ~~completed six full-credit courses that count toward the minimum~~
984 ~~number of credits required for high school graduation~~. ~~A student~~
985 ~~who completes fewer than six full-credit courses is a fraction~~
986 ~~of a full-time equivalent student. Half-credit course~~
987 ~~completions shall be included in determining a full-time~~
988 ~~equivalent student.~~
989 ~~2. For a student in kindergarten through grade 8, a "full-~~
990 ~~time equivalent student" is one student who has successfully~~
991 ~~completed six courses or the prescribed level of content that~~
992 ~~counts toward promotion to the next grade. A student who~~
993 ~~completes fewer than six courses or the prescribed level of~~
994 ~~content shall be a fraction of a full-time equivalent student.~~
995 2.~~3.~~ For a student in a home education program, funding
996 shall be provided in accordance with this subsection upon course

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997 completion if the parent verifies, upon enrollment for each
998 course, that the student is registered with the school district
999 as a home education student pursuant to s. 1002.41(1)(a).
1000 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~
1001 ~~equivalent students and associated funding of students enrolled~~
1002 ~~in courses requiring passage of an end-of-course assessment~~
1003 ~~under s. 1003.4282 to earn a standard high school diploma shall~~
1004 ~~be adjusted if the student does not pass the end-of-course~~
1005 ~~assessment. However, no adjustment shall be made for home~~
1006 ~~education program students who choose not to take an end-of-~~
1007 ~~course assessment or for a student who enrolls in a segmented~~
1008 ~~remedial course delivered online.~~
1009
1010 ~~For purposes of this paragraph, the calculation of "full-time~~
1011 ~~equivalent student" shall be as prescribed in s.~~
1012 ~~1011.61(1)(c)1.b.(V) and is subject to the requirements in s.~~
1013 ~~1011.61(4).~~
1014 (8)(a) The Florida Virtual School may provide full-time and
1015 part-time instruction for students in kindergarten through grade
1016 12. ~~To receive part-time instruction in kindergarten through~~
1017 ~~grade 5, a student must meet at least one of the eligibility~~
1018 ~~criteria in s. 1002.455(2).~~
1019 Section 5. Subsection (5), paragraph (e) of subsection (7),
1020 and paragraphs (c) and (d) of subsection (8) of section 1002.45,
1021 Florida Statutes, are amended to read:
1022 1002.45 Virtual instruction programs.—
1023 (5) STUDENT ELIGIBILITY.—Students in kindergarten through
1024 grade 12 ~~A student~~ may enroll in a virtual instruction program
1025 provided by the school district or by a virtual charter school

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1026 operated in the district in which he or she resides ~~if the~~
1027 ~~student meets eligibility requirements for virtual instruction~~
1028 ~~pursuant to s. 1002.455~~.
1029 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
1030 FUNDING.—
1031 ~~(c) Beginning in the 2016-2017 fiscal year, the reported~~
1032 ~~full-time equivalent students and associated funding of students~~
1033 ~~enrolled in courses requiring passage of an end-of-course~~
1034 ~~assessment under s. 1003.4282 to earn a standard high school~~
1035 ~~diploma shall be adjusted if the student does not pass the end-~~
1036 ~~of-course assessment. However, no adjustment shall be made for a~~
1037 ~~student who enrolls in a segmented remedial course delivered~~
1038 ~~online.~~
1039 (8) ASSESSMENT AND ACCOUNTABILITY.—
1040 (c) An approved provider that receives a school grade of
1041 “D” or “F” under s. 1008.34 or a school improvement rating of
1042 “Unsatisfactory” ~~“Declining”~~ under s. 1008.341 must file a
1043 school improvement plan with the department for consultation to
1044 determine the causes for low performance and to develop a plan
1045 for correction and improvement.
1046 (d) An approved provider’s contract is automatically ~~must~~
1047 ~~be~~ terminated if the provider earns two consecutive school
1048 grades of ~~receives a school grade of “D” or~~ “F” under s. 1008.34
1049 after all school grade appeals are final, receives two
1050 consecutive ~~or a~~ school improvement ratings ~~rating~~ of
1051 “unsatisfactory” ~~“Declining”~~ under s. 1008.341, ~~for 2 years~~
1052 ~~during any consecutive 4-year period~~ or has violated any
1053 qualification requirement pursuant to subsection (2). A provider
1054 that has a contract terminated under this paragraph may not be

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1055 an approved provider for a period of at least 1 year after the
1056 date upon which the contract was terminated and until the
1057 department determines that the provider is in compliance with
1058 subsection (2) and has corrected each cause of the provider's
1059 low performance.
1060 Section 6. Section 1002.455, Florida Statutes, is repealed.
1061 Section 7. Subsection (3) of section 1003.4295, Florida
1062 Statutes, is amended to read:
1063 1003.4295 Acceleration options.—
1064 (3) The Credit Acceleration Program (CAP) is created for
1065 the purpose of allowing a student to earn high school credit in
1066 courses required for high school graduation through passage of
1067 an end-of-course assessment ~~Algebra I, Algebra II, geometry,~~
1068 ~~United States history, or biology if the student passes the~~
1069 ~~statewide, standardized assessment~~ administered under s. 1008.22
1070 or an Advanced Placement Examination. Notwithstanding s.
1071 1003.436, a school district shall award course credit to a
1072 student who is not enrolled in the course, or who has not
1073 completed the course, if the student attains a passing score on
1074 the corresponding end-of-course assessment or Advanced Placement
1075 Examination ~~statewide, standardized assessment~~. The school
1076 district shall permit a public school or home education student
1077 who is not enrolled in the course, or who has not completed the
1078 course, to take the assessment or examination during the regular
1079 administration of the assessment or examination.
1080 Section 8. Subsections (1) and (2) of section 1003.498,
1081 Florida Statutes, are amended to read:
1082 1003.498 School district virtual course offerings.—
1083 (1) School districts may deliver courses in the traditional

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1084 school setting by personnel certified pursuant to s. 1012.55 who
1085 provide direct instruction through virtual instruction or
1086 through blended learning courses consisting of both traditional
1087 classroom and online instructional techniques. Students in a
1088 blended learning course must be full-time students of the school
1089 pursuant to s. 1011.61(1)(a)1. ~~and receive the online~~
1090 ~~instruction in a classroom setting at the school.~~ The funding,
1091 performance, and accountability requirements for blended
1092 learning courses are the same as those for traditional courses.
1093 To facilitate the delivery and coding of blended learning
1094 courses, the department shall provide identifiers for existing
1095 courses to designate that they are being used for blended
1096 learning courses for the purpose of ensuring the efficient
1097 reporting of such courses. A district may report full-time
1098 equivalent student membership for credit earned by a student who
1099 is enrolled in a virtual education course provided by the
1100 district which is completed after the end of the regular school
1101 year if the FTE is reported no later than the deadline for
1102 amending the final student membership report for that year.
1103 (2) School districts may offer virtual courses for students
1104 enrolled in the school district. These courses must be
1105 identified in the course code directory. ~~Students who meet the~~
1106 ~~eligibility requirements of s. 1002.455 may participate in these~~
1107 ~~virtual course offerings.~~
1108 (a) Any eligible student who is enrolled in a school
1109 district may register and enroll in an online course offered by
1110 his or her school district.
1111 (b)1. Any eligible student who is enrolled in a school
1112 district may register and enroll in an online course offered by

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1113 any other school district in the state. The school district in
1114 which the student completes the course shall report the
1115 student's completion of that course for funding pursuant to s.
1116 1011.61(1)(c)1.b.(VI), and the home school district shall not
1117 report the student for funding for that course.
1118 2. The full-time equivalent student membership calculated
1119 under this subsection is subject to the requirements in s.
1120 1011.61(4). The Department of Education shall establish
1121 procedures to enable interdistrict coordination for the delivery
1122 and funding of this online option.
1123 Section 9. Subsection (1) of section 1011.61, Florida
1124 Statutes, is amended to read:
1125 1011.61 Definitions.—Notwithstanding the provisions of s.
1126 1000.21, the following terms are defined as follows for the
1127 purposes of the Florida Education Finance Program:
1128 (1) A "full-time equivalent student" in each program of the
1129 district is defined in terms of full-time students and part-time
1130 students as follows:
1131 (a) A "full-time student" is one student on the membership
1132 roll of one school program or a combination of school programs
1133 listed in s. 1011.62(1)(c) for the school year or the equivalent
1134 for:
1135 1. Instruction in a standard school, comprising not less
1136 than 900 net hours for a student in or at the grade level of 4
1137 through 12, or not less than 720 net hours for a student in or
1138 at the grade level of kindergarten through grade 3 or in an
1139 authorized prekindergarten exceptional program; or
1140 ~~2. Instruction in a double-session school or a school~~
1141 ~~utilizing an experimental school calendar approved by the~~

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1142 ~~Department of Education, comprising not less than the equivalent~~
1143 ~~of 810 net hours in grades 4 through 12 or not less than 630 net~~
1144 ~~hours in kindergarten through grade 3; or~~
1145 2.~~3.~~ Instruction comprising the appropriate number of net
1146 hours set forth in subparagraph 1. ~~or subparagraph 2.~~ for
1147 students who, within the past year, have moved with their
1148 parents for the purpose of engaging in the farm labor or fish
1149 industries, if a plan furnishing such an extended school day or
1150 week, or a combination thereof, has been approved by the
1151 commissioner. Such plan may be approved to accommodate the needs
1152 of migrant students only or may serve all students in schools
1153 having a high percentage of migrant students. The plan described
1154 in this subparagraph is optional for any school district and is
1155 not mandated by the state.
1156 (b) A "part-time student" is a student on the active
1157 membership roll of a school program or combination of school
1158 programs listed in s. 1011.62(1)(c) who is less than a full-time
1159 student. A student who receives instruction in a school that
1160 operates for less than the minimum term shall generate full-time
1161 equivalent student membership proportional to the amount of
1162 instructional hours provided by the school divided by the
1163 minimum term requirement as provided in s. 1011.60(2).
1164 (c)1. A "full-time equivalent student" is:
1165 a. A full-time student in any one of the programs listed in
1166 s. 1011.62(1)(c); or
1167 b. A combination of full-time or part-time students in any
1168 one of the programs listed in s. 1011.62(1)(c) which is the
1169 equivalent of one full-time student based on the following
1170 calculations:

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1171 (I) A full-time student in a combination of programs listed
1172 in s. 1011.62(1)(c) shall be a fraction of a full-time
1173 equivalent membership in each special program equal to the
1174 number of net hours per school year for which he or she is a
1175 member, divided by the appropriate number of hours set forth in
1176 subparagraph (a)1. ~~or subparagraph (a)2~~. The difference between
1177 that fraction or sum of fractions and the maximum value as set
1178 forth in subsection (4) for each full-time student is presumed
1179 to be the balance of the student's time not spent in a special
1180 program and shall be recorded as time in the appropriate basic
1181 program.
1182 (II) A prekindergarten student with a disability shall meet
1183 the requirements specified for kindergarten students.
1184 (III) A full-time equivalent student for students in
1185 kindergarten through grade 12 in a full-time virtual instruction
1186 program under s. 1002.45 or a virtual charter school under s.
1187 1002.33 shall consist of six full-credit completions or the
1188 prescribed level of content that counts toward promotion to the
1189 next grade in programs listed in s. 1011.62(1)(c). Credit
1190 completions may be a combination of full-credit courses or half-
1191 credit courses. ~~Beginning in the 2016-2017 fiscal year, the~~
1192 ~~reported full-time equivalent students and associated funding of~~
1193 ~~students enrolled in courses requiring passage of an end-of-~~
1194 ~~course assessment under s. 1003.4282 to earn a standard high~~
1195 ~~school diploma shall be adjusted if the student does not pass~~
1196 ~~the end-of-course assessment. However, no adjustment shall be~~
1197 ~~made for a student who enrolls in a segmented remedial course~~
1198 ~~delivered online.~~
1199 (IV) A full-time equivalent student for students in

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1200 kindergarten through grade 12 in a part-time virtual instruction
1201 program under s. 1002.45 shall consist of six full-credit
1202 completions in programs listed in s. 1011.62(1)(c)1. and 3.
1203 Credit completions may be a combination of full-credit courses
1204 or half-credit courses. ~~Beginning in the 2016-2017 fiscal year,~~
1205 ~~the reported full-time equivalent students and associated~~
1206 ~~funding of students enrolled in courses requiring passage of an~~
1207 ~~end-of-course assessment under s. 1003.4282 to earn a standard~~
1208 ~~high school diploma shall be adjusted if the student does not~~
1209 ~~pass the end-of-course assessment. However, no adjustment shall~~
1210 ~~be made for a student who enrolls in a segmented remedial course~~
1211 ~~delivered online.~~
1212 (V) A Florida Virtual School full-time equivalent student
1213 shall consist of six full-credit completions or the prescribed
1214 level of content that counts toward promotion to the next grade
1215 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
1216 participating in kindergarten through grade 12 part-time virtual
1217 instruction and the programs listed in s. 1011.62(1)(c) for
1218 students participating in kindergarten through grade 12 full-
1219 time virtual instruction. Credit completions may be a
1220 combination of full-credit courses or half-credit courses.
1221 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~
1222 ~~equivalent students and associated funding of students enrolled~~
1223 ~~in courses requiring passage of an end-of-course assessment~~
1224 ~~under s. 1003.4282 to earn a standard high school diploma shall~~
1225 ~~be adjusted if the student does not pass the end-of-course~~
1226 ~~assessment. However, no adjustment shall be made for a student~~
1227 ~~who enrolls in a segmented remedial course delivered online.~~
1228 (VI) Each successfully completed full-credit course earned

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1229 through an online course delivered by a district other than the
1230 one in which the student resides shall be calculated as 1/6 FTE.
1231 (VII) A full-time equivalent student for courses requiring
1232 passage of a statewide, standardized end-of-course assessment
1233 under s. 1003.4282 to earn a standard high school diploma shall
1234 be defined and reported based on the number of instructional
1235 hours as provided in this subsection ~~until the 2016-2017 fiscal~~
1236 ~~year~~. ~~Beginning in the 2016-2017 fiscal year, the FTE for the~~
1237 ~~course shall be assessment-based and shall be equal to 1/6 FTE.~~
1238 ~~The reported FTE shall be adjusted if the student does not pass~~
1239 ~~the end-of-course assessment. However, no adjustment shall be~~
1240 ~~made for a student who enrolls in a segmented remedial course~~
1241 ~~delivered online.~~
1242 (VIII) For students enrolled in a school district as a
1243 full-time student, the district may report 1/6 FTE for each
1244 student who passes a statewide, standardized end-of-course
1245 assessment without being enrolled in the corresponding course.
1246 2. A student in membership in a program scheduled for more
1247 or less than 180 school days or the equivalent on an hourly
1248 basis as specified by rules of the State Board of Education is a
1249 fraction of a full-time equivalent membership equal to the
1250 number of instructional hours in membership divided by the
1251 appropriate number of hours set forth in subparagraph (a)1.;
1252 however, for the purposes of this subparagraph, membership in
1253 programs scheduled for more than 180 days is limited to students
1254 enrolled in:
1255 a. Juvenile justice education programs.
1256 b. The Florida Virtual School.
1257 c. Virtual instruction programs and virtual charter schools

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1258 for the purpose of course completion and credit recovery
1259 pursuant to ss. 1002.45 and 1003.498. Course completion applies
1260 only to a student who is reported during the second or third
1261 membership surveys and who does not complete a virtual education
1262 course by the end of the regular school year. The course must be
1263 completed no later than the deadline for amending the final
1264 student enrollment survey for that year. Credit recovery applies
1265 only to a student who has unsuccessfully completed a traditional
1266 or virtual education course during the regular school year and
1267 must re-take the course in order to be eligible to graduate with
1268 the student's class.
1269
1270 The full-time equivalent student enrollment calculated under
1271 this subsection is subject to the requirements in subsection
1272 (4).
1273
1274 The department shall determine and implement an equitable method
1275 of equivalent funding for ~~experimental schools and for~~ schools
1276 operating under emergency conditions, which schools have been
1277 approved by the department to operate for less than the minimum
1278 term as provided in s. 1011.60(2) ~~school day~~.
1279 Section 10. Subsection (11) of section 1011.62, Florida
1280 Statutes, is amended to read:
1281 1011.62 Funds for operation of schools.—If the annual
1282 allocation from the Florida Education Finance Program to each
1283 district for operation of schools is not determined in the
1284 annual appropriations act or the substantive bill implementing
1285 the annual appropriations act, it shall be determined as
1286 follows:

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1287 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
1288 annually provide in the Florida Education Finance Program a
1289 virtual education contribution. The amount of the virtual
1290 education contribution shall be the difference between the
1291 amount per FTE established in the General Appropriations Act for
1292 virtual education and the amount per FTE for each district and
1293 the Florida Virtual School, which may be calculated by taking
1294 the sum of the base FEFP allocation, the discretionary local
1295 effort, the state-funded discretionary contribution, the
1296 discretionary millage compression supplement, the research-based
1297 reading instruction allocation, and the instructional materials
1298 allocation, and then dividing by the total unweighted FTE. This
1299 difference shall be multiplied by the virtual education
1300 unweighted FTE for programs and options identified in ss.
1301 1002.33(1), 1002.45(1)(b), and 1003.498 ~~s. 1002.455(3)~~ and the
1302 Florida Virtual School and its franchises to equal the virtual
1303 education contribution and shall be included as a separate
1304 allocation in the funding formula.
1305 Section 11. Paragraph (b) of subsection (8) of section
1306 1012.56, Florida Statutes, is amended to read:
1307 1012.56 Educator certification requirements.—
1308 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION
1309 COMPETENCY PROGRAM.—
1310 (b)1. Each school district must and a private school or
1311 state-supported ~~state supported~~ public school, including a
1312 charter school, ~~or a private school~~ may develop and maintain a
1313 system by which members of the instructional staff may
1314 demonstrate mastery of professional preparation and education
1315 competence as required by law. Each program must be based on

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1316 classroom application of the Florida Educator Accomplished
1317 Practices and instructional performance and, for public schools,
1318 must be aligned with the district's or state-supported public
1319 school's evaluation system established ~~approved~~ under s.
1320 1012.34, as applicable.
1321 2. The Commissioner of Education shall determine the
1322 continued approval of programs implemented under this paragraph,
1323 based upon the department's review of performance data. The
1324 department shall review the performance data as a part of the
1325 periodic review of each school district's professional
1326 development system required under s. 1012.98.
1327 Section 12. Paragraph (a) of subsection (1) of section
1328 1013.62, Florida Statutes, is amended to read:
1329 1013.62 Charter schools capital outlay funding.—
1330 (1) In each year in which funds are appropriated for
1331 charter school capital outlay purposes, the Commissioner of
1332 Education shall allocate the funds among eligible charter
1333 schools.
1334 (a) To be eligible for a funding allocation, a charter
1335 school must:
1336 1.a. Have been in operation for 3 or more years;
1337 b. Be governed by a governing board established in the
1338 state for 3 or more years which operates both charter schools
1339 and conversion charter schools within the state;
1340 c. Be an expanded feeder chain of a charter school within
1341 the same school district that is currently receiving charter
1342 school capital outlay funds;
1343 d. Have been accredited by the Commission on Schools of the
1344 Southern Association of Colleges and Schools; or

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1345 e. Serve students in facilities that are provided by a
1346 business partner for a charter school-in-the-workplace pursuant
1347 to s. 1002.33(15)(b).
1348 2. Have an annual audit that does not reveal any of the
1349 financial emergency conditions provided in s. 218.503(1) for the
1350 most recent fiscal year for which such audit results are
1351 available ~~stability for future operation as a charter school~~.
1352 3. Have satisfactory student achievement based on state
1353 accountability standards applicable to the charter school.
1354 4. Have received final approval from its sponsor pursuant
1355 to s. 1002.33 for operation during that fiscal year.
1356 5. Serve students in facilities that are not provided by
1357 the charter school's sponsor.
1358 Section 13. This act shall take effect July 1, 2016.
1359
1360 ========== T I T L E A M E N D M E N T ==========
1361 And the title is amended as follows:
1362 Delete everything before the enacting clause
1363 and insert:
1364 A bill to be entitled
1365 An act relating to school choice; amending s. 1002.33,
1366 F.S.; making technical changes relating to
1367 requirements for the creation of a virtual charter
1368 school; conforming cross-references; specifying that a
1369 sponsor may not require a charter school to adopt the
1370 sponsor's reading plan and that charter schools are
1371 eligible for the research-based reading allocation if
1372 certain criteria are met; revising required contents
1373 of charter school applications; conforming provisions

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1374 regarding the appeal process for denial of a high-
1375 performing charter school application; requiring an
1376 applicant to provide the sponsor with a copy of an
1377 appeal to an application denial; authorizing a charter
1378 school to defer the opening of its operations for up
1379 to a specified time; requiring the charter school to
1380 provide written notice to certain entities by a
1381 specified date; revising provisions relating to long-
1382 term charters and charter terminations; specifying
1383 notice requirements for voluntary closure of a charter
1384 school; deleting a requirement that students in a
1385 blended learning course receive certain instruction in
1386 a classroom setting; providing that a student may not
1387 be dismissed from a charter school based on his or her
1388 academic performance; requiring a charter school
1389 applicant to provide monthly financial statements
1390 before opening; requiring a sponsor to review each
1391 financial statement of a charter school to identify
1392 the existence of certain conditions; providing for the
1393 automatic termination of a charter contract if certain
1394 conditions are met; requiring a sponsor to notify
1395 certain parties when a charter contract is terminated
1396 for specific reasons; authorizing governing board
1397 members to hold a certain number of public meetings
1398 and participate in such meetings in person or through
1399 communications media technology; revising charter
1400 school student eligibility requirements; revising
1401 requirements for payments to charter schools; allowing
1402 for the use of certain surpluses and assets by

339770

1403 specific entities for certain educational purposes;
1404 providing for an injunction under certain
1405 circumstances; establishing the administrative fee
1406 that a sponsor may withhold for charter schools
1407 operating in a critical need area; providing an
1408 exemption from certain administrative fees; amending
1409 s. 1002.331, F.S.; providing an exemption from the
1410 replication limitations for a high-performing charter
1411 school; conforming a cross-reference; deleting
1412 obsolete provisions; providing deadlines for a high-
1413 performing charter contract renewal; providing for an
1414 appeal to an administrative law judge under certain
1415 circumstances; creating s. 1002.333, F.S.; providing
1416 definitions; establishing a High Impact Charter
1417 Network status for charter school operators serving
1418 educationally disadvantaged students; defining
1419 eligibility criteria; authorizing charter operators
1420 holding the High Impact Charter Network status to
1421 submit applications for charter schools in certain
1422 areas; exempting certain charter schools from
1423 specified fees; requiring the department to give
1424 priority to certain charter schools applying for
1425 specified grants; prohibiting the use of certain
1426 school grades when determining areas of critical need;
1427 providing for rulemaking; amending s. 1002.37, F.S.;
1428 revising the calculation of “full-time equivalent
1429 student”; conforming a cross-reference; amending s.
1430 1002.45, F.S.; conforming a cross-reference; deleting
1431 a provision related to educational funding for

339770

1432 students enrolled in certain virtual education
1433 courses; revising conditions for termination of a
1434 virtual instruction provider's contract; repealing s.
1435 1002.455, F.S., relating to student eligibility for K-
1436 12 virtual instruction; amending s. 1003.4295, F.S.;
1437 revising the purpose of the Credit Acceleration
1438 Program; requiring students to earn passing scores on
1439 specified assessments and examinations to earn course
1440 credit; amending s. 1003.498, F.S.; deleting a
1441 requirement that students in a blended learning course
1442 must receive certain instruction in a classroom
1443 setting; conforming a cross-reference; amending s.
1444 1011.61, F.S.; revising the definition of "full-time
1445 equivalent student"; amending s. 1011.62, F.S.;
1446 conforming a cross-reference; amending s. 1012.56,
1447 F.S.; authorizing a charter school to develop and
1448 operate a professional development certification and
1449 education competency program; amending s. 1013.62,
1450 F.S.; revising eligibility requirements for charter
1451 school capital outlay funding; revising charter school
1452 funding allocations; providing an effective date.

