

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION PRE-K - 12
Senator Wise, Chair
Senator Bullard, Vice Chair

MEETING DATE: Tuesday, January 24, 2012

TIME: 3:30 —5:30 p.m.

PLACE: 301 Senate Office Building

MEMBERS: Senator Wise, Chair; Senator Bullard, Vice Chair; Senators Alexander, Altman, Benacquisto, Bogdanoff, and Montford

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Presentation on Project Child		Presented
1	SB 1314 Gaetz	Career-themed Courses; Revising provisions relating to the Florida Career and Professional Education Act; requiring that each district school board, in collaboration with regional workforce boards, economic development agencies, and postsecondary institutions, develop a strategic 3-year plan addressing and meeting local and regional workforce demands; requiring that students who complete career-themed courses receive a standard high school diploma, the highest available industry certification, and opportunities to earn postsecondary credit if the career-themed course credits can be articulated to a postsecondary institution; revising provisions relating to the computation of the annual allocation of funds to each school district for operation, etc. ED 01/24/2012 Favorable CM BC	Favorable Yeas 5 Nays 0
2	SB 1366 Gaetz	Education; Requiring that the Department of Economic Opportunity prepare, or contract with an entity to prepare, an economic security report of employment and earning outcomes for degrees earned at a state university; requiring that the Department of Economic Opportunity, in coordination with Workforce Florida, Inc., recruit students who meet specified requirements and match them to potential employers; requiring that the Department of Economic Opportunity refer secondary school students who have been identified as having earned an industry certification in science, technology, engineering, or mathematics to an online registration website or a private placement service that links the student to information, resources, and employment opportunities, etc. ED 01/24/2012 Fav/CS HE BC	Fav/CS Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Education Pre-K - 12

Tuesday, January 24, 2012, 3:30 —5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 1718 Benacquisto (Identical H 1191)	Parent Empowerment in Education; Providing the right of parents of public school students who are assigned to certain underperforming schools to direct the school district to implement a specified option for school improvement; creating the Parent Empowerment Act; providing criteria for a petition by parents requesting a specified school improvement option to be submitted to the State Board of Education for approval; requiring that a school district submit to the State Board of Education a plan implementing the school improvement option selected by parents in lieu of the school district school improvement option, etc. ED 01/24/2012 Fav/CS BC	Fav/CS Yeas 5 Nays 0
Presentation on Zero Tolerance			Presented
4	SB 1886 Wise (Identical H 1445)	Zero Tolerance for Crime and Victimization in Schools; Requiring that each district school board adopt a policy for reporting to a law enforcement agency acts that pose a serious threat to school safety; requiring that acts that do not pose a serious threat to school safety be handled within the school's disciplinary system; requiring that a child accused of a misdemeanor offense not be arrested and formally processed in the juvenile justice system; requiring that minor incidents be diverted from the juvenile justice system or handled within the school system's disciplinary system, etc. ED 01/24/2012 Not Considered CJ	Not Considered
5	SB 756 Wise (Similar H 111, Compare S 420)	Career Education; Revising the general requirements for middle grades promotion to require that a course in career and education planning explore Florida's Career Clusters; providing requirements for a career technical high school diploma; requiring a student and the student's parent or guardian to agree in writing to the requirements of the career diploma track; requiring an intensive reading course or remediation in mathematics for a student who does not meet certain academic standards; providing that a career technical high school diploma is a standard high school diploma for purposes of federal and state accountability requirements, etc. ED 01/24/2012 Not Considered CM BC	Not Considered

COMMITTEE MEETING EXPANDED AGENDA

Education Pre-K - 12

Tuesday, January 24, 2012, 3:30 —5:30 p.m.

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 appointments to the offices indicated.			
State Board of Education			
6	Bradshaw, Sara "Sally" S. (Havana)	12/31/2013	Not Considered
	Desai, Akshay M. (St. Petersburg)	12/31/2014	Not Considered
	Feingold, Barbara S. (Delray Beach)	12/31/2013	Not Considered

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

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 Education Pre-K - 12 Committee

BILL: SB 1314

INTRODUCER: Senator Gaetz

SUBJECT: Career-Themed Courses

DATE: January 23, 2012

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Carrouth	deMarsh-Mathues	ED	Favorable
2. _____	_____	CM	_____
3. _____	_____	BC	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____

I. Summary:

The bill streamlines provisions included in the Career and Professional Academy (CAPE) law, as well as provisions established in 2011 for similar academies at the middle school level.¹ The bill allows for greater access to attainment of industry certifications in high demand fields, thus supporting critical workforce needs and providing an economic benefit to the state.

This bill amends sections 1003.491, 1003.492, 1003.493, 1003.4935, and 1011.62 of the Florida Statutes.

II. Present Situation:

The Career and Professional Education (CAPE) Act was enacted by the 2007 Florida Legislature to attract and retain targeted, high-value industries and to develop a knowledge-based workforce.² The legislation has established significant partnerships among workforce and economic development agencies and local education communities, and resulted in meaningful career and postsecondary opportunities for Florida's secondary students.³ Current law requires each district school board to develop, in collaboration with the local workforce board and area postsecondary institutions, a 5-year strategic plan to address and meet local and regional workforce demands.⁴ A focus of the plan was the requirement for at least one operational career and professional academy per school district beginning with the 2008-09 school year.⁵

¹ ch. 2011-175, L.O.F.

² ch. 2007-216, L.O.F.

³ Presentation by the Department of Education, Okaloosa County School District, and St. John's County School District to the Senate Pre-K – 12 Appropriations Committee on March 15, 2011. The superintendent of schools in St. Johns County testified that the CAPE model is the most important and effective legislation of his 24-year career. Available at <http://www.flsenate.gov/Committees/Show/BEA/>.

⁴ s. 1003.491(2), F.S.

⁵ s. 1003.492(2), F.S., requires the DOE to adopt rules for implementing an industry certification process. Rule 6A-6.0573, F.A.C., provides for a collaborative two-staged process by Workforce Florida, Inc. (WFI). The DOE annually establishes the

As specified in statute, career and professional academies must integrate a rigorous academic curriculum with an industry-specific curriculum that leads to an industry certification⁶ in high-skill, high-wage, and high-demand occupations.⁷ Additional requirements include opportunities for students to earn nationally recognized industry certifications, postsecondary credit, Bright Futures scholarships, and expanded offerings of integrated courses that combine academic content with technical skills.

For each student enrolled in a career and professional academy who graduates with a standard high school diploma and who earns a certification included on the “Industry Certification Funding List,” the district of instruction may earn up to 0.3 full-time equivalent (FTE) student membership for the following year’s funding calculation in the Florida Education Finance Program (FEFP).⁸ In 2010-11, 9,712 students generated 2,913.6 additional FTE in the K-12 funding formula.⁹ Because the funding is awarded retroactively, the data reported for 2009-10 is used for the 2010-11 FEFP calculation.¹⁰

Profile of Career and Professional Academies¹¹

In 2010-11, the fourth year of implementation of the Florida Career and Professional Education Act, school districts registered 1,298 career and professional academies, representing all of Florida’s 67 school districts.¹²

History of Secondary Career and Professional Academies

2008-09 Academies Registered	2009-10 Academies Registered	2010-11 Academies Registered	2008-09 CAPE Academy Enrollment	2009-10 CAPE Academy Enrollment	2010-11 CAPE Academy Enrollment
490	838	1,298	53,324	102,430	154,327

The most prevalent career areas represented by academies registered in 2009-10 information technology, health sciences and hospitality and tourism.¹³

Performance of Career and Professional Academy Students¹⁴

Among the 154,327 students enrolled in career and professional academies, 24,910 or 16.1 percent were reported as having earned one or more approved industry certifications in their high school careers going

Industry Certification Funding List, a subset of items included on the WFI Comprehensive Industry Certification List.

⁶ Industry certifications are based on assessment of skills by an independent, third-party certifying entity using predetermined standards for knowledge, skills and competencies. Successful completion of the assessment results in the award of a time-limited credential that is nationally recognized and applicable to an occupation included in the workforce system’s targeted occupation list or otherwise determined to be an occupation that is critical, emerging or addresses a local need. See the *CAPE Enrollment and Performance Report for 2009-2010*, pg. 3, on file with the Senate Committee on Pre-K – 12 Education.

⁷ s. 1003.493(4), F.S.

⁸ s. 1011.62(1)(p), F.S. Certifications earned through dual enrollment are not eligible for additional FTE. The additional FTE may not exceed 0.3 per student (i.e., no repeat allocations for additional certifications).

⁹ Information provided by staff of the DOE Office of Career and Adult Education, January 20, 2012. On file with the Senate Committee on Pre-K – 12 Education.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ Information regarding CAPE Academy performance is available at: <http://www.fldoe.org/workforce/pdf/capepr1011.pdf>.

back to the 2007-08 school year; 20,644 students earned certifications in 2010-11 alone. A total of 31,389 assessments were attempted by academy students in 2010-11, of which 23,088 were passed, resulting in a pass rate of 73.6 percent. Forty-one percent of industry certifications earned by career and professional academy students were awarded to 12th graders. Among ninth-graders, 2,887 certifications were earned, representing 12.5 percent of total certifications reported.¹⁵

2010-2011 Industry Certifications Earned by Grade Level ¹⁶

Grade Level	Certifications Earned	Percent
9	2,887	12.5%
10	4,193	18.2%
11	6,468	28%
12	9,540	41.3%
Total	23,088	100.0%

Highlights of Performance Comparisons Among Non-Academy, Academy, and Industry Certified Academy Students, 2010-11 ¹⁷

Performance Indicator	Non-CAPE	CAPE, No Certification	Non-CAPE + Certification	CAPE and Certification
Average GPA	2.46	2.58	2.79	3.00
Chronically Absent	16.3%	15.7%	11.2%	9.9%
At Least One Disciplinary Action	20.6%	20.5%	12.8%	10.9%
Dropout Rate	2.1%	0.9%	0.6%	0.3%
12th Graders Earning Standard Diploma	73.9%	85.9%	93.3%	96.1%
At Least One Accelerated Course	22.9%	25.4%	38.8%	41.2%
Bright Futures Eligible Seniors (2009-10)*	27.9%	25.9%		43.7%

* Updated information not yet available.

Additionally, academy seniors earning certifications were much more likely to be Bright Futures scholarship eligible than their peers. Among academy seniors who earned at least one industry

¹⁵ The progression in the number of certifications as grade level increases is expected given the time and training required to earn industry certifications.

¹⁶ <http://www.fldoe.org/workforce/pdf/capepr1011.pdf> . Updated information provided by staff of the DOE Office of Career and Adult Education. On file with the Senate Committee on Pre-K – 12 Education.

¹⁷ *Id.*

certification, 43.7 percent were eligible for Bright Futures compared to 25.9 percent among academy seniors who did not earn a certification.¹⁸

Factors Included in the Calculation of High School Grades

The 2008 Legislature enacted significant changes to the high school grading formula.¹⁹ Beginning with the 2009-10 school year, in addition to the statewide assessment results in grades 9, 10, and 11, the law requires an equal focus be placed on access to and performance in rigorous, accelerated coursework, college readiness,²⁰ and graduation rates for all students including those who are academically at-risk.²¹

Middle School Model

Beginning in 2011-12, districts were required to register career and professional academies offered in middle school with the Department.²² In 2011-12, 56 middle school academies were registered with the DOE.²³

III. Effect of Proposed Changes:

The bill streamlines provisions included in the CAPE law, as well as provisions established in 2011 for similar academies at the middle school level. The bill allows for greater access to attainment of industry certifications in high demand fields, thus supporting critical workforce needs and providing an economic benefit to the state. Under the bill:

- Secondary schools would no longer be required to have in place a full-scale career academy in order to be eligible for industry certification bonus funding. This provision maintains the integrity of CAPE and the rigorous coursework required for attainment of industry certifications, but removes additional, non-essential steps required of schools to earn the bonus funding.
- Secondary schools would still be required to offer rigorous courses that lead to industry certifications in high wage, high skill, and high demand occupations and to employ instructors who hold industry certifications.
- The strategic five-year plan developed by the school district in collaboration with regional workforce boards and postsecondary institutions determines areas of academic emphasis to meet workforce needs. Under the bill, there would now be a three-year plan. This provision allows for a more timely response to meet critical workforce needs.
- The curriculum review committee, responsible to review and approve newly developed workforce-related courses, must now approve or deny proposals within 30 days instead of 60.
- The appropriation cap to fund the bonus awarded for the attainment of certifications is increased from \$15 million to \$30 million.

¹⁸ *Id.*

¹⁹ ch. 2008-235, L.O.F.

²⁰ In 2007, 54 percent of high school graduates who enrolled in community college required remediation in at least one subject. The Postsecondary Education Readiness Test (P.E.R.T.) is Florida's customized common placement test. The purpose of the P.E.R.T. is accurate course placement based on the student's skills and abilities. The P.E.R.T. is aligned with the Postsecondary Readiness Competencies identified by Florida faculty as necessary for success in entry-level college credit coursework. The P.E.R.T. assessment system includes Placement and Diagnostic tests in mathematics, reading and writing. See <http://www.fldoe.org/cc/pert.asp>.

²¹ s. 1008.34(3)(b)I.d., F.S.

²² ch. 2011-175, L.O.F. established criteria for middle school career and professional academies relating to alignment to high school career and professional academies, an opportunity to earn an industry certification and partnerships with the business community.

²³ DOE agency draft bill analysis, November 1, 2011, on file with the Senate Committee on Pre-K – 12 Education.

Based on the requirements in s. 1011.62(1)(o), F.S., and Rule 6A-6.0573(6), F.A.C., a student must meet all of the following conditions for the additional FTE membership funding for an earned industry certification:

- Be enrolled in a registered career and professional academy;
- Complete a certification on the Industry Certification Funding List; and
- Receive a standard high school diploma.

Other

Career-themed courses will need to be identified based on a course with an industry-specific curriculum aligned directly to priority workforce needs established by the regional workforce board or the Department of Economic Opportunity. Since it is not a requirement that all career education programs (and courses), under s. 1003.01, F.S., lead to industry certification, the DOE or districts would be required to identify which career-themed courses were being offered in a given year.

The accountability requirements would be based on students enrolled in career-themed courses, instead of students in career and professional academies who take an industry certification exam.

As the bill is currently written, eligibility for the additional FTE membership calculation would be based on successful completion of career-themed course rather than participation in a career and professional academy.

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:

The bill provides for greater access to attainment of industry certifications in high demand fields, thus supporting critical workforce needs and providing an economic benefit to the state.

C. Government Sector Impact:

The appropriation cap to fund the bonus awarded for the attainment of certifications is increased from \$15 million to \$30 million. The appropriation has never reached the \$15 million level and

the amount has never had to be pro-rated because the calculation exceeded the appropriation cap.²⁴ The amount is \$10.1 million in the 2011-12 3rd FEFP calculation.²⁵ However, in 2012-13, the tiered bonus will begin to take place and that will also affect the funding.²⁶

VI. Technical Deficiencies:

The current performance factors are more directly aligned to program completion rather than the successful completion of a course. While there is much data to show the impact of a student's successful completion of a certain core academic course (Algebra 1, Biology, etc) there is not comparative data available at this time for a "career-themed course." Thus, the term "career-themed course" could be amended to refer to "career-themed programs" in some instances. While the term "career-themed courses" is used, the intent or application of the term is not clear.²⁷

Lines 246-252 provide that a student completing a career-themed course "must receive the highest available industry certification." Industry certifications are currently designed to require 150 hours of instruction. The use of the term "course" and the implication that students could earn an industry certification after taking one course conflicts with current industry certification requirements as most involve multiple courses. According to the DOE, the use of the term Career and Technical Education (CTE) program may be more appropriate.²⁸

The proposed legislation ties industry certifications to the course level. This may prove challenging as many certifications contained on the Industry Funding Certification list require students to complete a sequence of courses before they have the knowledge and skills to be able to master an examination leading to certification or licensure. Numerous certifications require over 150 hours of instruction for student preparation. For example, the Licensed Practical Nurse certification issued by the Florida Department of Health requires students complete a full program.²⁹

The DOE notes that the reference to "Deputy Commissioner of Education" on line 175 is outdated, and suggests that this sentence be amended to refer to "a designee of the Commissioner of Education responsible for K-12 curriculum and instruction."³⁰

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

²⁴ *Id.*

²⁵ Figure obtained from Senate Education Appropriations staff, January 23, 2012.

²⁶ *See* s. 1011.62(1) (o), F.S.

²⁷ DOE agency draft bill analysis, November 1, 2011, on file with the Senate Committee on Pre-K – 12 Education.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

B. Amendments:

None.

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

By Senator Gaetz

4-01002-12

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1 A bill to be entitled
 2 An act relating to career-themed courses; amending s.
 3 1003.491, F.S.; revising provisions relating to the
 4 Florida Career and Professional Education Act;
 5 requiring that each district school board, in
 6 collaboration with regional workforce boards, economic
 7 development agencies, and postsecondary institutions,
 8 develop a strategic 3-year plan addressing and meeting
 9 local and regional workforce demands; authorizing
 10 school districts to offer career-themed courses;
 11 revising the requirements of the strategic 3-year plan
 12 to include career-themed courses; revising the period
 13 within which newly proposed core courses are to be
 14 approved or denied by the curriculum review committee;
 15 amending s. 1003.492, F.S.; revising provisions
 16 relating to industry-certified career education
 17 programs to conform to changes made by the act;
 18 amending s. 1003.493, F.S.; providing a definition for
 19 the term "career-themed course"; requiring that
 20 students who complete career-themed courses receive a
 21 standard high school diploma, the highest available
 22 industry certification, and opportunities to earn
 23 postsecondary credit if the career-themed course
 24 credits can be articulated to a postsecondary
 25 institution; providing goals of career-themed courses;
 26 providing for career-themed courses to be offered in a
 27 school-within-a-school career academy or a school
 28 providing multiple career-themed courses structured
 29 around an occupational cluster; providing requirements

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

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30 for career-themed courses; requiring that strategies
 31 to improve the passage rate on an industry
 32 certification examination be included in the strategic
 33 3-year plan under certain circumstances; requiring
 34 that Workforce Florida, Inc., serve in a advisory role
 35 in the development and deployment of newly established
 36 career-themed courses; amending s. 1003.4935, F.S.;
 37 revising provisions relating to middle school career
 38 and professional academy courses to conform to changes
 39 made by the act; amending s. 1011.62, F.S.; revising
 40 provisions relating to the computation of the annual
 41 allocation of funds to each school district for
 42 operation; providing an effective date.

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

46 Section 1. Section 1003.491, Florida Statutes, is amended
 47 to read:

48 1003.491 Florida Career and Professional Education Act.—The
 49 Florida Career and Professional Education Act is created to
 50 provide a statewide planning partnership between the business
 51 and education communities in order to attract, expand, and
 52 retain targeted, high-value industry and to sustain a strong,
 53 knowledge-based economy.

54 (1) The primary purpose of the Florida Career and
 55 Professional Education Act is to:

56 (a) Improve middle and high school academic performance by
 57 providing rigorous and relevant curriculum opportunities;

58 (b) Provide rigorous and relevant career-themed courses

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

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59 that articulate to postsecondary-level coursework and lead to
60 industry certification;

61 (c) Support local and regional economic development;

62 (d) Respond to Florida's critical workforce needs; and

63 (e) Provide state residents with access to high-wage and
64 high-demand careers.

65 (2) Each district school board shall develop, in
66 collaboration with regional workforce boards, economic
67 development agencies, and postsecondary institutions approved to
68 operate in the state, a strategic 3-year ~~5-year~~ plan to address
69 and meet local and regional workforce demands. If involvement of
70 a regional workforce board or an economic development agency in
71 the strategic plan development is not feasible, the local school
72 board, with the approval of the Department of Economic
73 Opportunity, shall collaborate with the most appropriate
74 regional business leadership board. Two or more school districts
75 may collaborate in the development of the strategic plan and
76 offer career-themed courses ~~a career and professional academy~~ as
77 a joint venture. The strategic plan must describe in detail
78 provisions for the efficient transportation of students, the
79 maximum use of shared resources, access to courses aligned to
80 state curriculum standards through virtual education providers
81 legislatively authorized to provide part-time instruction to
82 middle school students, and an objective review of career-themed
83 ~~career and professional academy~~ courses to determine if the
84 courses will lead to the attainment of industry certifications
85 included on the Industry Certified Funding List pursuant to
86 rules adopted by the State Board of Education. Each strategic
87 plan shall be reviewed, updated, and jointly approved every 3 ~~5~~

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88 years by the local school district, regional workforce boards,
89 economic development agencies, and state-approved postsecondary
90 institutions.

91 (3) The strategic 3-year ~~5-year~~ plan developed jointly by
92 the local school district, regional workforce boards, economic
93 development agencies, and state-approved postsecondary
94 institutions shall be constructed and based on:

95 (a) Research conducted to objectively determine local and
96 regional workforce needs for the ensuing 3 ~~5~~ years, using labor
97 projections of the United States Department of Labor and the
98 Department of Economic Opportunity;

99 (b) Strategies to develop and implement career-themed
100 courses ~~career academies~~ based on those careers determined to be
101 in high demand;

102 (c) Maximum use of private sector facilities and personnel;

103 (d) Strategies that ensure instruction by industry-
104 certified faculty and standards and strategies to maintain
105 current industry credentials and for recruiting and retaining
106 faculty to meet those standards;

107 (e) Alignment of requirements for middle school and high
108 school career-themed courses ~~career exploration, middle and high~~
109 ~~school career and professional academies~~ leading to industry
110 certification, postsecondary credit, and high school graduation
111 requirements;

112 (f) Provisions to ensure that career-themed courses ~~offered~~
113 ~~through career and professional academies~~ are academically
114 rigorous, meet or exceed appropriate state-adopted subject area
115 standards, result in attainment of industry certification, and,
116 when appropriate, result in postsecondary credit;

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(g) Strategies to improve the passage rate for industry certification examinations if the rate falls below 50 percent;

(h) Establishment of student eligibility criteria for enrollment in career-themed courses ~~in career and professional academies~~ which include opportunities for students who have been unsuccessful in traditional classrooms but who are interested in enrolling in career-themed courses ~~show aptitude to participate in academies~~. School boards shall address the analysis of middle school eighth-grade student achievement data to provide opportunities for students who may be deemed ~~as~~ potential dropouts to enroll ~~participate~~ in career-themed courses ~~career and professional academies~~;

(i) Strategies to provide sufficient space within career-themed courses ~~academies~~ to meet workforce needs and to provide access to all interested and qualified students;

(j) Strategies to implement career-themed courses ~~career and professional academy training~~ that lead ~~leads~~ to industry certification at Department of Juvenile Justice facilities;

(k) Opportunities for high school students to earn weighted or dual enrollment credit for higher-level career and technical courses;

(l) Promotion of the benefits of the Gold Seal Bright Futures Scholarship;

(m) Strategies to ensure the review of district pupil-progression plans and to amend such plans to include career-themed ~~career and professional~~ courses and to include courses that may qualify as substitute courses for core graduation requirements and those that may be counted as elective courses; and

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(n) Strategies to provide professional development for secondary guidance counselors on the benefits of career-themed courses that lead to industry certification ~~career and professional academies~~.

(4) The State Board of Education shall establish a process for the continual and uninterrupted review of newly proposed core secondary courses and existing courses requested to be considered as core courses to ensure that sufficient rigor and relevance is provided for workforce skills and postsecondary education and aligned to state curriculum standards. The review of newly proposed core secondary courses shall be the responsibility of a curriculum review committee whose membership is approved by a regional workforce board ~~the Workforce Florida Board as described in s. 445.004~~, and shall include:

(a) Three certified high school guidance counselors recommended by the Florida Association of Student Services Administrators.

(b) Three assistant superintendents for curriculum and instruction, recommended by the Florida Association of District School Superintendents and who serve in districts that offer career-themed courses ~~operate successful career and professional academies~~ pursuant to s. 1003.492. Committee members in this category shall employ the expertise of appropriate subject area specialists in the review of proposed courses.

(c) Three workforce representatives recommended by the Department of Economic Opportunity.

(d) Three admissions directors of postsecondary institutions accredited by the Southern Association of Colleges and Schools, representing both public and private institutions.

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(e) The Deputy Commissioner of Education, or his or her designee, responsible for K-12 curriculum and instruction. The Deputy Commissioner shall employ the expertise of appropriate subject area specialists in the review of proposed courses.

(5) The curriculum review committee shall submit and review ~~submission and review of~~ newly proposed core courses ~~shall be conducted~~ electronically, and approve or deny each proposed core course ~~shall be approved or denied~~ within 30 ~~60~~ days. All courses approved as core courses for purposes of middle school promotion and high school graduation shall be immediately added to the Course Code Directory. Approved core courses shall also be reviewed and considered for approval for dual enrollment credit. The Board of Governors and the Commissioner of Education shall jointly recommend an annual deadline for approval of new core courses to be included for purposes of postsecondary admissions and dual enrollment credit the following academic year. The State Board of Education shall establish an appeals process in the event that a proposed course is denied which shall require a consensus ruling by the Department of Economic Opportunity and the Commissioner of Education within 15 days.

