

THE FLORIDA SENATE
2018 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/SB 4 — Higher Education

by Appropriations Committee; Senators Galvano, Perry, Young, Bradley, Stewart, Stargel, Simpson, Steube, Passidomo, Bean, Baxley, Hukill, Benacquisto, and Mayfield

The bill (Chapter 2018-4, L.O.F.) establishes the “Florida Excellence in Higher Education Act of 2018” to expand merit-based and need-based financial aid funding available to students; modify university performance expectations to incentivize and reward state university performance excellence and recognition in academics, instruction, research, and community accomplishments and achievements; and expand and enhance policy and funding tools for state universities to recruit and retain the very best faculty, enrich professional and graduate school strength and viability, and bring aging infrastructure and research laboratories into the 21st century.

Additionally, the bill modifies requirements relating to state university direct support organizations, establishes a process for the termination of separate accreditation for the St. Petersburg and Sarasota/Manatee campuses of the University of South Florida, and creates the "Campus Free Expression Act" which addresses the issue of free speech on the campuses of public postsecondary institutions.

Student Financial Aid and Tuition Assistance

The bill expands student financial aid and tuition assistance programs to help to address financial insecurity concerns of students and their families. Specifically the bill:

- Modifies Bright Futures Scholarship Program awards to:
 - o Increase the Florida Academic Scholars (FAS) award amount to cover 100 percent of public postsecondary education institution tuition and specified fees, plus \$300 per fall and spring academic semester or the equivalent for textbooks, beginning in the 2017-2018 academic year.
 - o Increase the Florida Medallion Scholars (FMS) award amount to cover 75 percent of public postsecondary education institution tuition and specified fees, beginning in the fall 2018 semester.
 - o Provide summer funding for Florida Bright Futures Scholarship awards for FAS awards, beginning in the 2018 summer term, and for FMS awards, beginning in the 2019 summer term; and authorizes summer funding for other Bright Futures awards if funded by the Legislature.
 - o Remove the prohibition on the inclusion of the technology fee and tuition differential in a Bright Futures Scholarship award.
- Expands the Benacquisto Scholarship Program to attract qualified students from out-of-state who physically reside on or near the postsecondary education institution in which they enroll; who earn a high school diploma or the equivalent, comparable to Florida; who are accepted and enroll in a baccalaureate degree program in the 2018-2019 academic year or thereafter; and who meet the specified requirement to qualify for the scholarship. The bill exempts such student from the payment of out-of-state fees and

specifies that the award amount for such students is equal to the institutional cost of attendance for a Florida resident less the student's National Merit Scholarship.

- Creates the Florida Farmworker Scholarship Program for farmworkers and the children of farmworkers, who meet the specified scholarship eligibility criteria. The bill requires the Department of Education (DOE) to award up to 50 scholarships annually and the recipient may receive an award for a maximum of 100 percent of the credit hours or clock hours required to complete up to 90 credit hours of a program that terminates in a career certificate. The recipient is eligible for an award equal to 100 percent of tuition and specified fees at a public postsecondary education institution in Florida. Undocumented immigrants are not eligible for the award.
- Expands the First Generation Matching Grant Program by revising the state to private match requirements from a 1:1 match to a 2:1 match, and codifies the inclusion of Florida College System institutions as eligible program participants.
- Specifies that a Florida Prepaid College Program plan, purchased prior to July 1, 2024, is only obligated to pay for the credit hours taken by the qualified beneficiary at a state university.
- Renames the William L. Boyd, IV, Florida Resident Access Grant (FRAG) Program as the William L. Boyd, IV, Effective Access to Student Education (EASE) Grant Program.

Institutional Accountability

The bill strengthens institutional accountability by modifying state university performance and accountability metrics and standards to promote on-time student graduation. Specifically, the bill:

- Modifies the State University System (SUS) Performance-Based Incentive to:
 - o Specify that the performance-based metric for graduation rate must be a 4-year graduation rate.
 - o Specify that the access metric is the access rate based on the percentage of undergraduate Pell Grant recipients who receive the award in the fall term; and require the access rate benchmarks and scores to be differentiated to reflect varying access rate levels among the universities, and provide that the scoring system may not include bonus points.
- Modifies the Preeminent State Research Universities Program to:
 - o Revise the metric related to the 6-year graduation rate of 70 percent or higher for full-time, first-time-in-college (FTIC) students to a 4-year rate of 60 percent or higher. However, for the Board of Governors' (BOG's) 2018 determination of preeminence and emerging preeminence status and the related distribution of 2018-2019 appropriation for the program, any state university meeting the current 6-year graduation rate of 70 percent or higher by October 1, 2017, as reported to the Integrated Postsecondary Education Data System (IPEDS) and confirmed by the BOG, is considered to have satisfied this graduation rate metric.
 - o Eliminate the authority for the preeminent state research universities to require FTIC students to take a six-credit set of unique courses.
 - o Revise funding for emerging preeminent state research universities from one-half to one-fourth of the total increased funding to preeminent state research universities.

- o Change from an encouragement to a requirement that the BOG establish standards and measures for programs of excellence throughout the SUS and specify that the programs include undergraduate, graduate, and professional degree programs, and require the BOG to make recommendations to the Legislature by September 1, 2018, regarding enhancing and promoting such programs.
- Modifies the duties of the state universities and the BOG to:
 - o Require each state university to submit, as a part of the university's annual accountability plan, information on the effectiveness of such plan for improving 4-year graduation rates and the level of financial assistance to students.
 - o Require, by June 1, 2018, each state university board of trustees (BOT) to submit a proposal to improve undergraduate 4-year graduation rates to the BOG for implementation beginning in the fall 2018 semester. The proposal must identify academic, financial, policy, and curricular incentives and disincentives for timely graduation; outline the implementation of a proactive financial aid program to enable full-time students with financial need to take at least 15 credit hours in the fall and spring semesters; and include assurances that there will be no increased cost to students.
 - o Modify the requirements of the BOG's strategic plan to require each state university to use data-driven gap analyses to identify internship opportunities for students to benefit from mentorship by industry experts, earn industry certifications, and become employed in high-demand fields.
- Requires the BOG, in consultation with the state universities, to submit to the Legislature, by October 1, 2019, recommendations for future consideration on the most efficient process to achieve a complete performance-based continuous improvement model focused on outcomes that provides for the equitable distribution of performance funds. In addition to recommendations submitted by the BOG, the Legislature must review recommendations from an independent entity that consults with the BOG to receive input on behalf of the SUS. Implementation of any recommendations may not occur unless affirmatively enacted by the Legislature.
- Clarifies that developmental education instruction provided by eligible state universities must utilize the same instructional strategies that are specified in law.