333600

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/02/2016	.	
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The Committee on Education Pre-K - 12 (Montford) recommended the following:

Senate Amendment to Amendment (339770)

Delete line 91
and insert:
8. Documents that the charter school governing board is independent of any management company and may, at its sole discretion, terminate a contract with the management company at any time.
9.~~7.~~ For the establishment of a virtual charter school,

361462

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/02/2016	.	
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The Committee on Education Pre-K - 12 (Montford) recommended the following:

1 **Senate Amendment to Amendment (339770) (with title**
2 **amendment)**
3
4 Delete lines 304 - 346
5 and insert:
6 such a consideration. The charter must document that the charter
7 school governing board is independent of any management company
8 and may, at its sole discretion, terminate the contract with the
9 management company at any time.
10 10. The asset and liability projections required in the

361462

11 application which are incorporated into the charter and shall be
12 compared with information provided in the annual report of the
13 charter school.
14 11. A description of procedures that identify various risks
15 and provide for a comprehensive approach to reduce the impact of
16 losses; plans to ensure the safety and security of students and
17 staff; plans to identify, minimize, and protect others from
18 violent or disruptive student behavior; and the manner in which
19 the school will be insured, including whether or not the school
20 will be required to have liability insurance, and, if so, the
21 terms and conditions thereof and the amounts of coverage.
22 12. The term of the charter which shall provide for
23 cancellation of the charter if insufficient progress has been
24 made in attaining the student achievement objectives of the
25 charter and if it is not likely that such objectives can be
26 achieved before expiration of the charter. The initial term of a
27 charter shall be for 4 or 5 years. In order to facilitate access
28 to long-term financial resources for charter school
29 construction, charter schools that are operated by a
30 municipality or other public entity as provided by law are
31 eligible for up to a 15-year charter, subject to approval by the
32 district school board. A charter lab school is eligible for a
33 charter for a term of up to 15 years. In addition, to facilitate
34 access to long-term financial resources for charter school
35 construction, charter schools that are operated by a private,
36 not-for-profit, s. 501(c)(3) status corporation are eligible for
37 up to a 15-year charter, subject to approval by the district
38 school board. Such long-term charters remain subject to annual
39 review and may be terminated during the term of the charter, but

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40 only according to the provisions set forth in subsection (8).
41 13. The facilities to be used and their location. The
42 sponsor may not require a charter school to have a certificate
43 of occupancy or a temporary certificate of occupancy for such a
44 facility earlier than 15 calendar days before the first day of
45 school.
46 14. The qualifications to be required of the teachers and
47 the potential strategies used to recruit, hire, train, and
48 retain qualified staff to achieve best value.
49 15. The governance structure of the school, including the
50 status of the charter school as a public or private employer as
51 required in paragraph (12)(i). At least one member of the
52 charter school governing board must be the parent of a student
53 enrolled in that school.
54
55 ========== T I T L E A M E N D M E N T ==========
56 And the title is amended as follows:
57 Delete line 1381
58 and insert:
59 specified date; revising the information that a
60 charter must address; revising the membership of the
61 charter school governing board; revising provisions
62 relating to long-

325630

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/02/2016	.	
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The Committee on Education Pre-K - 12 (Montford) recommended the following:

Senate Amendment to Amendment (339770) (with directory and title amendments)

Between lines 643 and 644
insert:
(j)1. For purposes of continuity of educational choice, the placement of a student in a charter school shall remain in force until the student voluntarily withdraws from the charter school or successfully completes the highest grade offered in the charter school. A charter school student who voluntarily enrolls

325630

11 in a different charter school, a district-operated public
12 school, a private school, a virtual education program, a home
13 education program, or other education program approved by law is
14 considered to have voluntarily withdrawn from the charter school
15 for the purpose of determining the end of the student's
16 enrollment. However, if a student enters a Department of
17 Juvenile Justice detention center for less than 21 days, the
18 student is not considered to have withdrawn from the charter
19 school.
20 2. Before a student is voluntarily withdrawn from a charter
21 school, the parent and charter school personnel must sign a
22 document stating that the student is being voluntarily withdrawn
23 and that charter school personnel have not prohibited,
24 discouraged, or attempted to discourage the student from
25 continued enrollment in the charter school.
26
27 ====== D I R E C T O R Y C L A U S E A M E N D M E N T ======
28 And the directory clause is amended as follows:
29 Delete line 11
30 and insert:
31 1002.33, Florida Statutes, are amended, and paragraph (j) is
32 added to subsection (10) of that section, to read:
33
34 ================ T I T L E A M E N D M E N T ================
35 And the title is amended as follows:
36 Delete line 1400
37 and insert:
38 school student eligibility requirements; specifying
39 that a student's placement in a charter school remains

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40 in force until the student voluntarily withdraws from
41 the charter school; requiring the student's parent and
42 the charter school personnel to sign a specified
43 statement before the student voluntarily withdraws
44 from the charter school; revising

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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Education Pre-K - 12 (Montford) recommended the following:

Senate Amendment

Delete line 80
and insert:
8. Documents that the governing board of the charter school is independent of any management company and may, at its sole discretion, terminate a contract with the management company at any time.
9.~~7.~~ For the establishment of a virtual charter school,

224866

LEGISLATIVE ACTION

Senate	.	House
	.	
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The Committee on Education Pre-K - 12 (Montford) recommended the following:

1 **Senate Amendment (with directory and title amendments)**
2
3 Between lines 191 and 192
4 insert:
5 (7) CHARTER.—The major issues involving the operation of a
6 charter school shall be considered in advance and written into
7 the charter. The charter shall be signed by the governing board
8 of the charter school and the sponsor, following a public
9 hearing to ensure community input.
10 (a) The charter shall address and criteria for approval of

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11 the charter shall be based on:
12 1. The school's mission, the students to be served, and the
13 ages and grades to be included.
14 2. The focus of the curriculum, the instructional methods
15 to be used, any distinctive instructional techniques to be
16 employed, and identification and acquisition of appropriate
17 technologies needed to improve educational and administrative
18 performance which include a means for promoting safe, ethical,
19 and appropriate uses of technology which comply with legal and
20 professional standards.
21 a. The charter shall ensure that reading is a primary focus
22 of the curriculum and that resources are provided to identify
23 and provide specialized instruction for students who are reading
24 below grade level. The curriculum and instructional strategies
25 for reading must be consistent with the Next Generation Sunshine
26 State Standards and grounded in scientifically based reading
27 research.
28 b. In order to provide students with access to diverse
29 instructional delivery models, to facilitate the integration of
30 technology within traditional classroom instruction, and to
31 provide students with the skills they need to compete in the
32 21st century economy, the Legislature encourages instructional
33 methods for blended learning courses consisting of both
34 traditional classroom and online instructional techniques.
35 Charter schools may implement blended learning courses which
36 combine traditional classroom instruction and virtual
37 instruction. Students in a blended learning course must be full-
38 time students of the charter school and receive the online
39 instruction in a classroom setting at the charter school.

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40 Instructional personnel certified pursuant to s. 1012.55 who
41 provide virtual instruction for blended learning courses may be
42 employees of the charter school or may be under contract to
43 provide instructional services to charter school students. At a
44 minimum, such instructional personnel must hold an active state
45 or school district adjunct certification under s. 1012.57 for
46 the subject area of the blended learning course. The funding and
47 performance accountability requirements for blended learning
48 courses are the same as those for traditional courses.
49 3. The current incoming baseline standard of student
50 academic achievement, the outcomes to be achieved, and the
51 method of measurement that will be used. The criteria listed in
52 this subparagraph shall include a detailed description of:
53 a. How the baseline student academic achievement levels and
54 prior rates of academic progress will be established.
55 b. How these baseline rates will be compared to rates of
56 academic progress achieved by these same students while
57 attending the charter school.
58 c. To the extent possible, how these rates of progress will
59 be evaluated and compared with rates of progress of other
60 closely comparable student populations.
61
62 The district school board is required to provide academic
63 student performance data to charter schools for each of their
64 students coming from the district school system, as well as
65 rates of academic progress of comparable student populations in
66 the district school system.
67 4. The methods used to identify the educational strengths
68 and needs of students and how well educational goals and

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69 performance standards are met by students attending the charter
70 school. The methods shall provide a means for the charter school
71 to ensure accountability to its constituents by analyzing
72 student performance data and by evaluating the effectiveness and
73 efficiency of its major educational programs. Students in
74 charter schools shall, at a minimum, participate in the
75 statewide assessment program created under s. 1008.22.
76 5. In secondary charter schools, a method for determining
77 that a student has satisfied the requirements for graduation in
78 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.
79 6. A method for resolving conflicts between the governing
80 board of the charter school and the sponsor.
81 7. The admissions procedures and dismissal procedures,
82 including the school's code of student conduct.
83 8. The ways by which the school will achieve a
84 racial/ethnic balance reflective of the community it serves or
85 within the racial/ethnic range of other public schools in the
86 same school district.
87 9. The financial and administrative management of the
88 school, including a reasonable demonstration of the professional
89 experience or competence of those individuals or organizations
90 applying to operate the charter school or those hired or
91 retained to perform such professional services and the
92 description of clearly delineated responsibilities and the
93 policies and practices needed to effectively manage the charter
94 school. A description of internal audit procedures and
95 establishment of controls to ensure that financial resources are
96 properly managed must be included. Both public sector and
97 private sector professional experience shall be equally valid in

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98 such a consideration. The charter must document that the charter
99 school governing board is independent of any management company
100 and may, at its sole discretion, terminate the contract with the
101 management company at any time.
102 10. The asset and liability projections required in the
103 application which are incorporated into the charter and shall be
104 compared with information provided in the annual report of the
105 charter school.
106 11. A description of procedures that identify various risks
107 and provide for a comprehensive approach to reduce the impact of
108 losses; plans to ensure the safety and security of students and
109 staff; plans to identify, minimize, and protect others from
110 violent or disruptive student behavior; and the manner in which
111 the school will be insured, including whether or not the school
112 will be required to have liability insurance, and, if so, the
113 terms and conditions thereof and the amounts of coverage.
114 12. The term of the charter which shall provide for
115 cancellation of the charter if insufficient progress has been
116 made in attaining the student achievement objectives of the
117 charter and if it is not likely that such objectives can be
118 achieved before expiration of the charter. The initial term of a
119 charter shall be for 4 or 5 years. In order to facilitate access
120 to long-term financial resources for charter school
121 construction, charter schools that are operated by a
122 municipality or other public entity as provided by law are
123 eligible for up to a 15-year charter, subject to approval by the
124 district school board. A charter lab school is eligible for a
125 charter for a term of up to 15 years. In addition, to facilitate
126 access to long-term financial resources for charter school

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127 construction, charter schools that are operated by a private,
128 not-for-profit, s. 501(c)(3) status corporation are eligible for
129 up to a 15-year charter, subject to approval by the district
130 school board. Such long-term charters remain subject to annual
131 review and may be terminated during the term of the charter, but
132 only according to the provisions set forth in subsection (8).
133 13. The facilities to be used and their location. The
134 sponsor may not require a charter school to have a certificate
135 of occupancy or a temporary certificate of occupancy for such a
136 facility earlier than 15 calendar days before the first day of
137 school.
138 14. The qualifications to be required of the teachers and
139 the potential strategies used to recruit, hire, train, and
140 retain qualified staff to achieve best value.
141 15. The governance structure of the school, including the
142 status of the charter school as a public or private employer as
143 required in paragraph (12)(i). At least one member of the
144 charter school governing board must be the parent of a student
145 enrolled in that school.
146 16. A timetable for implementing the charter which
147 addresses the implementation of each element thereof and the
148 date by which the charter shall be awarded in order to meet this
149 timetable.
150 17. In the case of an existing public school that is being
151 converted to charter status, alternative arrangements for
152 current students who choose not to attend the charter school and
153 for current teachers who choose not to teach in the charter
154 school after conversion in accordance with the existing
155 collective bargaining agreement or district school board rule in

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156 the absence of a collective bargaining agreement. However,
157 alternative arrangements shall not be required for current
158 teachers who choose not to teach in a charter lab school, except
159 as authorized by the employment policies of the state university
160 which grants the charter to the lab school.
161 18. Full disclosure of the identity of all relatives
162 employed by the charter school who are related to the charter
163 school owner, president, chairperson of the governing board of
164 directors, superintendent, governing board member, principal,
165 assistant principal, or any other person employed by the charter
166 school who has equivalent decisionmaking authority. For the
167 purpose of this subparagraph, the term “relative” means father,
168 mother, son, daughter, brother, sister, uncle, aunt, first
169 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
170 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
171 stepfather, stepmother, stepson, stepdaughter, stepbrother,
172 stepsister, half brother, or half sister.
173 19. Implementation of the activities authorized under s.
174 1002.331 by the charter school when it satisfies the eligibility
175 requirements for a high-performing charter school. A high-
176 performing charter school shall notify its sponsor in writing by
177 March 1 if it intends to increase enrollment or expand grade
178 levels the following school year. The written notice shall
179 specify the amount of the enrollment increase and the grade
180 levels that will be added, as applicable.
181
182 ====== D I R E C T O R Y C L A U S E A M E N D M E N T ======
183 And the directory clause is amended as follows:
184 Between lines 40 and 41

224866

185 insert:
186 paragraph (a) of subsection (7),
187
188 ========== T I T L E A M E N D M E N T ==========
189 And the title is amended as follows:
190 Delete line 4
191 and insert:
192 school application; revising the information that a
193 charter must address; revising the membership of the
194 charter school governing board; providing for the
195 automatic

653580

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
	.	
	.	
	.	

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

Senate Amendment (with directory and title amendments)

Between lines 335 and 336
insert:
(j)1. For purposes of continuity of educational choice, the placement of a student in a charter school shall remain in force until the student voluntarily withdraws from the charter school or successfully completes the highest grade offered in the charter school. A charter school student who voluntarily enrolls in a different charter school, a district-operated public

653580

11 school, a private school, a virtual education program, a home
12 education program, or other education program approved by law is
13 considered to have voluntarily withdrawn from the charter school
14 for the purpose of determining the end of the student's
15 enrollment. However, if a student enters a Department of
16 Juvenile Justice detention center for less than 21 days, the
17 student is not considered to have withdrawn from the charter
18 school.
19 2. Before a student is voluntarily withdrawn from a charter
20 school, the parent and charter school personnel must sign a
21 document stating that the student is being voluntarily withdrawn
22 and that charter school personnel have not prohibited,
23 discouraged, or attempted to discourage the student from
24 continued enrollment in the charter school.
25
26
27 ====== D I R E C T O R Y C L A U S E A M E N D M E N T ======
28 And the directory clause is amended as follows:
29 Delete line 43
30 and insert:
31 of section 1002.33, Florida Statutes, are amended and paragraph
32 (j) is added to subsection (10) of that section, to read:
33
34 ================ T I T L E A M E N D M E N T ================
35 And the title is amended as follows:
36 Delete line 10
37 and insert:
38 enrollment preferences; specifying that a student's
39 placement in a charter school remains in force until

653580

40 the student voluntarily withdraws from the charter
41 school; requiring the student's parent and the charter
42 school personnel to sign a specified statement before
43 the student voluntarily withdrawals from the charter
44 school; specifying that the reading

By Senator Stargel

15-00636A-16 2016830__

A bill to be entitled

An act relating to school choice; amending s. 1002.33, F.S.; revising the required contents of a charter school application; providing for the automatic termination of a charter under certain conditions; requiring a sponsor to notify certain parties when a charter is automatically terminated; prohibiting a charter school from denying the application or continued enrollment of certain students; revising enrollment preferences; specifying that the reading curriculum and instructional strategies in a charter school's charter satisfy the research-based reading plan requirement and that charter schools are eligible for the research-based reading allocation; revising requirements for payments to charter schools; prohibiting a school board from delaying payment for specified reasons; amending s. 1002.331, F.S.; specifying that certain limits on the number of charter schools established do not apply under certain circumstances; deleting provisions relating to charter schools that receive certain school grades; creating s. 1002.333, F.S.; defining terms; authorizing certain entities to apply for status as a High-Impact Charter Network; requiring the State Board of Education to adopt rules to prescribe a specified review process; prohibiting certain school grades from being used to determine critical need areas; providing funding for charter schools under certain circumstances; waiving certain fees; providing that the High-Impact Charter

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15-00636A-16 2016830__

Network status is valid for only a specified time; providing for rulemaking; amending s. 1002.45, F.S.; revising approved provider's contract termination requirements for a virtual instruction program; amending s. 1013.62, F.S.; revising charter school eligibility requirements for funding allocations; providing an effective date.

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

Section 1. Paragraphs (a) and (b) of subsection (6), paragraph (n) of subsection (9), paragraphs (b) and (d) of subsection (10), and paragraphs (b) and (e) of subsection (17) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:

(a) A person or entity wishing to open a charter school shall prepare and submit an application on a model application form prepared by the Department of Education which:

1. Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.

2. Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.

3. Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students

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are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.

4. Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. A sponsor shall deny a charter if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.

5. 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 revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends.

6. Contains additional information a sponsor may require, which shall be attached as an addendum to the charter school application described in this paragraph.

7. Contains a list and school grades of all charter schools currently or previously operated by the applicant, applicant group, or proposed management company.

8.~~7.~~ 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 an evaluation instrument developed by the Department of Education and shall consider the performance of all charter schools currently or previously operated by the applicant, applicant group, or proposed management company. A

sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened 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 August 1 and may receive an application submitted later than 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. 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 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

117 charter school applications after the FTE projection deadline.
118 In a further effort to facilitate an accurate budget projection,
119 within 15 calendar days after receipt of a charter school
120 application, a sponsor shall report to the Department of
121 Education the name of the applicant entity, the proposed charter
122 school location, and its projected FTE.
123 2. In order to ensure fiscal responsibility, an application
124 for a charter school shall include a full accounting of expected
125 assets, a projection of expected sources and amounts of income,
126 including income derived from projected student enrollments and
127 from community support, and an expense projection that includes
128 full accounting of the costs of operation, including start-up
129 costs.
130 3.a. A sponsor shall by a majority vote approve or deny an
131 application no later than 60 calendar days after the application
132 is received, unless the sponsor and the applicant mutually agree
133 in writing to temporarily postpone the vote to a specific date,
134 at which time the sponsor shall by a majority vote approve or
135 deny the application. If the sponsor fails to act on the
136 application, an applicant may appeal to the State Board of
137 Education as provided in paragraph (c). If an application is
138 denied, the sponsor shall, within 10 calendar days after such
139 denial, articulate in writing the specific reasons, based upon
140 good cause, supporting its denial of the charter application and
141 shall provide the letter of denial and supporting documentation
142 to the applicant and to the Department of Education.
143 b. An application submitted by a high-performing charter
144 school identified pursuant to s. 1002.331 may be denied by the
145 sponsor only if the sponsor demonstrates by clear and convincing

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146 evidence that:
147 (I) The application does not materially comply with the
148 requirements in paragraph (a);
149 (II) The charter school proposed in the application does
150 not materially comply with the requirements in paragraphs
151 (9)(a)-(f);
152 (III) The proposed charter school's educational program
153 does not substantially replicate that of the applicant or one of
154 the applicant's high-performing charter schools;
155 (IV) The applicant has made a material misrepresentation or
156 false statement or concealed an essential or material fact
157 during the application process; or
158 (V) The proposed charter school's educational program and
159 financial management practices do not materially comply with the
160 requirements of this section.
161
162 Material noncompliance is a failure to follow requirements or a
163 violation of prohibitions applicable to charter school
164 applications, which failure is quantitatively or qualitatively
165 significant either individually or when aggregated with other
166 noncompliance. An applicant is considered to be replicating a
167 high-performing charter school if the proposed school is
168 substantially similar to at least one of the applicant's high-
169 performing charter schools and the organization or individuals
170 involved in the establishment and operation of the proposed
171 school are significantly involved in the operation of replicated
172 schools.
173 c. If the sponsor denies an application submitted by a
174 high-performing charter school, the sponsor must, within 10

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175 calendar days after such denial, state in writing the specific
176 reasons, based upon the criteria in sub-subparagraph b.,
177 supporting its denial of the application and must provide the
178 letter of denial and supporting documentation to the applicant
179 and to the Department of Education. The applicant may appeal the
180 sponsor's denial of the application directly to the State Board
181 of Education pursuant to sub-subparagraph (c)3.b.
182 4. For budget projection purposes, the sponsor shall report
183 to the Department of Education the approval or denial of a
184 charter application within 10 calendar days after such approval
185 or denial. In the event of approval, the report to the
186 Department of Education shall include the final projected FTE
187 for the approved charter school.
188 5. Upon approval of a charter application, the initial
189 startup shall commence with the beginning of the public school
190 calendar for the district in which the charter is granted unless
191 the sponsor allows a waiver of this subparagraph for good cause.
192 (9) CHARTER SCHOOL REQUIREMENTS.—
193 (n)1. The director and a representative of the governing
194 board of a charter school that has earned a grade of "D" or "F"
195 pursuant to s. 1008.34 shall appear before the sponsor to
196 present information concerning each contract component having
197 noted deficiencies. The director and a representative of the
198 governing board shall submit to the sponsor for approval a
199 school improvement plan to raise student performance. Upon
200 approval by the sponsor, the charter school shall begin
201 implementation of the school improvement plan. The department
202 shall offer technical assistance and training to the charter
203 school and its governing board and establish guidelines for

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204 developing, submitting, and approving such plans.
205 2.a. If a charter school earns three consecutive grades of
206 "D," two consecutive grades of "D" followed by a grade of "F,"
207 or two nonconsecutive grades of "F" within a 3-year period, the
208 charter school governing board shall choose one of the following
209 corrective actions:
210 (I) Contract for educational services to be provided
211 directly to students, instructional personnel, and school
212 administrators, as prescribed in state board rule;
213 (II) Contract with an outside entity that has a
214 demonstrated record of effectiveness to operate the school;
215 (III) Reorganize the school under a new director or
216 principal who is authorized to hire new staff; or
217 (IV) Voluntarily close the charter school.
218 b. The charter school must implement the corrective action
219 in the school year following receipt of a third consecutive
220 grade of "D," a grade of "F" following two consecutive grades of
221 "D," or a second nonconsecutive grade of "F" within a 3-year
222 period.
223 c. The sponsor may annually waive a corrective action if it
224 determines that the charter school is likely to improve a letter
225 grade if additional time is provided to implement the
226 intervention and support strategies prescribed by the school
227 improvement plan. Notwithstanding this sub-subparagraph, a
228 charter school that earns a second consecutive grade of "F" is
229 subject to subparagraph 4.
230 d. A charter school is no longer required to implement a
231 corrective action if it improves by at least one letter grade.
232 However, the charter school must continue to implement

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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" 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. A charter school's charter is automatically terminated if the school earns ~~The sponsor shall terminate a charter if the charter school earns~~ two consecutive grades of "F" after all school grade appeals are final, unless:

(I)~~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;

(II)~~b.~~ The charter school 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-sub-subparagraph does not apply to a charter school in its fourth year of operation and thereafter; or

(III)~~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-sub-subparagraph.

b. The sponsor shall notify in writing the charter school's governing board, the charter school principal, and the department when a charter is terminated under this subparagraph. The school district's letter of termination shall be governed by the requirements of paragraph (8)(c). If a charter is terminated under this subparagraph, the charter school is governed by the requirements of paragraph (o) and paragraphs (8)(e)-(g).