Section 2. Section 1003.492, Florida Statutes, is amended to read:

1003.492 Industry-certified career-themed courses ~~career education programs.~~

(1) Career-themed courses must ~~Career and professional academies shall~~ be coordinated with the relevant and appropriate industry ~~indicating that all components of the program are relevant and appropriate~~ to prepare a the student for further education or for employment in that industry.

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(2) The State Board of Education shall use the expertise of Workforce Florida, Inc., to develop and adopt rules pursuant to ss. 120.536(1) and 120.54 for implementing an industry certification process. Industry certification shall be defined by the Department of Economic Opportunity, based upon the highest available national standards for specific industry certification, to ensure student skill proficiency and to address emerging labor market and industry trends. A regional workforce board or a school principal career and professional academy ~~academy~~ may apply to Workforce Florida, Inc., to request additions to the approved list of industry certifications based on high-demand job requirements in the regional economy. The list of industry certifications approved by Workforce Florida, Inc., and the Department of Education shall be published and updated annually by a date certain, to be included in the adopted rule.

(3) The Department of Education shall collect student achievement and performance data in industry-certified career-themed courses ~~career education programs~~ and shall work with Workforce Florida, Inc., in the analysis of collected data. The data collection and analyses shall examine the performance of participating students over time. Performance factors shall include, but not be limited to, graduation rates, retention rates, Florida Bright Futures Scholarship awards, additional educational attainment, employment records, earnings, and industry certification, ~~and employer satisfaction~~. The results of this study shall be submitted to the President of the Senate and the Speaker of the House of Representatives annually by December 31.

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Section 3. Section 1003.493, Florida Statutes, is amended to read:

1003.493 Career-themed courses ~~Career and professional academies.-~~

(1) A "career-themed course" ~~"career and professional academy"~~ is a course in an research-based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the regional workforce board or the Department of Economic Opportunity. ~~Career and professional academies shall be offered by Public schools and school districts shall offer career-themed courses.~~ The Florida Virtual School is encouraged to develop and offer rigorous career-themed ~~career and professional~~ courses as appropriate. A student who completes a career-themed course ~~Students completing career and professional academy programs~~ must receive a standard high school diploma, the highest available industry certification, and opportunities to earn postsecondary credit if the credits for career-themed courses can be articulated to academy partners with a ~~credits for career-themed courses can be articulated to academy partners with a~~ postsecondary institution approved to operate in the state.

(2) The goals of a career-themed course ~~career and professional academy~~ are to:

(a) Increase student academic achievement and graduation rates through integrated academic and career curricula.

(b) Prepare graduating high school students to make appropriate choices relative to employment and future educational experiences.

(c) Focus on career preparation through rigorous academics and industry certification.

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(d) Raise student aspiration and commitment to academic achievement and work ethics through relevant coursework.

(e) Promote acceleration mechanisms, such as dual enrollment and, articulated credits ~~credit~~, or occupational completion points, so that students may earn postsecondary credit while in high school.

(f) Support the state's economy by meeting industry needs for skilled employees in high-skill, high-wage, and high-demand occupations.

(3) A career-themed course may be offered in one of the following ~~Existing career education courses may serve as a foundation for the creation of a career and professional academy. A career and professional academy may be offered as one of the following small learning communities:~~

(a) A school-within-a-school career academy, as part of an existing high school, which ~~that~~ provides courses in one occupational cluster. Students who attend ~~in~~ the high school are not required to attend ~~be students in~~ the academy.

(b) A total school configuration providing multiple career-themed courses that are academies, ~~each~~ structured around an occupational cluster. The majority of students attending ~~Every student in~~ the school also attend the ~~is in an~~ academy.

(4) A career-themed course ~~Each career and professional academy~~ must:

(a) Consider ~~Provide a rigorous standards-based academic curriculum integrated with a career curriculum. The curriculum must take into consideration~~ multiple styles of student learning; promote learning by doing through application and adaptation; maximize relevance of the subject matter; enhance

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each student's capacity to excel; and include an emphasis on work habits and work ethics.

(b) Include one or more partnerships with postsecondary institutions, businesses, industry, employers, economic development organizations, or other appropriate partners from the local community. These ~~Such~~ partnerships shall be delineated in articulation agreements to provide for career-themed ~~career-based~~ courses that earn postsecondary credit. The ~~Such~~ agreements may include articulation between the career-themed courses ~~academy~~ and public or private 2-year and 4-year postsecondary institutions and technical centers. The Department of Education, in consultation with the Board of Governors, shall establish a mechanism to ensure articulation and transfer of credits to postsecondary institutions in this state. The ~~Such~~ partnerships must provide opportunities for:

1. Instruction from highly skilled professionals who possess industry-certification credentials for courses they are teaching.

2. Internships, externships, and on-the-job training.

3. A postsecondary degree, diploma, or certificate.

4. The highest available level of industry certification.

5. Maximum articulation of credits pursuant to s. 1007.23 upon program completion.

(c) Provide shared, maximum use of private sector facilities and personnel.

(d) Provide personalized student advisement, including a parent-participation component, and coordination with middle schools to promote and support career-themed courses ~~career exploration~~ and education planning as required under s.

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1003.4156. As part of the coordination with middle schools, career-themed courses must provide information to middle school students about secondary and postsecondary career education courses that lead to industry certification programs and ~~academies~~.

(e) Promote and provide opportunities for students enrolled in career-themed courses ~~career and professional academy students~~ to attain, at minimum, the Florida Gold Seal Vocational Scholars award pursuant to s. 1009.536.

(f) Provide instruction in careers designated as high growth, high demand, and high pay by the regional workforce development board, the chamber of commerce, economic development agencies, or the Department of Economic Opportunity.

(g) Deliver academic content through instruction relevant to the career, including intensive reading and mathematics intervention required by s. 1003.428, with an emphasis on strengthening reading for information skills.

(h) Offer applied courses that combine academic content with technical skills.

(i) Provide instruction resulting in competency, certification, or credentials in workplace skills, including, but not limited to, communication skills, interpersonal skills, decisionmaking skills, the importance of attendance and timeliness in the work environment, and work ethics.

(j) Include a plan to sustain and improve career-themed courses ~~career and professional academies~~.

(k) Redirect appropriated career funding to career-themed courses ~~career and professional academies~~.

(5) All career-themed ~~career~~ courses ~~offered in a career~~

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 349 ~~and professional academy~~ must lead to industry certification or
 350 college credit linked directly to the career theme of the
 351 course. If the passage rate on an industry certification
 352 examination that is associated with a career-themed course the
 353 ~~career and professional academy~~ falls below 50 percent,
 354 strategies to improve the passage rate must be included in the
 355 strategic 3-year plan ~~the academy must discontinue enrollment of~~
 356 ~~new students the following school year and each year thereafter~~
 357 ~~until such time as the passage rate is above 50 percent or the~~
 358 ~~academy is discontinued.~~

359 (6) Workforce Florida, Inc., ~~through the secondary career~~
 360 ~~academies initiatives,~~ shall serve in an advisory role ~~and offer~~
 361 ~~technical assistance~~ in the development and deployment of newly
 362 established career-themed courses ~~career and professional~~
 363 ~~academies.~~

364 Section 4. Section 1003.4935, Florida Statutes, is amended
 365 to read:

366 1003.4935 Middle school career-themed ~~career and~~
 367 ~~professional academy~~ courses.—

368 (1) Beginning with the 2012-2013 ~~2011-2012~~ school year,
 369 each district school board, in collaboration with regional
 370 workforce boards, economic development agencies, and state-
 371 approved postsecondary institutions, shall include plans to
 372 implement career-themed courses ~~a career and professional~~
 373 ~~academy~~ in at least one middle school in the district as part of
 374 the strategic 3-year ~~5-year~~ plan pursuant to s. 1003.491(2). The
 375 ~~middle school career and professional academy component of the~~
 376 strategic plan must ensure the transition of middle school
 377 ~~career and professional academy~~ students enrolled in career-

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 378 themed courses to a high school career-themed courses ~~career and~~
 379 ~~professional academy~~ currently operating within the school
 380 district. Students who complete a middle school career-themed
 381 courses ~~career and professional academy~~ must have the
 382 opportunity to earn an industry certificate and high school
 383 credit and participate in career planning, job shadowing, and
 384 business leadership development activities.

385 (2) Each middle school career-themed course ~~career and~~
 386 ~~professional academy~~ must be aligned with at least one high
 387 school career-themed course ~~career and professional academy~~
 388 offered in the district and maintain partnerships with local
 389 business and industry and economic development boards. Middle
 390 school career-themed courses ~~career and professional academies~~
 391 must:

392 (a) ~~Lead~~ Provide instruction in courses leading to careers
 393 in occupations designated as high growth, high demand, and high
 394 pay in the Industry Certification Funding List approved under
 395 rules adopted by the State Board of Education;

396 (b) ~~Offer career and professional academy courses that~~
 397 Integrate content from core subject areas;

398 (c) ~~Offer courses that~~ Integrate career-themed course
 399 ~~career and professional academy~~ content with intensive reading
 400 and mathematics pursuant to s. 1003.428;

401 (d) ~~Coordinate with high schools to~~ Maximize opportunities
 402 for middle school ~~career and professional academy~~ students
 403 enrolled in career-themed courses to earn high school credit;

404 (e) ~~Be offered~~ Provide access to virtual instruction
 405 ~~courses provided~~ by virtual education providers legislatively
 406 authorized to provide part-time instruction to middle school

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students. The virtual instruction courses must be aligned to state curriculum standards for middle school ~~career and professional academy~~ students, with priority given to students who have required course deficits;

(f) ~~Be taught by~~ ~~Provide instruction from~~ highly skilled professionals who hold industry certificates in the career area in which they teach;

(g) Offer externships; and

(h) Provide personalized student advisement that includes a parent-participation component.

(3) Beginning with the 2012-2013 school year, if a school district implements a middle school career-themed courses ~~career and professional academy~~, the Department of Education shall collect and report student achievement data pursuant to performance factors identified under s. 1003.492(3) for ~~academy~~ students who are enrolled in career-themed courses.

Section 5. Paragraph (o) of subsection (1) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(o) *Calculation of additional full-time equivalent*

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membership based on certification of successful completion of industry-certified career-themed courses ~~career and professional academy programs~~ pursuant to ss. 1003.491, 1003.492, 1003.493, and 1003.4935 and identified in the Industry Certified Funding List pursuant to rules adopted by the State Board of Education.—
A value of 0.1, 0.2, or 0.3 full-time equivalent student membership shall be calculated for each student who completes an industry-certified career-themed course ~~career and professional academy program~~ under ss. 1003.491, 1003.492, 1003.493, and 1003.4935 and who is issued the highest level of industry certification identified annually in the Industry Certification Funding List approved under rules adopted by the State Board of Education and a high school diploma. The maximum full-time equivalent student membership value for any student is 0.3. The Department of Education shall assign the appropriate full-time equivalent value for each certification, 50 percent of which is based on rigor and the remaining 50 percent on employment value. The State Board of Education shall include the assigned values in the Industry Certification Funding List under rules adopted by the state board. Rigor shall be based on the number of instructional hours, including work experience hours, required to earn the certification, with a bonus for industry certifications that have a statewide articulation agreement for college credit approved by the State Board of Education. Employment value shall be based on the entry wage, growth rate in employment for each occupational category, and average annual openings for the primary occupation linked to the industry certification. The ~~Such~~ value shall be added to the total full-time equivalent student membership in career-themed courses

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465 ~~secondary career education programs~~ for grades 9 through 12 in
466 the subsequent year for courses that were not funded through
467 dual enrollment. The additional full-time equivalent membership
468 authorized under this paragraph may not exceed 0.3 per student.
469 Each district must allocate at least 80 percent of the funds
470 provided for industry certification, in accordance with this
471 paragraph, to the program that generated the funds. Unless a
472 different amount is specified in the General Appropriations Act,
473 the appropriation for this calculation is limited to \$30 ~~\$15~~
474 million annually. If the appropriation is insufficient to fully
475 fund the total calculation, the appropriation shall be prorated.

476 Section 6. This act shall take effect July 1, 2012.

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 Education Pre-K-12 Committee

BILL: CS/SB 1366

INTRODUCER: Education Pre-K-12 Committee and Senator Gaetz

SUBJECT: Education/Transparency/Economic Security Report

DATE: January 24, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harkey	deMarsh-Mathues	ED	Fav/CS
2.			HE	
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|--|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="checked" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This bill requires changes in educational delivery and reporting to better inform students and their parents of the employment and economic outcomes for degrees earned at state universities and to provide opportunities for secondary and postsecondary students to earn science, technology, engineering and mathematics (STEM) industry certification necessary for employment. The bill requires:

- Reports of employment and earnings for graduates from state universities to be given to secondary school students and their parents and to university students when they register for classes;
- Reporting of university degrees conferred in STEM fields and university research and endowment funding;
- A career-themed course and a personalized academic and career plan for middle school students and their parents;
- Industry certification courses in middle school; and
- Priority enrollment for university students returning after being employed in a STEM field or a field in which industry certification is required.

The bill directs funding toward education in technical fields by:

- Authorizing universities to use a portion of the tuition differential fee for financial aid for students in technology fields;
- Providing weighted funding for K-12 students in industry certification courses; and
- Providing performance funding for state universities that are most successful in educating students who earn degrees in, and become employed in, technology fields.

This bill amends ss. 1001.03, 1001.42, 1001.706, 1002.20, 1003.4156, 1003.4935, 1008.39, 1009.24, and 1011.62, Florida Statutes. The bill creates ss. 445.07, 445.09, 445.11, 1004.323, and 1011.905, Florida Statutes.

II. Present Situation:

With the economic downturn in recent years and the difficulty many college graduates have had finding employment, many students have begun to question the economic value of a bachelor's degree.¹ In a survey by Rutgers University, 48 percent of the students surveyed said that in order to have economic security they would have been more careful in selecting a major or would have chosen a different major.²

Research by the Center on Education and the Workforce at Georgetown University found that a student's choice of major substantially affects employment prospects and earnings.³ The study found that "majors with high technical, business, and healthcare content tend to earn the most among both recent and experienced college graduates."⁴

According to the TechAmerica Foundation, in a ranking of states on high technology measures based on 2010 data, Florida ranked fifth in high tech employment, third in number of high tech establishments, and second in defense systems manufacturing.⁵ According to a Georgetown university report analyzing STEM jobs by state, Florida will require a total of 385,010 STEM jobs by 2018,⁶ and 89 percent of those jobs will require postsecondary education and training in high technology employment. Forty-nine percent of Florida's STEM jobs will be in computer occupations by 2018. The report also projects that nine percent of all Florida jobs for holders of Master's degrees and ten percent of all jobs for holders of a PhD degree will be in STEM fields by 2018. However, since 2001, there has been a 46 percent decline in bachelor's degrees earned

¹Kwong, L. "Generation Jobless", Wall Street Journal, November 12, 2011, readable at: <http://online.wsj.com/article/SB10001424052970204224604577032551908947414.html?KEYWORDS=value+of+a+college+degree>; Wooldridge, A., "Angst for the Educated," Schumpeter" column, The Economist, September 3, 2011, readable at: <http://www.economist.com/node/21528226>; and Fischer, Karin, "Crisis of Confidence Threatens Colleges", the Chronicle of Higher Education, May 15, 2011, readable at: <http://chronicle.com/article/Higher-Education-in-America-a/127530/>

² Godofsky, J.; Zukin, C.; Van Horn, C; "Unfulfilled Expectations: Recent College Graduates Struggle in a Troubled Economy", John J. Heldrich Center for Workforce Development, Rutgers University, May 2011, readable at: http://www.heldrich.rutgers.edu/sites/default/files/content/Work_Trends_May_2011.pdf.

³ Carnevale, A.P.; Cheah, B.; and Strohl, J.; "Hard Times: College Majors, Unemployment and Earnings: Not All College Degrees are Created Equal," Georgetown University Center for Education and the Workforce, January 4, 2012.

⁴ *Id.*, p. 6.

⁵ <http://www.techamericafoundation.org/cyberstates2011-florida>.

⁶ This number represents an increase of 62,450 jobs over the 2008 total of 322,560 jobs.

at state universities in computer, computer services, information technology, software engineering, management information systems and related high tech fields.⁷

Prioritizing STEM in education is one of seven key steps in the Governor's 2012 Job Creation and Economic Growth Agenda.⁸ The agenda calls for prioritizing STEM to focus Florida's K-12 and higher education systems on producing graduates that can support a growing high-tech workforce.⁹ The agenda cites Enterprise Florida's estimate that 15 of the 20 fastest growing job fields will require a STEM education.¹⁰

Section 1008.39, F.S., establishes the Florida Education and Training Placement Information Program (FETPIP), a data collection and consumer reporting system established to provide follow-up data on former students and program participants who have graduated, exited or completed a public education or training program within the state. The statute requires all elements of Florida's workforce development system to use information provided through FETPIP for any project they may conduct requiring automated matching of administrative records for follow-up purposes. The statute prohibits FETPIP from making public any information that could identify an individual or an individual's employer. FETPIP does not report employment and earnings by students earning industry certifications, but the DOE collects such data. The Industry Certification Funding list reports students earning industry certifications, by school district, on the K-12 student information system.

The Department of Education (DOE) annually calculates completion and placement rates and average earnings for career and technical education programs in a manner consistent with those used for annual accountability reporting required by the federal Carl D. Perkins Career and Technical Education Act grant, and the established targets are based on those agreed upon with the federal government. If a district or college program fails to achieve both the completion and placement targets and the average full-time/full-quarter earnings of completers is below the 25th percentile in the state for that program, the program is flagged in a performance report and the college or district is notified.

Section 1003.4156, F.S., requires students to take a course in career and education planning in 7th or 8th grade that must include career exploration using Florida CHOICES or a comparable cost-effective program. It must include educational planning using the online student advising system known as Florida Academic Counseling and Tracking for Students at the Internet website FACTS.org, and it must result in the completion of a personalized academic and career plan.

III. Effect of Proposed Changes:

The bill requires changes in educational delivery and reporting to better inform students and their parents of the employment and economic outcomes for degrees earned at state universities; to emphasize science, technology, engineering, and mathematics (STEM) fields; to better provide

⁷ Florida State University Learning Systems Institute using state university system data, compiled October 2011.

⁸ Governor Rick Scott's 2012 Job Creation and Economic Growth Agenda, p. 2, Readable at:

<http://www.flgov.com/2011/10/13/2012-job-creation-economic-growth-agenda/>.

⁹ *Id.*, p. 6.

¹⁰ *Id.*, p. 6.

secondary and postsecondary students opportunities to earn industry certifications; and to begin preparing middle school students for a STEM bachelor's degree pathway.

Economic Security Report

To foster an understanding of the economic outcomes associated with various academic choices, the bill requires an Economic Security Report to be provided to students and their parents by the principal or teacher beginning in middle school and to the public via the internet, print media, and social media. The Department of Economic Opportunity (DEO) must prepare the report using the Florida Education and Training Placement Information Program (FETPIP) data, the federal Integrated Postsecondary Education Data System (IPEDS), State University System (SUS) data, and Florida College System (FCS) data. The report will include information on graduates, degrees, education delivery system, public assistance data, student loan debt data, employment, income, continuing education, and graduate degrees on all students who earn a degree in the SUS, the FCS, and those who hold industry certifications. The DEO must submit a link to the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the State Board of Education, the Board of Governors, each state university, each Florida College System institution, and each school district by August 1 of each year.

The Florida Education and Training Placement Information Program (FETPIP)

The bill requires the DOE to include in the FETPIP data base information on former participants who leave the state or are self-employed. The DOE is authorized to contract with an entity to provide the information.

Secondary School Industry Certification

The bill requires the DEO to refer a secondary school student who has been identified as having earned an industry certification in science, technology, engineering, or mathematics, as defined by the State Board of Education and included on the Industry Certified Funding List as described in ss. 1003.492, F.S., and 1003.493, F.S., to an online registration website established by the department or a private placement service that links the student with:

- State universities or FCS institutions that have programs aligned with the student's industry certification;
- Employment opportunities in the state which are linked to the student's industry certificate; and
- Information relating to employment rates, salary rates, and applicable training options.

Privacy of Student Records

The bill provides that the sharing of data regarding students' industry certification or college majors does not abrogate the provisions of s. 1002.22, F.S., or the requirements of 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act (FERPA). The federal and state laws protect the privacy of student records. Section 1002.22, F.S., gives public school elementary and secondary school students and their parents the right to access their educational records, to challenge the content of the records, and to have privacy with respect to the records. Section 1002.221, F.S., prohibits the release of K-12 educational records without written consent of the student or parent except as permitted by the FERPA. Section 1002.225, F.S., requires all public postsecondary educations to comply with the FERPA, and provides a student whose rights are violated the immediate right to bring an action in circuit court to enforce his or her rights by injunction.

Career-themed Course

The current requirement for a career and education planning course in 7th or 8th grade is replaced by a requirement for a career-themed course, to be completed in 6th, 7th, or 8th grade, which would include a personalized academic and career plan for the student emphasizing technology or the application of technology in other fields and including instruction in using the DEO's economic security report. The bill deletes the current requirement for students to use Florida CHOICES and FACTS.org. in creating a personalized academic and career plan. The two DOE programs might still be used in conjunction with the DEO economic security report.

Unified STEM Plan

The State Board of Education, in conjunction with the Board of Governors and the DEO must adopt a unified state plan for science, technology, engineering and mathematics. The purpose of the plan is to prepare students for high-skill, high-wage, and high-demand employment.

Funding for Industry Certification Courses

The DOE must adopt rules to identify industry certifications in science, technology, engineering, or mathematics courses in middle school to be included on the Industry Certified Funding List which are eligible for additional full-time equivalent membership in the Florida Education Finance Program.¹¹ The bill revises the formula for providing weighted funding for industry-certified courses to:

- Require the SBOE to place a value of 0.1 FTE (but not to exceed 0.3 per student) to each student who completes the industry-certified career and professional course upon promotion to the 9th grade;
- Require each school district to allocate at least 80 percent of the funds for industry certification to the program that generated the funds; and
- Set the maximum appropriation at \$15 million.

Economic Security Report to University Students

Beginning with the course registration process for the 2013-2014 academic year, state universities must provide each enrolled student with a link to the DEO's economic security report. In addition, each student must receive information regarding:

- The top 25 percent of degrees reported by the university in terms of highest full-time job placement and highest average annualized earnings in the year after earning the degree; and
- The bottom 10 percent of degrees reported by the university in terms of the lowest full-time job placement and lowest average annualized earnings in the year after earning the degree.

The bill requires the Board of Governors to submit a research and endowment report to the Governor, President of the Senate, and Speaker of the House of Representatives containing the following information for each state university:

- Beginning with the 2010 fall term and each fall term thereafter, the enrollment of students in science, technology, engineering, or mathematics by degree;

¹¹ s. 1011.62(1), F.S.

- Beginning with the 2011 spring term and each spring term thereafter, the graduation of students in science, technology, engineering, or mathematics by degree;
- The growth or decline in the number of students enrolling in and graduating with STEM degrees each year;
- The specific means by which, and the frequency with which, students were notified of the economic security report;
- The amount of the university's endowment;
- The amount of federal and state grant or research funds received by the university;
- The number of patents, copyrights, trademarks, or other intellectual property produced by the university;
- The number of start-up companies that have links to the university;
- The amount of private venture capital that is linked to university projects; and
- The number of baccalaureate degrees that may be earned through the use of distance learning, the number of baccalaureate degrees that may be earned in which 50 percent of the course instruction is delivered through distance learning, and the number of students enrolled and completing baccalaureate degrees through distance learning.

Universities' Use of the Tuition Differential Fee

The bill authorizes universities to use a portion of the tuition differential for financial aid for students in technology fields. After spending 70 percent of the tuition differential fee on undergraduate education, as required by s. 1009.24(16), F.S., a state university could expend up to 50 percent of the remaining revenues from the tuition differential or the equivalent amount of revenues from private sources to provide financial aid to undergraduate students who are pursuing a degree in computer and information science; computer engineering; information systems technology; information technology; and management information systems. The Board of Governors' annual report on the tuition differential must contain the number of students, by program enrollment and by degree, served under the tuition differential designated for students who exhibit financial need and who are pursuing a degree in computer and information science, computer engineering, information systems technology, information technology, and management information systems.

Recruitment of State University Students in Technology and Engineering.

The DEO and Workforce Florida, Inc., (WFI) are directed to recruit students who meet the following requirements and match them to potential employers:

- Students enrolled at a state university in a degree program in technology or engineering;
- Students who have graduated from a state university and have a degree in technology or engineering; and
- Students who have been identified as having earned an industry certification under ss. 1003.492 and 1003.493, F.S., in technology or engineering and which is on the Industry Certified Funding List as defined by the State Board of Education.

University students who leave their degree program to obtain employment under the provisions of newly created s. 445.09, F.S., may not be reported as a "noncompleter" if, upon leaving the degree program, they have a formal plan to complete their degree. The DEO and the Board of Governors must enter into an agreement to facilitate the re-enrollment and timely degree

completion of students who leave their degree program for a tech job and want to return to complete their degree.