State University Faculty, Program, and Infrastructure Investments

The bill establishes the World Class Faculty and Scholar Program and the State University Professional and Graduate Degree Excellence Program to elevate the national prominence of the state universities in Florida. Specifically, the bill:

- Establishes the World Class Faculty and Scholar Program to fund and support the efforts of state universities to recruit and retain exemplary faculty and research scholars. Specifically, the bill:
 - o Authorizes state university investments in areas such as research-centric cluster hires, faculty research, and research commercialization efforts. The funds may not be used to construct buildings.

- o Requires the BOG to provide, annually, by March 15, to the Governor and the Legislature a report summarizing the expenditures and the impact of such expenditures in elevating the national competitiveness of the universities.
- Establishes the State University Professional and Graduate Degree Excellence Program to fund as support the efforts of state universities to enhance the quality of professional and graduate schools and degree programs in medicine, law, and business, and expand the economic impact of state universities. Specifically, the bill:
 - o Authorizes state university investments in quality improvement efforts, which may include, but are not limited to, targeted investment in faculty, students, research infrastructure and other strategic efforts to elevate the national and global prominence of state university medicine, law, and graduate level business programs. The funds may not be used to construct buildings.
 - o Requires the BOG to provide, annually, by March 15, to the Governor and the Legislature a report summarizing the expenditures and the impact of such expenditures in elevating the national and global prominence of the state university medicine, law, and graduate-level business programs.

State University Direct Support Organizations

The bill modifies requirements relating to state university direct-support organizations (DSO) to:

- Require that the use of personal services by a state university DSO must comply with current law regarding limitation on compensation for state university administrators.
- Specify that the state university BOT may not permit the use of state funds for travel expenses by any university direct-support organization.
- Specify that records related to the expenditure of state funds, and financial records related to the expenditure of private funds for travel are not confidential.
- Require, rather than authorize, the chair of a university BOT to appoint at least one member of the DSO board of directors and executive committee, and requires the university BOT to approve all other appointments to the DSO.
- Prohibit a university DSO from giving to a political committee, without exception.
- Require BOT regulations for audit and oversight to include thresholds for approval of purchases, acquisitions, projects, and issuance of debt. No later than July 1, 2019, the transfer of a state appropriation by the BOT to any DSO may only include funds pledged for debt. Additionally, beginning July 1, 2019, and annually thereafter, each university BOT must report to Legislature the amount of state appropriations transferred to any DSO in the previous fiscal year, the purpose for which the funds were transferred, and the remaining balance of any funds transferred.
- Prohibit the transfer of funds to a DSO that does not provide equal employment opportunities.

University of South Florida

The bill establishes a process for the termination of separate accreditation for the St. Petersburg and Sarasota/Manatee campuses of the University of South Florida (USF). Specifically, the bill:

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- Establishes the St. Petersburg and Sarasota/Manatee campuses of the USF, and requires each campus to have a campus board and a regional chancellor, each with specified duties. The USF BOT must, beginning July 2, 2020, include the chair of a campus board.
- Establishes the USF Consolidation Planning Study and Implementation Task Force (task force) to develop recommendations to improve service to students by phasing out separate accreditation for the St. Petersburg and Sarasota/Manatee campuses, and:
 - o Establishes membership of the task force, and specifies appointments by the Governor, President of the Senate, Speaker of the House of Representatives, USF BOT, and chairs of the campus boards.
 - o Requires the task force to submit, by February 15, 2019, a report to the USF BOT with recommendations on specified issues.
- Requires the USF BOT to adopt and submit a plan, by March 15, 2019, to the BOG that:
 - o Establishes a timeline to terminate the separate accreditation for the St. Petersburg and Sarasota/Manatee campuses by June 30, 2020.
 - o Minimizes disruption to USF students, to not impede students' ability to graduate in 4 years after initial FTIC enrollment.
 - o Requires that, by July 1, 2020, the entirety of the USF, including all campuses and other component units of the university, operate under a single institutional accreditation from the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).
 - o Requires data reporting after July 1, 2020, to be consolidated for all USF campuses, and requires the BOG to use the consolidated data for determining performance-based incentive and preeminent state research university program funding.
- Specifies that the following USF students may not be counted in the calculation of graduation rates or retention rates for performance-based incentive and preeminent state research university program funding determinations:
 - o A student admitted to and initially enrolled before the spring 2020 semester as an FTIC student at the USF, St. Petersburg or the USF, Sarasota/Manatee campuses.
 - o A student voluntarily disenrolled from all USF campuses before the date of termination of SACSCOC accreditation.
- Clarifies that the Florida Center for the Partnership for Arts Integrated Teaching, created within USF, must be physically headquartered at the USF, Sarasota/Manatee campus.
- Provides that the provisions related to the consolidation of accreditation of USF branch campuses, including the task force and the implementation plan, expires July 1, 2020.

Free Expression on Campus

The bill creates the "Campus Free Expression Act" (Act), which addresses the issue of free speech on the campuses of public postsecondary institutions (public institutions). Specifically, the bill:

- Defines the following terms: commercial speech; free speech zone; outdoor areas of campus; public institution of higher education; and material and substantial disruption.
- Provides examples of protected expressive activities, which does not include commercial speech.