5. The director and a representative of the governing board of a graded charter school that has implemented a school

291 improvement plan under this paragraph shall appear before the
292 sponsor at least once a year to present information regarding
293 the progress of intervention and support strategies implemented
294 by the school pursuant to the school improvement plan and
295 corrective actions, if applicable. The sponsor shall communicate
296 at the meeting, and in writing to the director, the services
297 provided to the school to help the school address its
298 deficiencies.
299 6. Notwithstanding any provision of this paragraph except
300 sub-subparagraph 4.a. ~~sub-subparagraphs 4.a.-c.~~, the sponsor may
301 terminate the charter at any time pursuant to subsection (8).
302 (10) ELIGIBLE STUDENTS.—
303 (b) The charter school shall enroll an eligible student who
304 submits a timely application, unless the number of applications
305 exceeds the capacity of a program, class, grade level, or
306 building. In such case, all applicants shall have an equal
307 chance of being admitted through a random selection process. A
308 charter school may not deny the application or continued
309 enrollment of a student based on the student's current or prior
310 academic performance, including grade retention.
311 (d) A charter school may give enrollment preference to the
312 following student populations:
313 1. Students who are siblings of a student enrolled in the
314 charter school.
315 2. Students who are the children of a member of the
316 governing board of the charter school.
317 3. Students who are the children of an employee of the
318 charter school.
319 4. Students who are the children of:

320 a. An employee of the business partner of a charter school-
321 in-the-workplace established under paragraph (15)(b) or a
322 resident of the municipality in which such charter school is
323 located; or
324 b. A resident of a municipality that operates a charter
325 school-in-a-municipality pursuant to paragraph (15)(c).
326 5. Students who have successfully completed a voluntary
327 prekindergarten education program under ss. 1002.51-1002.79
328 provided by the charter school or the charter school's governing
329 board during the previous year.
330 6. Students who are the children of an active duty member
331 of any branch of the United States Armed Forces.
332 7. Students who are currently enrolled or were enrolled
333 during the prior school year in a public school that earned a
334 grade of "F" or that earned three consecutive grades of "D" or
335 who are zoned for such school.
336 (17) FUNDING.—Students enrolled in a charter school,
337 regardless of the sponsorship, shall be funded as if they are in
338 a basic program or a special program, the same as students
339 enrolled in other public schools in the school district. Funding
340 for a charter lab school shall be as provided in s. 1002.32.
341 (b) The basis for the agreement for funding students
342 enrolled in a charter school shall be the sum of the school
343 district's operating funds from the Florida Education Finance
344 Program as provided in s. 1011.62 and the General Appropriations
345 Act, including gross state and local funds, discretionary
346 lottery funds, and funds from the school district's current
347 operating discretionary millage levy; divided by total funded
348 weighted full-time equivalent students in the school district;

349 multiplied by the weighted full-time equivalent students for the
350 charter school. Charter schools whose students or programs meet
351 the eligibility criteria in law are entitled to their
352 proportionate share of categorical program funds included in the
353 total funds available in the Florida Education Finance Program
354 by the Legislature, including transportation, research-based
355 reading allocation, and the Florida digital classrooms
356 allocation. Total funding for each charter school shall be
357 recalculated during the year to reflect the revised calculations
358 under the Florida Education Finance Program by the state and the
359 actual weighted full-time equivalent students reported by the
360 charter school during the full-time equivalent student survey
361 periods designated by the Commissioner of Education.
362 (e) District school boards shall make timely and efficient
363 payment and reimbursement to charter schools, including
364 processing paperwork required to access special state and
365 federal funding for which they may be eligible. Payments of the
366 funds in paragraph (b) shall be made monthly or bimonthly,
367 beginning with the start of the district school board's fiscal
368 year. Each payment must be one-twelfth or one-twenty-fourth, as
369 applicable, of the total state and local funds described in
370 paragraph (b). The district school board may distribute such
371 funds to a charter school for up to 3 months based on the
372 projected full-time equivalent student membership of the charter
373 school. Thereafter, the results of full-time equivalent student
374 membership surveys shall be used in adjusting the amount of
375 funds distributed monthly to the charter school for the
376 remainder of the fiscal year. The payments ~~payment~~ shall be
377 issued no later than 10 working days after the district school

378 board receives a distribution of state or federal funds or the
379 date the payment is due as specified in this subsection. If a
380 warrant for payment is not issued within 10 working days after
381 receipt of funding by the district school board, the school
382 district shall pay to the charter school, in addition to the
383 amount of the scheduled disbursement, interest at a rate of 1
384 percent per month calculated on a daily basis on the unpaid
385 balance from the expiration of the 10 working days until such
386 time as the warrant is issued. The district school board may not
387 delay payment of any portion of the funds set forth in paragraph
388 (b) to a charter school if receipt of local funds is delayed.
389 Section 2. Paragraph (b) of subsection (3) and subsection
390 (4) of section 1002.331, Florida Statutes, are amended to read:
391 1002.331 High-performing charter schools.—
392 (3)
393 (b) A high-performing charter school may not establish more
394 than one charter school within the state under paragraph (a) in
395 any year. A subsequent application to establish a charter school
396 under paragraph (a) may not be submitted unless each charter
397 school established in this manner achieves high-performing
398 charter school status. The limits specified in this paragraph do
399 not apply to a charter school established by a high-performing
400 charter school in the attendance zone of a school identified as
401 in need of intervention and support pursuant to s. 1008.33(3)(b)
402 or to meet capacity needs or needs for innovative choice options
403 identified by the district school board.
404 ~~(4) A high-performing charter school may not increase~~
405 ~~enrollment or expand grade levels following any school year in~~
406 ~~which it receives a school grade of "C" or below. If the charter~~

407 ~~school receives a school grade of "C" or below in any 2 years~~
408 ~~during the term of the charter awarded under subsection (2), the~~
409 ~~term of the charter may be modified by the sponsor and the~~
410 ~~charter school loses its high-performing charter school status~~
411 ~~until it regains that status under subsection (1).~~
412 Section 3. Section 1002.333, Florida Statutes, is created
413 to read:
414 1002.333 High-Impact Charter Network.—
415 (1) For the purposes of this section, the term:
416 (a) "Critical need area" means an area that is served by
417 one or more traditional public schools that meet at least one of
418 the following criteria:
419 1. Received a school grade of "D" or "F" pursuant to s.
420 1008.34 in 4 of the preceding 5 years; or
421 2. Had fewer than 25 percent of students passing statewide,
422 standardized assessments in English Language Arts under s.
423 1008.22(3) in the most recent year for which assessment scores
424 are available.
425 (b)"Entity" means a nonprofit organization with tax-exempt
426 status under s. 501(c)(3) of the Internal Revenue Code which is
427 authorized by law to operate a public charter school.
428 (2) An entity that successfully operates a system of
429 charter schools that serve primarily educationally disadvantaged
430 students, as provided in the federal Elementary and Secondary
431 Education Act, 20 U.S.C. s. 1115(b)(2), may apply to the State
432 Board of Education for status as a High-Impact Charter Network.
433 (a) The state board shall adopt rules prescribing a process
434 to review the entity's application. The process must include a
435 review of the following:

436 1. Statewide assessments of all charter schools currently
437 and previously operated by the entity, including schoolwide and
438 subgroup performance, for the 3 most recent years as compared to
439 all students in other schools at the same grade level, and as
440 compared with other schools serving similar student
441 demographics. The review may also include performance on
442 nationally norm-referenced assessments, student attendance and
443 retention rates, graduation rates, college attendance rates,
444 college persistence rates, and other outcome measures as
445 determined by the state board.
446 2. School-level financial performance.
447 (b) An entity that is designated as a High-Impact Charter
448 Network may submit a charter school application pursuant to s.
449 1002.33 to establish and operate charter schools in critical
450 need areas. For purposes of determining critical need areas,
451 school grades issued for the 2014-2015 school year may not be
452 considered.
453 (c) Notwithstanding s. 1013.62(1)(a), a charter school
454 operated by a High-Impact Charter Network in a critical need
455 area is eligible to receive charter school capital outlay
456 funding. The administrative fee required under s.
457 1002.33(20)(a)2. shall be waived for a charter school
458 established by a High-Impact Charter Network in a critical need
459 area as long as the network maintains its status as a High-
460 Impact Charter Network.
461 (3) The High-Impact Charter Network status is valid for up
462 to 4 years. If an entity seeks status renewal, the state board
463 shall review, pursuant to subsection (2), the academic and
464 financial performance of the charter schools established in

465 critical need areas and operated by the entity.
466 (4) The State Board of Education shall adopt rules to
467 administer this section.
468 Section 4. Paragraphs (c) and (d) of subsection (8) of
469 section 1002.45, Florida Statutes, are amended to read:
470 1002.45 Virtual instruction programs.—
471 (8) ASSESSMENT AND ACCOUNTABILITY.—
472 (c) An approved provider that receives a school grade of
473 "D" or "F" under s. 1008.34 or a school improvement rating of
474 "Unsatisfactory" ~~"Declining"~~ under s. 1008.341 must file a
475 school improvement plan with the department for consultation to
476 determine the causes for low performance and to develop a plan
477 for correction and improvement.
478 (d) An approved provider's contract is automatically ~~must~~
479 ~~be~~ terminated if the provider earns two consecutive school
480 grades of ~~receives a school grade of "D" or~~ "F" under s.
481 1008.34, receives two consecutive ~~or a~~ school improvement
482 ratings ~~rating~~ of "Unsatisfactory" ~~"Declining"~~ under s.
483 1008.341, ~~for 2 years during any consecutive 4-year period~~ or
484 has violated any qualification requirement pursuant to
485 subsection (2). A provider that has a contract terminated under
486 this paragraph may not be an approved provider for ~~a period of~~
487 at least 1 year after the date upon which the contract was
488 terminated and until the department determines that the provider
489 is in compliance with subsection (2) and has corrected each
490 cause of the provider's low performance.
491 Section 5. Paragraph (a) of subsection (1) of section
492 1013.62, Florida Statutes, is amended to read:
493 1013.62 Charter schools capital outlay funding.—

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494 (1) In each year in which funds are appropriated for
495 charter school capital outlay purposes, the Commissioner of
496 Education shall allocate the funds among eligible charter
497 schools.
498 (a) To be eligible for a funding allocation, a charter
499 school must:
500 1.a. Have been in operation for 3 or more years;
501 b. Be governed by a governing board established in the
502 state for 3 or more years which operates both charter schools
503 and conversion charter schools within the state;
504 c. Be an expanded feeder chain of a charter school within
505 the same school district that is currently receiving charter
506 school capital outlay funds;
507 d. Have been accredited by the Commission on Schools of the
508 Southern Association of Colleges and Schools; or
509 e. Serve students in facilities that are provided by a
510 business partner for a charter school-in-the-workplace pursuant
511 to s. 1002.33(15)(b).
512 2. Have an annual audit that does not reveal one or more of
513 the financial emergency conditions specified in s. 218.503(1)
514 for the most recent fiscal year for which such audit is
515 available ~~stability for future operation as a charter school~~.
516 3. Have satisfactory student achievement based on state
517 accountability standards applicable to the charter school.
518 4. Have received final approval from its sponsor pursuant
519 to s. 1002.33 for operation during that fiscal year.
520 5. Serve students in facilities that are not provided by
521 the charter school's sponsor.
522 Section 6. This act shall take effect July 1, 2016.

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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 Pre-K - 12

BILL: SB 916

INTRODUCER: Senators Altman and Soto

SUBJECT: Educational Interpreters for Individuals Who are Deaf, Hard of Hearing, or Dual Sensory Impaired

DATE: February 1, 2016 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bailey	Klebacha	ED	**Pre-meeting**
2.			AED	
3.			AP	

I. Summary:

SB 916 classifies educational interpreters as instructional personnel and establishes qualifications for educational interpreters who facilitate communication for students who are deaf, hard of hearing, or dual sensory impaired.

Specifically, the bill:

- Defines educational interpreters in statute;
- Requires the State Board of Education to adopt rules to prescribe qualifications for educational interpreters;
- Stipulates the date of July 1, 2021, and thereafter, for an individual to meet specific qualifications; and
- Requires the Department of Education to provide school districts with technical assistance to implement minimum requirements, continuing education, and skill development for educational interpreters.

The bill takes effect on July 1, 2016.

II. Present Situation:

Definitions of Educational Personnel

Instructional Personnel

In statute, instructional personnel means any K-12 staff member whose function includes the provision of direct instructional services to students and whose function provides direct support

in the learning process of students.[1] Included in the classification of instructional personnel are K-12 personnel who are categorized as other instructional staff or education paraprofessionals.[2]

Other Instructional Staff

Other instructional staff are staff members who are part of the instructional staff, but are not classified in a specific category.[3] Included in this classification are primary specialists, learning resource specialists, instructional trainers, adjunct educators, and similar positions.[4]

Education Paraprofessionals

Education paraprofessionals are individuals who are under the direct supervision of an instructional staff member and aid the instructional process.[5] Included in this classification are classroom paraprofessionals in regular instruction, exceptional education paraprofessionals, career education paraprofessionals, adult education paraprofessionals, library paraprofessionals, physical education paraprofessionals, playground paraprofessionals, and other school-level paraprofessionals.[6]

Educational Interpreter Personnel

Definition

As defined in statute, an "interpreter" is a provider of accessible and effective communication between and among individuals who are deaf or hard of hearing and between and among such individuals and other persons.[7]

According to the Department of Education, school districts define educational interpreters through position descriptions and position requirements and classify educational interpreter personnel under instructional personnel as other instructional staff or educational paraprofessional.[8]

Qualifications

Credentials earned through the Florida Registry of Interpreters for the Deaf, the National Registry of Interpreters for the Deaf, and the Educational Interpreter Performance Assessment indicate an individual has achieved a certain skill level which allows them to effectively facilitate communication between a person who is deaf or hard-of-hearing and a person who is hearing.[9]

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[1] Section 1012.01(2), F.S.
[2] *Id.*
[3] Section 1012.01(2)(d), F.S. Other instructional staff are staff members who are part of the instructional staff but are not classified in one of the categories specified in paragraphs (a)-(c).
[4] *Id.*
[5] Section 1012.01(2)(e), F.S.
[6] *Id.*
[7] Section 413.271, F.S.
[8] Florida Department of Education, *2016 Agency Legislative Bill Analysis for SB 916*.
[9] *Id.*

According to a Department of Education recent survey, there are approximately 310 interpreters employed by Florida school districts and the Florida School for the Deaf and the Blind.[10] Neither Florida law nor State Board of Education rule establish criteria for the qualification of educational interpreters.[11]

Some school districts use the Quality Assurance Screening and the Educational Interpreter Evaluation by the Florida Registry of Interpreters for the Deaf.[12] However, this was discontinued in November 2013.[13] Other school districts use the Ed: K-12 Certification offered by the National Registry of Interpreters for the Deaf.[14]

Additionally, some school districts use the Educational Interpreter Performance Assessment (EIPA) developed by the Boys Town National Research Hospital.[15] As of 2013, 37 states use the EIPA to determine educational interpreter competencies.[16]

Depending on the school district policy for interpreter qualifications, some educational interpreters are not credentialed.[17] Continuing education requirements for educational interpreters is determined by each school district policy.[18] Consequently, the criteria for selecting educational interpreters, as well as any requirements for continuing education, vary by each local school district.[19]

Students who are Deaf, Hard of Hearing, or Dual Sensory Impaired

Deaf or hard of hearing means aided or unaided hearing loss that affects the processing of linguistic information and adversely affects performance in the educational environment.[20] The State Board of Education has established in rule criteria to designate the degree of loss which may range from mild to profound.[21] Hard of hearing, hearing impaired, or having a permanent hearing impairment also includes being dual sensory impaired.[22]

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[10] *Id.*
[11] *Id.*
[12] *Id.* Both the Quality Assurance Screening and the Educational Interpreter evaluation are no longer offered by Florida Registry of Interpreters. *See* University of North Florida, *Interpreter Testing- Certifications and Evaluations*, https://www.unf.edu/interpreterproject/evaluations_and_certifications.aspx (last visited January 30, 2016).
[13] Out of the 37 school districts that responded, 21 indicate that the Quality Assurance Screening and the Educational Interpreter Evaluation is part of their criteria for educational interpreters. Florida Department of Education, *2016 Agency Legislative Bill Analysis for SB 916*.
[14] Out of the 37 school districts that responded, 18 indicate that the Ed: K-12 Certification is part of their criteria for educational interpreters. Florida Department of Education, *2016 Agency Legislative Bill Analysis for SB 916*. *See* Registry of Interpreters for the Deaf, Inc., *Ed: K-12 Certification*, http://rid.org/rid-certification-overview/ed-k-12-certification/ (last visited January 30, 2016).
[15] Classroom Interpreting, *Educational Interpreter Performance Assessment*, http://www.classroominterpreting.org/EIPA/ (last visited January 29, 2016).
[16] Florida Department of Education, *2016 Agency Legislative Bill Analysis for SB 916*.
[17] *Id.*
[18] *Id.*
[19] *Id.*
[20] Section 1002.391(1)(b), F.S.
[21] Rule 6A-6.03013, F.A.C.
[22] Section 427.703(6), F.S.

Dual sensory impaired means having both a permanent hearing impairment and a permanent visual impairment and includes deaf/blindness.[23]

III. Effect of Proposed Changes:

SB 916 classifies educational interpreters as instructional personnel and establishes qualifications for educational interpreters who facilitate communication for students who are deaf, hard of hearing, or dual sensory impaired.

The bill provides for educational interpreters to be defined under instructional personnel, s. 1012.01(2), F.S. In effect, the bill creates a new classification of instructional personnel, entitled educational interpreters rather than current law which allows a school district to classify interpreters as "other instructional staff" or "education paraprofessionals." A change in classification may impact local decisions that differentiate between classifications.[24]

The bill requires the State Board of Education to adopt rules to prescribe qualifications and standards for educational interpreters and specifies a date of July 1, 2021, and thereafter, for compliance. The standards must include interpreter assessments that are comprised of both written and performance assessments. This will likely require school districts to update position descriptions and position requirements with credential information as educational interpreters.[25]

The bill requires the Department of Education to provide technical assistance to school districts to implement the minimum qualifications required and to develop requirements for continuing education and skill development for educational interpreters.

The bill takes effect on July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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[23] Section 427.703(4), F.S.

[24] Florida Department of Education, *2016 Agency Legislative Bill Analysis for SB 916*. Some districts may need to review their salary schedules to meet the fiscal requirements of employing credentialed interpreters, possibly having a financial impact. Districts may have challenges recruiting and maintaining credentialed interpreters. Interpreters employed by school districts may need additional support to obtain professional development in order to maintain licenses. Any teacher also providing interpreter services will need to obtain and maintain interpreting credentials.

[25] At least 9 school districts out of the 37 who self-reported, will need to update position descriptions and requirements. Florida Department of Education, *2016 Agency Legislative Bill Analysis for SB 916*.

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: 1012.01 and 1012.47.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2016	.	
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	.	

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

1 **Senate Amendment (with title amendment)**
2
3 Delete everything after the enacting clause
4 and insert:
5 Section 1. Section 1012.441, Florida Statutes, is created
6 to read:
7 1012.441 Qualifications for educational interpreters.—
8 (1) The State Board of Education shall adopt by rule
9 standards for educational interpreters. An educational
10 interpreter is an individual who facilitates direct instruction

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11 by professionals and directs communication between students who
12 are deaf or hard of hearing and their peers as designated in
13 each student's individual education plan or 504 accommodation
14 plan. The standards must include interpreter assessments,
15 including both written and performance assessments, offered by a
16 national organization of professional sign language interpreters
17 and transliterators.
18 (2) Beginning July 1, 2017, each school district shall:
19 (a) Notify a parent in writing if an individual assigned to
20 provide interpreter services for his or her student, in
21 accordance with the student's individual education plan or 504
22 accommodation plan, does not meet the educational interpreter
23 standards established in state board rule.
24 (b) Report to the Department of Education, for publication
25 on its website, the total number of individuals providing
26 interpreter services in the district and the total number of
27 such individuals who meet the educational interpreter standards
28 established in state board rule.
29 Section 2. This act shall take effect July 1, 2016.
30
31 ========== T I T L E A M E N D M E N T ==========
32 And the title is amended as follows:
33 Delete everything before the enacting clause
34 and insert:
35 A bill to be entitled
36 An act relating to qualifications for educational
37 interpreters; creating s. 1012.441, F.S.; requiring
38 the State Board of Education to adopt standards for
39 educational interpreters; requiring school districts

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40 to notify parents if an individual assigned to provide
41 interpreter services for their student does not meet
42 such standards; requiring school districts to report
43 to the Department of Education, for publication on its
44 website, certain information regarding individuals
45 providing interpreter services; providing an effective
46 date.

By Senator Altman

16-00625B-16 2016916__

A bill to be entitled

An act relating to educational interpreters for individuals who are deaf, hard of hearing, or dual sensory impaired; amending s. 1012.01, F.S.; defining the term "educational interpreters" for inclusion in the classification of instructional personnel; creating s. 1012.47, F.S.; requiring the State Board of Education to adopt rules; providing qualifications for persons functioning as educational interpreters which must be met by a specified date; providing duties of the Department of Education; providing an effective date.

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

Section 1. Paragraph (f) is added to subsection (2) of section 1012.01, Florida Statutes, to read:

1012.01 Definitions.—As used in this chapter, the following terms have the following meanings:

(2) INSTRUCTIONAL PERSONNEL.—"Instructional personnel" means any K-12 staff member whose function includes the provision of direct instructional services to students. Instructional personnel also includes K-12 personnel whose functions provide direct support in the learning process of students. Included in the classification of instructional personnel are the following K-12 personnel:

(f) *Educational interpreters.*—Educational interpreters are individuals who are school personnel or contracted personnel whose function is to facilitate communication between students

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

16-00625B-16 2016916__

who are deaf, hard of hearing, or dual sensory impaired and all other participants in the academic classroom, other education-related activities, and extracurricular activities, as designated in a student's individual education plan or 504 accommodation plan.

Section 2. Section 1012.47, Florida Statutes, is created to read:

1012.47 Qualifications for persons functioning as educational interpreters.—

(1) The State Board of Education shall adopt rules to prescribe qualifications for educational interpreters, as defined in s. 1012.01(2)(f), pursuant to the minimum qualifications required under this section.

(2) By July 1, 2021, and thereafter, an individual who functions as an educational interpreter shall have:

(a) Passed the Educational Interpreter Performance Assessment written test and received a minimum score of 4.0 on the Educational Interpreter Performance Assessment performance test.

(b) As an alternative to paragraph (a), received the Ed:K-12 certification from the Registry of Interpreters for the Deaf, Inc.

(c) If providing Cued language transliteration, passed the Educational Interpreter Performance Assessment written test and received a minimum score of 4.0 on the Educational Interpreter Performance Assessment-Cued Speech.

(3) The department shall provide technical assistance to school districts to implement the minimum qualifications required under this section and shall develop requirements for

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

59 continuing education and skill development for educational
60 interpreters.
61 Section 3. This act shall take effect July 1, 2016.

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

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SJR 976

INTRODUCER: Senator Stargel

SUBJECT: Charter Schools

DATE: February 1, 2016 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	**Pre-meeting**
2.			AED	
3.			RC	

I. Summary:

SJR 976 substantially amends Article IX, of the Florida Constitution, to require the State Board of Education to direct the Department of Education to establish a statewide system for the approval of charter schools within Florida, as provided by law.

The joint resolution, if passed by 3/5ths vote of each House of the Legislature, will be voted on at the general election in November 2016. The joint resolution, by its express terms, would apply upon approval of the voters – at least 60% of those voting on the measure.

II. Present Situation:

The Florida Constitution provides that the school board shall operate, control and supervise all free public schools within the school district.[1] As part of the state's program of public education, the Legislature created public schools called charter schools.[2]

The terms and conditions for the operation of the school are set forth in a performance contract or "charter."[3] The charter must be signed by the governing board of the charter school and the sponsor.[4]

District school boards and universities are authorized to sponsor charter schools.[5] A district school board may sponsor a charter school in the county over which the district school board has

[1] Art. IX, s. 1, Fla. Const.
[2] Section 1002.33(1), F.S.
[3] Section 1002.33(6)(h), F.S.
[4] Section 1002.33(7), F.S.
[5] Section 1002.33(5)(a), F.S.

jurisdiction.[6] A state university may grant a charter to a lab school, and shall be considered the school's sponsor.[7]

Charter schools are exempt from many laws and regulations applicable to traditional public schools to encourage the use of innovative learning methods.[8] One of the guiding principles of charter schools is to "meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system."[9]

III. Effect of Proposed Changes:

SJR 976 substantially amends Article IX, of the Florida Constitution, to require the State Board of Education to direct the Department of Education to establish a statewide system for the approval of charter schools within Florida, as provided by 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:

Not determined.

C. Government Sector Impact:

Each constitutional amendment is required to be published in a newspaper of general circulation in each county, once in the sixth week and once in the tenth week preceding the general election. Costs for advertising vary depending on the length of the amendment.

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[6] *Id.*
[7] *Id.* Such school shall be considered a charter lab school. *Id.*
[8] Section 1002.33(2)(b)3, and (16), F.S.
[9] Section 1002.33(2)(a)1, F.S.

VI. Technical Deficiencies:

The resolution does not specify the entity that would sponsor, and thus ultimately enter into a contract with, charter schools approved pursuant to the statewide system.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends Article IX of the Florida Constitution.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Stargel

15-00873-16 2016976__

Senate Joint Resolution

A joint resolution proposing the creation of a new section in Article IX of the State Constitution to require the State Board of Education to direct the Department of Education to establish a statewide system for the approval of charter schools within the state.

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

That the following creation of a new section in Article IX of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE IX

EDUCATION

Charter schools.—The state board of education shall direct the Department of Education to establish a statewide system for the approval of charter schools within the state as provided by law.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE IX

CHARTER SCHOOLS.—Proposing an amendment to the State Constitution to require the State Board of Education to direct the Department of Education to establish a statewide system for the approval of charter schools within the state.

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

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1062

INTRODUCER: Senator Stargel

SUBJECT: Educational Choice

DATE: February 1, 2016 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	**Pre-meeting**
2.			AED	
3.			AP	

I. Summary:

SB 1062 removes from law the prior school year attendance requirements for eligibility to participate in the John M. McKay Scholarships for Students with Disabilities Program (McKay) and K-12 virtual instruction.

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

II. Present Situation:

McKay Scholarship For Students With Disabilities Program

The John M. McKay Scholarship Program For Students With Disabilities Program (McKay) provides the option to attend an eligible public or private school for students with disabilities that have an individual education plan (IEP) or an accommodation plan that has been issued under s. 504 of the Rehabilitation Act of 1973 (504 accommodation plan).[1]

Students with disabilities include K-12 students who are documented as having an intellectual disability; a speech impairment; a language impairment; a hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic impairment; and other health impairments; an emotional or behavioral disability; a specific learning disability, including but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay; or autism spectrum disorder.[2]

[1] Section 1002.39(1), F.S.
[2] Section 1002.39(1), F.S.

Student Eligibility

The parent of a student with a disability may request and receive a McKay scholarship for the child to enroll in and attend a private school if the student has: [3]

- Received specialized instructional services under the Voluntary Prekindergarten Education Program[4] during the previous school year and has a current IEP or 504 accommodation plan; or
- Spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind. For purposes of scholarship eligibility, the term "prior school year in attendance" means the student was enrolled and reported by: [5]
    - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through grade 12, which includes time spent in a Department of Juvenile Justice commitment program if funded under the FEFP;
    - The Florida School for the Deaf and the Blind during the preceding October and February student membership surveys in kindergarten through grade 12; or
    - A school district for funding during the preceding October and February FEFP surveys and the student was at least 4 years old when enrolled and reported and eligible for services under the school attendance requirements for prekindergarten aged children with disabilities.