Performance Funding for State Universities

In order to reverse the decline in bachelor's degrees in technology fields and to support and expand Florida's strong national position in tech employment and tech businesses, the bill provides performance funding for state universities. The universities that apply for the funding will be ranked based on the following formula:

- Twenty-five percent of a state university's score must be based on the percentage of employed graduates who have earned degrees in computer and information science, computer engineering, information systems technology, information technology; and management information systems;
- Twenty-five percent of a state university's score must be based on the percentage of graduates who earned baccalaureate degrees in computer and information science, computer engineering, information systems technology, information technology; and management information systems and who earned industry certifications in a related field from a Florida College System institution or state university prior to graduation; and
- Fifty percent of a state university's score must be based on factors determined by the Board of Governors which relate to increasing the probability that graduates who have earned degrees in computer and information science, computer engineering, information systems technology, information technology; and management information systems will be employed in high-skill, high-wage, and high-demand employment.

The bill requires the Board of Governors to award up to \$15 million from funds appropriated for this purpose and provides that the minimum amount awarded to a state university must be at least 20 percent of the total appropriated.

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:

The economic security report required by the bill will inform students and their parents regarding the employment and income of graduates of various college degree programs with the goal of helping them to choose academic fields that will lead to employment and economic security.

C. Government Sector Impact:

The bill authorizes weighted funding for industry certification courses in secondary school and extends the weighted funding to middle school industry certification courses in which a student was issued the highest level of industry certification in science, technology, engineering, or mathematics identified on the Industry Certification Funding List, according to State Board of Education rules. The bill provides that unless otherwise provided in the General Appropriations act, the amount of the weighted funding in secondary school will be \$15 million.

The bill requires the Board of Governors to award up to \$15 million in performance funding to state universities. By setting the minimum amount of a university's award at no less than 20 percent of the appropriation, the bill establishes a competitive process in which no more than 5 state universities could receive performance funding.

Universities are authorized to use a portion of the tuition differential fee to provide financial aid for students in technology fields. In 2010-11, the 11 state universities charged tuition differential fees ranging from \$12.80 to \$22.00 per credit hour. The total revenue from the fee in 2010-11 was \$85.1 million. Of that amount, \$61.4 million supported undergraduate education, and \$23.7 was available for need-based financial aid.¹² Under the provisions of the bill, 50 percent of the \$23.7 million, or \$11.85 million, could be used to provide financial aid for students in technology fields.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

¹² State University System of Florida Board of Governors, "Tuition Differential Fee Report," December 2011, readable at: http://www.flbog.edu/about/doc/budget/Tuition-Differential-Report-andAttachment_2010-2011.pdf.

VIII. Additional Information:

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

CS by Education Pre-K-12 on January 24, 2012:

The committee substitute:

- Deletes a requirement that universities give priority enrollment to students who leave their degree program for a tech job and want to return to complete their degree and requires instead that DEO and the Board of Governors enter into an agreement to facilitate the re-enrollment and timely degree completion of such students; and
- Clarifies that universities must apply for performance based funding in order to be considered.

- B. **Amendments:**

None.



972502

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2012	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete line 198
and insert:

(2) The Department of Economic Opportunity shall enter into an agreement with the Board of Governors of the State University System to facilitate the reenrollment of any student recruited under this section who seeks to complete his or her degree program and to provide academic pathways for the timely completion of the degree program.

(3) This section does not abrogate the provisions of s.



972502

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

And the title is amended as follows:

Delete line 14

and insert:

them to potential employers; requiring that the
Department of Economic Opportunity enter into an
agreement with the Board of Governors of the State
University System to facilitate the reenrollment of
such students and to provide academic pathways for the
timely completion of their degree programs; creating
s. 445.11, F.S.;



604756

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2012	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 417 - 427.

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

And the title is amended as follows:

Delete lines 58 - 63

and insert:

amending s. 1008.39, F.S.; revising



189362

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2012	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete line 603
and insert:
state university that applies for performance funding based on
the following formula:

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

And the title is amended as follows:

Delete line 83
and insert:
each state university that applies for performance



189362

13

funding based on certain criteria;

By Senator Gaetz

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1 A bill to be entitled
 2 An act relating to education; creating s. 445.07,
 3 F.S.; requiring that the Department of Economic
 4 Opportunity prepare, or contract with an entity to
 5 prepare, an economic security report of employment and
 6 earning outcomes for degrees earned at a state
 7 university; providing requirements for the report;
 8 requiring that a link to the report be submitted to
 9 the Governor, the Legislature, and other entities by a
 10 specified date each year; creating s. 445.09, F.S.;
 11 requiring that the Department of Economic Opportunity,
 12 in coordination with Workforce Florida, Inc., recruit
 13 students who meet specified requirements and match
 14 them to potential employers; creating s. 445.11, F.S.;
 15 requiring that the Department of Economic Opportunity
 16 refer secondary school students who have been
 17 identified as having earned an industry certification
 18 in science, technology, engineering, or mathematics to
 19 an online registration website or a private placement
 20 service that links the student to information,
 21 resources, and employment opportunities; amending s.
 22 1001.03, F.S.; requiring that the State Board of
 23 Education, in consultation with the Board of Governors
 24 and the Department of Economic Opportunity, adopt a
 25 unified state plan to improve K-20 education in
 26 science, technology, engineering, and mathematics and
 27 prepare students for high-skill, high-wage, and high-
 28 demand employment; amending s. 1001.42, F.S.;
 29 requiring that district school boards require school

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30 principals or classroom teachers to annually provide
 31 secondary school students and their parents with a
 32 link to the Department of Economic Opportunity's
 33 economic security report; amending s. 1001.706, F.S.;
 34 requiring that the Board of Governors require each
 35 state university to annually provide enrolled students
 36 with a link to the Department of Economic
 37 Opportunity's economic security report and other
 38 specified information during registration or earlier;
 39 requiring that the Board of Governors annually report
 40 specified information, by each state university, to
 41 the Governor and the Legislature; amending s. 1002.20,
 42 F.S.; requiring that each middle school and high
 43 school student and his or her parent receive a link
 44 and a summary of the Department of Economic
 45 Opportunity's economic security report each year;
 46 amending s. 1003.4156, F.S.; revising the general
 47 requirements for middle grades promotion to include
 48 one career-themed course to be completed in 6th, 7th,
 49 or 8th grade; providing requirements for the career-
 50 themed course; requiring that each school district
 51 develop or adopt the career-themed course, subject to
 52 approval by the Department of Education; amending s.
 53 1003.4935, F.S.; requiring that the State Board of
 54 Education adopt rules to identify industry
 55 certifications in science, technology, engineering,
 56 and mathematics offered in middle school to be
 57 included on the Industry Certified Funding List;
 58 creating s. 1004.323, F.S.; requiring that a state

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59 university grant priority enrollment and registration
 60 to a student who leaves the state university after
 61 being recruited for employment under s. 445.09, F.S.,
 62 upon the student's reenrollment at the state
 63 university; amending s. 1008.39, F.S.; revising
 64 provisions relating to the Florida Education and
 65 Training Placement Information Program; requiring that
 66 the Department of Education include former
 67 participants who leave the state or who are self-
 68 employed as part of the information managed by the
 69 program; authorizing the department to contract with
 70 an entity to provide such information; amending s.
 71 1009.24, F.S.; authorizing a state university to
 72 expend a certain percentage of the remaining revenues
 73 from the tuition differential or the equivalent amount
 74 of revenues from private sources to provide financial
 75 aid to certain undergraduate students; requiring that
 76 the Board of Governors submit a report containing
 77 information regarding such undergraduate students;
 78 amending s. 1011.62, F.S.; revising provisions
 79 relating to the computation of the annual allocation
 80 of funds for school district operations, to conform to
 81 changes made by the act; creating s. 1011.905, F.S.;
 82 requiring that the Board of Governors review and rank
 83 each state university based on certain criteria;
 84 requiring that the Board of Governors award up to a
 85 specified amount to the highest-ranked state
 86 universities; requiring that the Board of Governors
 87 report to the Governor and the Legislature by a

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88 specified date each year; providing an effective date.
 89
 90 Be It Enacted by the Legislature of the State of Florida:
 91
 92 Section 1. Section 445.07, Florida Statutes, is created to
 93 read:
 94 445.07 Economic security report of employment and earning
 95 outcomes for degrees earned at a state university.-
 96 (1) The Department of Economic Opportunity shall prepare,
 97 or contract with an entity to prepare, an economic security
 98 report of employment and earning outcomes for degrees earned at
 99 a state university. The report must be easily accessible to and
 100 readable by the public and shall be made available via the
 101 Internet, printed media, and social media. The report must:
 102 (a) Use the Florida Education and Training Placement
 103 Information Program for data relating to the employment,
 104 earnings, continuing education, and receipt of public assistance
 105 by graduates of a degree program from a state university.
 106 (b) Use the Integrated Postsecondary Education Data System
 107 or its equivalent for calculating the average student loan debt
 108 of a graduate of a degree program from a state university.
 109 (c) Include data on the employment of graduates of a degree
 110 program from a state university the year after the degree is
 111 earned by number and percentage and for graduates employed full
 112 time in the year after graduation by number and percentage.
 113 Beginning with the 2013-2014 fiscal year, the report must
 114 include the employment data of graduates of a degree program
 115 from a state university 5 years after graduation by number and
 116 percentage.

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(d) Include data on the earnings of graduates of a degree program from a state university the year after earning the degree by the following levels on a quarterly and annualized basis, rounded to the nearest dollar:

1. Quarterly wages of \$6,250 and annualized wages of \$25,000 and below.

2. Quarterly wages between \$6,251 and \$11,250 and annualized wages between \$25,001 and \$45,000.

3. Quarterly wages of \$11,251 and annualized wages of \$45,001 and above.

Beginning with the 2013-2014 fiscal year, the report must include earnings data by graduates of a degree program from a state university 5 years after graduation.

(e) Include the percentage of graduates, by degree and by education delivery system, who are continuing their education.

(f) Include data on the percentage of graduates of a state university degree program who are receiving public assistance, such as Temporary Assistance to Needy Families or the food assistance program.

(g) Include data on the average student loan debt by degree level of a graduate of a state university.

(h) Include the following information on State University System bachelor's degree graduates by degree and by institution:

1. The number of graduates each year.

2. The number and percentage of graduates who are employed full time in the year after earning the degree and, beginning with the 2013-2014 fiscal year, 5 years after earning the degree.

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3. The average annualized earnings of graduates employed full time in the year after earning the degree and the average annualized earnings in the year after earning the degree by earning level as described in paragraph (d). Beginning with the 2013-2014 fiscal year, the report must include the average annualized earnings of graduates employed full time during the 5 years after graduation and the average annualized earnings of graduates 5 years after graduation by earning level as described in paragraph (d).

4. The number and percentage of graduates who are pursuing continuing education in the year following the earning of the degree.

(i) Include information on State University System degrees awarded above a bachelor's degree by degree and by institution using the requirements described in paragraph (h).

(j) Include data on the employment and earnings of Florida College System institution graduates who have earned baccalaureate degrees, associate in arts degrees, and associate in science degrees, as well as students who have earned industry certifications at Florida College System institutions, using the information required in paragraph (h).

(k) Include data on the employment and earnings of students who earn an industry certification, as described in ss. 1003.492 and 1003.493, which is listed in the Industry Certified Funding List adopted by State Board of Education rule, using the requirements described in paragraph (h).

(2) The Department of Economic Opportunity shall submit a link to the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the State Board of

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Education, the Board of Governors, each state university, each Florida College System institution, and each school district by August 1 of each year.

Section 2. Section 445.09, Florida Statutes, is created to read:

445.09 Recruitment of students in technology and engineering.—

(1) The Department of Economic Opportunity, in coordination with Workforce Florida, Inc., shall recruit students who meet the following requirements and match them to potential employers:

(a) A student who is enrolled at a state university in a degree program in technology or engineering. A student who leaves his or her degree program to obtain employment may not be reported as a "noncompleter" under this paragraph if the student, upon leaving the degree program, has a formal plan to complete his or her degree.

(b) A student who has graduated from a state university and has a degree in technology or engineering.

(c) A student who has been identified as having earned an industry certification under ss. 1003.492 and 1003.493 in technology or engineering and which is on the Industry Certified Funding List as defined by the State Board of Education.

(2) This section does not abrogate the provisions of s. 1002.22 which relate to education records or the requirements of 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act.

Section 3. Section 445.11, Florida Statutes, is created to read:

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445.11 Referral of industry certificateholders in science, technology, engineering, or mathematics.—

(1) The Department of Economic Opportunity shall refer a secondary school student who has been identified as having earned an industry certification in science, technology, engineering, or mathematics, as defined by the State Board of Education and included on the Industry Certified Funding List as described in ss. 1003.492 and 1003.493, to an online registration website established by the department or a private placement service that links the student with the following:

(a) State universities or Florida College System institutions that have programs aligned with the student's industry certification.

(b) Employment opportunities in the state which are linked to the student's industry certificate.

(c) Information relating to employment rates, salary rates, and applicable training options.

(2) This section does not abrogate the provisions of s. 1002.22 which relate to education records or the requirements of 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act.

Section 4. Subsection (16) is added to section 1001.03, Florida Statutes, to read:

1001.03 Specific powers of State Board of Education.—

(16) UNIFIED STATE PLAN FOR SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.—The State Board of Education, in consultation with the Board of Governors and the Department of Economic Opportunity, shall adopt a unified state plan to improve K-20 education in science, technology, engineering, and

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233 mathematics and prepare students for high-skill, high-wage, and
 234 high-demand employment.

235 Section 5. Paragraph (c) of subsection (13) of section
 236 1001.42, Florida Statutes, is amended to read:

237 1001.42 Powers and duties of district school board.—The
 238 district school board, acting as a board, shall exercise all
 239 powers and perform all duties listed below:

240 (13) RECORDS AND REPORTS.—Provide for the keeping of all
 241 necessary records and the making of all needed or required
 242 reports, as follows:

243 (c) Reports to parents.—

244 1. Require that, at regular intervals, reports are made by
 245 school principals or teachers to parents, apprising them of the
 246 progress being made by the students in their studies and giving
 247 other needful information.

248 2. Beginning with the course registration process for the
 249 2013-2014 school year and each year thereafter, require that
 250 school principals or classroom teachers provide secondary school
 251 students and their parents with a link to the Department of
 252 Economic Opportunity's economic security report prepared
 253 pursuant to s. 445.07.

254 Section 6. Subsections (11) and (12) are added to section
 255 1001.706, Florida Statutes, to read:

256 1001.706 Powers and duties of the Board of Governors.—

257 (11) ECONOMIC SECURITY REPORT TO STUDENTS.—Beginning with
 258 the course registration process for the 2013-2014 academic year
 259 and each year thereafter, the Board of Governors shall require a
 260 state university to provide each enrolled student with a link to
 261 the Department of Economic Opportunity's economic security

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262 report prepared pursuant to s. 445.07 during registration or
 263 earlier. In addition, the Board of Governors shall ensure that
 264 each student receives the following information each year during
 265 registration or earlier using the data described in s. 1008.39:

266 (a) The top 25 percent of degrees reported by the
 267 university in terms of highest full-time job placement and
 268 highest average annualized earnings earned in the year after
 269 earning the degree.

270 (b) The bottom 10 percent of degrees reported by the
 271 university in terms of lowest full-time job placement and lowest
 272 average annualized earnings in the year after earning the
 273 degree.

274 (12) RESEARCH AND ENDOWMENT REPORT.—The Board of Governors
 275 shall submit to the Governor, the President of the Senate, and
 276 the Speaker of the House of Representatives a report containing
 277 the following information for each state university:

278 (a) Beginning with the 2010 fall term and each fall term
 279 thereafter, the enrollment of students in science, technology,
 280 engineering, or mathematics by degree.

281 (b) Beginning with the 2011 spring term and each spring
 282 term thereafter, the graduation of students in science,
 283 technology, engineering, or mathematics by degree.

284 (c) The growth or decline in the number of students
 285 described in paragraphs (a) and (b) by degree each year.

286 (d) The specific means by which and the frequency with
 287 which students were notified of the economic security report
 288 pursuant to subsection (11).

289 (e) The amount of the university's endowment.

290 (f) The amount of federal and state grant or research funds

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received by the university.

(g) The number of patents, copyrights, trademarks, or other intellectual property produced by the university.

(h) The number of start-up companies that have links to the university.

(i) The amount of private venture capital that is linked to university projects.

(j) The number of baccalaureate degrees that may be earned through the use of distance learning, the number of baccalaureate degrees that may be earned in which 50 percent of the course instruction is delivered through distance learning, and the number of students enrolled and completing baccalaureate degrees through distance learning.

Section 7. Subsection (24) is added to section 1002.20, Florida Statutes, 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:

(24) ECONOMIC SECURITY REPORT.—Beginning with the registration process for the 2013-2014 school year and each year thereafter, each middle school and high school student and his or her parent shall be provided a two-page summary of the Department of Economic Opportunity's economic security report prepared pursuant to s. 445.07, along with an Internet link to the report.

Section 8. Paragraph (a) of subsection (1) of section

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1003.4156, Florida Statutes, is amended to read:

1003.4156 General requirements for middle grades promotion.—

(1) Promotion from a school composed of middle grades 6, 7, and 8 requires that:

(a) The student must successfully complete academic courses as follows:

1. Three middle school or higher courses in English. These courses shall emphasize literature, composition, and technical text.

2. Three middle school or higher courses in mathematics. Each middle school must offer at least one high school level mathematics course for which students may earn high school credit. Successful completion of a high school level Algebra I or geometry course is not contingent upon the student's performance on the end-of-course assessment required under s. 1008.22(3)(c)2.a.(I). However, beginning with the 2011-2012 school year, to earn high school credit for an Algebra I course, a middle school student must pass the Algebra I end-of-course assessment, and beginning with the 2012-2013 school year, to earn high school credit for a geometry course, a middle school student must pass the geometry end-of-course assessment.

3. Three middle school or higher courses in social studies, one semester of which must include the study of state and federal government and civics education. Beginning with students entering grade 6 in the 2012-2013 school year, one of these courses must be at least a one-semester civics education course that a student successfully completes in accordance with s. 1008.22(3)(c) and that includes the roles and responsibilities

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 of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, the Declaration of Independence, and the Constitution of the United States.

4. Three middle school or higher courses in science. Successful completion of a high school level Biology I course is not contingent upon the student's performance on the end-of-course assessment required under s. 1008.22(3)(c)2.a.(II). However, beginning with the 2012-2013 school year, to earn high school credit for a Biology I course, a middle school student must pass the Biology I end-of-course assessment.

5. One career-themed course in career and education planning to be completed in 6th, 7th, or 8th grade. The course may be taught by any member of the instructional staff; must result in a completed personalized academic and career plan for the student; must emphasize technology or the application of technology in other career fields; and must include instruction using the Department of Economic Opportunity's economic security report as described in s. 445.07 ~~must include career exploration using Florida CHOICES or a comparable cost-effective program; must include educational planning using the online student advising system known as Florida Academic Counseling and Tracking for Students at the Internet website FACTS.org; and shall result in the completion of a personalized academic and career plan.~~ The required personalized academic and career plan must inform students of high school graduation requirements, high school assessment and college entrance test requirements,

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 Florida Bright Futures Scholarship Program requirements, state university and Florida College System institution admission requirements, and programs through which a high school student can earn college credit, including Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, ~~career academy opportunities,~~ and courses that lead to national industry certification.

A student with a disability, as defined in s. 1007.02(2), for whom the individual education plan team determines that an end-of-course assessment cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have the end-of-course assessment results waived for purposes of determining the student's course grade and completing the requirements for middle grades promotion. Each school must ~~hold a parent meeting either in the evening or on a weekend to~~ inform parents about the course curriculum and activities. Each student shall complete a ~~an electronic~~ personal education plan that must be signed by the student, ~~the student's instructor, guidance counselor, or academic adviser,~~ and the student's parent. Each school district ~~The Department of Education~~ shall develop or adopt the career-themed course, subject to approval by the Department of Education frameworks and professional development materials for the career exploration and education planning course. The course may be implemented as a stand-alone course or integrated into another career-themed course or courses. The Commissioner of Education shall collect longitudinal high school course enrollment data by student ethnicity in order to analyze course-taking patterns.

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Section 9. Subsection (4) is added to section 1003.4935, Florida Statutes, to read:

1003.4935 Middle school career and professional academy courses.—

(4) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to identify industry certifications in science, technology, engineering, or mathematics offered in middle school to be included on the Industry Certified Funding List and which are eligible for additional full-time equivalent membership under s. 1011.62(1).

Section 10. Section 1004.323, Florida Statutes, is created to read:

1004.323 Priority enrollment; prohibition.—A state university shall grant priority enrollment and registration to a student who leaves the state university after being recruited for employment by an employer identified by the Department of Economic Opportunity under s. 445.09 and who reenrolls at the state university. If the student reenrolls within 3 academic years after the student's previous enrollment at the state university, the course catalog under which the student was previously enrolled shall apply to that student.

Section 11. Subsection (1) of section 1008.39, Florida Statutes, is amended to read:

1008.39 Florida Education and Training Placement Information Program.—

(1) The Department of Education shall develop and maintain a continuing program of information management named the "Florida Education and Training Placement Information Program," the purpose of which is to compile, maintain, and disseminate

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information concerning the educational histories, placement and employment, enlistments in the United States armed services, and other measures of success of former participants in state educational and workforce development programs. Placement and employment information shall contain data appropriate to calculate job retention and job retention rates. The Department of Education shall include in the information former participants who leave the state or who are self-employed. The department may contract with an entity to provide the information.

Section 12. Paragraphs (a) and (e) of subsection (16) of section 1009.24, Florida Statutes, are amended to read:

1009.24 State university student fees.—

(16) Each university board of trustees may establish a tuition differential for undergraduate courses upon receipt of approval from the Board of Governors. The tuition differential shall promote improvements in the quality of undergraduate education and shall provide financial aid to undergraduate students who exhibit financial need.

(a) Seventy percent of the revenues from the tuition differential shall be expended for purposes of undergraduate education. Such expenditures may include, but are not limited to, increasing course offerings, improving graduation rates, increasing the percentage of undergraduate students who are taught by faculty, decreasing student-faculty ratios, providing salary increases for faculty who have a history of excellent teaching in undergraduate courses, improving the efficiency of the delivery of undergraduate education through academic advisement and counseling, and reducing the percentage of

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465 students who graduate with excess hours. This expenditure for
 466 undergraduate education may not be used to pay the salaries of
 467 graduate teaching assistants. A state university may expend up
 468 to 50 percent of the remaining revenues from the tuition
 469 differential or the equivalent amount of revenues from private
 470 sources to provide financial aid to undergraduate students who
 471 exhibit financial need and who are pursuing a degree described
 472 in s. 1011.905(1). The remainder of the revenues ~~Except as~~
 473 ~~otherwise provided in this subsection, the remaining 30 percent~~
 474 ~~of the revenues from the tuition differential, or the equivalent~~
 475 ~~amount of revenue from private sources,~~ shall be expended to
 476 provide financial aid to other undergraduate students who
 477 exhibit financial need, including students who are scholarship
 478 recipients under s. 1009.984, to meet the cost of university
 479 attendance. This expenditure for need-based financial aid shall
 480 not supplant the amount of need-based aid provided to
 481 undergraduate students in the preceding fiscal year from
 482 financial aid fee revenues, the direct appropriation for
 483 financial assistance provided to state universities in the
 484 General Appropriations Act, or from private sources. The total
 485 amount of tuition differential waived under subparagraph (b)8.
 486 may be included in calculating the expenditures for need-based
 487 financial aid to undergraduate students required by this
 488 subsection. If the entire tuition and fee costs of resident
 489 students who have applied for and received Pell Grant funds have
 490 been met and the university has excess funds remaining from the
 491 30 percent of the revenues from the tuition differential
 492 required to be used to assist students who exhibit financial
 493 need, the university may expend the excess portion in the same

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494 manner as required for the other 70 percent of the tuition
 495 differential revenues.

496 (e) The Board of Governors shall submit a report to the
 497 President of the Senate, the Speaker of the House of
 498 Representatives, and the Governor describing the implementation
 499 of the provisions of this subsection no later than January 1,
 500 2010, and no later than January 1 each year thereafter. The
 501 report shall summarize proposals received by the board during
 502 the preceding fiscal year and actions taken by the board in
 503 response to such proposals. In addition, the report shall
 504 provide the following information for each university that has
 505 been approved by the board to assess a tuition differential:

506 1. The course or courses for which the tuition differential
 507 was assessed and the amount assessed.

508 2. The total revenues generated by the tuition
 509 differential.

510 3. With respect to waivers authorized under subparagraph
 511 (b)8., the number of students eligible for a waiver, the number
 512 of students receiving a waiver, and the value of waivers
 513 provided.

514 4. Detailed expenditures of the revenues generated by the
 515 tuition differential.

516 5. Changes in retention rates, graduation rates, the
 517 percentage of students graduating with more than 110 percent of
 518 the hours required for graduation, pass rates on licensure
 519 examinations, the number of undergraduate course offerings, the
 520 percentage of undergraduate students who are taught by faculty,
 521 student-faculty ratios, and the average salaries of faculty who
 522 teach undergraduate courses.