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- Authorizes a person to engage in an expressive activity in an outdoor area of campus freely, spontaneously, and contemporaneously as long as the person's conduct is lawful and does not materially and substantially disrupt the functioning of the public institution or infringe upon the rights of other individuals or organizations to engage in expressive activities.
- Specifies that the outdoor areas of campus are traditional public forums and authorizes a public institution to create and enforce restrictions that are reasonable and content-neutral on time, place, and manner of expression and that are narrowly tailored to a significant institutional interest. Restrictions must be clear and published and must provide for ample alternative means of expression.
- Specifies that a public institution may not designate any area of campus as a free-speech zone or otherwise create policies restricting expressive activities to a particular outdoor area of campus, except as authorized.
- Specifies that students, faculty, or staff of a public institution may not materially disrupt previously scheduled or reserved activities on campus occurring at the same time.
- Authorizes a person whose expressive rights are violated by an action prohibited under law to bring an action against a public institution in a court of competent jurisdiction to obtain declaratory and injunctive relief, reasonable court costs, and attorney fees.

Appropriations

The bill appropriates, for the 2018-2019 fiscal year, \$121,776,631 in recurring funds from the Educational Enhancement Trust Fund and \$1,736,404 in recurring funds from the General Revenue Fund to the Department of Education to implement this act. Of these funds:

- \$1,737,223 from the Educational Enhancement Trust Fund must be used for 2019 summer term awards for Florida Bright Futures Academic Scholars.
- \$28,416,515 from the Educational Enhancement Trust Fund must be used for 2019 summer term awards for Florida Bright Futures Medallion Scholars.
- \$91,622,893 from the Educational Enhancement Trust Fund must be used for Florida Bright Futures Scholarship Program awards.
- \$1,236,404 from the General Revenue Fund must be used for the Benacquisto Scholarship Program.
- \$500,000 from the General Revenue Fund must be used for the Florida Farmworker Student Scholarship Program.

These provisions became law upon approval by the Governor on March 11, 2018, except as otherwise provided.

Vote: Senate 33-5; House 84-28

Committee on Education

CS/HB 495 — K-12 Public Education

by Education Committee; Reps. Diaz, M. and Bileca (CS/CS/SB 1056 by Appropriations Committee; Education Committee; and Senator Passidomo)

The bill revises time limits for certain public employees who qualify to participate in the Deferred Retirement Option Program (DROP); modifies educator certification requirements and district school board duties relating to school safety, and prohibits misconduct by authority figures against students; promotes opportunities for public middle and high school students to learn computer science taught by qualified teachers; and modifies end-of-course statewide assessment requirements for certain students.

Deferred Retirement Option Program (DROP)

The bill extends participation in the Deferred Retirement Option Program (DROP) for instructional and administrative personnel, and requires employers to notify the Division of Retirement, Department of Management Services, of the change in termination date and additional DROP period participation for the affected personnel. Specifically, the bill:

- Requires, beginning July 1, 2018, instructional personnel who are authorized to extend DROP participation beyond the 60-month period to have a termination date that is the last day of the last calendar month of the school year within the DROP extension granted by the employer.
- o Authorizes a member's DROP participation to be extended through the last day of the last calendar month of the school year if, on July 1, 2018, a member's DROP participation has already been extended for the maximum 36 calendar months and the extension period concludes before the end of the school year.
- Authorizes administrative personnel in grades K-12, who have a DROP termination date on or after July 1, 2018 to extend DROP participation beyond the initial 60 calendar month period if the administrative personnel's termination date is before the end of the school year.
- o Provides for the extension of DROP participation until the last day of the last calendar month of the school year in which the original DROP termination date occurred if a date other than the last day of the last calendar month of the school year is designated.
- Provides a legislative finding that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems.

Educator Certification and Student Safety

The bill modifies Florida law regarding educator certification requirements and district school board duties relating to school safety, and prohibits misconduct by authority figures against students. Specifically, the bill:

- Expands the applicability of certain employment disqualification criteria to include all positions that require direct contact with students.
- Grants the Department of Education (DOE) and the Education Practices Commission additional authority to enforce the educator certification requirements and impose penalties against persons who do not comply with certification requirements.
- Requires an educator who has been placed on probation to immediately notify the investigative office in the DOE upon separation from employment in any public or private position requiring a Florida educator's certificate.
- Prohibits an authority figure from soliciting or engaging in sexual conduct, a relationship of a romantic nature, or lewd conduct with a student and deems such offenses against students by authority figures as a second-degree felony.
- Adds a school bus to the definition of "school," to apply to the provisions in law regarding trespass on school grounds or facilities.
- Revises standards of ethical conduct for instructional personnel and school administrators to require the training on alleged misconduct by instructional personnel and school administrators which affects student safety to include specified misconduct that would result in disqualification from educator certification or employment.
- Requires a school district to:
 - o File in writing with the DOE any legally sufficient complaint against an employee of the school district within a specified timeframe, regardless of the status of the complaint and regardless of whether the subject of the complaint is still a district employee.
 - o Immediately notify the DOE if the subject of a legally sufficient complaint of misconduct affecting the health, safety, or welfare of a student resigns or is terminated before the conclusion of the district's investigation.
- Requires the DOE, upon receipt of notification by the school district, to place an alert on a person's certification file indicating that he or she resigned or was terminated before an investigation involving allegations of misconduct affecting the health, safety, or welfare of a student was concluded.
- Requires a district school superintendent to:
 - o Report misconduct by instructional personnel or school administrators that would result in a disqualification from educator certification or employment to the law enforcement agencies with jurisdiction over the conduct. The bill provides that a superintendent who knowingly fails to report misconduct to law enforcement agencies must forfeit his or her salary for one year after the date of such failure to act.
 - o Notify the parent of a student who was subjected to or affected by specified misconduct within 30 days after the date on which the school district learns of the misconduct, and specifies the information that must be included in such notification.
- Requires the resignation or termination of an employee before the conclusion of an alleged misconduct investigation affecting the health, safety, or welfare of a student to be clearly indicated in the employee's personnel file.