The legislature has authorized one exception to these prior school year attendance requirements. A dependent child of a member of the United States Armed Forces who transfers to a Florida school from out of state or from a foreign country due to a parent's permanent change of station orders is exempt from the prior school year attendance requirements, but must meet all other eligibility requirements to participate in the McKay Scholarship Program.[6]

The parent must have also obtained acceptance for the student's admission to a private school that is eligible for the program, and the student's parent has requested a McKay scholarship from the Department of Education (DOE) at least 60 days before the date of the first scholarship payment.

K-12 Virtual Instruction

Florida offers more virtual options for their students than any other state.[7] Florida students at all grade levels have both full-time (virtual school) and part-time (virtual course) options.[8] The

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[3] Section 1002.39(2), F.S.

[4] In 2010, the Legislature established a specialized instructional services program for children with disabilities as an option under the Voluntary Prekindergarten Education (VPK) Program. Beginning with the 2012-13 academic year, a child who has a disability is eligible for specialized instructional services if the child is eligible for the VPK Program and has a current IEP developed by the district school board. Section 1002.66, F.S.; see also s. 1002.53, F.S.

[5] Section 1002.39(2)(a)2., F.S. Although not required to attend a public school, children with disabilities who have attained the age of 3 years are eligible for admission to public special education programs and related services. Section 1003.21(1)(e), F.S.

[6] Section 1002.39(2)(a), F.S. (flush left provision at the end of the paragraph).

[7] Florida Department of Education, *Information on Virtual School Choice Options for Florida Students* (2015) *available at* http://www.fldoe.org/core/fileparse.php/7509/urlt/school-choice-memo-virtual-school.pdf.

[8] *Id.*

options include virtual schools and courses offered by the Florida Virtual School (FLVS), and by all 67 school districts.[9] Schools may offer their own virtual schools or enter into agreements with other school districts, a DOE approved private provider or virtual charter schools to provide virtual options for their students.[10]

Student Eligibility

A student is eligible to participate in virtual instruction if the student:[11]

- Spent the prior school year in attendance at a public school in the state and was enrolled and reported by the school district for funding during October and February for purposes of the Florida Education Finance Program surveys;
- Is a dependent child of a member of the United Stated Armed Forces who transferred within the last 12 months to this state from another state or from a foreign country pursuant to a permanent change of station order;
- Was enrolled during the prior school year in a virtual instruction program or a full-time Florida Virtual School program;
- 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;
- Is eligible to enter kindergarten or first grade; or
- Is eligible to enter grades 2-5 and is enrolled full-time in a school district virtual instruction program, virtual charter school, or the Florida Virtual School.

These student eligibility requirements specifically apply to virtual instruction provided through charter schools,[12] the Florida Virtual School,[13] virtual instruction programs provided by the school district or by a virtual charter school,[14] and school district virtual courses.[15]

III. Effect of Proposed Changes:

SB 1062 removes from law the prior school year attendance requirements for eligibility to participate in the John M. McKay Scholarships for Students with Disabilities Program (McKay) and K-12 virtual instruction.

McKay Student Eligibility – Prior School Year Attendance

The bill removes from law the prior school year attendance requirements for a student to be eligible for the McKay Scholarship Program. In effect, to be eligible for McKay, a student would need to have a specified disability, an IEP or 504 accommodations plan, and be accepted into a private school that participates in the McKay program.

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[9] *Id.*
[10] *Id.*
[11] Section 1002.455(2), F.S.
[12] Section 1002.33(1), F.S.
[13] Section 1002.37(8)(a), F.S.
[14] Section 1002.45(5), F.S. The virtual charter school must be operated in the district in which the student resides. *Id.*
[15] Section 1003.498(2), F.S.

K-12 Virtual Instruction – Prior School Year Attendance

Similarly, the bill removes from law the prior school year attendance requirements to be eligible for virtual instruction. In effect, to be eligible for virtual instruction, a student would need to be eligible to enter kindergarten through grade 12.

Elimination of the prior year enrollment requirement will likely result in increased participation in the McKay scholarship program and virtual instruction opportunities.

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

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:

Not determined.

C. Government Sector Impact:

Not determined.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.39, 1002.455.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Stargel

15-01435B-16 20161062__

A bill to be entitled

An act relating to educational choice; amending s. 1002.39, F.S.; deleting a requirement that a student has to spend the prior school year in attendance at certain schools in order to receive a John M. McKay Scholarship; conforming provisions to changes made by the act; amending s. 1002.455, F.S.; revising eligibility criteria for a student to participate in virtual instruction; authorizing a student to participate in the program if eligible to enter kindergarten through grade 12; providing an effective date.

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

Section 1. Subsections (1) and (2) and paragraphs (a), (c), and (d) of subsection (10) of section 1002.39, Florida Statutes, are amended to read:

1002.39 The John M. McKay Scholarships for Students with Disabilities Program.—There is established a program that is separate and distinct from the Opportunity Scholarship Program and is named the John M. McKay Scholarships for Students with Disabilities Program.

(1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH DISABILITIES PROGRAM.—The John M. McKay Scholarships for Students with Disabilities Program is established to provide the option to attend a public school other than the one to which assigned, or to provide a scholarship to a private school of choice, for students with disabilities ~~for whom:~~

~~(a) An individual educational plan has been written in accordance with rules of the State Board of Education; or~~

~~(b) A 504 accommodation plan has been issued under s. 504~~

15-01435B-16 20161062__

~~of the Rehabilitation Act of 1973~~.

Students with disabilities include K-12 students who are documented as having an intellectual disability; a speech impairment; a language impairment; a hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic impairment; an other health impairment; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay; or autism spectrum disorder.

(2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a student with a disability may request and receive from the state a John M. McKay Scholarship for the child to enroll in and attend a private school in accordance with this section if:

(a) An individual educational plan has been written by a school district for the child in accordance with the rules of the State Board of Education or a 504 accommodation plan has been issued for the child under s. 504 of the Rehabilitation Act of 1973; and ~~The student has:~~

~~1. received specialized instructional services under the Voluntary Prekindergarten Education Program pursuant to s. 1002.66 during the previous school year and the student has a current individual educational plan developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued under s. 504 of the Rehabilitation Act of 1973; or~~

62 ~~2. Spent the prior school year in attendance at a Florida~~
63 ~~public school or the Florida School for the Deaf and the Blind.~~
64 ~~For purposes of this subparagraph, prior school year in~~
65 ~~attendance means that the student was enrolled and reported by:~~
66 ~~a. A school district for funding during the preceding~~
67 ~~October and February Florida Education Finance Program surveys~~
68 ~~in kindergarten through grade 12, which includes time spent in a~~
69 ~~Department of Juvenile Justice commitment program if funded~~
70 ~~under the Florida Education Finance Program;~~
71 ~~b. The Florida School for the Deaf and the Blind during the~~
72 ~~preceding October and February student membership surveys in~~
73 ~~kindergarten through grade 12; or~~
74 ~~c. A school district for funding during the preceding~~
75 ~~October and February Florida Education Finance Program surveys,~~
76 ~~was at least 4 years of age when so enrolled and reported, and~~
77 ~~was eligible for services under s. 1003.21(1)(c). However, a~~
78 ~~dependent child of a member of the United States Armed Forces~~
79 ~~who transfers to a school in this state from out of state or~~
80 ~~from a foreign country due to a parent's permanent change of~~
81 ~~station orders is exempt from this paragraph but must meet all~~
82 ~~other eligibility requirements to participate in the program.~~
83 (b) For a child that enrolls in a private school that is
84 eligible for the program under subsection (8), the parent has
85 obtained acceptance for admission of the child to the school
86 ~~student to a private school that is eligible for the program~~
87 ~~under subsection (8)~~ and has requested from the department a
88 scholarship at least 60 days before the date of the first
89 scholarship payment. The request must be communicated directly
90 to the department in a manner that creates a written or

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91 electronic record of the request and the date of receipt of the
92 request. The department must notify the district of the parent's
93 intent upon receipt of the parent's request.
94 (10) JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.—
95 (a)1. The maximum scholarship granted for an eligible
96 student with disabilities shall be equivalent to the base
97 student allocation in the Florida Education Finance Program
98 multiplied by the appropriate cost factor for the educational
99 program that would have been provided for the student in the
100 district school to which he or she was assigned, multiplied by
101 the district cost differential.
102 2. In addition, a share of the guaranteed allocation for
103 exceptional students shall be determined and added to the amount
104 in subparagraph 1. The calculation shall be based on the
105 methodology and the data used to calculate the guaranteed
106 allocation for exceptional students for each district in chapter
107 2000-166, Laws of Florida. Except as provided in subparagraph 3.
108 ~~subparagraphs 3. and 4.~~, the calculation shall be based on the
109 student's grade, matrix level of services, and the difference
110 between the 2000-2001 basic program and the appropriate level of
111 services cost factor, multiplied by the 2000-2001 base student
112 allocation and the 2000-2001 district cost differential for the
113 sending district. The calculated amount shall include the per-
114 student share of supplemental academic instruction funds,
115 instructional materials funds, technology funds, and other
116 categorical funds as provided in the General Appropriations Act.
117 ~~3. The scholarship amount for a student who is eligible~~
118 ~~under sub-subparagraph (2)(a)2.b. shall be calculated as~~
119 ~~provided in subparagraphs 1. and 2. However, the calculation~~

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120 ~~shall be based on the school district in which the parent~~
121 ~~resides at the time of the scholarship request.~~
122 3.~~4.~~ Until the school district completes the matrix
123 required by paragraph (5)(b), the calculation shall be based on
124 the matrix that assigns the student to support Level I of
125 service as it existed before ~~prior to~~ the 2000-2001 school year.
126 When the school district completes the matrix, the amount of the
127 payment shall be adjusted as needed.
128 4.~~5.~~ The scholarship amount for a student eligible under s.
129 504 of the Rehabilitation Act of 1973 shall be based on the
130 program cost factor the student currently generates through the
131 Florida Education Finance Program.
132 (c)~~1.~~ The school district shall report all students who are
133 attending a private school under this program. The students with
134 disabilities attending private schools on John M. McKay
135 Scholarships shall be reported separately from other students
136 reported for purposes of the Florida Education Finance Program.
137 ~~2. For program participants who are eligible under sub-~~
138 ~~subparagraph (2)(a)2.b., the school district that is used as the~~
139 ~~basis for the calculation of the scholarship amount as provided~~
140 ~~in subparagraph (a)3. shall:~~
141 ~~a. Report to the department all such students who are~~
142 ~~attending a private school under this program.~~
143 ~~b. Be held harmless for such students from the weighted~~
144 ~~enrollment ceiling for group 2 programs in s. 1011.62(1)(d)3.b.~~
145 ~~during the first school year in which the students are reported.~~
146 (d) Following notification on July 1, September 1, December
147 1, or February 1 of the number of program participants, the
148 department shall transfer, from General Revenue funds only, the

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

149 amount calculated under paragraph (b) from the school district's
150 total funding entitlement under the Florida Education Finance
151 Program and from authorized categorical accounts to a separate
152 account for the scholarship program for quarterly disbursement
153 to the parents of participating students. ~~Funds may not be~~
154 ~~transferred from any funding provided to the Florida School for~~
155 ~~the Deaf and the Blind for program participants who are eligible~~
156 ~~under sub-subparagraph (2)(a)2.b.~~ For a student exiting a
157 Department of Juvenile Justice commitment program who chooses to
158 participate in the scholarship program, the amount of the John
159 M. McKay Scholarship calculated pursuant to paragraph (b) shall
160 be transferred from the school district in which the student
161 last attended a public school before commitment to the
162 Department of Juvenile Justice. When a student enters the
163 scholarship program, the department must receive all
164 documentation required for the student's participation,
165 including the private school's and the student's fee schedules,
166 at least 30 days before the first quarterly scholarship payment
167 is made for the student.
168 Section 2. Subsection (2) of section 1002.455, Florida
169 Statutes, is amended to read:
170 1002.455 Student eligibility for K-12 virtual instruction.—
171 (2) A student is eligible to participate in virtual
172 instruction if:
173 ~~(a) The student spent the prior school year in attendance~~
174 ~~at a public school in the state and was enrolled and reported by~~
175 ~~the school district for funding during October and February for~~
176 ~~purposes of the Florida Education Finance Program surveys;~~
177 (a)~~(b)~~ The student is a dependent child of a member of the

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178 United States Armed Forces who was transferred within the last
179 12 months to this state from another state or from a foreign
180 country pursuant to a permanent change of station order;
181 (b) ~~(c)~~ The student was enrolled during the prior school
182 year in a virtual instruction program under s. 1002.45 or a
183 full-time Florida Virtual School program under s. 1002.37(8)(a);
184 (c) ~~(d)~~ The student has a sibling who is currently enrolled
185 in a virtual instruction program and the sibling was enrolled in
186 that program at the end of the prior school year; or
187 (d) ~~(e)~~ The student is eligible to enter kindergarten
188 through grade 12. ~~or first grade; or~~
189 ~~(f) The student is eligible to enter grades 2 through 5 and~~
190 ~~is enrolled full time in a school district virtual instruction~~
191 ~~program, virtual charter school, or the Florida Virtual School.~~
192 Section 3. This act shall take effect July 1, 2016.

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

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1076

INTRODUCER: Senator Legg

SUBJECT: Education

DATE: February 1, 2016 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	**Pre-meeting**
2.			AED	
3.			AP	

I. Summary:

SB 1076 expands student access to advanced-level instruction and examinations that students may take to generate high school credit through a performance-based approach. Specifically, the bill:

- Prohibits district school boards from limiting the number of public school students who may enroll in the collegiate high school program; and
- Expands the Credit Acceleration Program mechanism for earning high school credit to include Advanced Placement examinations that students may take to fulfill the requirements for earning a standard high school diploma and a scholar or merit designation on the diploma.

The bill takes effect July 1, 2016.

II. Present Situation:

Over the years, the Legislature has enacted laws to ensure that all students have access to high quality education and are prepared for success in college and career.

Collegiate High School Program

The collegiate high school program was established in 2014,[1] providing a pathway for high school students to earn a full year of college credit while enrolled in high school. The law requires each district school board and its local Florida College System (FCS) institution to establish one or more collegiate high school programs at a mutually agreed upon location or locations.[2] A collegiate high school program must, at a minimum, include an option for public school students in grade 11 or grade 12, for at least one full year, to earn CAPE industry

[1] Section 10, ch. 2014-184, L.O.F., *codified at* s. 1007.273, F.S.
[2] Section 1007.273(3), F.S.

certifications and successfully complete 30 credit hours through dual enrollment toward the first year of college (for an associate degree or a baccalaureate degree) while enrolled in the program.[3]

Credit Acceleration Program

In 2010, the Florida Legislature established the Credit Acceleration Program (CAP) to allow a student to earn high school credit in Algebra I, Algebra II, geometry, United States history, or Biology if the student attains a passing score on the corresponding statewide, standardized assessment without enrolling in or completing the course.[4]

Standard High School Diploma Designations

A student may earn a scholar designation[5] or a merit designation[6] on the standard high school diploma if the student meets specified conditions in addition to fulfilling the requirements to earn the diploma.[7]

Scholar Designation

A student must satisfy the following requirements:[8]

- Mathematics – earn one credit in Algebra II and one credit in statistics or equally rigorous course. Beginning with students entering grade 9 in 2014-2015 school year, pass the Algebra II and geometry statewide, standardized assessments.
- Science – pass the statewide, standardized Biology I end-of-course (EOC) assessment and earn one credit in chemistry or physics and one credit in a course equally rigorous to chemistry or physics. A student enrolled in the Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) Biology course who takes the respective AP, IB, or AICE assessment and earns the minimum score to generate college credit, in accordance with the law, is not required to take the Biology I EOC assessment.
- Social Studies – pass the statewide, standardized United States History EOC assessment. A student enrolled in the AP, IB, or AICE United States History topics who takes the respective AP, IB, or AICE assessment and earns the minimum score to generate college credit, in accordance with the law, is not required to take the United States History EOC assessment.
- Foreign language – earns two credits in the same foreign language.
- Electives – earn at least one credit in AP, IB, AICE, or dual enrollment course.

Merit Designation

A student must attain one or more industry certifications.[9]

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[3] Section 1007.273(2)-(3), F.S.
[4] Section 5, ch. 2010-22, L.O.F., *codified at* s. 1003.4295(3), F.S.
[5] Section 1003.4285(1)(a), F.S.
[6] Section 1003.4285(b), F.S.
[7] Section 1003.4282, F.S.
[8] Section 1003.4285(1)(a), F.S.
[9] Section 1003.4285(1)(b), F.S.

III. Effect of Proposed Changes:

SB 1076 expands student access to advanced-level instruction and modifies students' ability to generate high school credit through a performance-based approach.

Collegiate High School Program

The bill prohibits district school boards from limiting the number of public school students who may enroll in the collegiate high school program. This provision will likely expand opportunities for students to participate in advanced-level courses through dual enrollment, which will help students generate both high school and college credit concurrently. Additionally, students who enroll in the collegiate high school program will be able to access coursework associated with industry-approved industry certifications, which may generate also college credits. College credits earned before graduation from high school could result in tuition and fee savings for such students.

Credit Acceleration Program

The bill also expands the Credit Acceleration Program (CAP) mechanism for earning high school credit to include Advanced Placement examinations that students may take to fulfill the requirements for earning a standard high school diploma and a scholar or merit designation on the diploma. Specifically, the bill allows students to earn high school credit in Algebra I, Algebra II, geometry, United States history, or a course required to earn a scholar or merit designation if such students attain a passing score on the corresponding statewide, standardized assessment or Advanced Placement (AP) examination, without enrolling in or completing the course associated with that assessment or examination. Currently, under the CAP, the competency-based mechanism for earning high school credit is limited to students passing specified statewide, standardized assessments.[10]

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

[10] Section 1003.4295(3), F.S.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1003.4295 and 1007.273.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2016	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 1007.273, Florida Statutes, is amended to read:

1007.273 Structured high school acceleration programs ~~Collegiate high school program~~.—

~~(1)~~ Each Florida College System institution shall work with each district school board in its designated service area to

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11 establish one or more structured high school acceleration
12 programs including, but not limited to, collegiate high school
13 programs.
14 (1) PURPOSE. ~~(2)~~ At a minimum, structured ~~collegiate~~ high
15 school acceleration programs must include an option for public
16 school students in grade 11 or grade 12 participating in the
17 program, for at least 1 full school year, to earn CAPE industry
18 certifications pursuant to s. 1008.44 and to successfully
19 complete 30 credit hours toward general education core
20 curriculum or common prerequisite course requirements pursuant
21 to s. 1007.25 through the dual enrollment program under s.
22 1007.271, a mechanism pursuant to s. 1007.27, or a CAPE industry
23 certification pursuant to s. 1008.44 toward the first year of
24 college for an associate degree or baccalaureate degree while
25 enrolled in the program. A district school board may not limit
26 the number of public school students who may enroll in such
27 programs.
28 (2) REQUIRED PROGRAM CONTRACTS. ~~(3)~~ Each district school
29 board and its local Florida College System institution shall
30 execute a contract to establish one or more structured
31 ~~collegiate~~ high school acceleration programs at a mutually
32 agreed upon location or locations. ~~Beginning with the 2015-2016~~
33 ~~school year,~~ If the institution does not establish a program
34 with a district school board in its designated service area,
35 another Florida College System institution may execute a
36 contract with that district school board to establish the
37 program. Beginning with the 2016-2017 school year, the contract
38 must be executed by January 1 of each school year for
39 implementation of the program during the next school year. The

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40 contract must:
41 (a) Identify the grade levels to be included in the
42 ~~collegiate high school~~ program ~~which must, at a minimum, include~~
43 ~~grade 12~~.
44 (b) Describe the ~~collegiate high school~~ program, including
45 the delineation of courses that must, at a minimum, include
46 general education core curriculum or common prerequisite course
47 requirements pursuant to s. 1007.25 and industry certifications
48 offered, including online course availability; the high school
49 and college credits earned for each postsecondary course
50 completed and industry certification earned; student eligibility
51 criteria; and the enrollment process and relevant deadlines.
52 (c) Describe the methods, medium, and process by which
53 students and their parents are annually informed about the
54 availability of the ~~collegiate high school~~ program, the return
55 on investment associated with participation in the program, and
56 the information described in paragraphs (a) and (b).
57 (d) Identify the delivery methods for instruction and the
58 instructors for all courses.
59 (e) Identify student advising services and progress
60 monitoring mechanisms.
61 (f) Establish a program review and reporting mechanism
62 regarding student performance outcomes.
63 (g) Describe the terms of funding arrangements to implement
64 the ~~collegiate high school~~ program pursuant to paragraph (5)(a).
65 (3) STUDENT PERFORMANCE CONTRACT AND NOTIFICATION.—
66 (a) ~~(4)~~ Each student participating in a structured
67 ~~collegiate~~ high school acceleration program must enter into a
68 student performance contract which must be signed by the

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69 student, the parent, and a representative of the school district
70 and the applicable Florida College System institution, state
71 university, or other institution participating pursuant to
72 subsection (4) ~~(5)~~. The performance contract must, at a minimum,
73 include the schedule of courses, by semester, and industry
74 certifications to be taken by the student, student attendance
75 requirements, and course grade requirements.
76 (b) By September 1 of each school year, each district
77 school board must notify each student enrolled in grades 9, 10,
78 11, and 12 in a public school within the school district about
79 the structured high school acceleration program including, but
80 not limited to:
81 1. The method for earning college credit through
82 participation in the program. Such methods must include an
83 Internet website link to the dual enrollment course equivalency
84 list approved by the Department of Education and the credit-by-
85 examination equivalency list adopted by the State Board of
86 Education in rule.
87 2. The estimated cost savings to students and their
88 families resulting from students successfully completing 30
89 credit hours toward general education core or common
90 prerequisite course requirements and earning industry
91 certifications before graduating from high school versus the
92 cost of earning such credit hours and industry certifications
93 after graduating from high school.
94 (4) AUTHORIZED PROGRAM CONTRACTS. ~~(5)~~ In addition to
95 executing a contract with the local Florida College System
96 institution under this section, a district school board may
97 execute a contract to establish a structured ~~collegiate~~ high

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98 school acceleration program with a state university or an
99 institution that is eligible to participate in the William L.
100 Boyd, IV, Florida Resident Access Grant Program, that is a
101 nonprofit independent college or university located and
102 chartered in this state, and that is accredited by the
103 Commission on Colleges of the Southern Association of Colleges
104 and Schools to grant baccalaureate degrees. Such university or
105 institution must meet the requirements specified under
106 subsections (2) ~~(3)~~ and (3) ~~(4)~~. A charter school may execute a
107 contract directly with the local Florida College System
108 institution or another institution as authorized under this
109 section to establish a structured high school acceleration
110 program at a mutually agreed upon location.
111 (5) FUNDING.—
112 (a) ~~(6)~~ The structured ~~collegiate~~ high school acceleration
113 program shall be funded pursuant to ss. 1007.271 and 1011.62.
114 The State Board of Education shall enforce compliance with this
115 section by withholding the transfer of funds for the school
116 districts and the Florida College System institutions in
117 accordance with s. 1008.32.
118 (b) A student who enrolls in the structured high school
119 acceleration program and successfully completes 30 credit hours
120 toward general education core curriculum or common prerequisite
121 course requirements pursuant to s. 1007.25, and attains one or
122 more industry certifications generates a 0.5 full-time
123 equivalent (FTE) bonus. A student who enrolls in the structured
124 high school acceleration program and successfully completes 60
125 credit hours toward an associate in arts or an associate in
126 science degree, and attains one or more industry certifications

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127 before graduating from high school, generates an additional 0.5
128 FTE bonus. Each district school board that is a contractual
129 partner with a Florida College System institution shall report
130 to the commissioner the total FTE bonus for each structured high
131 school acceleration program for the students from that district
132 school board. The total FTE bonus shall be added to each school
133 district's total weighted FTE for funding in the subsequent
134 fiscal year.
135 (6) COMPLIANCE REQUIREMENTS.—If a district school board
136 does not execute a contract with its local Florida College
137 System institution to establish one or more structured high
138 school acceleration programs pursuant to this section or if a
139 school district does not enroll at least 2 percent of its public
140 school students in grades 11 and 12 in the district's structured
141 high school acceleration program, the school district is not
142 eligible to:
143 (a) Qualify for the academically high-performing school
144 district designation pursuant to s. 1003.621.
145 (b) Have the calculation for compliance with maximum class
146 size pursuant to s. 1003.03 for any school in the district be
147 the average at the school level, notwithstanding any provision
148 to the contrary, which includes but is not limited to s. 1002.31
149 and s. 1002.451.
150 (7) REPORTING REQUIREMENTS.—
151 (a) By September 1 of each school year, each district
152 school superintendent must report to the commissioner, at a
153 minimum, the following information for the prior school year:
154 1. Number of students in public schools within the school
155 district who enrolled in the structured high school acceleration

