

THE FLORIDA SENATE
2014 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/CS/SB 850 — Education

by Appropriations Committee; Education Committee; and Senator Legg

The bill builds on the Career and Professional Education (CAPE) provisions and expands rigorous acceleration, curricular, instructional, and assessment options for public elementary, middle, and high school students. In addition, the bill:

- Requires the Florida College System (FCS) institutions to establish a collegiate high school program for students in every school district in the colleges' designated service area.
- Restructures middle grades education requirements regarding early warning indicators, anti-hazing policy, and professional development.
- Strengthens accountability, delivery, and review of Department of Juvenile Justice (DJJ) education programs.
- Expands access to the Florida Tax Credit (FTC) Scholarship Program as a choice option for students from low-income families and strengthens accountability for program administration.
- Creates the Florida Personal Learning Scholarship Accounts Program for students with disabilities.
- Provides diploma options for students with disabilities.

Career and Professional Education (CAPE)

- Provides elementary and middle school students, including students with disabilities, options to earn CAPE Digital Tool certificates and CAPE industry certifications.
- Provides high school students a variety of options to earn CAPE industry certifications which may articulate for college credit.
- Requires identification of CAPE Digital Tool certificates and CAPE industry certifications on the CAPE Industry Certification Funding List.
- Requires the Articulation Coordinating Committee to review the statewide articulation agreement proposals for industry certifications and make recommendations to the State Board of Education (SBE) for approval.
- Requires district school boards to notify the parent of a student who earns an industry certification that articulates for postsecondary credit:
 - o The estimated cost savings to the parent regarding the student's attainment of the industry certification before graduation from high school compared to the cost of acquiring the industry certification after high school graduation.
 - o Additional industry certifications available to the student.
- Provides bonus funding to school districts for each CAPE Digital Tool certificate and CAPE industry certification earned by elementary, middle, and high school students.
- Provides bonus funding for teachers who teach a course that leads to the attainment of a CAPE industry certification.
- Requires weighting a grade in a course that leads to an industry certification the same as a grade in an Honors course for the purposes of calculating grade point average.

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- Eliminates un-implemented CAPE provisions regarding Florida Cybersecurity and Florida Digital Arts recognitions.

Collegiate High School Program

- Requires each school district and its local Florida College System (FCS) institution to execute a contract to establish one or more collegiate high school programs at a mutually agreed-upon location or locations.
- Requires that the collegiate high school program, at a minimum, include an option for public school students in grades 11 and 12 participating in the program, for at least one full school year, the opportunity to:
 - o Earn CAPE industry certifications and
 - o Successfully complete 30 credit hours through the dual enrollment program toward the first year of college for an associate degree or a baccalaureate degree while enrolled in the collegiate high school program.
- Authorizes a FCS institution to execute a contract with a school district outside the FCS institution's designated service area if the local FCS institution for that school district does not execute a contract with the school district, beginning with the 2015-2016 school year.
- Requires the collegiate high school program contract to be executed by January 1 of each school year for implementation of the program during the next school year.
 - o Specifies information that must be included in the contract (e.g., grade levels included in the program, delineation of courses and industry certifications offered, program notification and delivery method, advising resources, and funding arrangements).
- Authorizes state universities and independent colleges and universities that are not-for-profit, located and chartered in Florida, and accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to execute contracts with school districts to establish collegiate high school programs.
- Requires students participating in the collegiate high school program to enter into a student performance contract which must be signed by each participating student, the parent, a representative of the school district, and a representative of the applicable FCS institution, state university, or independent college or university.
 - o Specifies information that must be included in the student performance contract (i.e., schedule of courses and industry certifications, student attendance requirements, and course grade requirements).
- Specifies funding for the collegiate high school program in accordance with the dual enrollment program and the Florida Education Finance Program.
- Requires the SBE to enforce compliance with the collegiate high school program requirements by withholding transfer of funds for the school districts and FCS institutions.

Middle Grades Education

- Creates a new middle grades early warning system to identify students who are at-risk of not graduating from high school.