Computer Science Instruction

The bill promotes opportunities for public middle and high school students to learn computer science taught by qualified teachers. Specifically, the bill:

- Defines “computer science” and expands access to computer science courses:
 - o Requires middle schools, high schools, and combination schools to offer computer science courses.
 - o Requires computer science courses to be identified in the Course Code Directory (CCD) and published on the DOE’s website by July 1, 2018. Additional computer science courses may be subsequently identified and posted on the DOE’s website.
 - o Requires the Florida Virtual School (FLVS) to offer computer science courses identified in the CCD. The bill requires a school district that does not offer a computer science course to provide students access to such course through the FLVS or through other means.
- Creates opportunities for teachers to be certified and trained to teach computer science courses, and requires the DOE to award funding, subject to legislative appropriation, to a school district or a consortium of school districts to deliver or facilitate training for classroom teachers to:
 - o Earn an educator certificate in computer science or an industry certification associated with a computer science course.
 - o Pay fees for examinations that lead to a credential.
- Provides, subject to legislative appropriation, the following bonuses to a public school classroom teacher evaluated as effective or highly effective, or is newly hired:
 - o \$1,000 after each year teaching a computer science course, for up to three years, if the classroom teacher holds an educator certificate in computer science or has passed the computer science subject area examination and holds an adjunct certificate.
 - o \$500 after each year teaching a specified course, for up to three years, if the classroom teacher holds an industry certification associated with a computer science course.

Statewide Assessments

The bill specifies that a student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) course who takes the respective AP, IB, or AICE assessments and earns the minimum score necessary to earn college credit does not have to take the required end-of-course assessment for the corresponding course.

If approved by the Governor, the provisions in the bill related to computer science instruction take effect upon becoming law; the provisions related to offenses against students by an authority figure and trespass on school grounds or facilities take effect October 1, 2018; and the remaining provisions take effect July 1, 2018.

Vote: Senate 36-0; House 107-1

Committee on Education

CS/HB 565 — Excess Credit Hour Surcharges

by Education Committee and Rep. Mariano and others CS/SB 844 by Education Committee and Senator Bean)

The bill requires a state university to refund the assessed excess hour surcharge, for up to 12 credit hours, to any first-time-in-college student who completes a baccalaureate degree program within 4 years after his or her initial enrollment in a state university.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 37-0; House 115-0

Committee on Education

HB 577 — High School Graduation Requirements

by Reps. Silvers, Duran, and others (SB 856 by Senators Montford, Broxson and Young)

The bill authorizes students to use apprenticeship or preapprenticeship program credit to meet specified credit requirements for high school graduation. Specifically, the bill:

- Authorizes a student who earns credit upon completion of an apprenticeship or preapprenticeship program registered with the Department of Education to use such credit to meet the high school graduation credit requirements for:
 - o Fine or performing arts, speech and debate, or practical arts; or
 - o Electives.
- Requires the State Board of Education to approve and identify in the Course Code Directory the apprenticeship and preapprenticeship programs from which a student may use earned credit to meet the specified credit requirements for high school graduation.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 37-0; House 112-0

Committee on Education

CS/CS/HB 591 — Missing Persons

by PreK-12 Appropriations Subcommittee; Criminal Justice Subcommittee; Rep. Porter and others (CS/SB 1156 by Appropriations Committee and Senator Perry)

The bill expands “Project Leo” (project) statewide to all Centers for Autism and Related Disabilities (CARD) that opt to join the project to aid search-and-rescue efforts for persons with special needs in case of elopement. Additionally, the bill:

- Makes each CARD program responsible for developing eligibility criteria for the selection of participants based on the specific needs of each center’s service area counties specified in law.
- Removes obsolete reporting requirements related to program implementation and operation.
- Extends the project from June 30, 2018, to June 30, 2019.

The bill removes the scheduled October 1, 2018 repeal of the citizen support organization for Florida Missing Children’s Day.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 37-0; House 113-0

Committee on Education

CS/CS/HB 731 — Home Education

by Education Committee; PreK-12 Innovation Subcommittee; and Reps. Sullivan and others (CS/CS/SB 732 by Appropriations Committee; Education Committee; Senators Baxley and Grimsley)

The bill modifies requirements related to home education programs, school attendance, and the Florida Partnership for Minority and Underrepresented Student Achievement. Specifically, the bill:

- Modifies the home education program to:
 - o Clarify the definition of a “parent,” consistent with Florida law.
 - o Specify limits on information required by the school district from a parent unless the home education program student chooses to participate in a district program or service.
 - o Authorize a school district to provide access to career and technical education courses and programs to home education program students who enroll in a public school solely for the career and technical courses or programs.
 - o Require industry certifications; national assessments; and statewide, standardized assessments offered by the school district to be made available to home education program students.
- Clarifies school attendance procedures to:
 - o Specify that district school superintendents may not require evidence of a child’s age if the child attends a parochial, religious, or denominational school; a private school; a home education program; or a private tutoring program.
 - o Authorize the district school superintendent to refer instances of nonenrollment to a child study team for intervention.
 - o Require all reasonable efforts to resolve cases of nonenrollment and nonattendance to be exhausted prior to initiating criminal prosecution.
- Modifies the Florida Partnership for Minority and Underrepresented Student Achievement to:
 - o Update the name of the preliminary ACT assessment to the PreACT.
 - o Add the ACT and the PreACT to specified assessments included in databases containing assessment data, to which the Florida Department of Education must provide access for evaluation purposes.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 37-0; House 101-0

Committee on Education

CS/CS/HB 1091 — Early Learning

by PreK-12 Appropriations Subcommittee; PreK-12 Quality Subcommittee; Reps. Grall and others (CS/CS/SB 1254 by Appropriations Committee; Education Committee; Senators Passidomo and Book)

The bill modifies provisions relating to the school readiness program. Specifically, the bill:

- Requires the Office of Early Learning (OEL) to:
 - o Identify observation-based child assessments for use by school readiness program providers at least three times a year, and specifies related requirements.
 - o Adopt a program assessment for school readiness program providers that measures the quality of teacher-child interactions, including supports such as classroom organization and instructional supports, for children ages birth to 5 years, and specifies related requirements.
 - o Develop a differential payment of 15 percent for school readiness program providers based on teacher-child interaction quality measures, with no more than 5 percent of the 15 percent total differential provided to providers who submit valid and reliable observation-based assessment data.
 - o Revise the standard statewide provider contract to include contracted slots; quality improvement strategies, if applicable; and program assessment requirements.
 - o Provide that termination of the standard statewide provider contract for cause, for up to 5 years, must also include failure to meet minimum quality measures of the program assessment, unless the early learning coalition (ELC) determines that the provider is essential to meeting capacity needs and the provider has an active improvement plan.
 - o Modify the single statewide information system to provide access to a parent to monitor the development of his or her child and enable analysis at the state, regional, and local level to measure child growth over time, program impact, and quality improvement and investment decisions.
 - o Modify the annual report published on the OEL's website to include specified data regarding school readiness program providers' compliance with requirements relating to the program assessment.
- Revises ELC plans to add information regarding:
 - o An assessment of local priorities within the respective county or multi-county region based on the needs of families and provider capacity using available community data.
 - o Local eligibility priorities for children, the use of contracted slots, as applicable, in the ELC's procedures for program implementation, a payment rate schedule, and quality improvement strategies in the description of the ELC's quality activities and services.
- Revises the child eligibility priorities for participation in the school readiness program based on the ELC's local priorities; and also revise the definition of "at-risk" children for eligibility purposes.
- Revises the eligibility requirements for providers to deliver the school readiness program to specify that the providers must participate in a program assessment that measures the quality of teacher-child interactions.

- Authorizes the use of the award of grants and financial supports to school readiness program providers and their staff to meet program assessment requirements.

The bill appropriates \$6 million in nonrecurring funds for the 2018-2019 fiscal year from the Child Care and Development Block Grant Trust Fund to the OEL to implement the program assessment for school readiness program providers.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 36-1; House 114-0

Committee on Education

CS/CS/CS/HB 1279 — School District Accountability

by Education Committee; PreK-12 Appropriations Subcommittee; PreK-12 Quality Subcommittee; Rep. Sullivan and others (CS/CS/SB 1804 Appropriations Committee; Education Committee; and Senator Stargel)

The bill (Chapter 2018-5, L.O.F.) increases fiscal accountability and expands fiscal transparency requirements for district school boards. Specifically, the bill:

- Increases fiscal accountability requirements in the following ways:
 - o Adds to the Auditor General’s (AG’s) duties, the requirement to contact each district school board with findings and recommendations contained within the AG’s previous operational audit report; and specifies compliance requirements for the district school boards.
 - o Requires the Department of Education’s (DOE’s or department’s) Inspector General to investigate allegations and reports of possible fraud or abuse against a district school board made by any member of the Cabinet; the presiding officer of either house of the legislature; a chair of a substantive or appropriations committee; or a member of the board for which the investigation is sought.
 - o Requires school districts receiving annual federal, state, and local funds in excess of \$500 million to employ an internal auditor and specifies that the scope of the internal auditor must not be restricted and must include every functional and program area of the school system.
- Expands fiscal transparency in the following ways:
 - o Requires district school boards to provide a full explanation of any budget amendments at the boards’ next scheduled public meeting.
 - o Modifies the information that each district school board must post on its website to add graphical representations, for each public school within the district and for the school district, of summary financial efficiency data and 3-year fiscal trend information.
 - o Specifies additional information that each school district must report to the DOE including the total operating costs and expenditures for classroom instruction.
 - o Requires the DOE to calculate specified expenditure information for each public school, school district, and the state; and develop a web-based fiscal transparency tool that identifies public schools and districts that produce high academic achievement based on the ratio of classroom instruction expenditures to total expenditures.
 - o Requires the DOE to contract with an independent third party to conduct an investigation of all accounts and records to determine the cause of the deficit; what efforts, if any, were made to avoid the deficit; and whether any of the specified financial emergency conditions have occurred. The bill specifies the documents and records that must be reviewed and specifies related reporting requirement.
 - o Requires the withholding of each district school board member’s and district school superintendent’s salary, with some exceptions, if any of the conditions of a financial emergency exist, until such conditions are corrected.

- o Authorizes an individual school board member to request any proposed, tentative, and official budget documents, including all supporting background information; and requires such documents to be provided to the school board member.
- o Requires prior approval by the district school board for reimbursement of out-of-district travel expenses that exceed \$500, and requires any request for travel outside of the state to include an itemized list detailing all anticipated travel expenses and to provide the public an opportunity to speak on the specific travel agenda item.
- o Adds district school boards to the entities whom the Commission of Ethics (commission) may contact regarding a fine owed to the commission for a failure to timely file disclosure of financial interests.
- o Requires district school boards to withhold a specified amount of funding from employee salaries for fines for a failure to timely file disclosure of financial interests and authorizes district school boards to retain a portion of such withheld funds to cover administrative costs.
- o Requires a district school superintendent to reduce the district's administration expenditures in proportion to the reduction in the general fund's ending balance or the reduction in student enrollment, whichever is greater if, for 2 consecutive fiscal years, the portion of the fund's ending balance is projected to fall below 3 percent of the projected general fund revenues.

Additionally, the bill:

- Extends the standards of ethical conduct for instructional personnel and school administrators to also apply to administrative personnel and school officers.
- Aligns school board member salaries with the beginning salary for teachers who hold baccalaureate degrees or the amount calculated pursuant to law, whichever is less.
- Applies a lobbying restriction for 2 years after vacating office to appointed district school superintendents.
- Prohibits a district school superintendent from appointing or employing a relative to work under his or her direct supervision.

The bill also appropriates \$100,000 in nonrecurring funds from the General Revenue Fund to the DOE to implement the provisions related to the department contracting with an independent third party to conduct an investigation of all accounts and records in the event of specified financial emergency conditions.

These provisions were approved by the Governor and take effect July 1, 2019, except that the provisions which require the DOE to contract with an independent third party to conduct an investigation in the event of specified financial emergency conditions take effect July 1, 2018.