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156 program, and the partnering postsecondary institutions pursuant
157 to subsections (2) and (4).
158 2. Average number of courses completed and the number of
159 industry certifications attained by the students who enrolled in
160 the structured high school acceleration program.
161 3. Projected student enrollment in the structured high
162 school acceleration program within the next school year.
163 4. Barriers to executing contracts to establish one of more
164 structured high school acceleration programs.
165 (b) By November 30 of each school year, the commissioner
166 must report to the Governor, President of the Senate, and
167 Speaker of the House of Representatives the status of structured
168 high school acceleration programs including, at a minimum, a
169 summary of student enrollment and completion information
170 pursuant to this subsection; barriers, if any, to establishing
171 such programs; and recommendations for expanding access to such
172 programs statewide.
173 Section 2. Subsection (3) of section 1003.4295, Florida
174 Statutes, is amended to read:
175 1003.4295 Acceleration options.—
176 (3) The Credit Acceleration Program (CAP) is created for
177 the purpose of allowing a student to earn high school credit in
178 Algebra I, Algebra II, geometry, United States history, ~~or~~
179 biology, or a course under s. 1003.4285 if the student passes
180 the corresponding statewide, standardized assessment
181 administered under s. 1008.22 or Advanced Placement Examination.
182 Notwithstanding s. 1003.436, a school district shall award
183 course credit to a student who is not enrolled in the course, or
184 who has not completed the course, if the student attains a

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185 passing score on the corresponding statewide, standardized
186 assessment or Advanced Placement Examination. The school
187 district shall permit a student who is not enrolled in the
188 course, or who has not completed the course, to take the
189 assessment or examination during the regular administration of
190 the assessment or examination.
191 Section 3. Paragraph (a) of subsection (1) of section
192 1003.621, Florida Statutes, is amended to read:
193 1003.621 Academically high-performing school districts.—It
194 is the intent of the Legislature to recognize and reward school
195 districts that demonstrate the ability to consistently maintain
196 or improve their high-performing status. The purpose of this
197 section is to provide high-performing school districts with
198 flexibility in meeting the specific requirements in statute and
199 rules of the State Board of Education.
200 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.—
201 (a) A school district is an academically high-performing
202 school district if it meets the following criteria:
203 1.a. Earns a grade of "A" under s. 1008.34 for 2
204 consecutive years; and
205 b. Has no district-operated school that earns a grade of
206 "F" under s. 1008.34;
207 2. Complies with all class size requirements in s. 1, Art.
208 IX of the State Constitution and s. 1003.03; and
209 3. Has no material weaknesses or instances of material
210 noncompliance noted in the annual financial audit conducted
211 pursuant to s. 11.45 or s. 218.39.
212 4. Has executed a contract with its local Florida College
213 System institution to establish one or more structured high

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214 school acceleration programs at a mutually agreed upon location
215 or locations pursuant to s. 1007.273.
216
217 However, a district in which a district-operated school earns a
218 grade of "F" under s. 1008.34 during the 3-year period may not
219 continue to be designated as an academically high-performing
220 school district during the remainder of that 3-year period. The
221 district must meet the criteria in paragraph (a) in order to be
222 redesignated as an academically high-performing school district.
223 Section 4. This act shall take effect July 1, 2016.
224
225 ========== T I T L E A M E N D M E N T ==========
226 And the title is amended as follows:
227 Delete everything before the enacting clause
228 and insert:
229 A bill to be entitled
230 An act relating to education; amending s. 1007.273,
231 F.S.; providing additional options for students
232 participating in a structured high school acceleration
233 program; prohibiting a district school board from
234 limiting the number of public school students who may
235 enroll in a structured high school acceleration
236 program; revising requirements relating to contracts
237 establishing structured high school acceleration
238 programs; requiring each district school board to
239 notify students in certain grades about the program;
240 revising provisions relating to program funding;
241 providing compliance and reporting requirements;
242 amending s. 1003.4295, F.S.; revising the purpose of

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243 the Credit Acceleration Program; requiring students to
244 earn passing scores on specified assessments or
245 examinations to earn course credit; amending s.
246 1003.621, F.S.; requiring an academically high-
247 performing school district to execute a contract to
248 establish a structured high school acceleration
249 program; providing an effective date.

By Senator Legg

17-01002A-16 20161076__

A bill to be entitled

An act relating to education; amending s. 1007.273, F.S.; prohibiting a district school board from limiting the number of public school students who may enroll in a collegiate high school program; amending s. 1003.4295, F.S.; revising the purpose of the Credit Acceleration Program; requiring students to earn passing scores on specified assessments or examinations to earn course credit; providing an effective date.

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

Section 1. Subsection (2) of section 1007.273, Florida Statutes, is amended to read:

1007.273 Collegiate high school program.—

(2) At a minimum, collegiate high school programs must include an option for public school students in grade 11 or grade 12 participating in the program, for at least 1 full school year, to earn CAPE industry certifications pursuant to s. 1008.44 and to successfully complete 30 credit hours through the dual enrollment program under s. 1007.271 toward the first year of college for an associate degree or baccalaureate degree while enrolled in the program. A district school board may not limit the number of public school students who may enroll in the collegiate high school program.

Section 2. Subsection (3) of section 1003.4295, Florida Statutes, is amended to read:

1003.4295 Acceleration options.—

(3) The Credit Acceleration Program (CAP) is created for the purpose of allowing a student to earn high school credit in Algebra I, Algebra II, geometry, United States history, ~~or~~

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

17-01002A-16 20161076__

biology, or a course required under s. 1003.4285 if the student passes the corresponding statewide, standardized assessment administered under s. 1008.22 or Advanced Placement Examination. Notwithstanding s. 1003.436, a school district shall award course credit to a student who is not enrolled in the course, or who has not completed the course, if the student attains a passing score on the corresponding statewide, standardized assessment or Advanced Placement Examination. The school district shall permit a student who is not enrolled in the course, or who has not completed the course, to take the assessment or examination during the regular administration of the assessment or examination.

Section 3. This act shall take effect July 1, 2016.

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

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1126

INTRODUCER: Senators Detert and Richter

SUBJECT: Auditory-oral Education Programs

DATE: February 1, 2016 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bailey	Klebacha	ED	**Pre-meeting**
2.			AED	
3.			FP	

I. Summary:

SB 1126 provides additional supports and services through the auditory-oral education program for a child who is deaf or hard of hearing.

Specifically, the bill:

- Requires a school district to annually add seven special consideration points to the total score of all domains on the matrix of services for a child enrolled in an auditory-oral education program, who is deaf or hard of hearing; and
- Grants eligibility for an auditory-oral education grant if the child is enrolled in a school that solely offers auditory-oral education programs with a supervisor and faculty certified as listening and spoken language specialists, until the child is 7 years of age.

The bill takes effect on July 1, 2016.

II. Present Situation:

Auditory-Oral Education Program

As defined in statute, an auditory-oral program is a program that develops and relies solely on listening skills and uses an implant or assistive hearing device for the purpose of relying on speech and spoken language skills as the method of communication.[1]

As used in auditory-oral education programs, deaf or hard of hearing means aided or unaided hearing loss that affects the processing of linguistic information and adversely affects

[1] Section 1002.391(1)(a), F.S.

performance in the educational environment.[2] The State Board of Education has established in rule criteria to designate the degree of loss which may range from mild to profound.[3]

Auditory-oral education programs are located in public or private schools for children who have obtained an implant or assistive hearing device.[4] The faculty of the school are certified as listening and spoken language specialists.[5]

Matrix of Services

The Matrix of Services is the document used to determine the cost factor for selected exceptional education students based on the decisions made by the Individual Education Plan team.[6] The matrix is designed with five levels in each of the five domain[7] areas.[8] A level IV indicates that for the majority of learning activities, the student receives specialized approaches, assistance equipment, or receives more extensive modifications to the learning environment.[9] A level V indicates that the student receives continuous and intense assistance, multiple services or substantial modifications for the majority of learning activities.[10]

Special consideration points are additional points for selected populations of students.[11] The applicable special consideration points are added together with the scores from each domain of the matrix to determine the level of support services.[12] The nature and intensity of the services indicated on the matrix are consistent with the services described in each exceptional student's Individual Education Plan (IEP).[13]

Funding for Exceptional Education Students

The funding model for exceptional student education programs uses basic, at-risk, support levels IV and V for exceptional students and career Florida Education Finance Program cost factors,

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[2] Section 1002.391(1)(b), F.S.
[3] Rule 6A-6.03013, F.A.C.
[4] Section 1002.391(1)(c), F.S.
[5] A Listening and Spoken Language Specialist is a person who has been awarded professional certification through the Alexander Graham Bell Association. Florida Department of Education, *BEESS Discretionary Projects* (2015), *available at* http://www.fldoe.org/core/fileparse.php/7690/urlt/2015MatrixServices.pdf.
[6] Section 1011.62(1)(c), F.S. The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of the two weighted cost factors for exceptional education students with the highest levels of need.
[7] The matrix of services includes five domains that are intended to cover the special services and supports provided in an educational setting. The domain areas are: curriculum and learning environment, social or emotional behavior, independent functioning, health care, and communication. Florida Department of Education, *Matrix of Services Handbook* (2015), *available at* http://www.fldoe.org/core/fileparse.php/7690/urlt/2015MatrixServices.pdf.
[8] Florida Department of Education, *Matrix of Services Handbook* (2015), *available at* http://www.fldoe.org/core/fileparse.php/7690/urlt/2015MatrixServices.pdf.
[9] *Id*. A level I indicates that the student requires no services or assistance beyond those that are normally available to all students. A level II indicates the student is receiving assistance on a periodic basis or receives minor supports, assistance, or services. A level III indicates the student is receiving accommodations to the learning environment that are more complex or is receiving services on a more frequent schedule.
[10] *Id*.
[11] *Id*.
[12] *Id*.
[13] Section 1011.62(1)(e), F.S.

and a guaranteed allocation.[14] For exceptional education students, a matrix of services must be completed at the time of the student's initial placement into an exceptional student education program and at least once every three years in order to generate weighted funding.[15] The matrix of services is used to determine the cost factor for selected exceptional education students based on the decisions made by the IEP team.[16]

Auditory-Oral Education Grants

In the 2015 General Appropriations Act, the Auditory-Oral Education Grant received $550,000 in funding.[17] Funds for the Auditory-Oral Education Grant were awarded to Florida public or private nonprofit school programs serving deaf children in multiple counties, from birth to age seven, including rural and underserved areas.[18] These schools are required to solely offer auditory-oral education programs and to have a supervisor and faculty members who are credentialed as Certified Listening and Spoken Language Specialists.[19]

The amount of the grants were based on the specific needs of each eligible student. Each eligible school that has insufficient public funds to provide the educational and related services specified in the Individual Education Plan (IEP) or Individual Family Service Plan (IFSP) of eligible students aged birth to seven years were allowed to submit grant applications to the Department of Education. Applications included an itemized list of total costs, the amount of public funds available for those students without the grant, and the additional amount needed for the services identified in each students' respective IEP or IFSP. The Clarke School for the Deaf and the Debbie School, a division of the Mailman Center for Child Development, received Auditory-Oral Education Grants in 2015.[20]

III. Effect of Proposed Changes:

SB 1126 provides additional supports and services through auditory-oral education programs for a child who is deaf or hard of hearing.

The bill revises the matrix of services calculation for students enrolled in an eligible auditory-oral education program by requiring the school district to annually add 7 special consideration points to the total score of all domains on the matrix, beginning in the 2016-2017 fiscal year. The revised matrix calculation will generate additional Florida Education Finance Program funds to support students in auditory-oral education programs.

In addition, the bill allows a child to be eligible for an auditory-oral education grant if the child is enrolled in a program that serves multiple counties, including rural and underserved areas. The school must offer solely auditory-oral education programs with a supervisor and faculty certified

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[14] *Id.*
[15] *Id.*
[16] Florida Department of Education, *Matrix of Services Handbook* (2015), *available at* http://www.fldoe.org/core/fileparse.php/7690/urlt/2015MatrixServices.pdf.
[17] Section 2, ch. 2015-232, L.O.F.
[18] *Id.*
[19] Section 1002.391, F.S.
[20] Florida Department of Education, Bureau of Exceptional Education and Student Services (BEESS), *BEESS Discretionary Projects* (2015), *available at* http://www.fldoe.org/core/fileparse.php/7567/urlt/projectslisting.pdf.

as listening and spoken language specialists, until the child is 7 years of age. In effect, the bill codifies the requirements for the Auditory-Oral Education Grant funding as specified in proviso language in the 2015-2016 General Appropriations Act. However, an appropriation for the grant is not provided in the bill.

The bill takes effect on July 1, 2016.

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 1002.391 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.

166980

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2016	.	
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The Committee on Education Pre-K - 12 (Detert) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (4) is added to section 1002.391, Florida Statutes, to read:

1002.391 Auditory-oral education programs.—

(4) Beginning with the 2017-2018 school year, a school district shall add four special consideration points to the calculation of a matrix of services for a student who is deaf

166980

11 and enrolled in an auditory-oral education program.
12 Section 2. This act shall take effect July 1, 2016.
13
14 ========== T I T L E A M E N D M E N T ==========
15 And the title is amended as follows:
16 Delete everything before the enacting clause
17 and insert:
18 A bill to be entitled
19 An act relating to auditory-oral education programs;
20 amending s. 1002.391, F.S.; requiring a school
21 district to add a specified number of points to the
22 calculation of a matrix of services for a student who
23 is deaf and enrolled in an auditory-oral education
24 program; providing an effective date.

By Senator Detert

28-01227-16 20161126__

A bill to be entitled

An act relating to auditory-oral education programs; amending s. 1002.391, F.S.; requiring a school district to annually add a specified number of points to the total score of all domains on a matrix of services for certain children; specifying that such children are eligible for auditory-oral education grants under certain circumstances; providing an effective date.

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

Section 1. Subsection (4) is added to section 1002.391, Florida Statutes, to read:

1002.391 Auditory-oral education programs.—

(4) Notwithstanding s. 1011.62, a child who is deaf or hard of hearing and who is enrolled in an auditory-oral education program in this state shall:

(a) Have seven special consideration points added annually by the child's school district to the total score of all domains on his or her matrix of services until the child is no longer enrolled in the program or turns 7 years of age, whichever occurs first.

(b) Be eligible for auditory-oral education grants until the child is 7 years of age if the child is enrolled in a program that serves multiple counties, including rural and underserved areas. The school that offers the program must offer solely auditory-oral education programs and must have a supervisor and faculty who are certified as listening and spoken language specialists.

Section 2. This act shall take effect July 1, 2016.

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

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1160

INTRODUCER: Senator Detert

SUBJECT: Art in the Capitol Competition

DATE: February 1, 2016 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bailey	Klebacha	ED	**Pre-meeting**
2.			AGG	
3.			FP	

I. Summary:

SB 1160 creates the Art in the Capitol Competition, a statewide visual arts competition for students in grades 6 through 8.

The bill requires the state representative and state senator from each Florida district to select the winning submission from among the artwork provided by each school in the respective districts and for the artwork to be displayed in the Capitol Building during the regular legislative session.

The bill specifies submission rules, applicable deadlines, and a selection process.

The bill takes effect on July 1, 2016

II. Present Situation:

Artwork in the Capitol

The Capitol has both permanent and temporary art displays. On the lower floors of the Capitol and Legislative Office Buildings are photographs from Florida's history.[1] The rotating display areas within the Capitol Grounds include the 22nd Floor Capitol Gallery, Cabinet Meeting Room, and the Gallery at the Historic Capitol.[2]

The Capitol Complex Exhibition Program showcases Florida artists through a series of visual art exhibitions throughout the Capitol Complex.[3] Exhibitions are selected by Division of Cultural

[1] Visit Florida Capitol, *Artwork in the Capitol*, http://www.visitfloridacapitol.com/capitol/art.php (last visited January 29, 2016).
[2] *Id.*
[3] Division of Cultural Affairs, *Exhibitions*, http://dos.myflorida.com/cultural/programs/exhibitions/ (last visited January 29, 2016).

Affairs staff members based on quality, diversity of medium, and regional representation, with preference given to Florida themes.[4]

Congressional Art Competition

Each spring, the Congressional Institute[5] sponsors a nationwide high school visual art competition to recognize and encourage artistic talent in the nation and in each congressional district.[6] Students submit their entries to their representative's office, and panels of district artists select the winning entries.[7] Winners are recognized both in their district and at an annual awards ceremony in Washington, DC.[8] The winning artwork is displayed for one year at the U. S. Capitol.[9]

All entries for the Congressional Art Competition meet the following criteria:[10]

- Be two dimensional;
- Be no larger than 28 inches wide by 28 inches tall by 4 inches thick when framed;
- Not weigh more than 15 pounds, including the frame; and
- Be original in concept, design, and execution and may not violate any U.S. copyright laws.

III. Effect of Proposed Changes:

SB 1160 creates the Art in the Capitol Competition, a statewide visual arts competition, modeled after the Congressional Art Competition, for students in grades 6 through 8, to recognize and encourage the artistic talent in each House and Senate District in Florida.

The bill specifies the following submission rules, applicable deadlines, and selection process:

- The artwork submission requirements for the Florida statewide visual arts competition are similar to the nationwide high school Congressional Art Competition, including:
  - Be two dimensional;
  - Be no larger than 28 inches wide by 28 inches long by 4 inches thick;
  - Weigh less than 15 pounds; and
  - Be original in concept, design, and execution and may not violate copyright laws;
- By January 1, 2017 of each year, students submit artwork to the selection committee which consists of five individuals, selected by the principal, and includes local artists, parents, and teachers at the middle school;
- By January 15, 2017 of each year, the selection committee must select the winning submission and submit copies of the artwork to the office of the state representative and state senator of the respective districts in which the school is located;

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[4] *Id.*
[5] The Congressional Institute was established in 1987 for the intellectual and social benefit of Members of Congress and to provide education information about Congress to the general public. Congressional Institute, *About Us*, http://conginst.org/about/ (last visited January 29, 2016).
[6] United States House of Representatives, *Congressional Art Competition*, http://www.house.gov/content/educate/art_competition/ (last visited January 29, 2016).
[7] *Id.*
[8] *Id.*
[9] *Id.*
[10] *Id.*

- By February 1, 2017 of each year, the state representative and state senator will select the winning submission for his or her district; and
- The Department of Management Services (DMS) will display the artwork in the Capitol Building during the regular legislative session.

In addition, the bill:
- Requires DMS and the Department of Education to administer the Art in the Capitol Competition; and
- Authorizes the DMS to adopt rules to administer the Art in the Capitol Competition.

The bill takes effect on July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of the Florida Statutes.

IX. Additional Information:

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

None.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2016	.	
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The Committee on Education Pre-K - 12 (Detert) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. (1) There is created the Art in the Capitol Competition, a statewide visual arts competition for students in grades 6 through 8, to be administered by the Department of Management Services and the Department of Education.

(2) Each school district shall annually hold an Art in the Capitol Competition for all public, private, and home education

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11 students in grades 6 through 8. Submissions shall be judged by a
12 selection committee consisting of art teachers whose students
13 have not submitted artwork for consideration.
14 (3)(a) A submission may not violate copyright laws and
15 must:
16 1. Be two dimensional.
17 2. Be no larger than 28 inches wide by 28 inches long by 4
18 inches thick.
19 3. Weigh less than 15 pounds.
20 4. Be original in concept, design, and execution.
21 (b) Each submission must include the student's name, grade,
22 and school of enrollment and the city in which the school is
23 located.
24 (4) Each winning submission shall be provided to the
25 legislator of the legislative district in which the student
26 resides no later than sixty days prior to the start of each
27 regular legislative session. The legislator shall provide the
28 winning submission to the Department of Management Services.
29 (5) The Department of Management Services shall collect the
30 winning submissions and arrange to have them displayed in the
31 Capitol Building during the regular legislative session. Upon
32 adjournment of the legislative session, the legislator shall
33 return the winning submission to the student.
34 Section 2. This act shall take effect July 1, 2016.
35
36 ========== T I T L E A M E N D M E N T ==========
37 And the title is amended as follows:
38 Delete everything before the enacting clause
39 and insert:

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40 A bill to be entitled
41 An act relating to the Art in the Capitol Competition;
42 creating the Art in the Capitol Competition for
43 students in specified grades; specifying procedures
44 for student participation, notification, and the
45 selection and display of winning submissions;
46 providing an effective date.

By Senator Detert

28-01378A-16 20161160__

A bill to be entitled

An act relating to the Art in the Capitol Competition; creating the Art in the Capitol Competition for students in specified grades; specifying procedures for student participation, notification, and the selection and display of winning submissions; authorizing rulemaking; providing an effective date.

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

Section 1. (1) There is created the Art in the Capitol Competition, a statewide visual arts competition for students in grades 6 through 8, to be administered by the Department of Management Services and the Department of Education.

(2) The Department of Education shall notify each school district and the Department of Management Services shall notify each state representative and state senator of the Art in the Capitol Competition, including the applicable deadlines, submission rules, and selection process.

(3)(a) A submission may not violate copyright laws and must:

1. Be two dimensional.

2. Be no larger than 28 inches wide by 28 inches long by 4 inches thick.

3. Weigh less than 15 pounds.

4. Be original in concept, design, and execution.

(b) Each submission must include:

1. The student's name, grade, and school of enrollment.

2. The name of the city in which the school is located.

3. The numbers of the state representative district and the state senatorial district in which the school is located.

(4)(a) By January 1, 2017, and annually thereafter, a

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

28-01378A-16 20161160__

student may submit his or her artwork to the selection committee at his or her middle school. Each selection committee shall consist of five individuals selected by the principal of the school and include local artists, parents, and teachers.

(b) By January 15, 2017, and annually thereafter, each selection committee must select the winning submission for the school and submit copies of the artwork to the office of the state representative and state senator of the respective districts in which the school is located.

(c) By February 1, 2017, and annually thereafter, each state representative and state senator must select the winning submission for his or her district and notify the Department of Management Services, the Department of Education, and the appropriate selection committee of his or her decision. Upon such notification, the appropriate selection committee shall mail the winning submission to the Department of Management Services.

(5) The Department of Management Services shall collect the winning submissions and arrange to have them displayed in the Capitol Building during the regular legislative session. Upon adjournment of the legislative session, each student may arrange with the Department of Management Services for the return of his or her artwork.

(6) The Department of Management Services may adopt rules to administer this section.

Section 2. This act shall take effect July 1, 2016.

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

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1196

INTRODUCER: Senators Bean and Hutson

SUBJECT: Emergency Allergy Treatment in Schools

DATE: February 1, 2016 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	**Pre-meeting**
2.			AED	
3.			AP	

I. Summary:

SB 1196 modifies the definition of authorized entity for the purposes of emergency allergy treatment and authorizes public and private schools to enter into agreements with wholesale distributors or manufacturers to obtain epinephrine auto-injectors. Specifically, the bill:

- Expands the definition of authorized entity to include private schools and their employees, agents, and physician; changes the purposes for which public and private schools and their employees, agents, and physician are considered an authorized entity; and extends immunity from liability to such schools and their employees, agents, and physician.
- Clarifies that public and private schools may obtain a supply of epinephrine auto-injectors from a wholesale distributor or enter into an arrangement with a wholesale distributor or manufacturer for the epinephrine auto-injectors.

The bill takes effect July 1, 2016.

II. Present Situation:

The law provides for parents of students to receive accurate and timely information regarding their child's academic progress and be informed about ways to help their child succeed in school.[1] Students and parents are afforded numerous rights including, but not limited to, epinephrine[2] use and supply.[3] Additionally, through the "Emergency Allergy Treatment Act,"

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[1] Section 1002.20, F.S.

[2] "Epinephrine injection is used along with emergency medical treatment to treat very serious allergic reactions caused by insect bites or stings, foods, medications, latex, and other causes." The injection comes as a pre-filled automatic injection device containing a liquid solution to inject under the skin or into the muscle in the outer side of the thigh. It is usually injected as needed at the first sign of a serious allergic reaction. Typically, automatic injection devices contain enough solution for one dose of epinephrine. U.S. Department of Health and Human Services, National Institutes of Health, *Epinephrine Injection*, http://www.nlm.nih.gov/medlineplus/druginfo/meds/a603002.html (last visited Jan. 28, 2016).