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523 6. The number of students, by program enrollment and by
 524 degree, served under the tuition differential designated for
 525 students who exhibit financial need and who are pursuing a
 526 degree described in s. 1011.905(1).

527 Section 13. Paragraph (o) of subsection (1) of section
 528 1011.62, Florida Statutes, is amended to read:

529 1011.62 Funds for operation of schools.—If the annual
 530 allocation from the Florida Education Finance Program to each
 531 district for operation of schools is not determined in the
 532 annual appropriations act or the substantive bill implementing
 533 the annual appropriations act, it shall be determined as
 534 follows:

535 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 536 OPERATION.—The following procedure shall be followed in
 537 determining the annual allocation to each district for
 538 operation:

539 (o) *Calculation of additional full-time equivalent*
 540 *membership based on certification of successful completion of*
 541 *industry-certified career and professional academy programs*
 542 *pursuant to ss. 1003.491, 1003.492, 1003.493, and 1003.4935 and*
 543 *identified in the Industry Certified Funding List pursuant to*
 544 *rules adopted by the State Board of Education.—*

545 1. A value of 0.1, 0.2, or 0.3 full-time equivalent student
 546 membership shall be calculated for each student who completes an
 547 industry-certified career and professional academy program under
 548 ss. 1003.491, 1003.492, 1003.493, and 1003.4935 and who is
 549 issued the highest level of industry certification identified
 550 annually in the Industry Certification Funding List approved
 551 under rules adopted by the State Board of Education and a high

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552 school diploma. The maximum full-time equivalent student
 553 membership value for any student is 0.3. The Department of
 554 Education shall assign the appropriate full-time equivalent
 555 value for each certification, 50 percent of which is based on
 556 rigor and the remaining 50 percent on employment value. The
 557 State Board of Education shall include the assigned values in
 558 the Industry Certification Funding List under rules adopted by
 559 the state board. Rigor shall be based on the number of
 560 instructional hours, including work experience hours, required
 561 to earn the certification, with a bonus for industry
 562 certifications that have a statewide articulation agreement for
 563 college credit approved by the State Board of Education.
 564 Employment value shall be based on the entry wage, growth rate
 565 in employment for each occupational category, and average annual
 566 openings for the primary occupation linked to the industry
 567 certification. Such value shall be added to the total full-time
 568 equivalent student membership in secondary career education
 569 programs for grades 9 through 12 in the subsequent year for
 570 courses that were not funded through dual enrollment. ~~The~~
 571 ~~additional full-time equivalent membership authorized under this~~
 572 ~~paragraph may not exceed 0.3 per student. Each district must~~
 573 ~~allocate at least 80 percent of the funds provided for industry~~
 574 ~~certification, in accordance with this paragraph, to the program~~
 575 ~~that generated the funds. Unless a different amount is specified~~
 576 ~~in the General Appropriations Act, the appropriation for this~~
 577 ~~calculation is limited to \$15 million annually. If the~~
 578 ~~appropriation is insufficient to fully fund the total~~
 579 ~~calculation, the appropriation shall be prorated.~~

580 2. Upon promotion to the 9th grade, a value of 0.1 full-

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time equivalent student membership shall be calculated for each student who completes an industry-certified career and professional course under s. 1003.4935 and who is issued the highest level of industry certification in science, technology, engineering, or mathematics identified on the Industry Certification Funding List under rules adopted by the State Board of Education.

3. The additional full-time equivalent membership authorized under this paragraph may not exceed 0.3 per student.

4. Each district must allocate at least 80 percent of the funds provided for industry certification in accordance with this paragraph to the program that generated the funds.

5. Unless a different amount is specified in the General Appropriations Act, the appropriation for the calculations under this paragraph is limited to \$15 million. If the appropriation is insufficient to fully fund the total calculation, the appropriation shall be prorated.

Section 14. Section 1011.905, Florida Statutes, is created to read:

1011.905 Performance funding for state universities.—

(1) For the 2012-2013 fiscal year through the 2015-2016 fiscal year, the Board of Governors shall review and rank each state university based on the following formula:

(a) Twenty-five percent of a state university's score shall be based on the percentage of employed graduates who have earned degrees in the following programs:

1. Computer and information science;
2. Computer engineering;
3. Information systems technology;

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4. Information technology; and

5. Management information systems.

(b) Twenty-five percent of a state university's score shall be based on the percentage of graduates who earned baccalaureate degrees in the programs in paragraph (a) and who earned industry certifications in a related field from a Florida College System institution or state university prior to graduation.

(c) Fifty percent of a state university's score shall be based on factors determined by the Board of Governors which relate to increasing the probability that graduates who have earned degrees in the programs described in paragraph (a) will be employed in high-skill, high-wage, and high-demand employment.

(2) The state university that has the highest score shall be ranked first, with each remaining state university ranked sequentially by score.

(3) (a) Each year, the Board of Governors shall award up to \$15 million to the highest-ranked state universities from funds appropriated for the purposes in this section and as specified in the General Appropriations Act. The award per state university shall be a minimum of 20 percent of the total amount appropriated pursuant to this section.

(b) The funds shall be awarded to the department of the state university which offers the degrees described in paragraph (1) (a).

(c) The funds may not be used to supplant funding for the degree programs described in paragraph (1) (a).

(4) Beginning with the 2012-2013 fiscal year, the Board of Governors shall submit a report containing the rankings and

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639 award distributions to the Governor, the President of the
640 Senate, and the Speaker of the House of Representatives by
641 December 31 of each year.

642 Section 15. This act shall take effect July 1, 2012.

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 Education Pre-K - 12 Committee

BILL: CS/SB 1718

INTRODUCER: Education Pre-K - 12 Committee and Senator Benacquisto

SUBJECT: Parent Empowerment in Education

DATE: January 24, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	deMarsh-Mathues	ED	Fav/CS
2.			BC	
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|--|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="checked" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This bill creates the Parent Empowerment Act to expand the list of rights provided to K-12 students and parents.

School districts are required to notify parents that they may, through petition process, select and submit to the district school board a new school turnaround option when a school subject to an existing turnaround option has failed to improve. Safeguards are included to provide majority vote, require public meetings, and authorize signature verification.

In cases where a school district fails to adopt a petition selection, it still must submit the petition option, along with its own, to the State Board of Education (SBE). The SBE makes the final determination.

School districts are also required to notify parents that classroom teachers assigned to their children have received poor performance ratings. Upon request, parents would also have the right to receive actual performance evaluations of any classroom personnel involved in their child's education.

This bill makes available an option of virtual instruction by an “effective” or “highly effective” instructor for a student assigned to a classroom teacher whom:

- Is teaching out-of-field; or
- Has received poor performance evaluations, defined as two consecutive annual performance evaluation ratings of unsatisfactory, two annual performance evaluation ratings of unsatisfactory within a 3-year period, or three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory.

Annual notice must be provided to parents when a child is assigned to an out-of-field classroom teacher, and that virtual instruction is available.

This bill substantially amends sections 1001.10, 1002.20, 1002.32, 1008.33, 1012.2315, creates section 1003.07, and repeals section 1012.42 of the Florida Statutes.

II. Present Situation:

Differentiated Accountability

Differentiated accountability is the system used by Florida to meet conditions for participation in the federal Elementary and Secondary Education Act¹ that requires states to hold public schools and school districts accountable for making adequate yearly progress toward meeting state proficiency goals. Schools are categorized based upon the school’s grade² and the level and rate of change in student performance in reading and mathematics, disaggregated into student subgroups.³

The law requires the Department of Education (DOE) to provide the most intensive intervention strategies to the lowest performing schools, which are defined as schools that have received:⁴

- An “F” grade in the most recent school year and 4 of the 6 years prior; or
- A “D” or “F” grade in the most recent school year and with three out of four of these criteria:
 - A percentage increase of students who are not reading proficient in comparison to measurements taken 5 years ago;
 - A percentage increase of students not mathematics proficient in comparison to measurements taken 5 years ago;
 - A threshold of at least 65 percent of students whom are not reading proficient; or
 - A threshold of at least 65 percent of students whom are not mathematics proficient.

¹ 20 U.S.C. ss. 6301 et seq.

² s. 1008.34, F.S., requires school grades: “A,” making excellent progress, “B,” making above average progress, “C,” making satisfactory progress, “D,” making less than satisfactory progress, or “F,” failing to make adequate progress.

³ ch. 2009-144, codified in s. 1008.33, F.S. Six categories, beginning with the highest performing, comprise the differentiated accountability system: Schools Not Required to Participate in Differentiated Accountability Strategies, Prevent I, Correct I, Prevent II, Correct II, and Intervene. See Rule 6A-1.099811, F.A.C.

⁴ s. 1008.33(4)(b), F.S.

Florida law requires school districts to submit a school improvement plan in the school year after a school has ranked in the lowest-performing category, to the State Board of Education. The plan must include one of the following options:⁵

- Conversion of the school to a district-managed turnaround school, including implementing a Commissioner of Education-approved turnaround plan that becomes the school's improvement plan;
- Reassignment of students to another school with progress monitoring of each reassigned student;
- Closure of the school with reopening as a charter school with a governing board that has proven effectiveness; or
- Contracting with an outside entity that has a proven record of effectiveness to operate the school.

Teacher Assignments

In 2009, the Florida Legislature enacted legislation to address the quality of teachers assigned to the lowest performing schools.⁶ School districts may not assign a higher percentage than the school district average of temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to these schools.

District school boards are required to adopt and implement plans to help teachers teaching out-of-field, and to require participation in a certification or staff development program, with priority consideration given regarding professional development. Written notification is to be provided to parents of the students.

Performance Evaluations

The evaluation system for instructional personnel and school-based administrators must differentiate among four levels: highly effective; effective; needs improvement or, for instructional personnel in the first three years of employment who need improvement, developing; and unsatisfactory.⁷

Current law requires the DOE to annually publish online performance rating data, to constitute the percentage of classroom teachers, instructional personnel and school administrators receiving each performance rating aggregated by district and school.⁸

Also, school districts are required to annually report ratings to those parents whose children are assigned to a classroom teacher or school administrator who has received two consecutive annual performance revaluation ratings of unsatisfactory; two annual performance evaluation ratings of unsatisfactory within three years; or three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory.⁹

⁵ s. 1008.33(5)(a), F.S.

⁶ Ch. 2009-144, L.O.F., codified in section 1012.2315, F.S. Prior to this change, the provision only applied to schools designated as "D" or "F" schools. The lowest performing schools are defined in section 1008.33, F.S.

⁷ Ch. 2011-1, L.O.F., codified in s. 1012.34(2)(e), F.S.

⁸ s. 1002.2315(5)(a), F.S.

⁹ s. 1012.2315(5)(b), F.S.

III. Effect of Proposed Changes:

Parents would be authorized, through a petition, to implement a second school improvement option, provided that a sufficient percentage of parents support the petition. This expands current law which is school district-directed regarding determination of the plan option. Still, school districts would retain authority to select the initial turnaround option.

The petition process would involve the following:

- A school district is required to annually notify, in writing, parents of eligible students when a school has failed to improve performance while under an existing turnaround option, and that they have the option, through petition, to submit a different choice;
- Although a petition choice is non-binding on the district school board, the district school board must submit the option, along with its own choice, to the SBE, which would make the final determination;
- Provisions are included requiring majority vote (indicating greater than one-half of eligible parents), ensuring a public meeting and authorizing verification of signatures.
- Petition votes are authorized at the rate of one parent per eligible student, defined as a student actually enrolled in the school or a student who will be attending the school in the following year; and
- Regarding a timeline, parental notice must be provided within 30 calendar days after the DOE notifies the school district that a different remedy must be implemented, with implementation of the second option to begin the following school year.

The bill requires the SBE to adopt rules to establish standards for verifying petition signatures. However, districts are not required to verify signatures. For students being taught by an out-of-field teacher, virtual instruction would be available from an in-field teacher. For students currently instructed by personnel receiving poor performance evaluation ratings, virtual instruction would be available from effective or highly effective teachers.

The provisions in the bill regarding assistance to out-of-field teachers are similar to those in current law. The bill would additionally require that the district school board implement assistance plans by rule, and that the notice inform the parent that a certified in-field teacher is available through virtual instruction.

This bill requires schools to provide students who have been taught by a teacher who received a “needs improvement” or “unsatisfactory” rating to receive instruction from a teacher with a higher rating the following year.

This bill provides parents the right to receive performance evaluations of each classroom teacher assigned to the student, pursuant to s. 1012.31, F.S., which already provides that public school employee files are public records. However, current law also makes confidential and exempt employee evaluations until the end of the school year after the school year covered in the evaluation. This bill appears to move up the date of release of the document for those employees who are classroom teachers assigned to the children of the requesting parent. This would provide the parent with more timely access to the evaluation.

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:

This bill increases educational options for parents and students.

C. Government Sector Impact:

There may be some costs associated with the notice requirements in the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

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

CS by the Committee on Pre-K – 12 on January 24, 2012:

This bill:

- Provides that authority for parents to initiate the petition process is triggered only after a school has failed to improve performance under a school turnaround option;
- Requires specific notice by the school district to parents of eligible students that the school has been unable to improve performance under a school turnaround option, and that parents may petition a different option;

- Limits signatures to one parent per eligible student and defines the term “eligible student;”
- Requires the SBE to adopt standards for signature verification;
- Authorizes, but does not require, the district school board to adopt the petition-directed turnaround option and provides that where the district school board rejects the petition selection, that both choices are to be submitted to the SBE;
- Details the rule adoption required of the SBE;
- Provides that when students instructed in the classroom by out-of-field instructors opt for in-field virtual instruction, the instructors must have annual performance ratings of at least the level of “effective;” and
- Clarifies that the prohibition on a student being taught in two consecutive years by instructors with poor performance evaluation ratings in the same subject area refer only to classroom teaching.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2012	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (3) of section 1001.10, Florida
Statutes, is amended to read:

1001.10 Commissioner of Education; general powers and
duties.—

(3) To facilitate innovative practices and ~~to allow~~ local
selection of educational methods, the State Board of Education
may authorize the commissioner to waive, upon the request of a
district school board, state board ~~of Education~~ rules that



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13 relate to ~~district~~ school instruction and ~~school~~ operations,
14 except those rules pertaining to civil rights, and student
15 health, safety, and welfare. The Commissioner of Education is
16 not authorized to grant waivers for any provisions in rule
17 pertaining to the allocation and appropriation of state and
18 local funds for public education; the election, compensation,
19 and organization of school board members and superintendents;
20 graduation and state accountability standards; financial
21 reporting requirements; reporting of out-of-field teaching
22 assignments under s. 1012.2315(5) ~~1012.42~~; public meetings;
23 public records; or due process hearings governed by chapter 120.
24 No later than January 1 of each year, the commissioner shall
25 report to the Legislature and the State Board of Education all
26 approved waiver requests in the preceding year.

27 Section 2. Paragraph (d) is added to subsection (21) of
28 section 1002.20, Florida Statutes, and subsections (24) and (25)
29 are added to that section, to read:

30 1002.20 K-12 student and parent rights.—Parents of public
31 school students must receive accurate and timely information
32 regarding their child's academic progress and must be informed
33 of ways they can help their child to succeed in school. K-12
34 students and their parents are afforded numerous statutory
35 rights including, but not limited to, the following:

36 (21) PARENTAL INPUT AND MEETINGS.—

37 (d) Parent empowerment.—Parents of students who are
38 assigned to a public school that does not improve performance
39 following implementation of a school turnaround option under s.
40 1008.33(5) (a) may submit a petition to the school district
41 requesting implementation of a school turnaround option pursuant



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to s. 1003.07.

(24) PERSONNEL EVALUATION REPORTS.—Upon request by the parent of a public school student, the school district must provide to the parent the performance evaluation for each classroom teacher assigned to his or her child, pursuant to s. 1012.31.

(25) ASSIGNMENT TO TEACHERS.—

(a) Each school district shall annually notify the parent of each public school student assigned to a classroom teacher who is teaching out-of-field regarding such assignment. The notification must inform the parent that virtual instruction from a certified in-field teacher with an annual performance evaluation rating of effective or highly effective is available pursuant to s. 1012.2315(5).

(b) When a student is assigned to a classroom teacher who has received two consecutive annual performance evaluation ratings of unsatisfactory, two annual performance evaluation ratings of unsatisfactory within a 3-year period, or three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory under s. 1012.34, the school district shall notify the parent regarding the performance evaluation rating of the classroom teacher. The notification must inform the parent that virtual instruction from a teacher who has received an annual performance evaluation rating of effective or highly effective is available pursuant to s. 1012.2315(7).

Section 3. Paragraph (c) of subsection (7) of section 1002.32, Florida Statutes, is amended to read:

1002.32 Developmental research (laboratory) schools.—



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(7) PERSONNEL.—

(c) Lab school faculty members shall meet the certification requirements of s. ~~ss.~~ 1012.32 and 1012.42.

Section 4. Section 1003.07, Florida Statutes, is created to read:

1003.07 Parent empowerment.—

(1) This section may be cited as the "Parent Empowerment Act."

(2) Each school district must provide written notification to the parents of eligible students, as defined in paragraph (3)(b), when a public school has been unable to improve performance following implementation of a school turnaround option and must implement a different option, as required under s. 1008.33(5). The written notification shall inform parents that they may, by petition, request implementation of a school turnaround option by the school in the following school year. The notification shall be provided to parents within 30 calendar days after the school district receives notice from the Department of Education that the school must implement a different school turnaround option. The notification by the school district shall include:

(a) A description of each school turnaround option available for selection under s. 1008.33(5)(a);

(b) A description of the process for implementing school turnaround options, including the date by which the school district must submit its implementation plan to the State Board of Education;

(c) The date and location for submission of the petition;

(d) The date and location of the publicly noticed district



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100 school board meeting, required under paragraph (4) (a), at which
101 the school board will consider the petition; and

102 (e) School district contact information for additional
103 questions.

104 (3) (a) Prior to the school district's selection and
105 implementation of a different school turnaround option for the
106 following school year, parents may submit a petition selecting
107 an available school turnaround option, as described in the
108 notification provided pursuant to paragraph (2) (a), for
109 consideration by the district school board.

110 (b) Only one parent per eligible student may sign the
111 petition. An eligible student is a student enrolled in the
112 school in which the school turnaround option will be implemented
113 or a student who is scheduled, the following school year, for
114 assignment to the school in which the school turnaround option
115 will be implemented, according to the district school board's
116 enrollment policies.

117 (c) A parent must date the petition on the day it is signed
118 and identify the eligible student on the petition.

119 (d) If the school district chooses to verify signatures on
120 the petition, the district shall use existing student enrollment
121 documentation or other records containing parent signatures.

122 (4) (a) The school turnaround option selected by parents
123 must be considered for implementation by the district school
124 board at a publicly noticed school board meeting if the petition
125 is signed and dated by a majority of the parents of eligible
126 students. A majority is more than one-half of the parents who
127 are eligible to sign the petition pursuant to paragraph (3) (b).

128 (b) The district school board may adopt the school



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turnaround option selected by parents or a different school
turnaround option selected by the school board. If the district
school board does not adopt the school turnaround option
selected by parents, it must include that option with the
implementation plan submitted to the State Board of Education
under s. 1008.33(5)(b). If the state board determines that the
school turnaround option selected by parents is more likely to
improve the academic performance of students at the school, it
shall remand the district school board's implementation plan to
the school board. The district school board shall submit to the
state board an implementation plan for the school turnaround
option selected by parents.

(5) The State Board of Education shall adopt rules pursuant
to ss. 120.536(1) and 120.54 to establish a model petition
format, petition submission process, standards for verifying
signatures, and timelines for district school board
consideration of a petition at a publicly noticed meeting.

Section 5. Subsection (5) of section 1008.33, Florida
Statutes, is amended to read:

1008.33 Authority to enforce public school improvement.—

(5)(a) In the school year after a school is initially
identified as a school in the lowest-performing category, the
school district must submit a plan, which is subject to approval
by the State Board of Education, for implementing one of the
following school turnaround options at the beginning of the next
school year. The plan must be implemented unless the school
moves from the lowest-performing category:

1. Convert the school to a district-managed turnaround
school by means that include implementing a turnaround plan



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approved by the Commissioner of Education which shall become the school's improvement plan;

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

3. Close the school and reopen the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness; or

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

(b) If a school does not move from the lowest-performing category during the initial year of implementing one of the school turnaround options in paragraph (a), the school district must submit a plan, which is subject to approval by the State Board of Education, for implementing a different option in paragraph (a) at the beginning of the next school year, unless the State Board of Education determines that the school is likely to move from the lowest-performing category if additional time is provided to implement intervention and support strategies. The State Board of Education shall determine whether a school district may continue to implement a school turnaround ~~an~~ option beyond 1 year while a school remains in the lowest-performing category. Parents of students who are assigned to a public school that is required to implement a different school turnaround option may petition the school district to implement a school turnaround option selected by the parents pursuant to s. 1003.07.

Section 6. Section 1012.2315, Florida Statutes, is amended to read:

1012.2315 Assignment of teachers.—



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(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds disparities between teachers assigned to teach in a majority of schools that do not need improvement and schools that do need improvement pursuant to s. 1008.33. The disparities may be found in the assignment of temporarily certified teachers, teachers in need of improvement, and out-of-field teachers and in the performance of the students. It is the intent of the Legislature that district school boards have flexibility through the collective bargaining process to assign teachers more equitably across the schools in the district.

(2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF IMPROVEMENT.—School districts may not assign a higher percentage than the school district average of temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools in one of the three lowest-performing categories under s. 1008.33(3)(b). Each school district shall annually certify to the Commissioner of Education that this requirement has been met. If the commissioner determines that a school district is not in compliance with this subsection, the State Board of Education shall be notified and shall take action pursuant to s. 1008.32 in the next regularly scheduled meeting to require compliance.

(3) SALARY INCENTIVES.—District school boards may ~~are authorized to~~ provide salary incentives to meet the requirement of subsection (2). A district school board may not sign a collective bargaining agreement that precludes the school district from providing sufficient incentives to meet this requirement.

(4) COLLECTIVE BARGAINING.—Notwithstanding provisions of



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chapter 447 relating to district school board collective bargaining, collective bargaining provisions may not preclude a school district from providing incentives to high-quality teachers and assigning such teachers to low-performing schools.

(5) ASSISTANCE TO OUT-OF-FIELD TEACHERS.—

(a) Each district school board shall adopt rules for implementing an assistance plan for each classroom teacher who is teaching out-of-field. The assistance plan must provide teachers who are teaching out-of-field with priority consideration in professional development activities and require such teachers to participate in a certification or staff development program that provides the competencies required for the assigned duties. The assistance plan must also include duties of administrative personnel and other instructional personnel for assisting a teacher who is teaching out-of-field in providing instructional services to students.

(b) The school district shall annually notify the parent of each student who is assigned to a classroom teacher who is teaching a subject matter that is:

1. Outside the field in which the teacher is certified;
2. Outside the field that was the teacher's minor field of study; or
3. Outside the field in which the teacher has demonstrated sufficient subject area expertise, as determined by district school board policy in the subject area to be taught.

The notification must inform the parent that virtual instruction from a certified in-field teacher who has received an annual performance evaluation rating of effective or highly effective



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under s. 1012.34 is available to his or her child through the
virtual instruction options listed under s. 1002.321(4).

(6) ~~(5)~~ REPORT.—

~~(a)~~ By July 1, 2012, the Department of Education shall
annually report on its website, in a manner that is accessible
to the public, the performance rating data reported by district
school boards under s. 1012.34. The report must include the
percentage of classroom teachers, instructional personnel, and
school administrators receiving each performance rating
aggregated by school district and by school.

(7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
EVALUATIONS.—

(a) ~~(b)~~ Notwithstanding the provisions of s.
1012.31(3)(a)2., each school district shall annually notify
~~report to~~ the parent of any student who is assigned to a
classroom teacher or school administrator having two consecutive
annual performance evaluation ratings of unsatisfactory under s.
1012.34, two annual performance evaluation ratings of
unsatisfactory within a 3-year period under s. 1012.34, or three
consecutive annual performance evaluation ratings of needs
improvement or a combination of needs improvement and
unsatisfactory under s. 1012.34. The notification must inform
the parent that virtual instruction from a teacher who has
received a performance evaluation rating of highly effective or
effective under s. 1012.34 is available to his or her child
through the virtual instruction options listed under s.
1002.321(4).

(b) Upon request by the parent of a public school student,
the school district shall provide to the parent the performance



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evaluation for each classroom teacher assigned to his or her
child, pursuant to s. 1012.31.

(c) If a student is currently taught by a classroom teacher
who receives, in that school year, a performance evaluation
rating of needs improvement or unsatisfactory under s. 1012.34,
the student may not be assigned the following school year to a
classroom teacher, in the same subject area, who received a
performance evaluation rating of needs improvement or
unsatisfactory in the preceding school year.

Section 7. Section 1012.42, Florida Statutes, is repealed.