Vote: Senate 31-6; House 96-16

THE FLORIDA SENATE
2018 SUMMARY OF LEGISLATION PASSED
Committee on Education

SB 1712 — Postsecondary Revenue Bonds and Debt

by Senators Montford and Thurston

The bill modifies restrictions on debt payment sources for state universities by authorizing such universities to use federal grant and contract funds to secure revenue bonds, but only as required for an institution to participate in the Historically Black College and University Capital Financing Program (HBCU Program). In effect, the bill may allow Florida Agricultural and Mechanical University to participate in the HBCU Program.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 37-0; House 114-0

THE FLORIDA SENATE
2018 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/HB 7055 — Education

by Appropriations Committee; Education Committee; Reps. Bileca and Diaz, M.

The bill (Chapter 2018-6, L.O.F.) expands state school choice scholarship programs and streamlines accountability for participating private schools; provides flexibilities to school districts; modifies charter school requirements; specifies assessment, instructional, and curriculum requirements; modifies other education provisions; and provides appropriations. Specifically the bill:

State school choice scholarship programs

- Establishes the Hope Scholarship Program to provide the parent of a public school student who was subjected to an incident of battery, harassment, hazing, bullying, kidnapping, physical attack, robbery, sexual offense, harassment, assault, battery, threat, intimidation, or fighting at school, as defined by the Department of Education (DOE or department), with a scholarship to transfer the student to another public school that has capacity or to attend an eligible private school. The bill specifies responsibilities for a school district, parent, student, private school, DOE, and scholarship funding organization that participate in the program.
- o A tax credit is available for a person who makes an eligible contribution. Each eligible contribution is limited to a single payment of \$105 made at the time a motor vehicle is purchased from a dealer, or at the time a motor vehicle that has not been purchased from a dealer is registered.
- o An eligible contribution must be accompanied by a contribution election form provided by the Department of Revenue, which must include specified information.
- o A buyer that makes a contribution will receive a tax credit equal to the amount of the contribution. The credit will reduce the amount of sales tax that is due on the purchase.
- Establishes Reading Scholarship Accounts to provide public school students in grades 3 through 5 who scored below a Level 3 on the grade 3 or grade 4 statewide, standardized English Language Arts (ELA) assessment in the prior school year. The scholarship must be offered on a first-come, first-served basis, and is contingent upon available funds.
- o For the 2018-2019 school year, the scholarship award amount is \$500 per eligible student.
- o Thereafter, the maximum amount granted for an eligible student must be provided in the General Appropriations Act.
- Expands authorized uses of Gardiner Scholarship Program funds to include:
 - o Tuition or fees associated with full-time or part-time enrollment in a home education program.
 - o Tuition and fees associated with part-time tutoring services provided by a person with a baccalaureate degree or a graduate degree in the subject area in which instruction is given.
 - o Tuition or fees associated with enrollment in a nationally or internationally recognized research-based training program for a child with a neurological disorder or brain damage.

- Creates the Florida Sales Tax Credit Scholarship Program to fund the existing Gardiner Scholarship Program and the existing Florida Tax Credit Scholarship Program. The program is funded by contributions from tenants of commercial real estate that have to pay sales tax on their lease payments.
- o Tenants that contribute to the program can take credits against the taxes due on their lease payments until the credits equal the amount of the contribution.
- o The amount of credits that can be awarded in each fiscal year is limited to \$57.5 million per year.
- Modifies the current Florida Tax Credit Scholarship Program:
 - o Allows a corporation to make a qualifying contribution up until the time the corporation files its corporate income tax return.
 - o Extends from 5 years to 10 years, the period within which the corporations must use tax credits.
 - o Authorizes corporations to use credits to reduce any estimated payment.
 - o Allows a sales tax dealer to receive the collection allowance even though it did not remit any taxes due to the use of tax credits.
- Requires the Department of Revenue to provide, upon request, scholarship-funding organizations a list of the 200 taxpayers with the greatest total corporate income or franchise tax due as reported on the taxpayer's return during the previous calendar year. The report will not include tax information and the scholarship-funding organization may not further disclose the information in the report.
- Streamlines accountability provisions for private schools that participate in state school choice scholarship programs and applies such provisions consistently to participating private schools. Specifically, the bill:
 - o Requires the DOE to conduct site visits to private schools entering a scholarship program for the first time and specifies that beginning with the 2019-2020 school year, a private school is not eligible to receive scholarship payments until a satisfactory site visit has been conducted and the school is in compliance with all other requirements of this section.
 - o Authorizes the DOE to conduct site visits to any private school participating in a scholarship program, which has received a complaint about a violation of state law or State Board of Education rule, or has received a notice of noncompliance or a notice of proposed action within the previous 2 years.
 - o Requires the DOE to coordinate with the entities conducting the health inspection for a private school to obtain copies of the inspection reports.
 - o Requires the DOE to coordinate with the State Fire Marshal to obtain access to fire inspection reports for private schools; and specifies that the authority conducting the fire safety inspection must certify to the State Fire Marshal that the annual inspection has been completed and that the school is in full compliance. The certification must be made electronically or by other means as directed by the State Fire Marshal.
 - o Requires private schools participating in a scholarship program to publish on the school's website, or provide in a written format, information for parents regarding the school including, but not limited to, programs, services, and the qualifications of classroom teachers.

- o Requires private schools participating in a scholarship program to provide the parent of each scholarship student with a written explanation of the student's progress on a quarterly basis.
- o Requires a private school that receives more than \$250,000 in funds from state school choice scholarships in a state fiscal year to provide a report from an independent certified public accountant who performs the agreed-upon procedures specified in law.
- o Prohibits the owner or operator of a private school that has been deemed ineligible to participate in a state school choice scholarship program from transferring ownership or management authority of the school to a relative specified in law. Additionally, the bill requires that at least 30 days before a transfer of ownership of a private school, the owner or operator of such school must notify the parent of each scholarship student.
- o Modifies the requirement for the State Board of Education to adopt rules to specify that such rules must include a deadline for private school applications for participation and timelines for the DOE to conduct site visits.