[3] Section 1002.20(3), F.S.

certain authorized entities[4] may also obtain and administer epinephrine auto-injectors.[5]

Epinephrine Use

A student who has experienced or is at risk for life-threatening allergic reactions is authorized to carry an epinephrine auto-injector and self-administer epinephrine by auto-injector while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities, if the school secures authorization from the student's parent and physician.[6]

Epinephrine Supply

Public and Private Schools

Public and private schools may purchase from a wholesale distributor[7] and maintain in a locked, secure location on its premises a supply of epinephrine auto-injectors for use if a student experiences an anaphylactic reaction.[8] The participating school district or private school, as applicable, must adopt a protocol developed by a licensed physician for a trained school personnel to administer an epinephrine auto-injection.[9] The supply of epinephrine auto-injectors may be provided to and used by a student, who is authorized to self-administer epinephrine by auto-injector, or a trained school personnel.[10]

Other Authorized Entities

The law specifies that an authorized entity that acquires a stock supply of epinephrine auto-injectors, in accordance with the law, is authorized to make the auto-injectors available to individuals other than certified individuals who may administer the auto-injector to a person believed in good faith to be experiencing a severe allergic reaction if the epinephrine auto-injectors are stored in a locked, secure container and are made available only upon remote authorization by an authorized health care practitioner after consulting the health care practitioner, as specified.[11]

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[4] An "authorized entity" means an entity or organization at or in connection with which allergens capable of causing a severe allergic reaction may be present. The term includes, but is not limited to, restaurants, recreation camps, youth sports leagues, theme parks and resorts, and sports arenas. A school is considered an authorized entity under the "Emergency Allergy Treatment Act," only for the purposes of conducting educational training programs related to the recognition of allergic symptoms and proper administration of epinephrine auto-injectors. Section 381.88(1)(b) and (5), F.S.
[5] Sections 381.88(2)(b) and 381.885, F.S.
[6] Section 1002.20(3)(i)1., F.S.; *see also* Rule 6A-6.0251, F.A.C.
[7] A "wholesale distributor" means any person engaged in wholesale distribution of prescription drugs in or into this state, including, but not limited to, manufacturers; repackagers; own-label distributors; jobbers; private-label distributors; brokers; warehouses, including manufacturers' and distributors' warehouses, chain drug warehouses, and wholesale drug warehouses; independent wholesale drug traders; exporters; retail pharmacies; and the agents thereof that conduct wholesale distributions. Section 499.003(54), F.S.
[8] Sections 1002.20(3)(i)2. and 1002.42(17)(a), F.S.
[9] *Id*.
[10] *Id*.
[11] Section 381.885(4), F.S.

Epinephrine Liability

School Districts and Private Schools

The school district or private school, as applicable, and its employees and agents, including the physician who provides the standing protocol for school epinephrine auto-injectors, are not liable for any injury arising from the use of an epinephrine auto-injector administered by trained school personnel who follow the adopted protocol and whose professional opinion is that the student is having an anaphylactic reaction:[12]

- Unless the trained school personnel's action is willful and wanton;
- Notwithstanding that the parents or guardians of the student to whom the epinephrine is administered have not been provided notice or have not signed a statement acknowledging that the school district is not liable; and
- Regardless of whether authorization has been given by the student's parents or guardians or by the student's physician, physician's assistant, or advanced registered nurse practitioner.

Other Individuals

Additionally, the law affords civil liability immunity protections to certain individuals (e.g., authorized health care practitioner, a dispensing health care practitioner or pharmacist and an uncertified person who administers epinephrine auto-injectors in accordance with the law) who possess, administer, or stores an epinephrine auto-injector, in accordance with the law.[13]

III. Effect of Proposed Changes:

SB 1196 modifies the definition of authorized entity for the purposes of emergency allergy treatment and authorizes public and private schools to enter into agreements with wholesale distributors or manufacturers[14] to obtain epinephrine auto-injectors at an affordable price.

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[12] Sections 1002.20(3)(i)3. and 1002.20(17)(b), F.S.

[13] Section 381.885(5), F.S.

[14] A "manufacturer" means: (a) a person who prepares, derives, manufactures, or produces a drug, device, or cosmetic; (b) the holder or holders of a New Drug Application (NDA), and Abbreviated New Drug Application (ANDA), Biologics License Application (BLA), or a New Animal Drug Application (NADA), provided such application has become effective or is otherwise approved consistent with s. 499.023; (c) a private label distributor for whom the private label distributor's prescription drugs are originally manufactured and labeled for the distributor and have not been repackaged; (d) a person registered under the federal act as a manufacturer of a prescription drug, who is described in paragraph (a), (b), or (c), who has entered into a written agreement with another prescription drug manufacturer that authorizes either manufacturer to distribute the prescription drug identified in the agreement as the manufacturer of that drug consistent with the federal act and its implementing regulations; (e) a member of an affiliated group that includes, but is not limited to, persons described in paragraph (a), (b), (c), or (d), which member distributes prescription drugs, whether or not obtaining title to the drugs, only for the manufacturer of the drugs who is also a member of the affiliated group as defined in s. 1504 of the Internal Revenue Code of 1986, as amended. The manufacturer must disclose the names of all its affiliated group members to the department; or (f) a person permitted as a third party logistics provider, only while providing warehousing, distribution, or other logistics services on behalf of a person described in paragraph (a), (b), (c), (d), or (e). The term "manufacturer" does not include a pharmacy that is operating in compliance with pharmacy practice standards as defined in chapter 465 and rules adopted under that chapter. Section 499.003(30), F.S.

Authorized Entity

The bill expands the definition of authorized entity to include private schools and their employees, agents, and physician. Currently, public schools and their employees and agents including physician, as specified, are considered an authorized entity.[15]

Additionally, the bill changes the purposes for which public and private schools will be considered as authorized entity. Current law specifies that public schools are considered authorized entity only for the purposes of conducting educational training programs which must include recognition of symptoms of allergic reactions and the administration of epinephrine auto-injectors.[16] The bill changes that purpose by authorizing public and private schools to acquire a stock supply of epinephrine auto-injectors in accordance with the law and make the auto-injectors available to individuals other than certified individuals who may administer the auto-injectors to a person believed in good faith to be experiencing a severe allergic reaction, as specified.[17] The bill also expands immunity from liability to the public and private schools and their employees, agents, and physician, as specified.

Epinephrine Supply

The bill authorizes additional ways to obtain epinephrine auto-injectors by permitting schools to enter into arrangements with wholesale distributors or manufacturers. Current law already authorizes public and private schools to purchase a supply of epinephrine auto-injectors from wholesale distributors.

The bill clarifies that public and private schools may obtain a supply of epinephrine auto-injectors from a wholesale distributor or enter into an arrangement with a wholesale distributor or manufacturer for the epinephrine auto-injectors at fair-market, free, or reduced prices for use if a student experiences an anaphylactic reaction. Such arrangements may involve third party entities other than the wholesale distributors and manufacturers. Accordingly, such manufacturers and third party entities, in addition to the wholesale distributors, may be considered agents of school districts and private schools, as applicable, and may be granted immunity from liability for any injury arising from the use of an epinephrine auto-injector.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

[15] Section 1002.20(3)(i), F.S.
[16] Section 381.88(5), F.S.
[17] Section 381.885(4), F.S.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 381.88, 1002.20, and 1002.42.

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.

731612

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2016	.	
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The Committee on Education Pre-K - 12 (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 58 - 96
and insert:
~~maintain~~ in a ~~locked,~~ secure location on the public school's ~~its~~ premises ~~a supply of epinephrine auto-injectors for use if a student is having an anaphylactic reaction~~. The participating school district shall adopt a protocol developed by a licensed physician for the administration by school personnel who are trained to recognize an anaphylactic reaction and to administer

731612

11 an epinephrine auto-injection. The supply of epinephrine auto-
12 injectors may be provided to and used by a student authorized to
13 self-administer epinephrine by auto-injector under subparagraph
14 1. or trained school personnel.
15 3. The school district and its employees, ~~and~~ agents, and
16 ~~including~~ the physician who provides the standing protocol for
17 school epinephrine auto-injectors~~,~~ are not liable for any injury
18 arising from the use of an epinephrine auto-injector
19 administered by trained school personnel who follow the adopted
20 protocol and whose professional opinion is that the student is
21 having an anaphylactic reaction:
22 a. Unless the trained school personnel's action is willful
23 and wanton;
24 b. Notwithstanding that the parents or guardians of the
25 student to whom the epinephrine is administered have not been
26 provided notice or have not signed a statement acknowledging
27 that the school district is not liable; and
28 c. Regardless of whether authorization has been given by
29 the student's parents or guardians or by the student's
30 physician, physician's assistant, or advanced registered nurse
31 practitioner.
32 Section 3. Subsection (17) of section 1002.42, Florida
33 Statutes, is amended to read:
34 1002.42 Private schools.—
35 (17) EPINEPHRINE SUPPLY.—
36 (a) A private school may purchase a supply of epinephrine
37 auto-injectors from a wholesale distributor as defined in s.
38 499.003 or may enter into an arrangement with a wholesale
39 distributor or manufacturer as defined in s. 499.003 for the

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40 epinephrine auto-injectors at fair-market, free, or reduced
41 prices for use in the event a student has an anaphylactic
42 reaction. The epinephrine auto-injectors must be maintained ~~and~~
43 ~~maintain~~ in a ~~locked,~~ secure location on the private school's
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 Between lines 8 and 9
48 insert:
49 revising the storage requirements for epinephrine
50 auto-injectors;

By Senators Bean and Hutson

6-01482-16 20161196__

A bill to be entitled

An act relating to emergency allergy treatment in schools; amending s. 381.88, F.S.; revising the term "authorized entity"; amending ss. 1002.20 and 1002.42, F.S.; authorizing a public school and a private school, respectively, to enter into certain arrangements with wholesale distributors or manufacturers for epinephrine auto-injectors; providing an effective date.

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

Section 1. Paragraph (b) of subsection (2) of section 381.88, Florida Statutes, is amended to read:

381.88 Emergency allergy treatment.—

(2) As used in this section and s. 381.885, the term:

(b) "Authorized entity" means an entity or organization at or in connection with which allergens capable of causing a severe allergic reaction may be present. The term includes, but is not limited to, restaurants, recreation camps, youth sports leagues, theme parks and resorts, and sports arenas. However, a school as described in s. 1002.20(3)(i) or s. 1002.42(17)(b) is an authorized entity for the purposes of s. 381.885(4) and (5) ~~subsection (5)~~ only.

Section 2. Paragraph (i) of subsection (3) of section 1002.20, Florida Statutes, is amended to read:

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

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

6-01482-16 20161196__

(3) HEALTH ISSUES.—

(i) *Epinephrine use and supply.*—

1. A student who has experienced or is at risk for life-threatening allergic reactions may carry an epinephrine auto-injector and self-administer epinephrine by auto-injector while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities if the school has been provided with parental and physician authorization. The State Board of Education, in cooperation with the Department of Health, shall adopt rules for such use of epinephrine auto-injectors that shall include provisions to protect the safety of all students from the misuse or abuse of auto-injectors. A school district, county health department, public-private partner, and their employees and volunteers shall be indemnified by the parent of a student authorized to carry an epinephrine auto-injector for any and all liability with respect to the student's use of an epinephrine auto-injector pursuant to this paragraph.

2. A public school may purchase a supply of epinephrine auto-injectors from a wholesale distributor as defined in s. 499.003 or may enter into an arrangement with a wholesale distributor or manufacturer as defined in s. 499.003 for the epinephrine auto-injectors at fair-market, free, or reduced prices for use in the event a student has an anaphylactic reaction. The epinephrine auto-injectors must be maintained ~~and maintain~~ in a locked, secure location on the public school's ~~its~~ premises ~~a supply of epinephrine auto-injectors for use if a student is having an anaphylactic reaction~~. The participating school district shall adopt a protocol developed by a licensed

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

62 physician for the administration by school personnel who are
63 trained to recognize an anaphylactic reaction and to administer
64 an epinephrine auto-injection. The supply of epinephrine auto-
65 injectors may be provided to and used by a student authorized to
66 self-administer epinephrine by auto-injector under subparagraph
67 1. or trained school personnel.
68 3. The school district and its employees, ~~and~~ agents, and
69 ~~including~~ the physician who provides the standing protocol for
70 school epinephrine auto-injectors~~,~~ are not liable for any injury
71 arising from the use of an epinephrine auto-injector
72 administered by trained school personnel who follow the adopted
73 protocol and whose professional opinion is that the student is
74 having an anaphylactic reaction:
75 a. Unless the trained school personnel's action is willful
76 and wanton;
77 b. Notwithstanding that the parents or guardians of the
78 student to whom the epinephrine is administered have not been
79 provided notice or have not signed a statement acknowledging
80 that the school district is not liable; and
81 c. Regardless of whether authorization has been given by
82 the student's parents or guardians or by the student's
83 physician, physician's assistant, or advanced registered nurse
84 practitioner.
85 Section 3. Subsection (17) of section 1002.42, Florida
86 Statutes, is amended to read:
87 1002.42 Private schools.—
88 (17) EPINEPHRINE SUPPLY.—
89 (a) A private school may purchase a supply of epinephrine
90 auto-injectors from a wholesale distributor as defined in s.

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

91 499.003 or may enter into an arrangement with a wholesale
92 distributor or manufacturer as defined in s. 499.003 for the
93 epinephrine auto-injectors at fair-market, free, or reduced
94 prices for use in the event a student has an anaphylactic
95 reaction. The epinephrine auto-injectors must be maintained ~~and~~
96 ~~maintain~~ in a locked, secure location on the private school's
97 ~~its~~ premises ~~a supply of epinephrine auto-injectors for use if a~~
98 ~~student is having an anaphylactic reaction~~. The participating
99 private school shall adopt a protocol developed by a licensed
100 physician for the administration by private school personnel who
101 are trained to recognize an anaphylactic reaction and to
102 administer an epinephrine auto-injection. The supply of
103 epinephrine auto-injectors may be provided to and used by a
104 student authorized to self-administer epinephrine by auto-
105 injector under s. 1002.20(3)(i) or trained school personnel.
106 (b) The private school and its employees, ~~and~~ agents, and
107 ~~including~~ the physician who provides the standing protocol for
108 school epinephrine auto-injectors~~,~~ are not liable for any injury
109 arising from the use of an epinephrine auto-injector
110 administered by trained school personnel who follow the adopted
111 protocol and whose professional opinion is that the student is
112 having an anaphylactic reaction:
113 1. Unless the trained school personnel's action is willful
114 and wanton;
115 2. Notwithstanding that the parents or guardians of the
116 student to whom the epinephrine is administered have not been
117 provided notice or have not signed a statement acknowledging
118 that the school district is not liable; and
119 3. Regardless of whether authorization has been given by

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

120 the student's parents or guardians or by the student's
121 physician, physician's assistant, or advanced registered nurse
122 practitioner.
123 Section 4. This act shall take effect July 1, 2016.

CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1426

INTRODUCER: Community Affairs Committee and Senators Stargel and Gaetz

SUBJECT: Membership Associations

DATE: February 1, 2016 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	**Fav/CS**
2.	Hand		ED	**Pre-meeting**
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1426 prohibits membership associations from expending any money received from public funds on litigation against the state. A membership association is defined as "a not-for-profit corporation… the majority of whose board members are constitutional officers who… operate, control, and supervise public entities that receive annual state appropriations… prescribed annually in the General Appropriations Act or the substantive bill implementing the annual appropriations act."

The bill also:

- Requires such organizations to file an annual report with the Legislature.
- Provides that dues paid to a membership association with pubic funds must be assessed for each elected or appointed public officer, but dues are prohibited for officers that elect not to join the association.
- Requires the Auditor General to conduct annual financial and operational audits of each membership association.
- Provides that all records of membership associations are public records.

The bill may have a positive fiscal impact on the state to the extent that it reduces suits against the state by organizations that receive state funds. However, it appears that any such impact would be minimal.

The bill takes effect upon becoming law.

II. Present Situation:

Not For Profit Corporations

In Florida, not for profit corporations are regulated by the Florida Not For Profit Corporation Act (Act), which outlines the requirements for creating and managing a not for profit corporation as well as the powers and duties of the corporation.[1] The Act authorizes not for profit corporations to be created for any lawful purpose or purposes that are not for pecuniary profit and that are not specifically prohibited to corporations by other state laws.[2] The Act specifies that such purposes include charitable, benevolent, eleemosynary, educational, historical, civic, patriotic, political, religious, social, fraternal, literary, cultural, athletic, scientific, agricultural, horticultural, animal husbandry, and professional, commercial, industrial, or trade association purposes.[3]

Florida law authorizes not for profit corporations to operate with the same degree of power provided to for profit corporations in the state, including the power to appoint officers, adopt bylaws, enter into contracts, sue and be sued, and own and convey property.[4] Officers and directors of certain not for profit corporations also are protected by the same immunity from civil liability provided to directors of for profit corporations.[5] Unlike for profit corporations, certain not for profit corporations may apply for exemptions from federal, state, and local taxes.[6]

Not for profit corporations are required to submit an annual report to the Department of State that contains the following information:

- The name of the corporation and the state or country under the law of which it is incorporated;
- The date of incorporation or, if a foreign corporation, the date on which it was admitted to conduct its affairs in the state;
- The address of the principal office and the mailing address of the corporation;
- The corporation's federal employer identification number, if any, or, if none, whether one has been applied for;
- The names and business street addresses of its directors and principal officers;
- The street address of its registered office in the state and the name of its registered agent at that office; and
- Such additional information as may be necessary or appropriate to enable the Department of State to carry out the provisions of the Act.[7]

A not for profit corporation may receive public funds from the state or a local government in certain situations. Public funds are defined as "moneys under the jurisdiction or control of the state, a county, or a municipality, including any district, authority, commission, board, or agency thereof and the judicial branch, and includes all manner of pension and retirement funds and all

[1] Chapter 90-179, L.O.F.
[2] Section 617.0301, F.S.
[3] *Id.*
[4] *See* ss. 617.0302 and 607.0302, F.S.
[5] *See* ss. 617.0834 and 607.0831, F.S.
[6] *See* 26 U.S.C. s. 501; Section 212.08(7)(p), F.S.
[7] Section 617.1622, F.S.

other funds held, as trust funds or otherwise, for any public purpose."[8] The state or a local government may provide public funds to a not for profit corporation through a grant or through payment of membership dues authorized for governmental employees and entities who are members of certain types of not for profit corporations.[9]

District School Boards

Section 4(a) of Article IX of the Florida Constitution provides in part that in each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.[10]

Section 1001.32(2), F.S., provides that in accordance with the provisions of s. 4(b) of Art. IX of the State Constitution, district school boards shall operate, control, and supervise all free public schools in their respective districts and may exercise any power except as expressly prohibited by the State Constitution or general law.[11]

School districts in Florida are public entities that receive annual state appropriations through a statutorily defined formulaic allocation (e.g., the FEFP) funded and prescribed annually in the General Appropriations Act or the act's implementing bill.[12]

Florida School Board Association

The Florida School Boards Association, Inc. (FSBA) is a not-for-profit corporation representing all school board members in Florida[13]. The FSBA has been the collective voice for Florida school districts since 1930 and is closely allied with other educational and community agencies to work toward improvement of education in Florida.[14]

Duly qualified members of Florida's county school boards are eligible for membership in the FSBA, upon payment of annual dues by the local county school board.[15] The FSBA Board of Directors is comprised of five executive officers, 27 directors representing geographical districts

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[8] Section 215.85(3)(b), F.S.
[9] *See, e.g.*, Section 2-103(a), Pinellas County Code (authorizing the board of county commissioners to expend monies from the county general fund for membership fees and dues for county employees and officials for professional associations); Section 120-65(a)(2), South Florida Water Management District Administrative Policies (authorizing the district to pay for an employee's membership in a professional organization not required by his or her job).
[10] Art. IX s. 4(a), Fla. Const.
[11] Section 1001.32(2), F.S.
[12] Sections 1.01(8) and 1011.62, F.S.
[13] Florida School Boards Association, *Mission and Beliefs*, http://www.fsba.org/beliefs/ (last visited January 29, 2016); Florida Department of State Division of Corporations, *Florida School Boards Association, Inc.*, http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=FLORIDASCHOOLBOARDASSOCIATION%207033620&aggregateId=domnp-703362-624caed9-dafe-4fc1-a205-1afc640b4365&searchTerm=florida%20school%20board%20association&listNameOrder=FLORIDASCHOOLBOARDASSOCIATION%207033620 (last visited January 29, 2016).
[14] *Id.*
[15] Florida School Boards Association, *Bylaws, Article III – Membership*, http://www.neola.com/fsba/ (last visited January 29, 2016).

in the state, and FSBA members who serve as an officer or member of the Board of Directors of the National School Boards Association or the Southern Regional School Boards Association.[16]

Florida Coalition of School Board Members

The Florida Coalition of School Board Members (FCSBM) is a not-for-profit corporation formed to create and promote public interest in the cause of public education, and to support similar decision makers and organizations in K-12 education.[17]

The FCSBM is a non-partisan individual membership organization for elected school board members.[18] The FCSBM Board of Directors consists of 5 people who are members of district school boards in Florida.[19]

III. Effect of Proposed Changes:

Section 1 creates s. 617.221, F.S., to prohibit certain membership associations from expending any money received from public funds on litigation against the state.

The bill defines a membership association for purposes of this section as "a not-for-profit corporation, including a department or division of such corporation, the majority of whose board members are constitutional officers who, pursuant to s. 1001.32(2), operate, control, and supervise public entities that receive annual state appropriations through a statutorily defined formulaic allocation that is funded and prescribed annually in the General Appropriations Act or the substantive bill implementing the annual appropriations act. Section 1001.32(2), F.S., provides that district school boards shall operate, control, and supervise all free public schools in their respective districts. The term does not include a labor organization as defined in s. 447.02 or an entity funded through the Justice Administrative Commission."

The bill also requires the membership associations to file an annual report with the Legislature by January 1 of each year covering the following topics:

- The name and address of the membership association and any parent membership association, or state, national, or international membership association with which it is affiliated.
- The names, titles, telephone numbers, and addresses of the principal officers and all representatives of the membership association.
- The fee required to become a member of the membership association, if any, and the annual dues that each member must pay.
- The current annual financial statements of the membership association as described in s. 617.1605, F.S.

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[16] Florida School Boards Association, *Board of Directors*, http://fsba.org/membership/board-of-directors/ (last visited January 29, 2016).
[17] Florida Department of State Division of Corporations, Florida Coalition of School Board Members, Inc., *Electronic Articles of Incorporation*, http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2015%5C0109%5C70176387.tif&documentNumber=N15000000268 (last visited January 29, 2016)
[18] Florida Coalition of School Board members, *About*, http://www.fcsbm.org/about (last visited January 29, 2016).
[19] Florida Coalition of School Board Members, *Board of Directors*, http://www.fcsbm.org/board_of_directors (last visited January 29, 2016)

- A copy of the current constitution and bylaws of the membership association.
- A description of the assets and liabilities of the association at the beginning and end of the preceding fiscal year.
- A description of the salary, allowances, and other direct or indirect disbursements, including reimbursed expenses, to each officer and to each employee who, during the preceding fiscal year, received more than $10,000 total from the membership association and any other state, national, or international membership association affiliate.
- The annual amount of the following benefit packages paid to each of the principal officers of the membership association:
  - Health, major medical, vision, dental, and life insurance.
  - Retirement plans.
  - Automobile allowances.
- The per-member amount of annual dues sent from the membership association to each state, national, or international affiliate.
- The total amount of direct or indirect disbursements for lobbying activity at the federal, state, or local level incurred by the membership association, listed by full name and address of each person who received a disbursement.
- The total amount of direct or indirect disbursements for litigation expenses incurred by the membership association, listed by case citation.

The bill also provides that dues paid to a membership association which are paid with public funds shall be assessed for each elected or appointed public officer. If a public officer elects not to join the membership association, the dues assessed to that public officer may not be paid to the membership association.

The bill requires the Auditor General to conduct an annual financial and operational audit of accounts and records of each membership association.

Furthermore, all records of a membership association constitute public records for purposes of ch. 119, F.S.

In effect, the requirements for membership associations under this new statute would most likely apply, at a minimum, to the Florida School Boards Association and the Florida Coalition of School Board Members.

Section 2 provides that the act takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

The bill applies to membership associations organized as a corporation not for profit but does not apply to membership associations organized as a corporation for profit. As such, it may violate the constitutional right of equal protection under the United States Constitution. Unlike the federal Equal Protection Clause, Florida's constitutional right to equal protection only applies to natural persons.[20]

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have an indeterminate negative fiscal impact on membership associations because they would be required to file an annual report with the Legislature.

C. Government Sector Impact:

The bill may have a positive fiscal impact on the state to the extent that it reduces suits against the state by organizations that receive state funds. However, it appears that any such impact would be minimal.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 617.221 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.)

[20] Fla. Const., Art. I, s. 2.

CS by Community Affairs on January 26, 2016:
Revises the definition of membership associations. The term now includes only a not-for-profit corporation the majority of whose members are constitutional officers who, pursuant to s. 1001.32(2), F.S., operate, control, and supervise public entities that receive annual state appropriations. The reference to s. 1001.32(3), F.S., was removed.

B. Amendments:

None.

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

By the Committee on Community Affairs; and Senators Stargel and Gaetz

578-02604-16 20161426c1

A bill to be entitled

An act relating to membership associations; creating s. 617.221, F.S.; defining the term "membership association"; requiring membership associations to file an annual report with the Legislature; specifying the requirements for the annual report; prohibiting a membership association from using public funds for certain litigation; requiring the assessment of dues paid to a membership association by certain elected and appointed officials with public funds; requiring the Auditor General to conduct certain audits annually; specifying that all membership association records constitute public records under certain law; providing an effective date.

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

Section 1. Section 617.221, Florida Statutes, is created to read:

617.221 Membership associations; reporting requirements; restrictions on use of funds.—

(1) As used in this section, the term "membership association" means a not-for-profit corporation, including a department or division of such corporation, the majority of whose board members are constitutional officers who, pursuant to s. 1001.32(2), operate, control, and supervise public entities that receive annual state appropriations through a statutorily defined formulaic allocation that is funded and prescribed annually in the General Appropriations Act or the substantive bill implementing the annual appropriations act. The term does not include a labor organization as defined in s. 447.02 or an

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578-02604-16 20161426c1

entity funded through the Justice Administrative Commission.