Section 8. This act shall take effect July 1, 2012.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to parent empowerment in education;
amending s. 1001.10, F.S.; conforming a cross-
reference; amending s. 1002.20, F.S.; authorizing
parents of students who are assigned to certain
underperforming public schools to submit a petition to
the school district requesting implementation of a
school turnaround option; requiring a school district,
upon request, to provide a parent with a performance
evaluation for each classroom teacher assigned to his
or her child; requiring notification to the parent of
each student who is assigned to a classroom teacher
who is teaching out-of-field or who has received



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unsatisfactory performance evaluations and of the availability of virtual instruction; amending s. 1002.32, F.S.; conforming a cross-reference; creating s. 1003.07, F.S., the Parent Empowerment Act; requiring each school district to notify parents of students attending a lowest-performing school that has been unable to improve performance after implementation of a school turnaround option; authorizing parents to submit a petition requesting implementation of an available school turnaround option; providing requirements for a petition and its consideration and adoption by the district school board; requiring that the State Board of Education adopt rules; amending s. 1008.33, F.S.; identifying the options for improving a school identified in the lowest-performing category as school turnaround options; authorizing parents to submit a petition to the school district to implement a specified school turnaround option; amending s. 1012.2315, F.S.; requiring that each district school board adopt rules to implement an assistance plan for out-of-field classroom teachers and requiring that such teachers participate in certain programs; requiring that the school district annually notify the parent of each student assigned to an out-of-field classroom teacher or an underperforming classroom teacher and of the availability of virtual instruction; requiring that a school district, upon request, provide to a parent the performance evaluation of each classroom teacher



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332 assigned to his or her child; prohibiting the
333 consecutive assignment of students to classroom
334 teachers who receive certain performance evaluations;
335 repealing s. 1012.42, F.S., relating to teachers
336 teaching out-of-field; providing an effective date.

By Senator Benacquisto

27-00873B-12

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1 A bill to be entitled
 2 An act relating to parent empowerment in education;
 3 amending s. 1001.10, F.S.; conforming a cross-
 4 reference; amending s. 1002.20, F.S.; providing the
 5 right of parents of public school students who are
 6 assigned to certain underperforming schools to direct
 7 the school district to implement a specified option
 8 for school improvement; providing the right of a
 9 parent to be informed of the performance evaluation
 10 rating of each instructional personnel assigned to his
 11 or her child; providing the right of a parent to be
 12 notified if his or her child is assigned to certain
 13 teachers and of the availability of virtual
 14 instruction; amending s. 1002.32, F.S.; correcting a
 15 cross-reference; creating s. 1003.07, F.S.; creating
 16 the Parent Empowerment Act; providing criteria for a
 17 petition by parents requesting a specified school
 18 improvement option to be submitted to the State Board
 19 of Education for approval; requiring that the district
 20 school board notify parents of their right to select a
 21 school improvement option; requiring that the State
 22 Board of Education adopt rules; amending s. 1008.33,
 23 F.S.; requiring that a school district submit to the
 24 State Board of Education a plan implementing the
 25 school improvement option selected by parents in lieu
 26 of the school district school improvement option;
 27 amending s. 1012.2315, F.S.; requiring that each
 28 district school board implement an assistance plan for
 29 out-of-field teachers; requiring that the district

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

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30 school board require an out-of-field teacher to
 31 participate in certain programs; requiring that the
 32 school district notify the parent of each student
 33 assigned to an out-of-field classroom teacher;
 34 requiring that the notice inform the parent of the
 35 option to enroll the student in virtual instruction;
 36 requiring that a district school superintendent, upon
 37 request, provide a parent with performance evaluation
 38 data of each instructional personnel assigned to the
 39 child; requiring that a school district notify the
 40 parent of each student assigned to an underperforming
 41 classroom teacher; requiring that the notice inform
 42 the parent of the option to enroll the student in
 43 virtual instruction; prohibiting the consecutive
 44 assignment of students to teachers who receive an
 45 annual performance evaluation rating of needs
 46 improvement or unsatisfactory; repealing s. 1012.42,
 47 F.S., relating to teachers teaching out-of-field;
 48 providing an effective date.

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

51
 52 Section 1. Subsection (3) of section 1001.10, Florida
 53 Statutes, is amended to read:

54 1001.10 Commissioner of Education; general powers and
 55 duties.—

56 (3) To facilitate innovative practices and to allow local
 57 selection of educational methods, the State Board of Education
 58 may authorize the commissioner to waive, upon the request of a

Page 2 of 10

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

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59 district school board, State Board of Education rules that
 60 relate to district school instruction and school operations,
 61 except those rules pertaining to civil rights, and student
 62 health, safety, and welfare. The Commissioner of Education is
 63 not authorized to grant waivers for any provisions in rule
 64 pertaining to the allocation and appropriation of state and
 65 local funds for public education; the election, compensation,
 66 and organization of school board members and superintendents;
 67 graduation and state accountability standards; financial
 68 reporting requirements; reporting of out-of-field teaching
 69 assignments under s. 1012.2315(5) ~~1012.42~~; public meetings;
 70 public records; or due process hearings governed by chapter 120.
 71 No later than January 1 of each year, the commissioner shall
 72 report to the Legislature and the State Board of Education all
 73 approved waiver requests in the preceding year.

74 Section 2. Paragraph (d) is added to subsection (21) of
 75 section 1002.20, Florida Statutes, and subsections (24) and (25)
 76 are added to that section, to read:

77 1002.20 K-12 student and parent rights.—Parents of public
 78 school students must receive accurate and timely information
 79 regarding their child's academic progress and must be informed
 80 of ways they can help their child to succeed in school. K-12
 81 students and their parents are afforded numerous statutory
 82 rights including, but not limited to, the following:

83 (21) PARENTAL INPUT AND MEETINGS.—

84 (d) Parent empowerment.—Parents of public school students
 85 who are assigned to a low-performing school, as described in s.
 86 1008.33, have the right to direct the school district to
 87 implement a specified school improvement option at the school,

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88 in accordance with ss. 1003.07 and 1008.33.

89 (24) PERSONNEL EVALUATION REPORTS.—The parent of a public
 90 school student has the right to be informed of the performance
 91 evaluation rating of each instructional personnel assigned to
 92 his or her child. Upon request by the parent of a public school
 93 student, the district school superintendent shall provide the
 94 parent with the performance evaluation data collected pursuant
 95 to s. 1012.34(3) for each instructional personnel assigned to
 96 his or her child in accordance with ss. 1012.2315, 1012.31, and
 97 1012.34.

98 (25) ASSIGNMENT TO TEACHERS.—

99 (a) The parent of a public school student has the right to
 100 be notified, pursuant to s. 1012.2315(5), if his or her child is
 101 assigned to a classroom teacher who is teaching out-of-field and
 102 that virtual instruction from a certified in-field teacher is
 103 available.

104 (b) The parent of a public school student has the right to
 105 be notified, pursuant to s. 1012.2315(7), if his or her child is
 106 assigned to a classroom teacher who, under s. 1012.34, has
 107 received two consecutive annual performance evaluation ratings
 108 of unsatisfactory, two annual performance evaluation ratings of
 109 unsatisfactory within a 3-year period, or three consecutive
 110 annual performance evaluation ratings of needs improvement or a
 111 combination of needs improvement and unsatisfactory and that
 112 virtual instruction from a teacher with a performance evaluation
 113 rating of effective or highly effective under s. 1012.34 is
 114 available.

115 Section 3. Paragraph (c) of subsection (7) of section
 116 1002.32, Florida Statutes, is amended to read:

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1002.32 Developmental research (laboratory) schools.-

(7) PERSONNEL.-

(c) Lab school faculty members shall meet the certification requirements of ~~s. ss. 1012.32 and 1012.42.~~

Section 4. Section 1003.07, Florida Statutes, is created to read:

1003.07 The Parent Empowerment Act.-

(1) This section may be cited as the "Parent Empowerment Act."

(2) (a) If more than one-half of the parents of students attending an elementary school, middle school, or high school or more than one-half of a combination of the parents of students attending a middle school or high school and the parents of students attending an elementary school or middle school who normally matriculate into that middle school or high school, as applicable, sign and date a petition requesting the implementation of one of the school improvement options described in s. 1008.33(5), the school district must submit a plan implementing that option in lieu of the school district's option to the State Board of Education for approval.

1. Only one parent per student may sign a petition, but a parent who has students in both a feeder school and the school subject to the petition may sign the petition for a student in each school.

2. A parent must date the petition on the day it is signed.

(b) The district school board must notify the parent of each student attending a low-performing school as described in s. 1008.33 of his or her right to select the school improvement option to be implemented at the school the following school

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year. The notification must be made in writing and must include a description of each of the school improvement options available, the process for submitting a petition requesting the implementation of a school improvement option, and the date of the next regularly scheduled school board meeting.

(3) By July 1, 2013, the State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

Section 5. Paragraph (a) of subsection (5) of section 1008.33, Florida Statutes, is amended to read:

1008.33 Authority to enforce public school improvement.-

(5) (a) In the school year after a school is initially identified as a school in the lowest-performing category, the school district must submit a plan, which is subject to approval by the State Board of Education, for implementing one of the following options at the beginning of the next school year. The plan must be implemented unless the school moves from the lowest-performing category:

1. Convert the school to a district-managed turnaround school by means that include implementing a turnaround plan approved by the Commissioner of Education which shall become the school's improvement plan;

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

3. Close the school and reopen the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness; or

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

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If the school district receives a request to implement a school improvement option selected by parents through a petition under s. 1003.07, the school district must submit a plan implementing the option the parents have selected in lieu of the school district option to the State Board of Education for approval.

Section 6. Section 1012.2315, Florida Statutes, is amended to read:

1012.2315 Assignment of teachers.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds disparities between teachers assigned to teach in a majority of schools that do not need improvement and schools that do need improvement pursuant to s. 1008.33. The disparities may be found in the assignment of temporarily certified teachers, teachers in need of improvement, and out-of-field teachers and in the performance of the students. It is the intent of the Legislature that district school boards have flexibility through the collective bargaining process to assign teachers more equitably across the schools in the district.

(2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF IMPROVEMENT.—School districts may not assign a higher percentage than the school district average of temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools in one of the three lowest-performing categories under s. 1008.33(3)(b). Each school district shall annually certify to the Commissioner of Education that this requirement has been met. If the commissioner determines that a school district is not in compliance with this subsection, the State Board of Education shall be notified and shall take action

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pursuant to s. 1008.32 in the next regularly scheduled meeting to require compliance.

(3) SALARY INCENTIVES.—District school boards ~~may are~~ authorized to provide salary incentives to meet the requirement of subsection (2). A district school board may not sign a collective bargaining agreement that precludes the school district from providing sufficient incentives to meet this requirement.

(4) COLLECTIVE BARGAINING.—Notwithstanding provisions of chapter 447 relating to district school board collective bargaining, collective bargaining provisions may not preclude a school district from providing incentives to high-quality teachers and assigning such teachers to low-performing schools.

(5) ASSISTANCE TO OUT-OF-FIELD TEACHERS.—

(a) Each district school board shall implement by rule an assistance plan to assist a teacher who is teaching out-of-field and to give priority consideration in professional development activities to that teacher. The district school board shall require that a teacher who is teaching out-of-field participate in a certification or staff development program designed to provide the teacher with the competencies required for the assigned duties. The board-approved assistance plan shall include duties of administrative personnel and other instructional personnel to assist a teacher who is teaching out-of-field in providing instructional services to students.

(b) The school district shall notify in writing the parent of each student who is assigned to a classroom teacher who is teaching subject matter that is:

1. Outside the field in which the teacher is certified;

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2. Outside the field that was the teacher's minor field of study; or

3. Outside the field in which the teacher has demonstrated sufficient subject area expertise, as determined by district school board policy in the subject area to be taught.

The notice must inform the parent that virtual instruction from a certified in-field teacher is available to his or her child through the virtual instruction options listed under s. 1002.321(4).

(6) (5) REPORT.—

(a) By July 1, 2012, the Department of Education shall annually report on its website, in a manner that is accessible to the public, the performance rating data reported by district school boards under s. 1012.34. The report must include the percentage of classroom teachers, instructional personnel, and school administrators receiving each performance rating aggregated by school district and by school. Upon the request of a parent, a district school superintendent shall provide the parent with the performance evaluation data collected pursuant to s. 1012.34(3) for each instructional personnel assigned to his or her child.

(7) ASSIGNMENT OF TEACHERS BASED ON PERFORMANCE EVALUATIONS.—

(a) (b) Notwithstanding the provisions of s. 1012.31(3)(a)2., each school district shall annually report to the parent of any student who is assigned to a classroom teacher or school administrator having two consecutive annual performance evaluation ratings of unsatisfactory under s.

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1012.34, two annual performance evaluation ratings of unsatisfactory within a 3-year period under s. 1012.34, or three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory under s. 1012.34. The notice must inform the parent that virtual instruction from a teacher with a performance evaluation rating of highly effective or effective under s. 1012.34 is available to his or her child through the virtual instruction options listed under s. 1002.321(4).

(b) If a student has been assigned to a teacher who for that school year receives a performance evaluation rating of needs improvement or unsatisfactory under s. 1012.34, the student may not be assigned the following school year to a teacher who received a performance evaluation rating of needs improvement or unsatisfactory under s. 1012.34 for the immediately preceding school year. This paragraph applies to any teacher subject to the performance evaluation requirements under s. 1012.34.

Section 7. Section 1012.42, Florida Statutes, is repealed.

Section 8. This act shall take effect July 1, 2012.

Waiver

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/24/12
Meeting Date

Topic Parental Empowerment

Bill Number SB 1718
(if applicable)

Name Jose Gonzalez

Amendment Barcode _____
(if applicable)

Job Title V.P. of Governmental Affairs

Address 516 N. Adams St.
Street

Phone 850-224-7173

Tallahassee 32301
City State Zip

E-mail JGonzalez@aif.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Associated Industries of Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

spoke

1-24-12

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

Meeting Date

Topic

Parent Involvement

Bill Number

1718

(if applicable)

Name

Albert Collazo

Amendment Barcode

(if applicable)

Job Title

Program Director

Address

Hispanic CREO

Street

Miami, FL

Phone

305.297.9043

City

State

Zip

E-mail

albert@hcreo.com

Speaking:



For



Against



Information

Representing

Hispanic CREO

Appearing at request of Chair:



Yes



No

Lobbyist registered with Legislature:



Yes



No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Waive

01.24.12

Meeting Date

Topic parent empowerment

Bill Number 1718

(if applicable)

Name Catherine Durkin Robinson

Amendment Barcode

(if applicable)

Job Title Outreach Mgr.

Address 403 S. Orleans Ave.

Phone 813.453.4274

Street

Tampa

City

FL

State

33606

Zip

E-mail Crobinson2k@yahoo.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Support

Representing Students First

Will waive support

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/20/11)

Spoke

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-24-12

Meeting Date

Topic Parent Empowerment in Education

Bill Number 1718

Name Shirley Ford

Amendment Barcode 145612
(if applicable)

Job Title Parent Advocate

Address 315 W. 9th St.

Phone 213-985-8749

Street

LA Calif 90019

City

State

Zip

Speaking: ☒ For ☐ Against ☒ Information

Representing Parent Revolution

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/20/11)

Spoke

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-24-12

Meeting Date

Topic Parent Empowerment in Educ.

Bill Number 1718

Name Mike Trujillo

Amendment Barcode 145612
(if applicable)

Job Title ~~ED~~ National Campaign Mgr

Address 315 W. 9th St

Phone 213-985-8749

Street

LA Cal 90019

City

State

Zip

E-mail mtrujillo@parentrevolution.org

Speaking: ☒ For ☐ Against ☒ Information

Representing Parent Revolution

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

spoke

01/24/12
Meeting Date

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

1718

Topic Parent Empowerment

Bill Number HB ~~1197~~
(if applicable)

Name Deryn Cowdy

Amendment Barcode _____
(if applicable)

Job Title Self employed

Address 4010 N. MERIDIAN AVE

Phone 305 215 4491

M.B. FL 33146
City State Zip

E-mail deryncowdy@me-
com

Speaking: ☐ For ☐ Against ☒ Information

Representing Parents

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

Spoke

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

1/25/2012
Meeting Date

Topic Parental Empowerment

Bill Number 1718
(if applicable)

Name Ryan West

Amendment Barcode _____
(if applicable)

Job Title Policy Director

Address 136 South Brough Street
Street

Phone 850 521-1200

Tallahassee FL 32301
City State Zip

E-mail rwest@flchamber.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Waive

Meeting Date

Topic Parent Empowerment Act

Bill Number HB 1191 SB 1718
(if applicable)

Name Janice B. McLaulin

Amendment Barcode _____
(if applicable)

Job Title teacher / consultant

Address 4415 Lucien St
Street

Phone 850-526-1140

Marianna FL 32446
City State Zip

E-mail jbmcLaulin@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Self *will waive in support*

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

Waive

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

1/24/12

Meeting Date

Topic Parent Empowerment in Education

Bill Number 1718

Name Patricia Levesque

Amendment Barcode 145612
(if applicable)

Job Title Executive Director, Foundation for Florida's Future

Address 215 South Monroe Street

Phone 850-391-3070

Street

Tallahassee

FL

32302

City

State

Zip

E-mail patricia@afloridapromise.org

Speaking: ☒ For ☐ Against ☐ Information

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 (10/20/11)


Zero Tolerance

Vicki Lopez Lukis

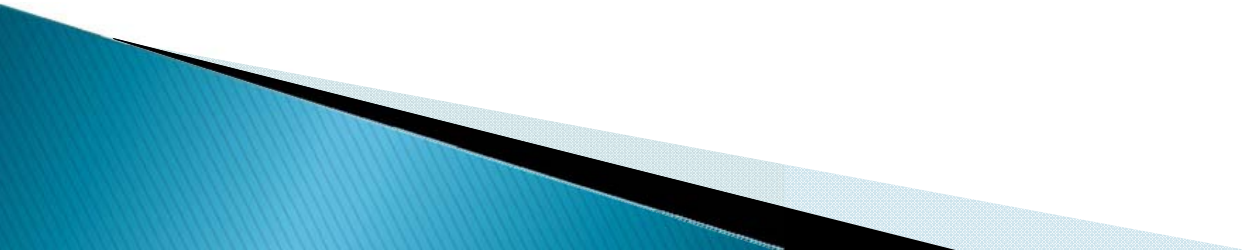
Member, Senate Juvenile Justice Education Work
Group



Section 1006.13, Florida Statutes

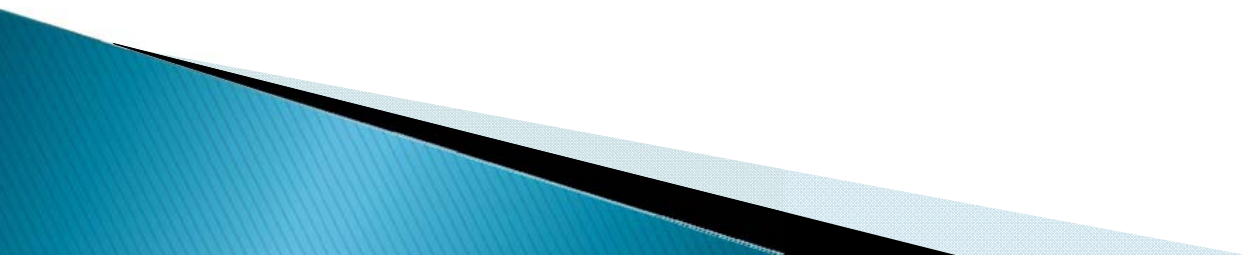
- *The Legislature finds that zero-tolerance policies are not intended to be rigorously applied to petty acts of misconduct and misdemeanors including, but not limited to, including, but not limited to, minor fights or disturbances.*
 - Require school boards to revise their zero tolerance policies to ensure that students who commit acts that pose a serious threat to school safety are expelled or referred to law enforcement, and that **students are not expelled or arrested for petty acts of misconduct.**
- 

Legislative Intent of 2009 SB 1540


- ▶ To redirect a large number of children away from the juvenile justice system through diversionary alternatives.
 - ▶ To better address misbehavior in schools without jeopardizing school safety.
 - ▶ To reduce the unintended consequences that have led to the wrongful placement of students in the juvenile justice system.
- 

Research

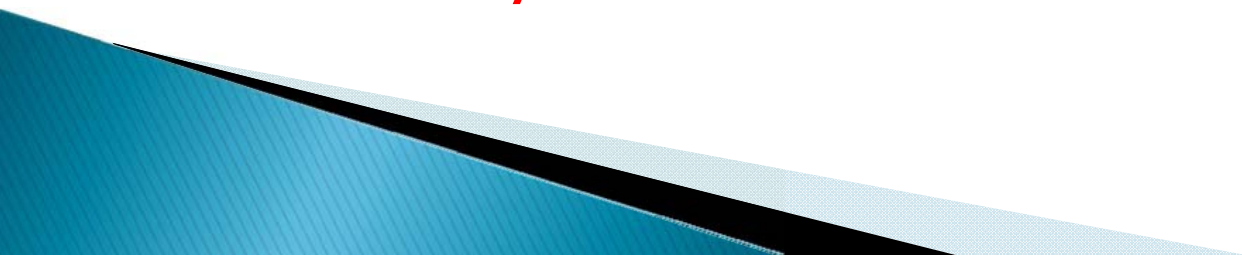
- ▶ Excluding children from school increases the odds of academic failure and dropping out.
- ▶ Moreover, once a child or teenager is involved in the juvenile justice system, the odds of that child or teenager becoming more deeply embedded in the system dramatically increases.



American Psychological Association 2008 Report on Zero Tolerance Policies

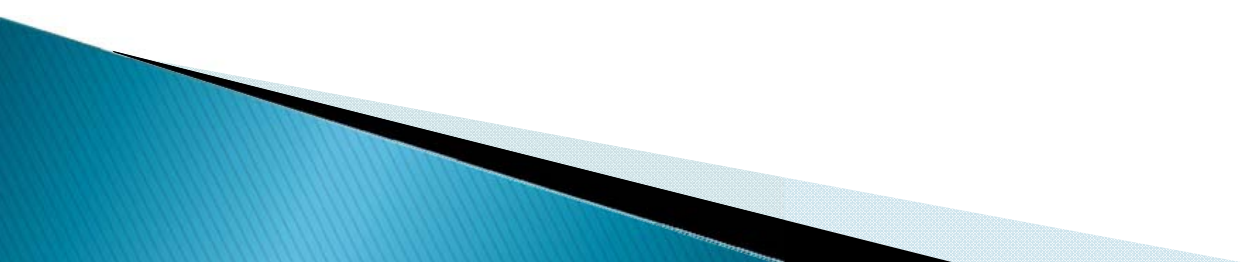
- ▶ Run counter to our best knowledge of child development.
 - ▶ Zero tolerance policies as implemented have not:
 - Achieved the goals of an effective system of school discipline.
 - Improved school climate or school safety.
 - Proven an effective means of improving student behavior.
 - Minority overrepresentation in school punishments.
- 

American Psychological Association 2008 Report on Zero Tolerance Policies

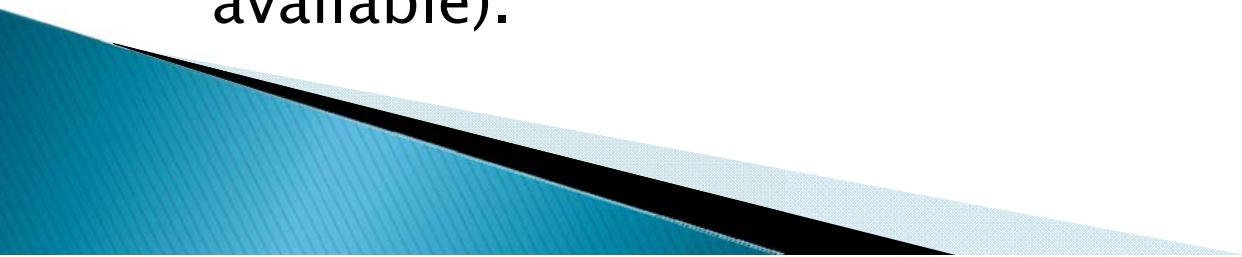
- ▶ Changes the relationship between education and juvenile justice thus shifting the locus of discipline from relatively inexpensive actions in the school setting to the highly costly processes of arrest and incarceration.
 - ▶ Recommend the use of alternative practices that rely upon a more flexible and common sense application of school discipline and on a set of prevention practices that have been validated in over 10 years of school violence research.
- 

School Referrals to DJJ FY 2010-11

- ▶ 16,377 – Total Referrals
 - 570 – Misdemeanor Obstruction of Justice
 - 665 – Petit Larceny
 - 800 – Weapon or Firearm Offenses
 - 1,944 – Aggravated Assault and/or Battery
 - 2,415 – Misdemeanor Violation Drug Laws
 - 2,450 – Disorderly Conduct
 - 3,588 – Assault and/or Battery (not aggravated)



Case Dispositions FY 2010–2011


- ▶ 70% of all school-based misdemeanors are dropped, not filed or ultimately diverted (7,720 of the 11,032 cases where a primary disposition was available).
 - ▶ 69% of first-time offenders from school were charged with a misdemeanor offense (5,860 of the 8,541 first-time offenders).
 - ▶ 77% of cases for all first-time offenders from school are dropped, not filed or ultimately diverted (6,551 of the 8,541 cases where a primary disposition was available).
 - ▶ 73% of cases for MISDEMEANOR first-time offenders from school are dropped, not filed or ultimately diverted (4,293 of the 5,860 cases where a primary disposition was available).
- 