- o Requires that a school's child study team or similar team convene when a student exhibits two or more early warning indicators for dropout prevention and academic intervention programs.
- Requires public schools that includes any of the middle grades to annually report information and data on the school's early warning system in the school improvement plan.
- Extends anti-hazing provisions to include grades 6 through 8 and revises the definition of "hazing".
 - o Requires school districts to report incidents of hazing in grades 6 through 12 to the Florida Department of Education (DOE) and modifies existing criminal hazing provisions.
- Requires DOE to provide web-based professional development to the school districts to help teachers integrate digital instruction into classrooms including access to web-based materials on middle grades instructional techniques.
 - o Requires school districts to emphasize middle grades best practices in the districts' professional development systems and describe the training middle grades teachers and administrators receive on the best practices.
- Requires the SBE to remove any middle grades course in the Course Code Directory that does not fully integrate all appropriate curricular content required by the state's academic standards.

Department of Juvenile Justice (DJJ) Education Programs

- Modifies the multiagency plan for vocational education to mean the multiagency plan for career and professional education that establishes the curriculum, goals, and outcome measures for CAPE programs in juvenile justice education programs.
 - o Requires the multiagency plan to be reviewed annually and revised as needed.
- Requires the DOE, in partnership with the DJJ, district school boards, and providers to:
 - o Develop and implement requirements for contracts and cooperative agreements regarding the delivery of appropriate education services to students in DJJ education programs.
 - o Develop and implement procedures for transitioning students into and out of DJJ education programs.
 - o Maintain standardized procedures for securing student records in addition to maintaining standardized required content of students' education records.
 - o Establish the roles and responsibilities of juvenile probation officer and others involved in students' withdrawal from and assignment to juvenile justice education programs.
- Requires prevention and day treatment juvenile justice education programs to provide career readiness and exploration opportunities as well as truancy and dropout prevention intervention services.
- Requires residential juvenile justice education programs with a contracted minimum length of stay of nine months to provide CAPE courses that lead to preapprentice certifications and industry certifications.

- o Authorizes programs with contracted lengths of stay of less than nine months to provide career education courses that lead to preapprentice certifications and industry certifications.
- Requires school districts and juvenile justice education providers to develop individualized transition plans for students to assist the students in successful community reintegration upon release.
- Requires the DOE, in consultation with the DJJ, district school boards, and providers, to adopt rules establishing:
 - o Objective and measurable student performance measures to evaluate students' educational progress.
 - o A performance rating system to evaluate the delivery of educational services associated with each of the juvenile justice programs.
 - o The timeframes, procedures, and resources to improve, terminate, or reassign the juvenile justice programs.
 - o A comprehensive DJJ education program accountability and improvement process.
- Requires the DOE, in collaboration with the DJJ, to collect data and report on commitment, day treatment, prevention, and detention programs.
 - o Requires the report to include specified student outcomes (e.g., the number and percentage of students who receive a standard high school diploma or a high school equivalency diploma, receive industry certification, reoffend within one year after completing a day treatment or residential commitment program, and remain employed one year after completing a day treatment or residential commitment program).

Florida Tax Credit (FTC) Scholarship Program

- Expands access to the Florida Tax Credit (FTC) Scholarship Program as a choice option for students from low-income families and strengthens accountability for program administration.
- Repeals the prior public school year attendance requirement for student eligibility for participating in the FTC Scholarship Program.
- Makes out-of-home care students eligible for the FTC Scholarship Program and authorizes students to:
 - o Apply at any time.
 - o Remain eligible until graduating from high school or turning 21, whichever occurs first.
- Designates the Learning System Institute at Florida State University as the independent research organization responsible for annually reporting on student performance associated with the FTC Scholarship Program on a statewide and individual school basis.
 - o Requires the annual report to include private schools in which at least 51 percent or more of the enrolled students participated in FTC Scholarship Program the previous school year.
 - o Expands the annual report to include information on student performance which includes, but is not limited to, students' learning growth, achievement levels, and learning gains.

- Modifies student eligibility for participating in the FTC Scholarship Program by increasing the student household income from 230 percent to 260 percent of the federal poverty level, beginning with the 2016-2017 school year.
 - o Specifies that priority must be given to students whose household income does not exceed 185 percent of the federal poverty level.
- Increases the scholarship amount from 80 percent of the unweighted full-time equivalent (FTE) funding amount to 82 percent of the unweighted FTE funding amount, beginning with the 2016-2017 school year.
- Modifies the partial scholarship amount based on student household income levels, beginning with the 2016-2017 school year.
- Adds additional background screening requirements for owners and operators of scholarship funding organizations (SFOs).
- Prohibits SFOs from using eligible contributions and application fees for lobbying or political activities.
- Requires SFOs to refund application fees if a student does not enroll in the FTC Scholarship Program at a private school within 12 months after applying for participating in the FTC Scholarship Program.
- Requires SFOs to submit to annual operational audits by the Auditor General.
- Requires SFOs to maintain a surety bond or letter of credit.
- Authorizes state universities and independent colleges and universities that are not-for-profit, located and chartered in Florida, and accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to register with the DOE to become a SFO.
 - o Exempts such colleges and universities from the bond requirements and application process required to become a SFO.