(2) A membership association shall file a report with the President of the Senate and the Speaker of the House of Representatives by January 1 of each year. The report must provide:

(a) The name and address of the membership association and any parent membership association or state, national, or international membership association with which it is affiliated.

(b) The names, titles, telephone numbers, and addresses of the principal officers and all representatives of the membership association.

(c) The amount of the fee required to become a member of the membership association, if any, and the annual dues each member must pay.

(d) The current annual financial statements of the membership association as described in s. 617.1605.

(e) A copy of the current constitution and bylaws of the membership association.

(f) A description of the assets and liabilities of the membership association at the beginning and end of the preceding fiscal year.

(g) A description of the salary, allowances, and other direct or indirect disbursements, including reimbursed expenses, to each officer and to each employee who, during the preceding fiscal year, received more than $10,000 in the aggregate from the membership association and any other state, national, or international membership association affiliated with the membership association.

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

61 (h) The annual amount of the following benefit packages
62 paid to each of the principal officers of the membership
63 association:
64 1. Health, major medical, vision, dental, and life
65 insurance.
66 2. Retirement plans.
67 3. Automobile allowances.
68 (i) The per-member amount of annual dues sent from the
69 membership association to each state, national, or international
70 affiliate.
71 (j) The total amount of direct or indirect disbursements
72 for lobbying activity at the federal, state, or local level
73 incurred by the membership association, listed by full name and
74 address of each person who received a disbursement.
75 (k) The total amount of direct or indirect disbursements
76 for litigation expenses incurred by the membership association,
77 listed by case citation.
78 (3) A membership association may not expend moneys received
79 from public funds, as defined in s. 215.85(3), on litigation
80 against the state.
81 (4) Dues paid to a membership association which are paid
82 with public funds shall be assessed for each elected or
83 appointed public officer. If a public officer elects not to join
84 the membership association, the dues assessed to that public
85 officer may not be paid to the membership association.
86 (5) The Auditor General shall conduct an annual financial
87 and operational audit of accounts and records of each membership
88 association.
89 (6) All records of a membership association constitute

90 public records for purposes of chapter 119.
91 Section 2. This act shall take effect upon becoming a law.
92

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 Pre-K - 12

BILL: SB 1462

INTRODUCER: Senator Latvala

SUBJECT: Educational Instruction

DATE: February 1, 2016 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Scott	Klebacha	ED	**Pre-meeting**
2.			AED	
3.			AP	

I. Summary:

SB 1462 requires the Commissioner of Education to develop an elective course for high school students which addresses life skills and character development.

Specifically, the bill requires the course, developed in consultation with the Articulation Coordinating Committee, to include, at a minimum, instruction on:

- Developing leadership skills, interpersonal skills, organization skills, and research skills.
- Creating a resume.
- Developing and practicing the skills necessary for employment interviews.
- Managing stress and expectations.
- Developing personal skills that enable students to become resilient and self-motivated.

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

II. Present Situation:

Florida law outlines specific content area instructional requirements, in addition to required core curricular content areas,[1] for middle grades promotion and high school graduation.[2]

[1] Section 1003.41, F.S.

[2] Each district school board is required to provide all courses required for middle grades promotion, high school graduation, and appropriate instruction designed to ensure that students meet the State Board of Education adopted standards in reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts. Section 1003.42(1), F.S.

Required Instruction

In addition to the required core curriculum, Florida law requires public school instruction in certain specified content areas, including, but not limited to:[3]

- The history and content of the Declaration of Independence.
- The history, meaning, significance, and effect of the provisions of the Constitution of the United States.
- The arguments in support of adopting our republican form of government.
- The elements of civil government.
- The history of the Holocaust.
- The history of African Americans.
- The elementary principles of agriculture.
- Kindness to animals.
- The history of the state.
- Comprehensive health education.
- A character-development program in kindergarten through grade 12.

The law encourages the State Board of Education (State Board) to adopt standards and pursue assessment relating to the required instructional content.[4]

Character-Development Program

In 1999, legislation was passed requiring a secular, character-development program, similar to Character First[5] or Character Counts,[6] to be incorporated into elementary school instruction.[7]

Current law requires that each school district develop or adopt a curriculum for a character-development program in kindergarten through grade 12, and submit that curriculum to the Department of Education for approval.[8] The character-development curriculum must stress the qualities of patriotism; responsibility; citizenship; kindness; respect for authority, life, liberty, and personal property; honesty; charity; self-control; racial, ethnic, religious tolerance; and cooperation.[9]

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[3] Section 1003.42(2), F.S.
[4] *Id.*
[5] Character First Education offers curriculum and training for public and private schools, home school families, mentoring programs, summer camps, and other educational settings. Character First Education, *About Character First*, http://characterfirsteducation.com/c/about.php, (last visited January 29, 2016).
[6] Character Counts! is a 501(c)(3) nonprofit program that provides a curriculum, along with resources, based on its Six Pillars of Character®: trustworthiness, respect, responsibility, fairness, caring, and citizenship. Character Counts!, *The Six Pillars of Character®*, http://charactercounts.org/program-overview/six-pillars/, (last visited January 29, 2016).
[7] Section 1, ch. 99-347, L.O.F., *codified as* s. 233.061(2)(q), F.S.
[8] Section 1003.42(2)(s), F.S.
[9] *Id.*

Articulation Coordinating Committee

The Articulation Coordinating Committee (ACC) makes recommendations relating to statewide articulation policies and issues regarding access, quality, and reporting of data[10] to the Higher Education Coordinating Council, the State Board, and the Board of Governors.[11] The ACC consists of two members each representing the State University System, the Florida College System, public career and technical education, K-12 education, and nonpublic postsecondary education and one member representing students.[12]

Furthermore, the ACC makes recommendations to the State Board regarding the courses to be included in the Course Code Directory for which a student may receive elective or required credit toward high school graduation.[13] The Course Code Directory assists counselors, students and parents in schedule planning; provides course specific information, including course level and length; and lists appropriate teacher certification levels for courses.[14]

III. Effect of Proposed Changes:

SB 1462 requires the Commissioner of Education to develop an elective course for high school students which addresses life skills and character development.

Specifically, the bill requires the course, developed in consultation with the Articulation Coordinating Committee, to include, at a minimum, instruction on:

- Developing leadership skills, interpersonal skills, organization skills, and research skills.
- Creating a resume.
- Developing and practicing the skills necessary for employment interviews.
- Managing stress and expectations.
- Developing personal skills that enable students to become resilient and self-motivated.

The bill expands current law regarding character-development curriculum by requiring the development of an elective course to be made available to all students in grades 9 through 12. Current law generally requires K-12 instruction regarding character-development and specifies certain character qualities that must be emphasized; however, it does not refer to or require the development of a specific course to be taken by students. Also, the bill requires the course to

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[10] The data is maintained by the K-20 data warehouse for which the Commissioner of Education is the sole custodian. Section 1001.10(1), F.S. The purpose of the K-20 data warehouse is to allow the DOE to conduct studies, report annual and longitudinal student outcomes, and improve college readiness and articulation. Section 1008.31(3), F.S. The K-20 data warehouse includes data collected by the DOE related to prekindergarten through grade 12 schools, technical centers, and FCS institutions. Rule 6A-1.0015, F.A.C. Also, data within the State University Database System is integrated into the K-20 data warehouse. Section 1008.31(3), F.S.

[11] Section 1007.01(3), F.S.

[12] *Id. See* Florida Department of Education, Articulation Coordinating Committee Members, http://www.fldoe.org/policy/articulation/committees/articulation-coordinating-committee-ov/articulation-coordinating-committee-ac.stml (last visited January 30, 2016).

[13] Rule 6A-1.09441, F.A.C.

[14] Florida Department of Education, *Course Code Directory (CCD) & Instructional Personnel Assignments*, http://www.fldoe.org/policy/articulation/ccd/ (last visited January 30, 2016). *See also* Florida Department of Education, *2015-2016 Course Directory*, http://www.fldoe.org/policy/articulation/ccd/2015-2016-course-directory.stml (last visited January 30, 2016).

include instruction on additional types of character-development skills not addressed in current law.

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

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:

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.)

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.

383940

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2016	.	
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The Committee on Education Pre-K - 12 (Clemens) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

1003.42 Required instruction.—

(2) Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the district school board, shall teach efficiently and

383940

11 faithfully, using the books and materials required that meet the
12 highest standards for professionalism and historic accuracy,
13 following the prescribed courses of study, and employing
14 approved methods of instruction, the following:
15 (s) A character-development program in the elementary
16 schools, similar to Character First or Character Counts, which
17 is secular in nature. Beginning in school year 2004-2005, the
18 character-development program shall be required in kindergarten
19 through grade 12. Each district school board shall develop or
20 adopt a curriculum for the character-development program that
21 shall be submitted to the department for approval. The
22 character-development curriculum shall stress the qualities of
23 patriotism; responsibility; citizenship; kindness; respect for
24 authority, life, liberty, and personal property; honesty;
25 charity; self-control; racial, ethnic, and religious tolerance;
26 and cooperation. The character-development program in grades 9
27 through 12 shall, at a minimum, include instruction on
28 developing leadership skills, interpersonal skills, organization
29 skills, and research skills; creating a resume; developing and
30 practicing the skills necessary for employment interviews;
31 managing stress and expectations; and developing skills that
32 enable students to become more resilient and self-motivated.
33
34 The State Board of Education is encouraged to adopt standards
35 and pursue assessment of the requirements of this subsection.
36 Section 2. This act shall take effect July 1, 2016.
37
38 ========== T I T L E A M E N D M E N T ==========
39 And the title is amended as follows:

383940

40 Delete everything before the enacting clause
41 and insert:
42 A bill to be entitled
43 An act relating to character-development instruction;
44 amending s. 1003.42, F.S.; requiring character
45 education programs to provide certain instruction to
46 students in grades 9-12; providing an effective date.

By Senator Latvala

20-01284-16 20161462__

A bill to be entitled

An act relating to educational instruction; creating s. 1003.481, F.S.; requiring the Commissioner of Education to develop an elective course for certain students which must be included in the Course Code Directory; requiring the elective course to include instruction in certain skills; authorizing 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 1003.481, Florida Statutes, is created to read:

1003.481 Instruction in life skills.—

(1) The Commissioner of Education, in consultation with the Articulation Coordinating Committee, shall develop an elective course for students in grades 9 through 12 that addresses skills and character development not included in rigorous academic courses.

(2) The course must be included in the Course Code Directory and, at a minimum, include instruction on:

(a) Developing leadership skills, interpersonal skills, organization skills, and research skills.

(b) Creating a resume.

(c) Developing and practicing the skills necessary for employment interviews.

(d) Managing stress and expectations.

(e) Developing personal skills that enable students to become resilient and self-motivated.

(3) The State Board of Education may adopt rules to implement this section.

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

20-01284-16 20161462__

Section 2. This act shall take effect July 1, 2016.

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

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1678

INTRODUCER: Senator Sachs

SUBJECT: High School Graduation Requirements

DATE: February 1, 2016 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Scott	Klebacha	ED	**Pre-meeting**
2.			AED	
3.			AP	

I. Summary:

SB 1678 allows a high school student participating in a registered apprenticeship with a certified trade association to use credits earned upon completion of the apprenticeship to satisfy the high school graduation credit requirements for courses in fine or performing arts, speech and debate, or practical arts; physical education; or electives.

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

II. Present Situation:

High School Graduation Requirements

In order to graduate from high school with a Florida standard high school diploma, a student must meet certain assessment and course credit requirements.

Credit Requirements to Earn a Standard High School Diploma

A student must successfully complete 24 credits in the following subject areas:[1]

- Four credits in English Language Arts (ELA) I, II, III, and IV.
- Four credits in mathematics including one credit each in Algebra I and Geometry. Industry certifications earned by students may substitute for up to two mathematics credits, except for Algebra I and Geometry.
- Three credits in science including one credit in Biology I and two credits in equally rigorous courses.[2] Industry certifications earned by students may substitute for one science credit, except for Biology I.

[1] Section 1003.4282(1)(a) and (3), F.S.

[2] Two of the three science credits must have a laboratory component. Section 1003.4282(3)(c), F.S.

- Three credits in social studies including one credit each in United States History and World History; one-half credit in economics, which must include financial literacy; and one-half credit in United States Government.
- One credit in fine or performing arts, speech and debate, or practical arts.[3]
- One credit in physical education.[4]
- Eight credits in electives.[5]

Career Education Course Credit

Florida law allows students to earn credit in both career education courses and courses required for high school graduation.[6] Career education provides instruction for the following purposes:[7]

- At the elementary, middle, and high school levels, exploratory courses deigned to give students initial exposure to a broad range of occupations to assist them in preparing their academic and occupational plans, and practical arts courses that provide generic skills that may apply to many occupations.
- At the secondary school level, job-preparatory instruction in the competencies that prepare students for effective entry into an occupation, including diversified cooperative education, work experience, and job-entry programs that coordinate directed study and on-the-job training.
- At the postsecondary level, courses of study that provide competencies needed for entry into specific occupations or for advancement within an occupation.

Career education courses are approved by the State Board of Education (State Board) if the courses meet the criteria and requirements for career-themed[8] courses which include, but are not limited to:[9]

- Increasing student academic achievement and graduation rates through integrated academic and career curricula.[10]

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[3] The practical arts course must incorporate artistic content and techniques of creativity, interpretation, and imagination. Section 1003.4282(3)(e), F.S. Eligible practical arts courses are identified in the Course Code Directory. *Id.* Many career and technical education courses meet the fine arts or practical arts credit requirements for high school graduation. Florida Department of Education, *2014-2015 Career and Technical Education Courses that Meet the Practical Arts High School Graduation Requirement*, *available at* http://www.fldoe.org/core/fileparse.php/7746/urlt/0080266-pacourses1415.pdf. *See also* Florida Department of Education, *2015-2016 Course Code Directory and Instructional Personnel Assignments*, *available at* https://www.flrules.org/gateway/readRefFile.asp?refId=5432&filename=CCDNarrative1516.pdf. Rule 6A-1.09441, F.A.C.

[4] Physical education must include the integration of health. Section 1003.4282(3)(f), F.S.

[5] School districts must develop and offer coordinated electives so that a student may develop knowledge and skills in his or her area of interest, such as electives with a STEM or liberal arts focus. Section 1003.4282(3)(g), F.S. Such electives must include opportunities for students to earn college credit, including industry-certified career education programs or series of career-themed courses that result in industry certification or articulate into the award of college credit, or career education courses for which there is a statewide or local articulation agreement and which lead to college credit. *Id.*

[6] Section 1003.4282(8)(a), F.S.

[7] Section 1003.01(4), F.S. Career education courses all within the definition of "extracurricular courses" which are not defined as "core-curricula courses." *Id.* at (15). Other extracurricular courses may include, but are not limited to, physical education, fine arts, performing fine arts, and course that may result in college credit. *Id.*

[8] A "career-themed course" is defined in s. 1003.493(1)(b), F.S.

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

[10] Section 1003.493(2), F.S.

- Promoting learning by doing through application and adaptation.[11]
- Including partnerships with postsecondary institutions, businesses, industry, or employers.[12]
- Leading to industry certification or college credit.[13]

Career education courses must include workforce and digital literacy skills and the integration of required course content with practical applications and designated rigorous coursework resulting in one or more industry certifications or clearly articulated credit or advanced standing in a 2-year or 4-year certified or degree program, which may include work-related internships or apprenticeships.[14] The instructional methodologies used in these courses must be comprised of authentic projects, problems, and activities for contextually learning the academics.[15]

Each school district is encouraged to partner with local workforce boards, business and industry leaders, and postsecondary institutions to create career education courses.[16] School districts or regional consortium service organizations must submit their recommended career education courses to the Department of Education (DOE) for State Board approval.[17] The State Board must determine if sufficient academic standards are covered to warrant the award of academic credit.[18]

Apprenticeship & Preapprenticeship Programs

Federal Program Requirements

The United States Congress enacted the National Apprenticeship Act (also known as the Fitzgerald Act in honor of its author, Congressman William J. Fitzgerald)[19] in 1937.[20] Following the passage of the Fitzgerald Act, Registered Apprenticeship (RA) programs consisted mainly of manufacturing, construction, and utilities industries.[21] In 2008, revised regulations were issued by the U.S. Department of Labor which increase program flexibility to better serve the needs of today's apprentices and program sponsors.[22]

For apprentices and program sponsors, the regulations:[23]

- Incorporate technology-based learning;

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[11] *Id.* at (4)(a).
[12] *Id.* at (4)(b).
[13] *Id.* at (5).
[14] Section 1003.4282(8)(a)2., F.S.
[15] *Id.*
[16] *Id.* at (8)(b).
[17] *Id.* at (8)(b) and (c).
[18] *Id.* at (8)(a)2.
[19] U.S. Department of Labor, *Workforce System Results* (Sep. 30, 2012), at 2, *available at* http://www.doleta.gov/Farmworker/pdf/workforceSystemResultsSept2012.pdf.
[20] U.S. Department of Labor, *History and Fitzgerald Act*, http://www.doleta.gov/oa/history.cfm (last visited January 29, 2016). *See* 29 U.S.C. s. 50 (1937), as amended.
[21] *Id.* Since 1937, RA programs have grown to 24,000 programs providing education and training to approximately 400,000 apprentices in emerging and high-growth sectors such as energy conservation, health care, and information technology, in addition to traditional industries such as manufacturing and construction. *Id.*
[22] *Id*. "These revised regulations published, on October 29, 2008, update Title 29 CFR, part 29 and provide a framework that supports an enhanced, modernized apprenticeship system." U.S. Department of Labor, *Regulations*, http://www.doleta.gov/oa/regulations.cfm (last visited January 29, 2016).
[23] U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, at 1-2, *available at* http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf.

- Provide additional pathways to certification;
- Introduce interim credentials;
- Improve registration and review process;
- Update the reciprocal registration provision; and
- Introduce provisional registration.

Registered apprenticeship program sponsors (*i.e.*, employers, employer associations, and labor management organizations)[24] identify the minimum qualifications to apply to their apprenticeship programs.[25]

State Law Regarding Apprenticeship & Preapprenticeship Programs

While the Federal government works in cooperation with states to oversee the nation's apprenticeship programs, the states have the authority to register apprenticeship programs through federally recognized State Apprenticeship Agencies.[26] In Florida, the Division of Career and Adult Education within the DOE serves as the registering entity to ensure compliance with federal and state apprenticeship standards, provide technical assistance, and conduct quality assurance assessments.[27]

Florida law provides education and training opportunities, in the form of apprenticeship and preapprenticeship programs, to prepare individuals in the state for trades, occupations, and professions suited to their abilities.[28]

An apprenticeship program means "an organized course of instruction, registered and approved by the department, which course shall contain all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices[29] including such matters as the

[24] Registered Apprenticeship program sponsors vary from small, privately owned businesses to national employer and industry associations. There are nearly 29,000 sponsors representing more than 250,000 employers, such as UPS, the United States Military Apprenticeship Program, Werner Enterprises, and CVS/pharmacy. U.S. Department of Labor, *Apprentices*, http://www.doleta.gov/oa/apprentices.cfm (last visited January 29, 2016).
[25] U.S. Department of Labor, *Apprentices*, http://www.doleta.gov/oa/apprentices.cfm (last visited January 29, 2016). An individual must be at least 16 years of age to be an apprentice. *Id.* In hazardous occupations, individuals must usually be 18 years of age. *Id.* Program sponsors may also identify additional minimum qualifications and credentials to apply (*e.g.*, education, ability to physically perform the essential functions of the occupation, and proof of age). *Id.* All applicants are required to meet the minimum qualifications. *Id.* Based on the selection method utilized by the sponsor, additional qualification standards, such as fair aptitude tests and interviews, school grades, and previous work experience may be identified. *Id.*
[26] 29 C.F.R. ss. 29.1 and 29.13 (2008).
[27] 29 C.F.R. s. 29.2 (2008).
[28] Section 446.011(1), F.S.
[29] An "apprentice" means "a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journeyman craftsmen, which training should be combined with properly coordinated studies of technical and supplementary subjects, and who has entered into a written agreement, which may be cited as an apprentice agreement, with a registered apprenticeship sponsor who may be either an employer, an association of employers, or a local joint apprenticeship committee." Section 446.021(2), F.S. A "journeyman means" "a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number of years required by established industry practices for the particular trade or occupation." Section 446.021(4), F.S. An apprenticeable occupation is a skilled trade which possesses all of the characteristics that are specified in law (*e.g.*, customarily learned in a practical way through a structured, systemic program of on-the-job, supervised training and involves

requirements for a written apprenticeship agreement."[30] A preapprenticeship program means "an organized course of instruction in the public school system or elsewhere, which course is designed to prepare a person 16 years of age or older to become an apprentice and which course is approved by and registered with the department [DOE] and sponsored by a registered apprenticeship program."[31]

The DOE is responsible for administering, facilitating, and supervising registered apprenticeship programs, including, but not limited to:[32]

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

Additionally, the DOE, district school boards, and Florida College System (FCS) institution district boards of trustees must work together with existing apprenticeship programs so that individuals completing preapprenticeship programs may be able to receive credit towards completing registered apprenticeship programs.[34]

Apprenticeship Program Tuition and Fees

Fee exemptions and waivers are types of financial assistance authorized in statutory law that provide opportunities for many students to attend college at reduced tuition and fee cost or even

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manual, mechanical, or technical skills and knowledge which require a minimum of 2,000 hours of work and training, which hours are excluded from the time spent at related instruction). Section 446.092, F.S.

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

[31] Section 446.021(5), F.S. Programs for high school students may begin in the junior year and may include on-the-job training with participating employers. After completing their programs, preapprentices may be granted preference for entry into registered apprenticeship programs, and may receive credit towards the completion of their registered apprenticeship program. Florida Department of Education, *Preapprenticeship*, http://www.fldoe.org/academics/career-adult-edu/apprenticeship-programs/preapprenticeship.stml (last visited January 29, 2016).

[32] Section 446.041, F.S. Employers may participate within an existing group program through agreements called Participating Employer Agreements or Collective Bargaining Agreements or employers may work with an Apprenticeship Training Representative to develop and directly sponsor a new program. Florida Department of Education, *What is Apprenticeship?*, http://www.fldoe.org/academics/career-adult-edu/apprenticeship-programs/what-is-apprenticeship.stml (last visited January 29, 2016).

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

[34] Section 446.052(3), F.S.

free.[35] Florida law provides exemptions from the payment of tuition and fees, including lab fees, for several categories of students enrolled at a school district that provides workforce education programs, an FCS institution, or a state university, including students enrolled in approved apprenticeship programs.[36] According to the DOE, there are approximately 225 active registered apprenticeship programs throughout the state.[37]

High school students enrolled in courses in a secondary career education program, which may include an internship or preapprenticeship, are funded through the Florida Education Finance Program.[38]

III. Effect of Proposed Changes:

SB 1678 allows a high school student participating in a registered apprenticeship with a certified trade association[39] to use credits earned upon completion of the apprenticeship to satisfy the high school graduation credit requirements for courses in fine or performing arts, speech and debate, or practical arts; physical education; or electives.

Although current law allows students to earn credit in both general high school courses and career and technical education courses, including through internships and apprenticeships, it does not expressly identify the high school course credit requirements that may be satisfied by earning career and technical education course credits. The bill specifies that the credits awarded upon completion of an apprenticeship with a certified trade association may be used to meet particular high school course credit requirements.

The Course Code Directory, approved by the State Board of Education, identifies courses aligned to the requisite academic standards for which a student may receive elective or required credit toward high school graduation. The bill may allow for the use of credits earned through certain apprenticeships to satisfy specified high school course requirements whether or not the course or courses associated with the apprenticeship have been identified on the Course Code Directory.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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[35] The Florida College System, *Exemptions and Waivers in the Florida College System* (March 2012), *available at* http://www.fldoe.org/core/fileparse.php/7724/urlt/0072361-fyi2012-02exemptions.pdf.
[36] Section 1009.25(1)(b), F.S.
[37] Florida Department of Education, Division of Career and Adult Education, *What Is Apprenticeship?*, http://www.fldoe.org/academics/career-adult-edu/apprenticeship-programs/what-is-apprenticeship.stml (last visited January 29, 2016).
[38] Section 1011.62(c)3., F.S. *See also* Rule 6A-1.09441, F.A.C.
[39] Certified trade association is not a statutorily defined term.

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:

The bill substantially amends section 1003.4282 of the Florida Statutes.

IX. Additional Information:

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

None.

B. Amendments:

None.