Petty Acts of Misconduct

- ▶ School misbehaviors that should be treated as disciplinary infractions.
- ▶ 2009 SB 1540 Did not provide direction or definition as to what constituted a petty act of misconduct.
- ▶ Result: 67 school districts with varying demographics and interpretations thus we now have a lack of uniformity among the zero tolerance policies.
 - Example: St. John's County – *"Petty acts of misconduct" shall mean and include **any act that does not pose a serious threat to school safety**, including but not limited to, acts listed as Level I and Level II offenses in the Student Code of Conduct.*

Florida Department of Education

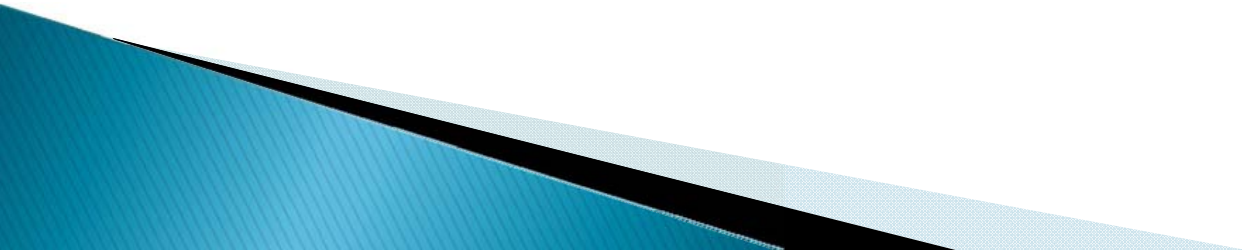
Position on Zero Tolerance

- ▶ Zero tolerance must be viewed within the context of the mission of public education: to educate all students to become successful adults upon graduation from high school.
 - ▶ Schools should take proactive steps to prevent misconduct utilizing evidence-based practices and establish alternatives to suspension, expulsion, and arrests such as school-wide positive behavior support programs, restorative justice approaches, and civil citations.
 - ▶ While it is imperative to establish clearly defined disciplinary procedures/actions for serious breaches of codes of conduct, it also is incumbent upon districts to use discretion and take a “common sense” approach to school discipline.
- 

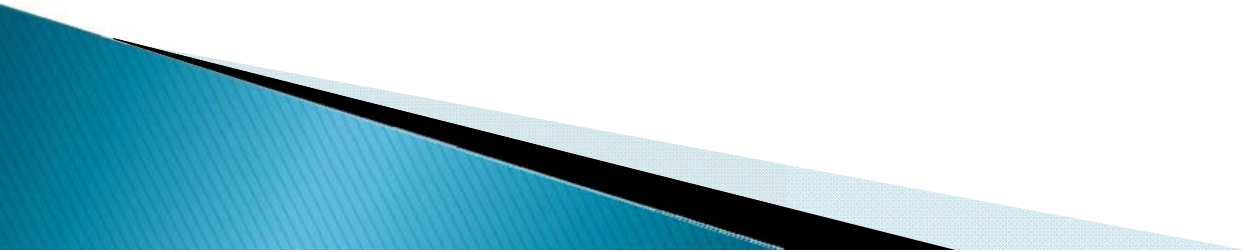
Zero Tolerance Stakeholders

- ▶ **Florida Sheriff's Association**
 - Frank Messersmith
 - Jacksonville Sheriff John Rutherford
 - ▶ **State Attorneys**
 - Monica Hofheinz – Broward County
 - Jeanne Howard – Palm Beach County
 - ▶ **Teachers**
 - ▶ **School Administrators**
 - ▶ **Florida Association of Resource Officers**
 - Jamie Meeks
 - ▶ **NAACP**
 - Dale Landry
 - ▶ **Southern Poverty Law Center**
 - David Utter
 - ▶ **Florida TaxWatch**
 - Deborrah Brodsky
 - ▶ **DJJ**
 - ▶ **FDLE**
 - Mark Zadra and Lynn Dodson
- 

Section 985.04, Florida Statutes Oaths; records; confidential information

- ▶ DJJ confidentiality laws apply to records maintained by the DJJ.
 - ▶ Does not apply to criminal history information.
 - ▶ Juvenile criminal records must be obtained from FDLE in accordance with Section 943.053.
- 

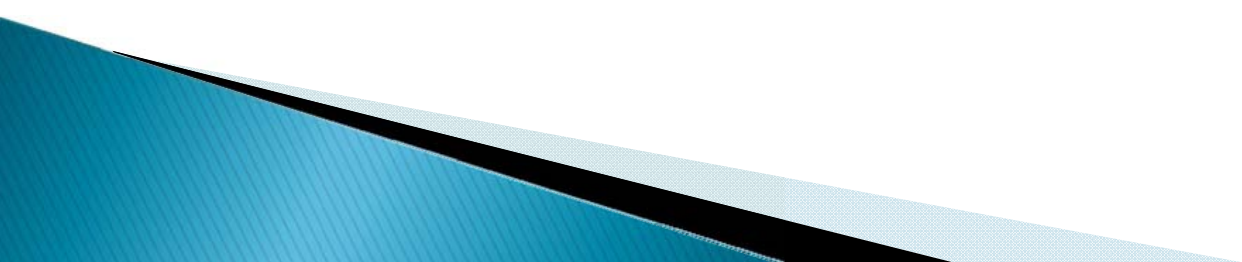
Section 943.051, Florida Statutes Criminal Justice Information; collection and storage; fingerprinting.

- ▶ A minor who is charged with or found to have committed an offense that would be a felony if committed by an adult shall be fingerprinted and the fingerprints shall be submitted to the department
 - ▶ A minor who is charged with or found to have committed certain offenses shall be fingerprinted and the fingerprints shall be submitted to the department.
 - ▶ Fingerprints shall be used as the basis for criminal history records.
- 

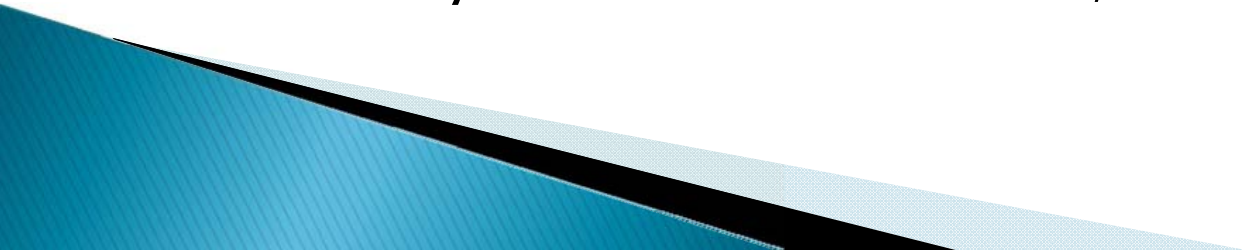
Section 943.051, Florida Statutes

Retention of criminal history records of minors.


- ▶ Records retained for for 5 years after the date the minor reaches 19 or 21 years of age, at which time the record shall be expunged.
 - 19 years of age
 - Not classified as a serious or habitual juvenile offender or committed to a juvenile correctional facility or juvenile prison under chapter 985.
 - 21 years of age
 - Classified as a serious or habitual juvenile offender or committed to a juvenile correctional facility or juvenile prison under chapter 985.



Section 943.051, Florida Statutes Dissemination of criminal justice information; fees.

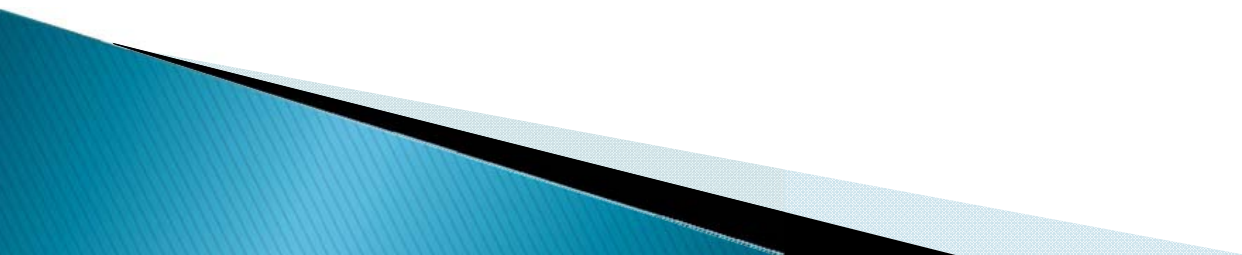
- ▶ Criminal history information, **including information relating to minors**, compiled by the Criminal Justice Information Program from intrastate sources shall be available to:
 - Criminal justice agencies for criminal justice purposes free of charge.
 - After providing the program with all known identifying information, persons in the private sector and noncriminal justice agencies may be provided criminal history information for \$24/record.
- 

Entities With Access to Sealed and Expunged Criminal History Records

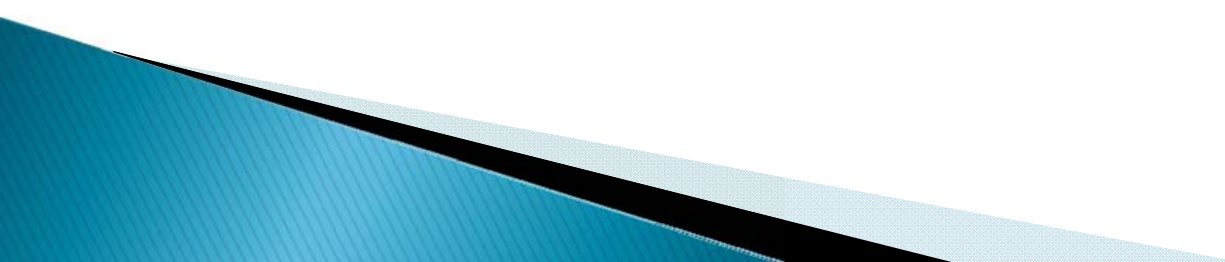
- ▶ Candidate for employment with a criminal justice agency;
 - ▶ Seeking to be employed or licensed by or to contract with the DJJ, DCF, Agency for Health Care Administration and Agency for Persons with Disabilities or to be employed or used by such contractor or licensee having direct contact;
 - ▶ Seeking to be employed or licensed by the DOE, any district school board, any private or parochial school, or any local governmental entity that license child care facilities;
 - ▶ Candidate for admission to The Florida Bar;
 - ▶ Seeking authorization from a Florida Seaport for employment within or access to one or more such seaports;
 - ▶ Attempting to purchase a firearm from a licensed importer, manufacturer or dealer and is subject to a criminal history background check.
- 

FDLE

- ▶ Not the single source for background screenings
 - Clerk of Courts
 - Local law enforcement agencies
 - Private background screening companies
- ▶ Information is may not be accurate or current since criminal histories are time certain.
- ▶ Juvenile criminal histories are not kept in a separate database from adult criminal records.
 - Distinguished only by age



Recommendations

- ▶ Petty acts of misconduct should not be referred to law enforcement.
 - ▶ Require intervention programs for students who commit petty acts of misconduct.
 - ▶ Intervention programs should be utilized during In School Suspension that address the misconduct in order to reduce the school disciplinary referrals.
 - ▶ Provide appropriate training for school personnel and school resource officers.
- 

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 Education Pre-K - 12 Committee

BILL: SB 1886

INTRODUCER: Senator Wise

SUBJECT: School District Zero Tolerance

DATE: January 19, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carrouth	deMarsh-Mathues	ED	Pre-meeting
2.			CJ	
3.				
4.				
5.				
6.				

I. Summary:

Under the bill, school district zero tolerance policies would be revised to prescribe reporting to a law enforcement agency any act that poses a serious threat to school safety that occurs wherever students are within the jurisdiction of the district school board. Misdemeanors and petty acts of misconduct that do not pose a serious threat to school safety would be handled within the school's disciplinary system. The bill would require school offense protocols that would serve to promote alternatives to expulsion and referrals to law enforcement agencies.

The bill requires that agreements between the district school board and local law enforcement include the role of a school resource officer (SRO) in handling and reporting incidents that pose a serious threat to school safety. The agreements would distinguish these incidents from incidents that do not pose a threat.

Finally, the bill requires the school principal to certify a student arrest that is based on a serious threat to school safety.

This bill amends section 1006.13 of the Florida Statutes.

II. Present Situation:

The law pertaining to school district zero tolerance policies was amended in 2009.¹ School districts are required to revise their zero-tolerance policies to:

- Define petty misconduct, as well as offenses that pose a serious threat to school safety;
- Clarify that zero-tolerance policies do not require the reporting of petty misconduct and certain misdemeanors to a law enforcement agency;
- Provide for the review of disciplinary action taken against a student pursuant to s. 1006.07, F.S.;² and

¹ Ch. 2009-53, L.O.F., codified in s.1006.13, F.S.

- Consider the particular circumstances surrounding the student's misbehavior in any disciplinary or prosecutorial action.

The law also addresses the difference between serious and petty acts.³ The law provides that the intent of the Legislature is to promote a safe and supportive learning environment in schools, to protect students and staff from conduct that poses a serious threat to school safety, and to encourage schools to use alternatives to expulsion or referral to law enforcement agencies by addressing disruptive behavior through restitution, civil citation, teen court, neighborhood restorative justice, or similar programs. Furthermore, zero tolerance policies are not intended to be rigorously applied to petty acts of misconduct and misdemeanors, including, but not limited to, minor fights or disturbances.

Current law requires that cooperative agreements between the school district and local law enforcement include specific guidelines for reporting student offenses and prohibits district policies from requiring reports to law enforcement of petty misconduct and misdemeanors, including, but not limited to, disorderly conduct, disrupting a school function, simple assault or battery, affray,⁴ theft of less than \$300, trespassing, and vandalism of less than \$1,000.⁵ Contrary to statutory provisions, the Department of Juvenile Justice (DJJ) reports that:⁶

- Misdemeanor offenses accounted for 68 percent of school-related referrals. During FY 2010-11, there were 16,377 total school related referrals received by the DJJ, with the most common referrals for misdemeanors;
- First time offenders accounted for 58 percent of the youth receiving school-related referrals during FY 2010-11;
- While the majority of the school-related delinquency referrals were misdemeanors, 69 percent of these cases were ultimately dismissed, not filed, or resulted in some type of diversion services.
- While African-American youth make up approximately 22 percent of the youth aged 10-17 in Florida, in FY 2007-08 black males and females accounted for 47 percent of all school-related referrals.

In November, 2011, the DJJ released a report⁷ analyzing school data and referrals to the Department over a seven year time period. The report, in part, states that:

Numerous factors can influence whether or not a youth is arrested and referred to the Department of Juvenile Justice for delinquency in schools. Each school district in Florida maintains its own distinctive progressive response or "discipline" plan that outlines how everything from misbehavior to actual crimes should be handled. In addition, law enforcement agencies in each school district have their own policies regarding how to respond and deal with delinquency in schools. Availability and use of alternatives to arrest can have a substantial impact on the number of youth referred to the Department of Juvenile Justice.

Of the youth adjudicated during 2008-09, 71 percent of admissions to DJJ institutions were for nonviolent behavior; more than 44 percent of youth were admitted for probation violations or misdemeanors, at a

² s. 1006.07(1), F.S., provides for an administrative hearing for a student who has been expelled from school. The law does not provide for this type of hearing for a student who is suspended from school.

³ s. 1006.13(1), F.S.

⁴ A public brawl or fight.

⁵ s. 1006.13(4)(c), F.S.

⁶ Perspectives on Zero Tolerance, Presentation to the Senate Pre-K-12 Committee by the Southern Poverty Law Center, October 5, 2011.

⁷ *The Delinquency in Florida's Schools: A Seven-Year Study*, available at http://www.djj.state.fl.us/Research/School_Referrals/index.html.

cost of approximately \$66 million; and more than 1,100 children admitted had never committed a felony, costing the state as much as \$40 million annually.⁸

*Collateral Consequences of Misdemeanor Arrest*⁹

Based on a report published by the National Council of Corrections within the U.S. Department of Justice, youth are frequently unaware of the consequences of their actions within the court system; a guilty plea, for instance, may be offered to expedite the process but may be accompanied by an assortment of problems in later years, oftentimes the result of a permanent criminal record. In the past two decades, information sharing about adjudicated juveniles has become easy and encouraged, and rules surrounding youth privacy and confidentiality have loosened in the interest of public safety. Today, agencies enter into agreements to share delinquency data, school data, and family data. While information sharing is a useful tool to keep track of youth across systems, some find that the lack of discretion with which sensitive information is shared outweighs this usefulness. Furthermore, a common assumption is that individuals who are processed in the juvenile justice system have their records destroyed (expunged) when they turn 18. This is not the case. The laws governing whether a juvenile record is sealed (not accessible by the general public) or expunged vary from state to state.¹⁰ Even if a record is expunged, in reality the record may still exist.

School exclusion policies may also extend into higher education in that college applications question candidates about their criminal record. In the past, applications were restricted to the question of whether one had been convicted of a crime (for which most adjudicated juveniles could respond negatively since an adjudication is technically not a crime). Many applications now also ask whether the individual has been arrested or been adjudicated delinquent. Only in an instance in which the record has been expunged would a young person be able to keep this information private.

*Civil Citations*¹¹

Florida's expansion of civil citations is evidence of the importance of community involvement and strategic guidance for these youth. Civil citation programs serve as an alternative to traditional juvenile corrections methods and instead provide consequences for the offending behavior and hold youth accountable through restitution to victims and community service. Youth under community-based civil citations are provided services that target the root causes of the delinquent behavior, such as substance abuse treatment and mental health counseling.¹² Based on a report published in 2010, civil citations (redirection) had saved the state \$51.2 million since its inception.¹³ Furthermore, youth served by redirection showed significant reductions in recidivism: the probability of an arrest was 31 percent less for high risk redirection completers; the probability of a violent felony arrest was 15 percent less for redirection completers; and the probability of admission to prison was 35 percent less for redirection completers.¹⁴ The 2011 legislation expanded the civil citation process to require these programs in all communities.¹⁵ According to Florida TaxWatch, Florida's expansion of civil citations is evidence of the importance of community involvement and strategic guidance for these youth.¹⁶

⁸ Southern Poverty Law Center, *Opportunities to Strengthen Florida's Juvenile Justice System*, (September 17, 2010.) On file with the Senate Committee on Pre-K – 12 Education.

⁹ *Addressing the Collateral Consequences of Convictions for Young Offenders*, available at: <http://nicic.gov/Library/025263>

¹⁰ *Id.* at endnote 25. Sealing typically refers to placing court records in a separate repository that is not available to the public. Expungement refers to the process of destroying the court records and any history of court involvement in a particular case.

¹¹ See www.floridataxwatch.org/resources/.../20110603CivilCitationOnePager.pdf.

¹² *Id.*

¹³ *Id.*

¹⁴ OPPAGA Report 10-38, *Redirection Saves \$51.2 Million and Continues to Reduce Recidivism*, (April 2010), available at: <http://www.oppaga.state.fl.us/ReportsYearList.aspx?yearID=22>.

¹⁵ Chapter 2011-124, L.O.F., requires a civil citation or similar diversion program to be established at the local level.

¹⁶ See www.floridataxwatch.org/resources/.../20110603CivilCitationOnePager.pdf.

Other Successful Initiatives

In 2003, Clayton County, Georgia established a collaborative agreement called a “School Offense Protocol” to reduce misdemeanor referrals to law enforcement. In less than five years misdemeanor referrals to the court system were reduced by 59 percent.¹⁷ Since the implementation of the School Offense Protocol, the number of serious weapons in Clayton County schools is down by 70 percent and, according to SROs, the protocol has also increased students’ trust in them, making it more likely that students will confide in them about genuine safety threats.¹⁸

III. Effect of Proposed Changes:

The bill would amend s. 1006.13, F.S., to encourage schools to address disruptive student behavior using practical school offense procedures rather than automatically making referrals to law enforcement for misdemeanor offenses. The school offense protocols would serve to promote alternatives to expulsion and referrals to law enforcement agencies by addressing petty acts and misdemeanors at the school level.

Under the bill, school district zero tolerance policies would be revised to prescribe reporting to a law enforcement agency any act that poses a serious threat to school safety that occurs wherever students are within the jurisdiction of the district school board. Misdemeanors and petty acts of misconduct that do not pose a serious threat to school safety would be handled within the school’s disciplinary system. The bill provides that school officials may not respond to misdemeanors and petty acts of misconduct. Presumably, this applies to misdemeanors and acts defined by the district’s zero tolerance policy.

The bill requires that agreements between the district school board and local law enforcement include the role of an SRO in handling and reporting incidents that pose a serious threat to school safety, distinguishing these incidents from those that do not pose a threat. The bill deletes a requirement that agreements must include a procedure for ensuring that school personnel properly report delinquent acts and crimes. It is unclear as to whether personnel must report incidents that pose a serious threat to school safety.

The bill requires the school principal to certify when a student arrest is based on a serious threat to school safety; however, it does not specify to whom the certification must be made.

The bill may reduce the number of youth misdemeanor offenses referred to law enforcement. School districts would be encouraged to respond more appropriately to student offenses not considered a threat to school safety. The bill may also serve to encourage meaningful involvement of local communities in addressing at-risk behavior of youth, relying on appropriate interventions to correct behavior rather than punitive actions.

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

None.

¹⁷ The School Offense Protocol concept was initiated when in 1997 police were placed in the Clayton County Georgia secondary schools and misdemeanor arrests skyrocketed. Southern Poverty Law Center, *Opportunities to Strengthen Florida’s Juvenile Justice System*, (September 17, 2010.) On file with the Senate Committee on Pre-K – 12 Education.

¹⁸ *Id.*

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:

The bill may provide opportunities for appropriate interventions for at-risk youth at the local level. Some studies suggest that these alternatives to residential facilities may result in a safer state.¹⁹ Youth served by redirection showed significant reductions in recidivism: the probability of an arrest was 31 percent less for high risk redirection completers; the probability of a violent felony arrest was 15 percent less for redirection completers; and the probability of admission to prison was 35 percent less for redirection completers.²⁰

C. Government Sector Impact:

A reduction in referrals to law enforcement could result in substantial cost savings to the state judicial system as well as reduce the financial burden of costs associated with juvenile justice residential facilities. One report states that more than 2,500 children were admitted to DJJ residential facilities for misdemeanors or violations of probation in FY2008-09.²¹ If Florida barred the commitment of misdemeanants to state custody, DJJ would have reduced admissions by 1,273, or 21 percent during that period, which could have saved approximately \$30 million.²² Based on findings reported by the Center for Smart Justice,²³ the \$240 million the state spends on residential facilities each year is not making Florida safer, but instead more vulnerable. Residential facilities have higher recidivism rates than community-based alternatives, and repeated studies have proven that institutional programs make low-risk children more likely to re-offend.²⁴

¹⁹ www.floridataxwatch.org/resources/pdf/20101201GCSTFChapter2.pdf.

²⁰ OPPAGA Report 10-38, *Redirection Saves \$51.2 Million and Continues to Reduce Recidivism*, (April 2010), available at: <http://www.oppaga.state.fl.us/ReportsYearList.aspx?yearID=22>.

²¹ Chapter 2: Report and Recommendations of the Florida TaxWatch Government Cost Savings Task Force on Criminal and Juvenile Justice Reform for Fiscal Year 2011-12, (December 2010.) See recommendation 21, available at: www.floridataxwatch.org/resources/pdf/20101201GCSTFChapter2.pdf.

²² *Id.*

²³ <http://www.floridataxwatch.org/centers/CSJ/index.php>

²⁴ The Center for Smart Justice reports that with an adult prison population of over 100,000 costing taxpayers \$2.4 billion annually, the state can no longer afford policy choices that have led to out of control growth without making communities any safer or offenders more accountable. The Juvenile Justice Blueprint Commission found that youth who are kept in programs for prolonged lengths of time after treatment goals are achieved often begin to deteriorate and may be more likely to re-offend once release is finally achieved. See the *Report of the Blueprint Commission: Getting Smart About Juvenile Justice*, available at: <http://www.djj.state.fl.us/blueprint/index.html>.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial 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.



822074

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment

Delete lines 97 - 123
and insert:

(4) (a) Each district school board shall enter into agreements with the county sheriff's office and local police department specifying guidelines for ensuring that acts that pose a serious threat to school safety, whether committed by a student or adult, are reported to a law enforcement agency.

(b) The agreements must prescribe: ~~include~~

1. The role of school resource officers, if applicable, in handling reported incidents that pose a serious threat to school



822074

13 safety; and⁷

14 2. The circumstances and offenses that ~~in which~~ school
15 officials shall ~~may~~ handle ~~incidents~~ without filing a report
16 with a law enforcement agency, ~~and a procedure for ensuring that~~
17 ~~school personnel properly report appropriate delinquent acts and~~
18 ~~crimes.~~

19 (c) Zero-tolerance policies do not require the reporting of
20 petty acts of misconduct ~~and misdemeanors~~ to a law enforcement
21 agency, including, but not limited to, disorderly conduct,
22 disrupting a school function, simple assault or battery, affray,
23 theft of less than \$300, trespassing, and vandalism of less than
24 \$1,000.