School District Flexibility

- Establishes, as part of the Principal Autonomy Program Initiative (PAPI), innovation academies and zones to encourage innovation and expand the reach of highly effective principals by allowing district school boards to authorize such principals to manage multiple schools within a zone. A zone may include the school at which the principal is assigned, persistently low-performing schools, feeder pattern schools, or a group of schools identified by the school district. The principal may allocate resources and personnel between the schools under his or her administration.
- o Expands the PAPI to a statewide program from a pilot that was initially authorized in 7 school districts for three 3 years, and specifies that a school retains the exemptions from law granted in the program, as long as the school maintains a grade of "B" or higher.
- Expands the available exceptions a district school board may adopt to include any other provisions in the State Requirements for Educational Facilities that limit the ability of a school to operate in a facility on the same basis as a charter school, as long as the regional planning council determines that there is sufficient shelter capacity within the school district as documented in the Statewide Emergency Shelter Plan.
- Specifies that school districts may only use funds from the following sources for educational, auxiliary, and ancillary plant capital outlay purposes without needing a survey recommendation:
 - o The local capital outlay improvement fund, consisting of funds that come from and are a part of the district's basic operating budget;
 - o If a board decides to build an educational, auxiliary, or ancillary facility without a survey recommendation and the taxpayers approve a bond referendum, the voted bond referendum;
 - o One-half cent sales surtax revenue;
 - o One cent local governmental surtax revenue;
 - o Impact fees; and
 - o Private gifts or donations.
- Provides each district with Title I flexibility:

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- o Provides that when school districts distribute Title I funds to schools above the 75 percent poverty threshold, the 75 percent threshold may include high schools above the 50 percent threshold as permitted by federal law.
- o Increases the cap on withholding Title I funds for administration, which includes the school district's indirect cost rate, from 8 percent to 10 percent.
- o Provides that a district may also withhold a necessary and reasonable amount of Title I funds, not to exceed 1 percent, for eligible schools to provide educational services in accordance with the approved Title I plan.
- o Excludes from the cap on withholding of Title I funds any funds provided by an eligible school to participate in discretionary educational services provided by the school district and any funds carried forward by the school district.

Charter School Requirements

- Revises the initial term of a charter contract from 4 or 5 years to 5 years, excluding 2 planning years.
- Allows a charter school to defer opening of the schools' operations from 2 years to 3 years.
- Modifies provisions relating to charter school contract nonrenewal or termination:
 - o Establishes a standard of clear and convincing evidence of one of the grounds, specified in law, for nonrenewal or termination.
 - o Requires a violation of law to be material in order to be a grounds for nonrenewal or termination.
 - o Eliminates the opportunity for a charter school governing board to request a direct hearing conducted by the sponsor and instead, provides for a hearing before an administrative law judge.
 - o Provides for reasonable attorney fees for the prevailing party in a final order.
- Eliminates the dispute resolution hearing before the Charter School Appeal Commission for a charter school to resolve disputes over contracted goods and services and instead, authorizes the charter school to appeal to an administrative law judge.
- Requires a school district that sponsors a charter school to annually report to the DOE, by September 15, the total amount of funding withheld for administrative fees from sponsored charter schools in the prior fiscal year.
- Revises eligibility for the high-performing charter school designation to include an option to meet the eligibility requirements through two consecutive grades of "A" in the most recent 2 school years and allows high-performing charter schools to replicate two schools within the state in any year.
- Authorizes a high-performing charter school that has expanded its original facility or has access to additional facilities, to increase student enrollment without being limited to the original facility's capacity.
- Allows charter schools and charter management organizations to submit application to the DOE, for approval to offer level I and level II school leader preparation programs.
- Requires a school district to reimburse a charter school the cost of background screening if the school district does not notify the charter school of the eligibility of the charter school's governing board members or instructional or noninstructional personnel within

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14 days after receipt of the background screening results from the Florida Department of Law Enforcement or within 30 days of submission of the fingerprints by the charter school governing board member or instructional or noninstructional personnel.

- Revises the ability of charter schools to modify their charter contract due to consolidation and provides that a charter school that is not subject to a school improvement plan and that closes as part of a consolidation must be reported by the school district as a consolidation.
- Requires any tangible personal property that has been properly classified as surplus, marked for disposal, or otherwise unused by a district school board to be provided for a charter school's use on the same basis as it is made available to other public schools in the district. The bill prohibits a charter school that receives such property from selling or disposing of the property without the written permission of the school district.
- Revises the instances in which a charter school can limit the enrollment process to allow a charter school to reserve up to 50 percent of student stations for students residing in a development when the school was built to mitigate the impacts of the development and the school facility and related property have an assessed value of at least \$5 million.

Assessment, Instructional, and Curriculum Requirements

- Requires each school district that has one or more of the 300 lowest-performing elementary schools, based on a 3-year average of the state reading assessment data, to use the school's portion of the supplemental academic instruction allocation to provide an additional hour of intensive reading instruction per day.
 - o Authorizes the additional hour of reading instruction to be provided within the school day.
 - o Makes participation in extra hour of reading optional for students in the 300 lowest-performing schools who earned a level 4 or level 5 score on the statewide, standardized ELA assessment. Currently, this optional participation applies to students in the 300 lowest-performing schools who earned a level 5 score on the ELA assessment.
- Requires integration of grade-level core curricula content from social studies into reading passages and writing prompts for ELA assessments.
- Requires assessments published by the DOE to be in a format that facilitates the sharing of assessment items.
- Exempts, for the 2017-2018 school year, students enrolled in Marjory Stoneman Douglas High School (MSDHS) from taking the statewide standardized assessments and the use of assessment results but requires MSDHS to administer industry certification assessments, national assessments, and statewide assessments for any student who chooses to take the assessment. Additionally, exempts students who are in the 2017-2018 graduating class from the minimum hours of instruction requirement and certain assessments to earn a standard high school diploma and a standard high school diploma designation.
- Requires industry certification examinations, national assessments, and statewide assessments offered by the school districts to be made available to all Florida Virtual School students.