627814

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2016	.	
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The Committee on Education Pre-K - 12 (Montford) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (8) of section 1003.4282, Florida Statutes, is amended to read:

1003.4282 Requirements for a standard high school diploma.—

(8) CAREER EDUCATION COURSES THAT SATISFY HIGH SCHOOL CREDIT REQUIREMENTS.—

(a) Participation in career education courses engages

627814

11 students in their high school education, increases academic
12 achievement, enhances employability, and increases postsecondary
13 success. By July 1, 2014, the department shall develop, for
14 approval by the State Board of Education, multiple, additional
15 career education courses or a series of courses that meet the
16 requirements set forth in s. 1003.493(2), (4), and (5) and this
17 subsection and allow students to earn credit in both the career
18 education course and courses required for high school graduation
19 under this section and s. 1003.4281.
20 1. The state board must determine if sufficient academic
21 standards are covered to warrant the award of academic credit.
22 2. Career education courses must include workforce and
23 digital literacy skills and the integration of required course
24 content with practical applications and designated rigorous
25 coursework that results in one or more industry certifications
26 or clearly articulated credit or advanced standing in a 2-year
27 or 4-year certificate or degree program, which may include high
28 school junior and senior year work-related internships or
29 apprenticeships. The department shall negotiate state licenses
30 for material and testing for industry certifications. The
31 instructional methodology used in these courses must be
32 comprised of authentic projects, problems, and activities for
33 contextually learning the academics.
34 3. A student who earns credit upon completion of an
35 apprenticeship or preapprenticeship program registered with the
36 Department of Education under chapter 446 may use such credit to
37 satisfy the high school graduation credit requirements in
38 paragraphs (3)(e) and (g). The state board shall approve and
39 identify in the Course Code Directory the apprenticeship and

627814

40 preapprenticeship programs from which earned credit may be used
41 pursuant to this subparagraph.
42 Section 2. This act shall take effect July 1, 2016.
43
44 ========== T I T L E A M E N D M E N T ==========
45 And the title is amended as follows:
46 Delete everything before the enacting clause
47 and insert:
48 A bill to be entitled
49 An act relating to high school graduation
50 requirements; amending s. 1003.4282, F.S.; authorizing
51 the use of credits earned upon completion of a
52 registered apprenticeship or preapprenticeship to
53 satisfy specified high school graduation credit
54 requirements; requiring that the State Board of
55 Education approve and identify apprenticeship and
56 preapprenticeship programs for such purpose; providing
57 an effective date.

By Senator Sachs

34-01131-16 20161678__

A bill to be entitled

An act relating to high school graduation requirements; amending s. 1003.4282, F.S.; providing that a student who completes a certain apprenticeship may be awarded specified credits toward a standard high school diploma; providing an effective date.

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

Section 1. Present paragraph (c) of subsection (6) of section 1003.4282, Florida Statutes, is redesignated as paragraph (d), and a new paragraph (c) is added to that subsection, to read:

1003.4282 Requirements for a standard high school diploma.—

(6) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—

(c) A student who participates in an apprenticeship with a certified trade association that is registered with the department in accordance with chapter 446 shall be awarded credits towards a standard high school diploma if the student meets the requirements of this section. The credits awarded upon completion of the apprenticeship may be used to satisfy the requirements of paragraphs (3) (e), (f), and (g).

Section 2. This act shall take effect July 1, 2016.

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STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Thomas R. Grady

is duly appointed a member of the

State Board of Education

for a term beginning on the
Thirtieth day of October, A.D., 2015,
until the Thirty-First day of December, 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 Second day of December, A.D., 2015.

Ken Detzner

Secretary of State

DSDE 99 (3/03)

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8½ x 11" document.

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2015 NOV 19 AM 9:57
DIVISION OF ELECTIONS
TALLAHASSEE, FL

November 17, 2015

Secretary Kenneth W. Detzner
Department 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 1001.01, Florida Statutes:

Mr. Thomas R. Grady
Post Office Box 10
Naples, Florida 34106

as a member of the State Board of Education, succeeding John Colon, subject to confirmation by the Senate. This appointment is effective October 30, 2015, for a term ending December 31, 2018.

Sincerely,

Rick Scott
Governor

RS/bj

THE CAPITOL
TALLAHASSEE, FLORIDA 32399 • (850) 717-9249

OATH OF OFFICE

(Art. II. § 5(b), Fla. Const.)

15 DEC -1 PM 3:47

DIVISION OF ELECTIONS
SECRETARY OF STATE

STATE OF FLORIDA

County of Collier

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

Member, State Board of Education
(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 10th *day of* November, 2015.

Denise R Rakich
Signature of Officer Administering Oath or of Notary Public

Denise R Rakich
Print, Type, or Stamp Commissioned Name of Notary Public

NOTARY PUBLIC STATE OF FLORIDA
DENISE R. RAKICH
MY COMMISSION # FF 122494
EXPIRES: May 24, 2018
Bonded Thru Budget Notary Services

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

P.O. Box 10
Street or Post Office Box

Naples, FL 34106
City, State, Zip Code

Thomas R. Grady
Print name as you desire commission issued

Signature

DS-DE 56 (Rev. 02/10)

CERTIFICATION

STATE OF FLORIDA
COUNTY OF COLLIER

Before me, the undersigned Notary Public of Florida, personally appeared Thomas R. Grady, who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Signature of Applicant-Affiant

Sworn to and subscribed before me this 10th day of November, 2015.

Denise R. Rakich
Signature of Notary Public-State of Florida

Denise R. Rakich
(Print, Type, or Stamp Commissioned Name of Notary Public)

NOTARY PUBLIC STATE OF FLORIDA
DENISE R. RAKICH
MY COMMISSION # FF 122494
EXPIRES: May 24, 2018
Bonded Thru Budget Notary Services

My commission expires: 5/24/18

Personally Known ■ **OR** Produced Identification ☐

Type of Identification Produced _____

(seal)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2.2.16
Meeting Date

808
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Charter Schools

Name: Debbie Mortham

Job Title: Advocacy Director

Address: 215 S. Monroe St
Street

TLH, FL 32301
City, State, Zip

Phone: 251-2278

Email: debbie@excelined.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing: Foundation for Florida's Future

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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

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

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)

2/2/16
Meeting Date

808
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Charter Schools

Name: Val Smith

Job Title: teacher

Address: 12375 Eagle Chase Way
Street

New Port Richey
City State Zip

Phone: 727-457-8730

Email: jay-val@msn.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing: myself

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-2-16
Meeting Date

SB 808
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Charter Schools

Name: Susan Smith

Job Title:

Address: 16111 Vanderbilt Dr
Street

Odessa, FL 33556
City, State, Zip

Phone: 813-926-2768

Email: stsmith222@aol.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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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/16
Meeting Date

SB 808
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: SB 808 - Charter Schools

Name: Kenneth Blankenship

Job Title: Teacher

Address: 11040 Lake Shore Dr
Street

LOL, FL 34637
City, State, Zip

Phone: 813-486-7742

Email:

Speaking: ☐ For ☒ Against ☐ Information

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

Representing:

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-2-16
Meeting Date

824
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Dual Enrollment

Name: Debbie Mortham

Job Title: Advocacy Director

Address: 215 S. Monroe St.
Street

TLH, FL 32301
City, State, Zip

Phone: 251-2278

Email: debbie@excelined.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing: Foundation for Florida's Future

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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

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S-001 (10/14/14)

SMGEL

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/16
Meeting Date

SB 830
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Charter School Bill

Name: Ralph Arza

Job Title: GOV. RELATIONS

Address: 7367 Watt Lake Way
Street

Lake Worth, FL 33467
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 CHARTER SCHOOL ALLIANCE

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [✓] Yes [ ] No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/2016
Meeting Date

830
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: School Choice

Name: Larry Williams

Job Title: Director of Governmental Affairs

Address: 200 West College Ave.
Street

Tallahassee — *City*
FL — *State*
32034 — *Zip*

Phone: 9045578593

Email: larry@larrywilliamsconsulting.c

Speaking: [x] For [ ] Against [ ] Information

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

Representing: Florida Consortium of Public Charter Schools

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [x] 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)

2/2/16
Meeting Date

SB 830
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: School Choice

Name: Brittney Hunt

Job Title: Policy Director

Address: 136 S. Bronough St.
Street

Tallahassee, FL 32301
City State Zip

Phone: (850) 521-1200

Email: bhunt@flchamber.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing: Florida Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2-2-16
Meeting Date

SB 830
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: School Choice

Name: Susan Smith

Job Title:

Address: 16111 Vanderbilt Dr
Street

Odessa, FL 33556
City, State, Zip

Phone: 813-926-2768

Email: stsmith222@aol.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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/16
Meeting Date

SB 830
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: School Choice SB830

Name: Kenneth Blankenship

Job Title: Teacher

Address: 11040 Lake Shore Dr
Street

Land O Lakes, FL 34639
City, State, Zip

Phone: 813-486-7742

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)

02/02/2016
Meeting Date

SB 830
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: SB 830- School Choice

Name: Tanya Cooper

Job Title: Director, Governmental Relations

Address: 325 W. Gaines St.
Street

Tallahassee — *City*
Fl — *State*
32399 — *Zip*

Phone: 850-245-0780

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

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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)

2/2/2016
Meeting Date

830
Bill Number (if applicable)

339770
Amendment Barcode (if applicable)

Topic: School Choice

Name: Larry Williams

Job Title: Director of Governmental Affairs

Address: 200 West College Ave.
Street

Tallahassee — City
FL — State
32034 — Zip

Phone: 9045578593

Email: larry@larrywilliamsconsulting.c

Speaking: [x] For [ ] Against [ ] Information

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

Representing: Florida Consortium of Public Charter Schools

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [ ] No

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

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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)

2/2/16
Meeting Date

SB 830
Bill Number (if applicable)

339770
Amendment Barcode (if applicable)

Topic: School Choice

Name: Erika Donalds

Job Title: Collier County School Board Member, President of FCSBM

Address: 14042 Indigo Lakes Cir
Street

Naples, FL 34119
City, State, Zip

Phone: 239-287-6287

Email: erikadonalds@gmail.com

Speaking: [x] For [ ] Against [ ] Information (waive)

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2.2.16
Meeting Date

830
Bill Number (if applicable)

339770
Amendment Barcode (if applicable)

Topic: School Choice

Name: Debbie Mortham

Job Title: Advocacy Director

Address: 215 S. Monroe St.
Street

TLH, FL 32301
City, State, Zip

Phone: 251-2278

Email: debbie@excelined.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing: Foundation for Florida's Future

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2-2-16
Meeting Date

830
Bill Number (if applicable)

339770
Amendment Barcode (if applicable)

Topic: School Choice

Name: Holly Sagues

Job Title: Exec. Director Gov. Affairs

Address: Metro Center Blvd
Street

Orlando, FL 32835
City, State, Zip

Phone: 321-695-1073

Email: hsagues@flvs.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing: Florida Virtual School

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/16
Meeting Date

916
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Educational Interpreter Bill

Name: Terri Schisler

Job Title: Interpreter

Address: 935 Farmington Rd.
Street

Pensacola, FL 32504
City, State, Zip

Phone: 850-380-5545

Email: terri.schisler@gmail.com

Speaking: ☑ For ☐ Against ☐ Information

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

Representing: Fl. Registry of Interpreters for the Deaf & FL Association of the Deaf

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)

2.2.16
Meeting Date

SB 916
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: EDUCATIONAL SIGN LANGUAGE INTERPRETERS

Name: PART C. LIEFFENS

Job Title: LOBBYIST

Address: 5020 CENTENNIAL OAK CIRCLE
Street

TALLAHASSEE, FL 32308
City, State, Zip

Phone: 850.264.5139

Email: FCLIEF@YAHOO.COM

Speaking: [X] For [ ] Against [ ] Information

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

Representing: FL. ASSOC. OF THE DEAF / FL. REGISTRY OF INTERPRETERS OF THE DEAF

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/16
Meeting Date

SB 916
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Educational Interpreter Bill

Name: Morgan Eastman

Job Title: N/A

Address: 1006 Groveland Hills Dr
Street

Tallahassee Florida 32317
City State Zip

Phone:

Email: morganeastmanfl@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing: Florida Association of the Deaf

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2-2-16
Meeting Date

916
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Educational Interpreter Bill

Name: Gail Strassel

Job Title: Teacher of the Deaf

Address: 100 N. St. Augustine Blvd
Street

St. Augustine FL 32080
City State Zip

Phone: 904-687 8092

Email: gailstrassel@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing: Florida Educators of Students who are Deaf/Hard of Hrg

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/16
Meeting Date

914
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Educational Interpreters for DHH

Name: Val Smith

Job Title: teacher

Address: 12375 Eagle Chase Way
Street

New Port Richey FL 34655
City State Zip

Phone: 727-457-8730

Email: jay-val@msn.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing: myself

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2-2-16
Meeting Date

SJR 976
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: CHARTER SCHOOL APPROVAL

Name: BILL MATTOX

Job Title: JAMES MADISON INSTITUTE FELLOW

Address: 100 N. DUVAL
Street

TALLY FL 32303
City State Zip

Phone

Email

Speaking: [✓] For [ ] Against [✓] Information

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

Representing: JAMES MADISON INSTITUTE

Appearing at request of Chair: [ ] Yes [✓] No

Lobbyist registered with Legislature: [ ] Yes [✓] No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2.2.16
Meeting Date

976
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Joint Resolution - Charter Schools

Name: Debbie Mortham

Job Title: Advocacy Director

Address: 215 S. Monroe St
Street

City State Zip

Phone: 251-2278

Email: debbie@excelined.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing: Foundation for Florida's Future

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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2-2-16
Meeting Date

SJR 976
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Charter Schools

Name: Susan Smith

Job Title:

Address: 16111 Vanderbilt Drive
Street

Odessa, FL 33556
City State Zip

Phone: 813-926-2768

Email: stsmith222@aol.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

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THE FLORIDA SENATE

APPEARANCE RECORD

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2/2/16
Meeting Date

SJR 976
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Charter Schools

Name: Debbie Harrison Rumberger

Job Title: Legislative Liaison

Address: 540 Beverly Court
Street

Tallahassee, FL 32301
City, State, Zip

Phone: 850-570-0289

Email: [redacted]lwvfadvocacy@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing: Florida League of Women Voters

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/16
Meeting Date

SB 976
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: SB 0976 Charter Schools

Name: Kenneth Blankenship

Job Title: Teacher

Address: 11040 Lake Shore Dr
Street

LOL, FL 34637
City, State, Zip

Phone: 813-486-7742

Email:

Speaking: ☐ For ☒ Against ☐ Information

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

Representing:

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/16
Meeting Date

SB 1062
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic SB 1062 Educational Choice

Name Kenneth Blankenship

Job Title Teacher

Address 11040 Lakeshore Dr
Street

LOL FL 34637
City State Zip

Phone 813-486-7742

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)

2/2/16
Meeting Date

SB 1062
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: School Choice

Name: Erika Donalds

Job Title: President, FCSBM + Collier School Board Member

Address: 14642 Indigo lakes Circle
Street

Naples, FL 34119
City, State, Zip

Phone: 239-2876287

Email: erikadonalds@gmail.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.

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2.2.16
Meeting Date

1062
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Educational Choice

Name: Debbie Mortham

Job Title: Advocacy Director

Address: 215 S. Monroe St.
Street

TLH, FL 32301
City, State, Zip

Phone: 2572278

Email: debbie@excelined.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing: Foundation for Florida's Future

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2-2-16
Meeting Date

1062
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Educational Choice

Name: Holly Sagues

Job Title: Exec. Director Gov. Affairs

Address: MetroCenter Blvd
Street

Orlando, FL 32835
City, State, Zip

Phone: 321-695-1073

Email: hsagues@flvs.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing: Florida Virtual School

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2-2-16
Meeting Date

SB 1062
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Educational Choice

Name: Susan Smith

Job Title:

Address: 16111 Vanderbilt Dr
Street

Odessa, FL 33556
City, State, Zip

Phone: 813-926-2768

Email: stsmith222@aol.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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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/'16
Meeting Date

1126
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Hearing

Name: Mary-Lynn Cullen

Job Title: Legislative Liaison

Address: 1694 University Pkwy.
Street

Sarasota Fl. 34243
City State Zip

Phone: 941-928-0278

Email: archildren@aol.com

Speaking: [x] For [ ] Against [ ] Information

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

Representing: Advocacy Institute for Children

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [ ] No

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

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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)

2/2/16
Meeting Date

SB 1126
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Auditory-oral Education

Name: Raena Wright

Job Title: Government relations at the University of Miami

Address: 6200 San Amaro Drive
Street

Coral Gables FL 33146
City State Zip

Phone: 305-284-2618

Email: Raenawright@miami.edu

Speaking: ☐ For ☐ Against ☐ Information

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

Representing: The Debbie School at the University of Miami

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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First to speak

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/16
Meeting Date

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic 1126

Name Tatiana Burgess

Job Title Deaf child

Address 11259 Southington PL,
Street

Jacksonville FL 32257
City State Zip

Phone (904)444-9258

Email burgessolga@yahoo.com

Speaking: [x] 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 [x] No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/16
Meeting Date

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic 1126

Name Olga Oakley

Job Title Mom of a deaf child

Address 11259 Southington Place
Street

Jacksonville FL 32257
City State Zip

Phone (904)444-9258

Email burgessolga@yahoo.com

Speaking: [X] 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 [X] No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2-2-16
Meeting Date

1126
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic #1126

Name Angela Watters

Job Title Speech Language Pathologist / Listening + Spoken Language Specialist / Representing Florida AG Bell

Address 13035 Sunset Lake Drive
Street

Jacksonville FL 32258
City *State* *Zip*

Phone 618-971-6202

Email wattean@gmail.com

Speaking: [X] 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 [X] No

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THE FLORIDA SENATE

APPEARANCE RECORD

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2/2/16
Meeting Date

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic 1126

Name Aiden Jones

Job Title Deaf Child

Address 3200 Hartley Rd Apt 322
Street

Jacksonville FL 32257
City State Zip

Phone 423 260 2349

Email

Speaking: [x] For [ ] Against [ ] Information

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

Representing

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [ ] Yes [x] No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/16
Meeting Date

1126
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic 1126

Name Mikayla Arnold

Job Title Sister of a deaf Child

Address 3200 Harthey Rd Apt 322
Street

Jacksonville FL
City State Zip

Phone 904-476-6103

Email mikayla.Arnold95@gmail.com

Speaking: [x] For [ ] Against [ ] Information

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

Representing

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [ ] Yes [x] No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/16
Meeting Date

1126
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic 1126

Name Debra Golinski

Job Title Executive Director Sertoma Speech & Hearing

Address 4443 Rowan Rd
Street

New Port Richey FL 34653
City State Zip

Phone 727-834-5479

Email dgolins1@jhmi.edu

Speaking: ☑ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/16
Meeting Date

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic 1126

Name Stacey Jones

Job Title Mother of Deaf Child

Address 3200 Hartley Rd Apt 322
Street

Jacksonville FL 32257
City State Zip

Phone 423 260 2249

Email

Speaking: [x] For [ ] Against [ ] Information

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

Representing

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [ ] Yes [x] No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/16
Meeting Date

1126
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic #1126

Name Theresa Bulger

Job Title Advocate

Address 235 Hayden
Street

Tallahassee, Fl 32399
City State Zip

Phone 904 880 9063

Email bulger12@yahoo.com

Speaking: [X] For [ ] Against [ ] Information

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

Representing Florida Coalition for Spoken Language Options

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2-2-16
Meeting Date

1126
Bill Number (if applicable)

146980
Amendment Barcode (if applicable)

Topic: Educational Auditory Oral Education Bill

Name: Gail Strassel

Job Title: Teacher of the Deaf

Address: 100 N. St. Augustine Blvd
Street

St Augustine FL 32080
City State Zip

Phone: 904-687-8092

Email: gailstrassel@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing: Florida Educators of Students Who are Deaf or Hard of Hrg.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/16
Meeting Date

HB 0
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic

Name Frank Meiners

Job Title

Address PO Box 1633
Street

Tall FL 32302
City State Zip

Phone 850 591-0177

Email frank@chqmail.com

Speaking: [X] For [ ] Against [ ] Information

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

Representing FL Cultural Alliance

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/16
Meeting Date

SB 1426
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Membership Associations

Name: Erika Donalds

Job Title: President, FCSBM & Collier School Board Members

Address: 14642 Indigo Lakes Cir
Street

Naples, FL 34119
City, State, Zip

Phone: 239-287-6287

Email: erikadonalds@gmail.com

Speaking: [x] 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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THE FLORIDA SENATE

APPEARANCE RECORD

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

2-2-16
Meeting Date

SB 1426
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Membership Association

Name: Susan Smith

Job Title:

Address: 16111 Vanderbilt Dr
Street

Odessa, FL 33556
City, State, Zip

Phone: 813-926-2768

Email: stsmith222@aol.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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

1426
Meeting Date

1426
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Membership Association

Name: Debbie Mortham

Job Title: Advocacy Director

Address: 215 S Monroe St
Street

TLH, FL 32301
City, State, Zip

Phone: 257-2278

Email: debbie@excelined.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing: Foundation for Florida's Future

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

1-3-16
Meeting Date

1426
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: MEMBERSHIP ASSOCIATIONS

Name: ANDREA MESSINA

Job Title: EXEC. DIRECTOR

Address: 203 S Monroe St
Street

Tallahassee FL 32301
City State Zip

Phone: 8505661860

Email: messina@fsba.org

Speaking: ☐ For ☐ Against ☒ Information

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

Representing: FL. SCHOOL BOARD 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.

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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)

2/2/2016
Meeting Date

SB 1426
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Membership Associations

Name: Jeff Bergosh

Job Title: School Board Member

Address: 5905 Forest Ridge Cir
Street

Pensacola FL 32526
City State Zip

Phone: 850-293-1454

Email: Jeffbergosh@gmail.com

Speaking: [X] 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)

2/2/16
Meeting Date

SB 1462
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Curriculum Elective

Name: Steve Swartzel

Job Title: Consultant

Address: 3058 Spring Oak Ave
Street

Palm Harbor, FL 34684
City, State, Zip

Phone: 727-418-9012

Email: swartzelsp@gmail.com

Speaking: [x] For [ ] Against [ ] Information

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

Representing: Pinellas School Board

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [ ] No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/16
Meeting Date

1678
Bill Number (if applicable)

627814 LF AE
Amendment Barcode (if applicable)

Topic

Name Vern Pickup-Crawford

Job Title Legislative Liaison

Address 571 Kingsbury Terrace
Street

Wellington FL 33414
City State Zip

Phone (561) 644-2439

Email vcrawford@msn.com

Speaking: [✓] For [ ] Against [ ] Information

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

Representing Palm Beach 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.

THE FLORIDA SENATE

APPEARANCE RECORD

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

Feb 2, 2016
Meeting Date

1678
Bill Number (if applicable)

627814
Amendment Barcode (if applicable)

Topic: Apprent./High School Graduation

Name: Dr. Hollie Newnam

Job Title: Executive Director SHAPE Florida

Address: 798 Foxhound Drive
Street

Port Orange FL 32128
City State Zip

Phone: 386-299-1062

Email: shapeflorida orge aol.com

Speaking: [x] For [ ] Against [ ] Information
amendment

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

Representing: SHAPE Florida ~ Society of Health and Physical Educators

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [ ] Yes [x] No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2-2-16
Meeting Date

1678
Bill Number (if applicable)

627814
Amendment Barcode (if applicable)

Topic: High Sch. Graduation Requirement

Name: FELY CURVA, Ph.D.

Job Title: Partner, Curva & Associates LLC

Address: 1212 Piedmont Dr.
Street

Tallahassee FL 32312
City State Zip

Phone: (850) 568-2256

Email: curva@mindspring.com

Speaking: [✓] For [ ] Against [ ] Information
Amendment

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

Representing: Society of Health & Physical Education (SHAPE) FL

Appearing at request of Chair: [ ] Yes [✓] No

Lobbyist registered with Legislature: [✓] Yes [ ] No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/16
Meeting Date

SB 1678
Bill Number (if applicable)

627814
Amendment Barcode (if applicable)

Topic: Apprenticeship

Name: Mark D. Landreth

Job Title: Sr. Dir, Govt Relations

Address: 2851 Remington Green Cir, Ste C
Street

Tallahassee, 32308
City, State, Zip

Phone: 850.544.3376

Email: mark.landreth@heart.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against of amendment
(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

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THE FLORIDA SENATE

APPEARANCE RECORD

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2/2/14
Meeting Date

1678
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: High School Graduation Requirements

Name: Val Smith

Job Title: teacher

Address: 12375 Eagle Chase Way
Street

New Port Richey FL 34655
City State Zip

Phone: 727-457-8730

Email: jay-val@msn.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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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2/2/16
Meeting Date

7058
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: CCDBG - EARLY LEARNING

Name: JESSICA SCHER

Job Title: DIRECTOR, PUBLIC POLICY

Address: 3250 SW 3rd Ave
Street

MIAMI, FL 33129
City, State, Zip

Phone: 305-322-6143

Email: scherj@unitedwaymiami.org

Speaking: [X] For [ ] Against [ ] Information

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

Representing: United Way of Miami-Dade

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] 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)

Feb 2
Meeting Date

SB 7058
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: SB 7058

Name: Dr Mimi Graham

Job Title: Professor

Address: FSU CPEIP 1339 E Lafayette St
Street

Tall FL 32301
City State Zip

Phone: 850 922 1302

Email: mgraham@fsu.edu

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)