25 (d) The school principal shall ensure that all school
26 personnel are properly informed of ~~as to~~ their responsibilities
27 regarding crime reporting, that appropriate delinquent acts and
28 crimes are properly reported, and that actions taken in cases
29 with special circumstances are properly managed ~~taken~~ and
30 documented. In addition, the school principal shall certify to
31 the superintendent, in writing, of the arrest of a student who
32 is under the jurisdiction of the district school board for an
33 act that poses a serious threat to school safety.



158794

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete lines 37 - 70
and insert:

(1) It is the intent of the Legislature to promote a safe and supportive learning environment in schools, to protect students and staff from conduct that poses a serious threat to school safety, and to encourage schools to use alternatives to expulsion or referral to law enforcement agencies by addressing disruptive behavior through restitution, civil citation, teen court, neighborhood restorative justice, school offense



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13 protocols, or similar programs. The Legislature finds that zero-
14 tolerance policies are not intended to be rigorously applied to
15 petty acts of misconduct ~~and misdemeanors~~, including, but not
16 limited to, minor fights or disturbances. The Legislature finds
17 that zero-tolerance policies must apply equally to all students
18 regardless of their economic status, race, or disability.

19 (2) Each district school board shall adopt a policy of zero
20 tolerance that:

21 (a) Defines criteria for reporting to a law enforcement
22 agency any act that occurs whenever or wherever students are
23 within the jurisdiction of the district school board that poses
24 a serious threat to school safety. Acts that do not pose a
25 serious threat to school safety shall be handled within the
26 school's disciplinary system.

27 (b) Defines acts that pose a serious threat to school
28 safety.

29 (c) Defines petty acts of misconduct.

30 (d) Provides that school officials shall not request a law
31 enforcement agency to respond to petty acts of misconduct. Such
32 incidents shall be handled within the school system's discipline
33 system.

34 (e) Provides, within existing inservice training modules, a
35 comprehensive training program for school administrators and
36 teachers regarding the potential negative consequences and
37 future effects of an arrest of a juvenile and of the existing
38 in-school alternatives to discipline a student for committing
39 petty acts of misconduct without involving a law enforcement
40 agency.

41 (f) ~~(d)~~ Minimizes the victimization of students, staff, or



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volunteers, including taking all steps necessary to protect the
victim of any violent crime from any further victimization.

(g)~~(e)~~ Establishes a procedure that provides each student
with the opportunity for a review of the disciplinary action
imposed pursuant to s. 1006.07.

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

And the title is amended as follows:

Delete line 16
and insert:

disciplinary system; requiring each district school
board to implement a training program for school
administrators and teachers regarding the negative
consequences and future effects of an arrest of a
juvenile and of the existing in-school alternatives to
discipline a student for committing petty acts of
misconduct without involving a law enforcement agency;
requiring that each district

By Senator Wise

5-01064A-12

20121886__

1 A bill to be entitled
 2 An act relating to zero tolerance for crime and
 3 victimization in schools; amending s. 1006.13, F.S.;
 4 revising legislative intent to encourage schools to
 5 address disruptive behavior through school offense
 6 protocols; requiring that each district school board
 7 adopt a policy for reporting to a law enforcement
 8 agency acts that pose a serious threat to school
 9 safety; requiring that acts that do not pose a serious
 10 threat to school safety be handled within the school's
 11 disciplinary system; requiring that a child accused of
 12 a misdemeanor offense not be arrested and formally
 13 processed in the juvenile justice system; requiring
 14 that minor incidents be diverted from the juvenile
 15 justice system or handled within the school system's
 16 disciplinary system; requiring that each district
 17 school board enter into an agreement with the county
 18 sheriff's office and local police department which
 19 includes a role for school resource officers, if
 20 applicable, to handle reported incidents that pose a
 21 serious threat to school safety; requiring the school
 22 principal to certify, in writing, when an arrest of a
 23 student under the jurisdiction of the school board is
 24 for an incident that is a serious threat to school
 25 safety; requiring that, by a specified date and
 26 annually thereafter, each school district provide its
 27 policies related to zero tolerance for crime and
 28 victimization to the Department of Education;
 29 providing an effective date.

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

5-01064A-12

20121886__

30
 31 Be It Enacted by the Legislature of the State of Florida:
 32
 33 Section 1. Section 1006.13, Florida Statutes, is amended to
 34 read:
 35 1006.13 Policy of zero tolerance for crime and
 36 victimization.—
 37 (1) It is the intent of the Legislature to promote a safe
 38 and supportive learning environment in schools, to protect
 39 students and staff from conduct that poses a serious threat to
 40 school safety, and to encourage schools to use alternatives to
 41 expulsion or referral to law enforcement agencies by addressing
 42 disruptive behavior through restitution, civil citation, teen
 43 court, neighborhood restorative justice, school offense
 44 protocols, or similar programs. The Legislature finds that zero-
 45 tolerance policies are not intended to be rigorously applied to
 46 petty acts of misconduct and misdemeanors, ~~including, but not~~
 47 ~~limited to, minor fights or disturbances~~. The Legislature finds
 48 that zero-tolerance policies must apply equally to all students
 49 regardless of their economic status, race, or disability.
 50 (2) Each district school board shall adopt a policy of zero
 51 tolerance that:
 52 (a) Defines criteria for reporting to a law enforcement
 53 agency any act that occurs whenever or wherever students are
 54 within the jurisdiction of the district school board and that
 55 poses a serious threat to school safety. Acts that do not pose a
 56 serious threat to school safety shall be handled within the
 57 school's disciplinary system.
 58 (b) Defines acts that pose a serious threat to school

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

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59 safety.

60 (c) Defines petty acts of misconduct.

61 (d) Provides that school officials shall not request a law
 62 enforcement agency to respond to misdemeanors and petty acts of
 63 misconduct. Such incidents shall be handled within the school
 64 system's discipline system.

65 (e) ~~(d)~~ Minimizes the victimization of students, staff, or
 66 volunteers, including taking all steps necessary to protect the
 67 victim of any violent crime from any further victimization.

68 (f) ~~(e)~~ Establishes a procedure that provides each student
 69 with the opportunity for a review of the disciplinary action
 70 imposed pursuant to s. 1006.07.

71 (3) Zero-tolerance policies must require students found to
 72 have committed one of the following offenses to be expelled,
 73 with or without continuing educational services, from the
 74 student's regular school for a period of not less than 1 full
 75 year, and to be referred to the criminal justice or juvenile
 76 justice system.

77 (a) Bringing a firearm or weapon, as defined in chapter
 78 790, to school, to any school function, or onto any school-
 79 sponsored transportation or possessing a firearm at school.

80 (b) Making a threat or false report, as defined by ss.
 81 790.162 and 790.163, respectively, involving school or school
 82 personnel's property, school transportation, or a school-
 83 sponsored activity.

84
 85 District school boards may assign the student to a disciplinary
 86 program for the purpose of continuing educational services
 87 during the period of expulsion. District school superintendents

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88 may consider the 1-year expulsion requirement on a case-by-case
 89 basis and request the district school board to modify the
 90 requirement by assigning the student to a disciplinary program
 91 or second chance school if the request for modification is in
 92 writing and it is determined to be in the best interest of the
 93 student and the school system. If a student committing any of
 94 the offenses in this subsection is a student who has a
 95 disability, the district school board shall comply with
 96 applicable State Board of Education rules.

97 (4) (a) Each district school board shall enter into
 98 agreements with the county sheriff's office and local police
 99 department specifying guidelines for ensuring that acts that
 100 pose a serious threat to school safety, whether committed by a
 101 student or adult, are reported to a law enforcement agency.

102 (b) The agreements must include the role of school resource
 103 officers, if applicable, in handling reported incidents that
 104 pose a serious threat to school safety and, circumstances in
 105 which school officials may handle all other incidents without
 106 filing a report with a law enforcement agency, ~~and a procedure~~
 107 ~~for ensuring that school personnel properly report appropriate~~
 108 ~~delinquent acts and crimes.~~

109 (c) Zero-tolerance policies do not require the reporting of
 110 petty acts of misconduct and misdemeanors to a law enforcement
 111 agency, including, but not limited to, disorderly conduct,
 112 disrupting a school function, simple assault or battery, affray,
 113 theft of less than \$300, trespassing, ~~and~~ vandalism of less than
 114 \$1,000, and other misdemeanors.

115 (d) The school principal shall ensure that all school
 116 personnel are properly informed as to their responsibilities

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 117 regarding crime reporting, that appropriate delinquent acts and
 118 crimes are properly reported, and that actions taken in cases
 119 with special circumstances are properly taken and documented. In
 120 addition, the school principal shall certify, in writing, when
 121 any arrest of a student under the jurisdiction of the school
 122 board is for an incident that is a serious threat to school
 123 safety.

124 (5) Notwithstanding any other ~~provision of~~ law, each
 125 district school board shall adopt rules providing that any
 126 student found to have committed any offense in s. 784.081(1),
 127 (2), or (3) shall be expelled or placed in an alternative school
 128 setting or other program, as appropriate. Upon being charged
 129 with the offense, the student shall be removed from the
 130 classroom immediately and placed in an alternative school
 131 setting pending disposition.

132 (6) (a) Notwithstanding any provision of law prohibiting the
 133 disclosure of the identity of a minor, whenever any student who
 134 is attending a public school is adjudicated guilty of or
 135 delinquent for, or is found to have committed, regardless of
 136 whether adjudication is withheld, or pleads guilty or nolo
 137 contendere to, a felony violation of:

- 138 1. Chapter 782, relating to homicide;
- 139 2. Chapter 784, relating to assault, battery, and culpable
 140 negligence;
- 141 3. Chapter 787, relating to kidnapping, false imprisonment,
 142 luring or enticing a child, and custody offenses;
- 143 4. Chapter 794, relating to sexual battery;
- 144 5. Chapter 800, relating to lewdness and indecent exposure;
- 145 6. Chapter 827, relating to abuse of children;

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 146 7. Section 812.13, relating to robbery;
 147 8. Section 812.131, relating to robbery by sudden
 148 snatching;
 149 9. Section 812.133, relating to carjacking; or
 150 10. Section 812.135, relating to home-invasion robbery,
 151
 152 and, before or at the time of such adjudication, withholding of
 153 adjudication, or plea, the offender was attending a school
 154 attended by the victim or a sibling of the victim of the
 155 offense, the Department of Juvenile Justice shall notify the
 156 appropriate district school board of the adjudication or plea,
 157 the requirements in this paragraph, and whether the offender is
 158 prohibited from attending that school or riding on a school bus
 159 whenever the victim or a sibling of the victim is attending the
 160 same school or riding on the same school bus, except as provided
 161 pursuant to a written disposition order under s. 985.455(2).
 162 Upon receipt of such notice, the district school board shall
 163 take appropriate action to effectuate the provisions in
 164 paragraph (b).
 165 (b) Each district school board shall adopt a cooperative
 166 agreement with the Department of Juvenile Justice which
 167 establishes guidelines for ensuring that any no-contact ~~no~~
 168 ~~contact~~ order entered by a court is reported and enforced and
 169 that all of the necessary steps are taken to protect the victim
 170 of the offense. Any offender described in paragraph (a), who is
 171 not exempted as provided in paragraph (a), may not attend any
 172 school attended by the victim or a sibling of the victim of the
 173 offense or ride on a school bus on which the victim or a sibling
 174 of the victim is riding. The offender shall be permitted by the

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 175 district school board to attend another school within the
 176 district in which the offender resides, only if the other school
 177 is not attended by the victim or sibling of the victim of the
 178 offense; or the offender may be permitted by another district
 179 school board to attend a school in that district if the offender
 180 is unable to attend any school in the district in which the
 181 offender resides.

(c) If the offender is unable to attend any other school in
 182 the district in which the offender resides and is prohibited
 183 from attending a school in another school district, the district
 184 school board in the school district in which the offender
 185 resides shall take every reasonable precaution to keep the
 186 offender separated from the victim while on school grounds or on
 187 school transportation. The steps to be taken by a district
 188 school board to keep the offender separated from the victim must
 189 include, but are not limited to, in-school suspension of the
 190 offender and the scheduling of classes, lunch, or other school
 191 activities of the victim and the offender so as not to coincide.

(d) The offender, or the parents of the offender if the
 193 offender is a juvenile, shall arrange and pay for transportation
 194 associated with or required by the offender's attending another
 195 school or that would be required as a consequence of the
 196 prohibition against riding on a school bus on which the victim
 197 or a sibling of the victim is riding. However, the offender or
 198 the parents of the offender may not be charged for existing
 199 modes of transportation that can be used by the offender at no
 200 additional cost to the district school board.

(7) Any disciplinary or prosecutorial action taken against
 202 a student who violates a zero-tolerance policy must be based on
 203

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 204 the particular circumstances of the student's misconduct.
 205 (8) School districts are encouraged to use alternatives to
 206 expulsion or referral to law enforcement agencies unless the use
 207 of such alternatives will pose a threat to school safety. By
 208 September 1, 2013, and annually thereafter, each school district
 209 shall provide its policy related to zero tolerance to the
 210 department to ensure compliance.

211 Section 2. This act shall take effect July 1, 2012.

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 Education Pre-K - 12 Committee

BILL: SB 756

INTRODUCER: Senator Wise

SUBJECT: Career Education

DATE: January 23, 2012

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Carrouth	deMarsh-Mathues	ED	Pre-meeting
2. _____	_____	CM	_____
3. _____	_____	BC	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____

I. Summary:

The bill establishes a career technical high school diploma and specifies academic requirements necessary to attain a career diploma. Under the bill, a parent or guardian must sign a document confirming his or her understanding of the diploma requirements. A student who considers the career diploma option must be advised of postsecondary admissions and state scholarship requirements. For middle school promotion, a student must complete one course in career and education planning that includes career exploration aligned to Florida's Career Clusters.

The bill also establishes provisions for students with disabilities to earn a career high school diploma. These provisions include, in part, district modification of basic courses, grade forgiveness policies, and additional instructional time.

This bill substantially amends sections 1002.321, 1002.33, 1002.45, 1003.03, 1003.413, 1003.4156, 1003.428, 1003.438, 1003.493, 1003.4935, and 1008.22, and creates section 1003.4287 of the Florida Statutes.

II. Present Situation:

The current standard high school diploma requirement of 24 credits are as follows:¹

Sixteen core curriculum credits:

- Four credits in English, with major concentration in composition, reading for information, and literature.
- Four credits in mathematics, one of which must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course.² Beginning with students entering grade nine in

¹ s. 1003.428, F.S.

- the 2010-2011 school year, in addition to the Algebra I credit requirement, one of the four credits in mathematics must be geometry or a series of courses equivalent to geometry. Beginning with students entering grade nine in the 2012-2013 school year, in addition to the Algebra I and geometry credit requirements, one of the four credits in mathematics must be Algebra II or a series of courses equivalent to Algebra II.
- Three credits in science, two of which must have a laboratory component. Beginning with students entering grade nine in the 2011-2012 school year, one of the three credits in science must be Biology I or a series of courses equivalent to Biology I.³ Beginning with students entering grade nine in the 2013-2014 school year, one of the three credits must be Biology I or a series of courses equivalent to Biology I, one credit must be chemistry or physics or a series of courses equivalent to chemistry or physics, and one credit must be an equally rigorous course, as determined by the State Board of Education.
 - Three credits in social studies as follows: one credit in United States history; one credit in world history; one-half credit in economics; and one-half credit in United States government.
 - One credit in fine or performing arts, speech and debate, or a practical arts course.
 - One credit in physical education to include integration of health.⁴
 - Eight credits in electives.

Florida students also have the option to earn a Standard Diploma with FCAT Waiver, a Special Diploma, a Certificate of Completion,⁵ or the high school equivalency diploma.⁶

III. Effect of Proposed Changes:

The bill establishes a career technical high school diploma and specifies academic requirements necessary to attain the diploma. Academic requirements for the career diploma differ from the standard high school diploma. Under the bill, the Algebra II and chemistry or physics courses must be applied courses; however applied Algebra II, chemistry, and physics courses would need to be developed and aligned to each career or technical course of study for which students are enrolled. Although current law establishes

² Beginning with students entering grade nine in the 2010-2011 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I), F.S., must be met in order for a student to earn the required credit in Algebra I. Beginning with students entering grade nine in the 2011-2012 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I), F.S., must be met in order for a student to earn the required credit in geometry.

³ Beginning with students entering grade nine in the 2011-2012 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(II), F.S., must be met in order for a student to earn the required credit in Biology I.

⁴ Participation in an interscholastic sport at the junior varsity or varsity level for two full seasons shall satisfy the one-credit requirement in physical education if the student passes a competency test on personal fitness with a score of "C" or better. The competency test on personal fitness must be developed by the Department of Education. A district school board may not require that the one credit in physical education be taken during the ninth-grade year. Completion of one semester with a grade of "C" or better in a marching band class, in a physical activity class that requires participation in marching band activities as an extracurricular activity, or in a dance class shall satisfy one-half credit in physical education or one-half credit in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual education plan (IEP) or 504 plan. Completion of two years in a Reserve Officer Training Corps class, a significant component of which is drills, shall satisfy the one-credit requirement in physical education and the one-credit requirement in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an IEP or 504 plan.

⁵ See www.fldoe.org/ese/pdf/hs_options_ese.pdf.

⁶ See <http://www.fldoe.org/faq/default.asp?Dept=203&ID=694#Q694>.

that courses required for high school graduation may be earned through applied, integrated, and combined courses, to date, no courses have been approved and included in the Course Code Directory.⁷

Under the bill, a parent or guardian must sign a document confirming his or her understanding of the diploma requirements. Furthermore, a student who considers the career diploma option must be advised of postsecondary admissions and scholarship requirements as the career diploma may compromise a student's ability to earn certain scholarships or meet entrance requirements to a state university.⁸

The bill also establishes provisions for students with disabilities to earn a career high school diploma. These provisions include, in part, district modification of basic courses, grade forgiveness policies, and additional instructional time.

Under the bill, students may earn up to a maximum of seven credits in a career or technical training program. A number of existing Career and Technical Education (CTE) programs are less than seven credits.⁹ If a student were enrolled in a particular CTE program and the program did not have seven credits, it is unclear whether the student would be required to take credits that were not within his or her CTE program to meet the required seven credits.¹⁰ Furthermore, many industry certifications currently being earned by secondary students require more than seven courses. As industry certifications are an important aspect of CTE programs, it would seem that the earning of an applicable industry certification should be a part of a career diploma requirement.

Other Provisions

The bill also establishes that the career and education planning course required by middle grades students include exploration aligned to Florida's Career Clusters. This provision is already included through Florida CHOICES, an information delivery system available at no cost to school districts.¹¹

Also, students who are required to take more than one remedial mathematics or reading course may not have sufficient time within their class schedule to accommodate all academic requirements for attainment of the career diploma.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁷ Based on telephonic communication with DOE, January 19, 2012, approval of integrated, applied, and combined courses will be delayed pending adoption of common core standards in mathematics and science.

⁸ *Florida's Guide to Public High School Graduation*, available at: www.fldoe.org/bii/studentpro/pdf/HSbrochure.pdf

⁹ DOE Agency Bill analysis for House Bill 111 (Similar to SB 756), on file with the Senate Committee on Pre-K – 12 Education.

¹⁰ *Id.*

¹¹ Currently, the DOE middle school career and education planning course competencies include a career research component organized by occupational career clusters that includes identification of career opportunities within each cluster, employment outlook, and education/training requirements. The Career and Education Planning course must include career exploration using CHOICES or a comparable cost-effective program. Florida's free career information delivery system, Florida Choices, is organized by career cluster and students are introduced to careers within clusters based on a personalized interest inventory. See s. 1003.4156 (1)(a)5., 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:

Section 12 of the bill references passing of the Mathematics FCAT. Due to the introduction of the end-of-course assessment for Algebra I, beginning in the 2011-12 school year, high school students are no longer required to pass the Mathematics FCAT in order to earn a standard high school diploma.

It is unclear how the end-of-course exams will be calculated into a student's grade, as some end-of-course exams will count towards 30 percent of their grade, while others are pass/fail to determine credit for the course.¹²

The career technical high school diploma references "Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course" as a graduation requirement; however, in 2010-2011, the Algebra I or equivalent credit became a requirement, and cannot be substituted by a higher-level mathematics course. The "higher-level mathematics course" referenced as part of the standard diploma requirement is not applicable to any students entering grade 9 in 2012-2013 or later.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

¹² DOE agency draft bill analysis, November 24, 2011, on file with the Senate Committee on Pre-K – 12 Education.

B. Amendments:

None.

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



680596

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete line 144
and insert:
the career technical high school diploma, the student and the student's parent or

Delete lines 242 - 250
and insert:

1. For each year in which a student scores at Level 1 on FCAT Reading, the student must be enrolled in and complete an intensive reading course the following year which will enable



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the student to achieve functional literacy. Placement of Level 1 or Level 2 readers in either an intensive reading course or a content area course in which strategies, including intensive reading interventions, are delivered shall be determined by a diagnosis of reading needs, including reading comprehension and fluency. Reading courses shall be designed and offered

Delete line 281
and insert:
meet the graduation requirements for a career technical high school diploma, using one

Delete line 377
and insert:
(4) (b) waived for the purpose of receiving a career technical high school diploma, if

Delete lines 685 - 686
and insert:
and thereby to qualify for a standard diploma or a career technical high school diploma upon graduation.

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

And the title is amended as follows:

Delete lines 10 - 26
and insert:
the career technical high school diploma track;
specifying the credits that must be successfully
completed in order to receive a career technical high



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42 school diploma; requiring an intensive reading course
43 or remediation in mathematics for a student who does
44 not meet certain academic standards; requiring at
45 least one course required for high school graduation
46 to be completed through online learning; providing
47 strategies to enable an exceptional student to meet
48 graduation requirements for a career technical high
49 school diploma; requiring district school board
50 standards for graduation and policies to assist
51 students in meeting the requirements; requiring rules
52 for test accommodations and modifications of
53 procedures for students with disabilities; providing
54 for the award of a certificate of completion to a
55 student who is unable to meet certain standards;
56 providing conditions for the waiver of assessment
57 requirements for a career technical high school

By Senator Wise

5-00158C-12

2012756

1 A bill to be entitled
 2 An act relating to career education; amending s.
 3 1003.4156, F.S.; revising the general requirements for
 4 middle grades promotion to require that a course in
 5 career and education planning explore Florida's Career
 6 Clusters; creating s. 1003.4287, F.S.; providing
 7 requirements for a career technical high school
 8 diploma; requiring a student and the student's parent
 9 or guardian to agree in writing to the requirements of
 10 the career diploma track; specifying the credits that
 11 must be successfully completed in order to receive a
 12 career diploma; requiring an intensive reading course
 13 or remediation in mathematics for a student who does
 14 not meet certain academic standards; requiring at
 15 least one course required for high school graduation
 16 to be completed through online learning; providing
 17 strategies to enable an exceptional student to meet
 18 graduation requirements for a career diploma;
 19 requiring district school board standards for
 20 graduation and policies to assist students in meeting
 21 the requirements; requiring rules for test
 22 accommodations and modifications of procedures for
 23 students with disabilities; providing for the award of
 24 a certificate of completion to a student who is unable
 25 to meet certain standards; providing conditions for
 26 the waiver of assessment requirements for a career
 27 diploma for a student with a disability; providing
 28 that a career technical high school diploma is a
 29 standard high school diploma for purposes of federal

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

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30 and state accountability requirements; authorizing the
 31 State Board of Education to adopt rules; amending ss.
 32 1002.321, 1002.33, 1002.45, 1003.03, 1003.413,
 33 1003.428, 1003.438, 1003.493, 1003.4935, and 1008.22,
 34 F.S.; conforming provisions to changes made by the
 35 act; providing an effective date.
 36

37 WHEREAS, the Legislature finds that the state's public
 38 education system needs to respond to the workforce needs of
 39 employers by aligning career and technical education with
 40 industry standards and workforce demands, and

41 WHEREAS, career and technical education helps students
 42 experience the practical and meaningful application of any
 43 number of skills and offers individuals lifelong opportunities
 44 to learn new skills, and

45 WHEREAS, the Legislature intends to offer students the
 46 option of receiving a career technical high school diploma to
 47 meet the state's workforce demands and allow students the
 48 opportunity to continue their education or career paths, NOW,
 49 THEREFORE,

50
 51 Be It Enacted by the Legislature of the State of Florida:

52
 53 Section 1. Paragraph (a) of subsection (1) of section
 54 1003.4156, Florida Statutes, is amended to read:

55 1003.4156 General requirements for middle grades
 56 promotion.—

57 (1) Promotion from a school composed of middle grades 6, 7,
 58 and 8 requires that:

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

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(a) The student must successfully complete academic courses as follows:

1. Three middle school or higher courses in English. These courses shall emphasize literature, composition, and technical text.

2. Three middle school or higher courses in mathematics. Each middle school must offer at least one high school level mathematics course for which students may earn high school credit. Successful completion of a high school level Algebra I or geometry course is not contingent upon the student's performance on the end-of-course assessment required under s. 1008.22(3)(c)2.a.(I). However, beginning with the 2011-2012 school year, to earn high school credit for an Algebra I course, a middle school student must pass the Algebra I end-of-course assessment, and beginning with the 2012-2013 school year, to earn high school credit for a geometry course, a middle school student must pass the geometry end-of-course assessment.