- Prohibits a bonus associated with students' attainment of Career and Professional Education (CAPE) industry certifications from being awarded to a teacher who fails to maintain the security of any CAPE industry certification examination or who violates the security or administration protocol of any related assessment, and authorizes the State Board of Education to adopt the criteria under which a student's industry certification or grade may be rescinded.
- Requires that the instruction in the use of cardiopulmonary resuscitation (CPR), that school districts may provide, be based on a nationally recognized program that uses specified guidelines, and requires that students be allowed to practice psychomotor skills associated with performing CPR and the use of an automated external defibrillator when a school district has the equipment necessary to perform the instruction.
- Modifies dual enrollment provisions for home education program students and private schools in the following ways:
 - o Specifies that a Florida College System institution dual enrollment articulation agreement may not limit the number of dual enrollment courses in which a student may enroll based solely upon enrollment by the student at an independent postsecondary education institution.
 - o Specifies that any course or program limitations in the home education articulation agreement may not exceed the limitations for other dually enrolled students.
 - o Removes from the home education program dual enrollment articulation agreement, the provision that requires a home education program student to be responsible for his or her own instructional materials.
 - o Specifies that a high school grade point average (GPA) may not be required for home education program students, but a home education program student must meet the minimum GPA determined by the postsecondary institution for continued enrollment.
 - o Removes from the dual enrollment articulation agreement between an eligible public postsecondary education institution and an eligible private secondary school the provision stating whether the private school will compensate the postsecondary education institution for each dual enrollment course taken by the private school's students.
 - o Clarifies that a public postsecondary institution must enter into dual enrollment articulation agreements with home education program students and private schools in the institution's geographic service area.
- Requires the professional development resources disseminated by the DOE to include sample course-at-a-glance and unit overview templates that school districts may use when developing curriculum. Such templates must provide an organized structure for addressing the Florida Standards, grade-level expectations, evidence outcomes, and 21st century skills that build to student's mastery of the standards at each grade level. Each template must support teaching to greater intellectual depth and emphasize transfer and application of concepts, content, and skills. The template must, at least, provide courses or year-long sequencing on concept-based unit overviews based on Florida Standards, describe the knowledge and vocabulary necessary for comprehension, and promote the instructional shifts required within the Florida standards, and illustrate the interdependence of grade level expectations within and across content areas within a grade.

Other Provisions

- Authorizes the Commissioner of Education to coordinate with local school districts, Florida College System institutions, and satellite offices of the Division of Blind Services and the Division of Vocational Rehabilitation in the event of an emergency situation to assess the need for resources and assistance to enable each school, institution, or satellite office the ability to reopen as soon as possible after considering the health, safety, and welfare of students and clients.
- Deletes an obsolete July 1, 2007, deadline for the Florida Department of Education to develop and operate an electronic individual education plan (IEP) for statewide use.
- Clarifies that a home education program student, a charter school student, or a Florida Virtual School student must register his or her intent to participate in an interscholastic extracurricular activity before participating in the activity rather than before the beginning date of the season for the activity.
- Modifies the Florida Best and Brightest Teacher Scholarship Program award eligibility requirement to specify that a school district employee who is no longer a classroom teacher may receive the scholarship award if the employee was a classroom teacher in the prior school year, was rated highly effective, and met the eligibility requirements of the scholarship as a classroom teacher.
- Modifies provisions relating to collective bargaining between a school district and a collective bargaining unit for instructional personnel. Specifically, the bill:
 - o Requires the school district and collective bargaining unit to negotiate a memorandum of understanding, before the start of the 2019-2020 school year, which addresses the selection, placement, and expectations of instructional personnel and provides certain school principals with autonomy specified in law.
 - o Requires certain information in an application for renewal of registration by an employee organization that has been certified as the bargaining agent for a unit of instructional personnel.
 - o Requires an employee organization whose dues paying membership is less than 50 percent of the employees eligible for representation in the unit, to petition the Public Employees Relations Commission for recertification as the exclusive representative of all employees in the unit within 1 month after the date on which the organization applies for renewal of registration.
- Authorizes early learning coalitions to refuse to contract with, or revoke the eligibility of, a school readiness program provider or a private provider of the Voluntary Prekindergarten Education Program to deliver the applicable program if the provider has been cited for a Class I violation.
- Requires each district school board to adopt rules to require, in all of the schools of the district and in each building used by the district school board, the display of the state motto, "In God We Trust," in a conspicuous place.

Funding Provisions

- Provides that revenue from the discretionary millage district school boards are authorized to levy must only be included in charter school capital outlay if the amount of state funds appropriated for charter school capital outlay in any fiscal year is less than the average

charter school capital outlay funds per unweighted full-time equivalent student for the 2018-2019 fiscal year, and adjusted by changes in the Consumer Price Index from the previous year.

- Authorizes the carryforward of Schools of Hope program funds for up to 5 years after the effective date of the original appropriation.
- Requires school districts to annually certify their debt service obligation incurred by March 1, 2017, that has not been subsequently retired.
- Prohibits any school district that has more than three-fourths of their capital outlay millage revenue committed to debt payments for lease-purchase agreements, from withholding the administrative fees authorized by law from any charter school operating in the district.
- Appropriates the sum of \$13,750,000 in recurring funds from the General Revenue Fund to the Department of Education to implement the following provisions of the bill:
 - o \$9,700,000 to fund reading scholarship accounts;
 - o \$300,000 as an administrative fee for the reading scholarship accounts;
 - o \$2 million to implement the Hope Scholarship Fund;
 - o \$950,000 to implement additional oversight requirements for state scholarship programs;
 - o \$250,000 to issue a competitive grant award for a state university to review the performance of students participating in the Florida Tax Credit Scholarship;
 - o \$550,000 to fund instructional materials for home education program students participating in dual enrollment.
- Appropriates the following nonrecurring funds from the General Revenue Fund to implement the bill:
 - o \$100,000 to the Department of Education to implement provisions in HB 1279, contingent upon HB 1279 or similar legislation becoming law, for third party independent audit of a school district that experienced financial deficit conditions.
 - o \$150,000 to the Department of Revenue to implement the Florida Sales Tax Credit Scholarship.

The provisions establishing the Hope Scholarship Program and requiring the Department of Revenue to share certain taxpayer information became law upon approval by the Governor on March 11, 2018; the remaining provisions in the bill take effect July 1, 2018.

Vote: Senate 20-17; House 66-43