Florida Personal Learning Scholarship Accounts Program

- Creates the Florida Personal Learning Scholarship Accounts Program and assigns the administration of the program to a SFO.
- Charges the DOE with oversight of the Florida Personal Learning Scholarship Accounts Program.
- Authorizes a Florida private school student and home education program student to participate in the Florida Personal Learning Scholarship Accounts Program if he or she:
 - o Is eligible to enroll in kindergarten through grade 12 in a Florida public school;
 - o Has a disability; and
 - o Has an individual education plan (IEP) or has received a diagnosis of a disability from a licensed physician or psychologist.
- Defines disability, for the purposes of student eligibility for the Florida Personal Learning Scholarship Accounts Program, as autism, cerebral palsy, Down syndrome, an intellectual disability, Prader-Willi syndrome, Spina bifida, Williams syndrome, and, for a student in kindergarten, being a high-risk child, which means a child from 5 years of age with a developmental delay in cognition, language, or physical development.

- Requires a parent to be responsible for signing an agreement with the SFO and annually submitting a notarized, sworn compliance statement to the SFO affirming that the student meets the regular attendance requirements and takes all appropriate assessments.
- Requires parents to use the Florida Personal Learning Scholarship Accounts Program funds only for authorized purposes.
 - o Prohibits parents from transferring any college savings funds to another beneficiary and taking possession of any funding provided for personal learning scholarship accounts.
- Requires use of funds for specified purposes, such as instructional materials, curriculum, specialized services selected by the parent, enrollment in, or tuition or fees associated with enrollment in an eligible private school, an eligible postsecondary educational institution, a private tutoring program, a virtual instruction program, the Florida Virtual School, an approved online course, or contributions toward a Florida Prepaid College Program.
- Assigns students to a Level 3 services category for purposes of the scholarship amount and authorizes parents to request an IEP and a matrix of services to determine student eligibility for receiving a higher level of funding.
- Provides for funding of the Florida Personal Learning Scholarship Accounts Program in the General Appropriations Act.
 - o Provides funds on a first-come, first-served basis for the 2014-2015 school year.

Diploma Options for Students with Disabilities

- Authorizes students with disabilities for whom the IEP team determines that the Florida Alternate Assessment is the most appropriate way to demonstrate skills to earn a standard high school diploma through a combination of course substitutions, industry certifications, portfolios, and other options.
- Authorizes students with disabilities for whom the IEP team determines that mastery of academic and employment competencies is the most appropriate way to demonstrate skills to earn a standard high school through documented successful employment.
- Repeals the special diploma option effective July 1, 2015.
 - o Authorizes students who are currently pursuing the special diploma option to receive a special diploma if all applicable requirements are met.
- Authorizes students who are currently participating in the Road to Independence Program to continue to participate in the program.

Other Provisions

- Requires the Florida Prepaid College Board to conduct a study and report on options for the use of the Florida Prepaid Program funds for tuition and postsecondary expenses for students with disabilities.
- Prohibits school districts from imposing additional requirements beyond those specified in law and charging fees associated with private instructional personnel who are:
 - o Employed by the parent or under contract to observe a student in a public school setting or provide services in an educational setting.

- Requires school districts to provide to the parent of a student with a substantial reading deficiency, specific information related the criteria, policies, and evidence used to review a portfolio.
- Authorizes the parent of a child who is at risk of retention to request that the school initiate a portfolio.
- Creates a new, good cause exemption from retaining a third grade student and prohibits retaining a student more than once in the third grade.
- Permits a driver education course to satisfy the high school graduation requirement that a student must complete at least one online course.
- Requires the Commissioner of Education to prepare an annual report that includes information, based on annual reporting by schools, regarding:
 - o Student access to, and participation in, fine arts courses,
 - o Certification status of educators providing arts instruction, and
 - o How schools are providing the fine arts core curricular content established in Florida's academic standards.
- Renames the Florida Agricultural and Mechanical University Crestview Education Center as the "Senator Durell Peaden, Jr. FAMU Educational Center."

If approved by the Governor, these provisions take effect upon becoming law unless another effective date is expressly specified for the provisions.

Vote: Senate 29-11; House 70-44