3. Three middle school or higher courses in social studies, one semester of which must include the study of state and federal government and civics education. Beginning with students entering grade 6 in the 2012-2013 school year, one of these courses must be at least a one-semester civics education course that a student successfully completes in accordance with s. 1008.22(3)(c) and that includes the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, the Declaration of Independence, and the Constitution of the United

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States.

4. Three middle school or higher courses in science. Successful completion of a high school level Biology I course is not contingent upon the student's performance on the end-of-course assessment required under s. 1008.22(3)(c)2.a.(II). However, beginning with the 2012-2013 school year, to earn high school credit for a Biology I course, a middle school student must pass the Biology I end-of-course assessment.

5. One course in career and education planning to be completed in 7th or 8th grade. The course may be taught by any member of the instructional staff; must include career exploration aligned to Florida's Career Clusters; must include career exploration using Florida CHOICES or a comparable cost-effective program; must include educational planning using the online student advising system known as Florida Academic Counseling and Tracking for Students at the Internet website FACTS.org; and shall result in the completion of a personalized academic and career plan. The required personalized academic and career plan must inform students of high school graduation requirements, high school assessment and college entrance test requirements, Florida Bright Futures Scholarship Program requirements, state university and Florida College System institution admission requirements, and programs through which a high school student can earn college credit, including Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, career academy opportunities, and courses that lead to national industry certification.

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117 A student with a disability, as defined in s. 1007.02(2), for
 118 whom the individual education plan team determines that an end-
 119 of-course assessment cannot accurately measure the student's
 120 abilities, taking into consideration all allowable
 121 accommodations, shall have the end-of-course assessment results
 122 waived for purposes of determining the student's course grade
 123 and completing the requirements for middle grades promotion.
 124 Each school must hold a parent meeting either in the evening or
 125 on a weekend to inform parents about the course curriculum and
 126 activities. Each student shall complete an electronic personal
 127 education plan that must be signed by the student; the student's
 128 instructor, guidance counselor, or academic advisor; and the
 129 student's parent. The Department of Education shall develop
 130 course frameworks and professional development materials for the
 131 career exploration and education planning course. The course may
 132 be implemented as a stand-alone course or integrated into
 133 another course or courses. The Commissioner of Education shall
 134 collect longitudinal high school course enrollment data by
 135 student ethnicity in order to analyze course-taking patterns.

136 Section 2. Section 1003.4287, Florida Statutes, is created
 137 to read:

138 1003.4287 Requirements for the career technical high school
 139 diploma.—

140 (1) Beginning with students entering grade 9 in the 2012-
 141 2013 school year, a career technical high school diploma shall
 142 be awarded to a student who successfully completes a minimum of
 143 24 credits as required under this section. In order to pursue
 144 the career diploma, the student and the student's parent or
 145 guardian must sign a form confirming that they are aware of the

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146 requirements for the career track and agree to the minimum
 147 standards for successful completion. The school personnel
 148 designated to advise the student or the school principal must
 149 also sign the form to confirm that the school and the school
 150 district are aware of the student's intent to pursue the career
 151 diploma. The form shall be a standard form prescribed by the
 152 Department of Education and used in each school district.
 153 Students must be advised of eligibility requirements for state
 154 scholarship programs and postsecondary admissions.

155 (2) The 24 credits may be earned through applied,
 156 integrated, and combined courses approved by the Department of
 157 Education and shall be distributed as follows:

158 (a) Core curriculum credits:

159 1. Four credits in English, with major concentration in
 160 composition, reading for information, and literature.

161 2. Four credits in mathematics, one of which must be
 162 Algebra I, a series of courses equivalent to Algebra I, or a
 163 higher-level mathematics course. In addition to the Algebra I
 164 credit requirement, one of the four credits in mathematics must
 165 be geometry or a series of courses equivalent to geometry as
 166 approved by the State Board of Education. The end-of-course
 167 assessment requirements under s. 1008.22(3)(c)2.a.(I) must be
 168 met in order for a student to earn the required credits in
 169 Algebra I and geometry. In addition to the Algebra I and
 170 geometry credit requirements, one of the four credits in
 171 mathematics must be an applied Algebra II or a series of courses
 172 equivalent to applied Algebra II as approved by the State Board
 173 of Education. The applied Algebra II course shall be aligned
 174 with the career or technical course of study in which the

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student is enrolled. To the extent possible, the applied Algebra II course must be incorporated into the career or technical courses in which the student is enrolled.

3. Three credits in science, two of which must have a laboratory component. One of the three credits in science must be Biology I or a series of courses equivalent to Biology I as approved by the State Board of Education. The end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(II) must be met in order for a student to earn the required credit in Biology I. Beginning with students entering grade 9 in the 2013-2014 school year, one of the three credits must be Biology I or a series of courses equivalent to Biology I as approved by the State Board of Education, one credit must be applied chemistry or applied physics or a series of courses equivalent to applied chemistry or applied physics as approved by the State Board of Education, and one credit must be an equally rigorous course in an applied science, as determined by the State Board of Education. The applied courses shall be aligned with the career or technical course of study in which the student is enrolled. To the extent possible, the applied courses must be incorporated into the career or technical courses in which the student is enrolled.

4. Three credits in social studies as follows: one credit in United States history; one credit in world history; one-half credit in economics; and one-half credit in United States government.

5. One-half credit in fine or performing arts, speech and debate, or a practical arts course that incorporates artistic content and techniques of creativity, interpretation, and

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imagination. Eligible practical arts courses shall be identified through the Course Code Directory.

6. One credit in physical education to include integration of health. Participation in an interscholastic sport at the junior varsity or varsity level for two full seasons shall satisfy the one-credit requirement in physical education if the student passes a competency test on personal fitness with a score of "C" or better. The competency test on personal fitness must be developed by the Department of Education. A district school board may not require that the one credit in physical education be taken during the 9th grade year. Completion of one semester with a grade of "C" or better in a marching band class, in a physical activity class that requires participation in marching band activities as an extracurricular activity, or in a dance class shall satisfy one-half credit in physical education or one-half credit in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual education plan (IEP) or 504 plan. Completion of 2 years in a Reserve Officer Training Corps (R.O.T.C.) class, a significant component of which is drills, shall satisfy the one-credit requirement in physical education and the one-credit requirement in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual education plan (IEP) or 504 plan.

(b) Up to a maximum of seven credits in a career or technical training program leading to the attainment of an industry certification included on the Industry Certified

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233 Funding List pursuant to rules adopted by the State Board of
 234 Education. The program must be in compliance with ss. 1003.491,
 235 1003.492, and 1003.493 which relate to industry-certified career
 236 education programs. A student must receive at least a "C"
 237 average in each course to earn the required credit.

238 (c) One-half credit in a career preparation or planning
 239 course. A student must receive at least a "C" average to earn
 240 the required credit.

241 (d) One credit in an elective.

242 1. For each year in which a student scores at Level 1 on
 243 FCAT Reading, the student must be enrolled in and complete an
 244 intensive reading course the following year. Placement of Level
 245 2 readers in either an intensive reading course or a content
 246 area course in which reading strategies are delivered shall be
 247 determined by diagnosis of reading needs. The department shall
 248 provide guidance on appropriate strategies for diagnosing and
 249 meeting the varying instructional needs of students reading
 250 below grade level. Reading courses shall be designed and offered
 251 pursuant to the comprehensive reading plan required by s.
 252 1011.62(9). A high school student who scores at Level 1 or Level
 253 2 on FCAT Reading but who did not score below Level 3 in the
 254 previous 3 years may be granted a 1-year exemption from the
 255 reading remediation requirement; however, the student must have
 256 an approved academic improvement plan already in place, signed
 257 by the appropriate school staff and the student's parent, for
 258 the year for which the exemption is granted.

259 2. For each year in which a student scores at Level 1 or
 260 Level 2 on FCAT Mathematics, the student must receive
 261 remediation the following year. These courses may be taught

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262 through applied, integrated, or combined courses and are subject
 263 to approval by the department for inclusion in the Course Code
 264 Directory.

265 (e) Beginning with students entering grade 9 in the 2012-
 266 2013 school year, at least one course within the 24 credits
 267 required in this subsection must be completed through online
 268 learning. However, an online course taken during grades 6
 269 through 8 fulfills this requirement. This requirement shall be
 270 met through an online course offered by the Florida Virtual
 271 School, an online course offered by the high school, or an
 272 online dual enrollment course offered pursuant to a district
 273 interinstitutional articulation agreement pursuant to s.
 274 1007.235. A student who is enrolled in a full-time or part-time
 275 virtual instruction program under s. 1002.45 meets this
 276 requirement.

277 (3) (a) A district school board may require specific courses
 278 and programs of study within the minimum credit requirements for
 279 high school graduation and shall modify basic courses, as
 280 necessary, to assure exceptional students the opportunity to
 281 meet the graduation requirements for a career diploma, using one
 282 of the following strategies:

283 1. Assignment of the exceptional student to an exceptional
 284 education class for instruction in a basic course that has the
 285 same student performance standards as those required of
 286 nonexceptional students in the district school board student
 287 progression plan; or

288 2. Assignment of the exceptional student to a basic
 289 education class for instruction that is modified to accommodate
 290 the student's exceptionality.

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(b) The district school board shall determine which of these strategies to employ based upon an assessment of the student's needs and shall reflect this decision in the student's individual education plan.

(4) Each district school board shall establish standards for graduation from its schools, which must include:

(a) Successful completion of the academic credit or curriculum requirements of subsections (1) and (2). For courses that require statewide, standardized end-of-course assessments under s. 1008.22(3)(c)2.d., a minimum of 30 percent of a student's course grade shall be comprised of performance on the statewide, standardized end-of-course assessment.

(b) Earning passing scores on the FCAT, as defined in s. 1008.22(3)(c), or scores on a standardized test which are concordant with passing scores on the FCAT, as defined in s. 1008.22(10).

(c) Completion of all other applicable requirements prescribed by the district school board pursuant to s. 1008.25.

(d) Achievement of a cumulative grade point average of 2.0 on a 4.0 scale, or its equivalent, in the courses required by this section.

Each district school board shall adopt policies designed to assist students in meeting the requirements of this subsection. These policies may include, but are not limited to: forgiveness policies, summer school or before or after school attendance, special counseling, volunteers or peer tutors, school-sponsored help sessions, homework hotlines, and study skills classes. Forgiveness policies for required courses shall be limited to

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replacing a grade of "D" or "F," or the equivalent of a grade of "D" or "F," with a grade of "C" or higher, or the equivalent of a grade of "C" or higher, earned subsequently in the same or comparable course. Forgiveness policies for elective courses shall be limited to replacing a grade of "D" or "F," or the equivalent of a grade of "D" or "F," with a grade of "C" or higher, or the equivalent of a grade of "C" or higher, earned subsequently in another course. The only exception to these forgiveness policies shall be made for a student in the middle grades who takes any high school course for high school credit and earns a grade of "C," "D," or "F" or the equivalent of a grade of "C," "D," or "F." In such case, the district forgiveness policy must allow the replacement of the grade with a grade of "C" or higher, or the equivalent of a grade of "C" or higher, earned subsequently in the same or comparable course. In all cases of grade forgiveness, only the new grade shall be used in the calculation of the student's grade point average. Any course grade not replaced according to a district school board forgiveness policy shall be included in the calculation of the cumulative grade point average required for graduation.

(5) The State Board of Education, after a public hearing and consideration, shall adopt rules based upon the recommendations of the Commissioner of Education for the provision of test accommodations and modifications of procedures as necessary for students with disabilities which will demonstrate the student's abilities rather than reflect the student's impaired sensory, manual, speaking, or psychological process skills.

(6) The public hearing and consideration required in

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349 subsection (5) shall not be construed to amend or nullify the
 350 requirements of security relating to the contents of
 351 examinations or assessment instruments and related materials or
 352 data as prescribed in s. 1008.23.

353 (7)(a) A student who meets all requirements prescribed in
 354 subsections (1), (2), (3), and (4) shall be awarded a career
 355 diploma in a form prescribed by the State Board of Education.

356 (b) A student who completes the minimum number of credits
 357 and other requirements prescribed by subsections (1), (2), and
 358 (3), but who is unable to meet the standards of paragraph
 359 (4)(b), paragraph (4)(c), or paragraph (4)(d), shall be awarded
 360 a certificate of completion in a form prescribed by the State
 361 Board of Education. However, any student who is otherwise
 362 entitled to a certificate of completion may elect to remain in
 363 the secondary school either as a full-time student or a part-
 364 time student for up to 1 additional year and receive special
 365 instruction designed to remedy his or her identified
 366 deficiencies.

367 (8)(a) Each district school board must provide instruction
 368 to prepare students with disabilities to demonstrate proficiency
 369 in the core content knowledge and skills necessary for
 370 successful grade-to-grade progression and high school
 371 graduation.

372 (b)1. A student with a disability, as defined in s.
 373 1007.02(2), for whom the individual education plan (IEP)
 374 committee determines that the FCAT cannot accurately measure the
 375 student's abilities, taking into consideration all allowable
 376 accommodations, shall have the FCAT requirement of paragraph
 377 (4)(b) waived for the purpose of receiving a career diploma, if

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378 the student:

379 a. Completes the minimum number of credits and other
 380 requirements prescribed by subsections (1), (2), and (3).

381 b. Does not meet the requirements of paragraph (4)(b) after
 382 one opportunity in 10th grade and one opportunity in 11th grade.

383 2. A student with a disability, as defined in s.
 384 1007.02(2), for whom the IEP committee determines that an end-
 385 of-course assessment cannot accurately measure the student's
 386 abilities, taking into consideration all allowable
 387 accommodations, shall have the end-of-course assessment results
 388 waived for the purpose of determining the student's course grade
 389 and credit as required in paragraph (4)(a).

390 (9) A career technical high school diploma shall be a
 391 standard high school diploma for purposes of federal and state
 392 accountability requirements.

393 (10) The State Board of Education may adopt rules pursuant
 394 to ss. 120.536(1) and 120.54 to implement the provisions of this
 395 section and may enforce the provisions of this section pursuant
 396 to s. 1008.32.

397 Section 3. Subsection (3) of section 1002.321, Florida
 398 Statutes, is amended to read:

399 1002.321 Digital learning.—

400 (3) DIGITAL PREPARATION.—Each student must graduate from
 401 high school having taken at least one online course, as provided
 402 in s. 1003.428 or s. 1003.4287.

403 Section 4. Paragraph (a) of subsection (7) of section
 404 1002.33, Florida Statutes, is amended to read:

405 1002.33 Charter schools.—

406 (7) CHARTER.—The major issues involving the operation of a

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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 Sunshine State Standards and grounded in scientifically based reading research.

b. In order to provide students with access to diverse instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to provide students with the skills they need to compete in the 21st century economy, the Legislature encourages instructional methods for blended learning courses consisting of both traditional classroom and online instructional techniques. Charter schools may implement blended learning courses which

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combine traditional classroom instruction and virtual instruction. Students in a blended learning course must be full-time students of the charter school and receive the online instruction in a classroom setting at the charter school. Instructional personnel certified pursuant to s. 1012.55 who provide virtual instruction for blended learning courses may be employees of the charter school or may be under contract to provide instructional services to charter school students. At a minimum, such instructional personnel must hold an active state or school district adjunct certification under s. 1012.57 for the subject area of the blended learning course. The funding and performance accountability requirements for blended learning courses are the same as those for traditional courses.

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description of:

a. How the baseline student academic achievement levels and prior rates of academic progress will be established.

b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.

c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

The district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as

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rates of academic progress of comparable student populations in the district school system.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. The methods shall provide a means for the charter school to ensure accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs. Students in charter schools shall, at a minimum, participate in the statewide assessment program created under s. 1008.22.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 1003.428, s. 1003.4287, s. 1003.429, or s. 1003.43.

6. A method for resolving conflicts between the governing board of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter

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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. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate

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523 access to long-term financial resources for charter school
 524 construction, charter schools that are operated by a private,
 525 not-for-profit, s. 501(c)(3) status corporation are eligible for
 526 up to a 15-year charter, subject to approval by the district
 527 school board. Such long-term charters remain subject to annual
 528 review and may be terminated during the term of the charter, but
 529 only according to the provisions set forth in subsection (8).
 530 13. The facilities to be used and their location.
 531 14. The qualifications to be required of the teachers and
 532 the potential strategies used to recruit, hire, train, and
 533 retain qualified staff to achieve best value.
 534 15. The governance structure of the school, including the
 535 status of the charter school as a public or private employer as
 536 required in paragraph (12)(i).
 537 16. A timetable for implementing the charter which
 538 addresses the implementation of each element thereof and the
 539 date by which the charter shall be awarded in order to meet this
 540 timetable.
 541 17. In the case of an existing public school that is being
 542 converted to charter status, alternative arrangements for
 543 current students who choose not to attend the charter school and
 544 for current teachers who choose not to teach in the charter
 545 school after conversion in accordance with the existing
 546 collective bargaining agreement or district school board rule in
 547 the absence of a collective bargaining agreement. However,
 548 alternative arrangements shall not be required for current
 549 teachers who choose not to teach in a charter lab school, except
 550 as authorized by the employment policies of the state university
 551 which grants the charter to the lab school.

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552 18. Full disclosure of the identity of all relatives
 553 employed by the charter school who are related to the charter
 554 school owner, president, chairperson of the governing board of
 555 directors, superintendent, governing board member, principal,
 556 assistant principal, or any other person employed by the charter
 557 school who has equivalent decisionmaking authority. For the
 558 purpose of this subparagraph, the term "relative" means father,
 559 mother, son, daughter, brother, sister, uncle, aunt, first
 560 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
 561 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
 562 stepfather, stepmother, stepson, stepdaughter, stepbrother,
 563 stepsister, half brother, or half sister.
 564 19. Implementation of the activities authorized under s.
 565 1002.331 by the charter school when it satisfies the eligibility
 566 requirements for a high-performing charter school. A high-
 567 performing charter school shall notify its sponsor in writing by
 568 March 1 if it intends to increase enrollment or expand grade
 569 levels the following school year. The written notice shall
 570 specify the amount of the enrollment increase and the grade
 571 levels that will be added, as applicable.
 572 Section 5. Paragraph (b) of subsection (4) of section
 573 1002.45, Florida Statutes, is amended to read:
 574 1002.45 Virtual instruction programs.—
 575 (4) CONTRACT REQUIREMENTS.—Each contract with an approved
 576 provider must at minimum:
 577 (b) Provide a method for determining that a student has
 578 satisfied the requirements for graduation in s. 1003.428, s.
 579 1003.4287, s. 1003.429, or s. 1003.43 if the contract is for the
 580 provision of a full-time virtual instruction program to students

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581 in grades 9 through 12.

582 Section 6. Subsection (6) of section 1003.03, Florida
583 Statutes, is amended to read:

584 1003.03 Maximum class size.—

585 (6) COURSES FOR COMPLIANCE.—Consistent with the provisions
586 in ss. 1003.01(14), ~~and~~ 1003.428, and 1003.4287, the Department
587 of Education shall identify from the Course Code Directory the
588 core-curricula courses for the purpose of satisfying the maximum
589 class size requirement in this section. The department may adopt
590 rules to implement this subsection, if necessary.

591 Section 7. Subsection (3) of section 1003.413, Florida
592 Statutes, is amended to read:

593 1003.413 Florida Secondary School Redesign Act.—

594 (3) Based on these guiding principles, district school
595 boards shall establish policies to implement the requirements of
596 ss. 1003.4156, 1003.428, 1003.4287, and 1003.493. The policies
597 must address:

598 (a) Procedures for placing and promoting students who enter
599 a Florida public school at grade 6 through grade 12 from out of
600 state or from a foreign country, including a review of the
601 student's prior academic performance.

602 (b) Alternative methods for students to demonstrate
603 competency in required courses and credits, with special support
604 for students who have been retained.

605 (c) Applied, integrated, and combined courses that provide
606 flexibility for students to enroll in courses that are creative
607 and meet individual learning styles and student needs.

608 (d) Credit recovery courses and intensive reading and
609 mathematics intervention courses based on student performance on

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610 FCAT Reading and Mathematics. These courses should be competency
611 based and offered through innovative delivery systems, including
612 computer-assisted instruction. School districts should use
613 learning gains as well as other appropriate data and provide
614 incentives to identify and reward high-performing teachers who
615 teach credit recovery and intensive intervention courses.

616 (e) Grade forgiveness policies that replace a grade of "D"
617 or "F" with a grade of "C" or higher earned subsequently in the
618 same or a comparable course.

619 (f) Summer academies for students to receive intensive
620 reading and mathematics intervention courses or competency-based
621 credit recovery courses. A student's participation in an
622 instructional or remediation program prior to or immediately
623 following entering grade 9 for the first time shall not affect
624 that student's classification as a first-time 9th grader for
625 reporting purposes.

626 (g) Strategies to support teachers' pursuit of the reading
627 endorsement and emphasize reading instruction professional
628 development for content area teachers.

629 (h) Creative and flexible scheduling designed to meet
630 student needs.

631 (i) An annual review of each high school student's
632 electronic personal education plan created pursuant to s.
633 1003.4156 and procedures for high school students who have not
634 prepared an electronic personal education plan pursuant to s.
635 1003.4156 to prepare such plan.

636 (j) Tools for parents to regularly monitor student progress
637 and communicate with teachers.

638 (k) Additional course requirements for promotion and

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graduation which may be determined by each school district in the student progression plan and may include additional academic, fine and performing arts, physical education, or career and technical education courses in order to provide a complete education program pursuant to s. 1001.41(3).

Section 8. Subsection (1) of section 1003.428, Florida Statutes, is amended to read:

1003.428 General requirements for high school graduation; revised.—

(1) Except as otherwise authorized pursuant to s. 1003.4287 or s. 1003.429, beginning with students entering grade 9 in the 2007-2008 school year, graduation requires the successful completion of a minimum of 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum. Students must be advised of eligibility requirements for state scholarship programs and postsecondary admissions.

Section 9. Section 1003.438, Florida Statutes, is amended to read:

1003.438 Special high school graduation requirements for certain exceptional students.—A student who has been identified, in accordance with rules established by the State Board of Education, as a student with disabilities who has an intellectual disability; an autism spectrum disorder; a language impairment; an orthopedic impairment; an other health impairment; a traumatic brain injury; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; or students who are deaf or hard of hearing or dual sensory

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impaired shall not be required to meet all requirements of s. 1003.43, ~~or~~ s. 1003.428, or s. 1003.4287 and shall, upon meeting all applicable requirements prescribed by the district school board pursuant to s. 1008.25, be awarded a special diploma in a form prescribed by the commissioner; however, such special graduation requirements prescribed by the district school board must include minimum graduation requirements as prescribed by the commissioner. Any such student who meets all special requirements of the district school board, but is unable to meet the appropriate special state minimum requirements, shall be awarded a special certificate of completion in a form prescribed by the commissioner. However, this section does not limit or restrict the right of an exceptional student solely to a special diploma or special certificate of completion. Any such student shall, upon proper request, be afforded the opportunity to fully meet all requirements of s. 1003.43, ~~or~~ s. 1003.428, or s. 1003.4287 through the standard procedures established therein and thereby to qualify for a standard diploma or a career diploma upon graduation.

Section 10. Paragraph (g) of subsection (4) of section 1003.493, Florida Statutes, is amended to read:

1003.493 Career and professional academies.—

(4) Each career and professional academy must:

(g) Deliver academic content through instruction relevant to the career, including intensive reading and mathematics intervention required by s. 1003.428 or s. 1003.4287, with an emphasis on strengthening reading for information skills.

Section 11. Subsection (2) of section 1003.4935, Florida Statutes, is amended to read:

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697 1003.4935 Middle school career and professional academy
 698 courses.—
 699 (2) Each middle school career and professional academy must
 700 be aligned with at least one high school career and professional
 701 academy offered in the district and maintain partnerships with
 702 local business and industry and economic development boards.
 703 Middle school career and professional academies must:
 704 (a) Provide instruction in courses leading to careers in
 705 occupations designated as high growth, high demand, and high pay
 706 in the Industry Certification Funding List approved under rules
 707 adopted by the State Board of Education;
 708 (b) Offer career and professional academy courses that
 709 integrate content from core subject areas;
 710 (c) Offer courses that integrate career and professional
 711 academy content with intensive reading and mathematics pursuant
 712 to s. 1003.428 or s. 1003.4287;
 713 (d) Coordinate with high schools to maximize opportunities
 714 for middle school career and professional academy students to
 715 earn high school credit;
 716 (e) Provide access to virtual instruction courses provided
 717 by virtual education providers legislatively authorized to
 718 provide part-time instruction to middle school students. The
 719 virtual instruction courses must be aligned to state curriculum
 720 standards for middle school career and professional academy
 721 students, with priority given to students who have required
 722 course deficits;
 723 (f) Provide instruction from highly skilled professionals
 724 who hold industry certificates in the career area in which they
 725 teach;

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726 (g) Offer externships; and
 727 (h) Provide personalized student advisement that includes a
 728 parent-participation component.
 729 Section 12. Paragraph (c) of subsection (3) and paragraphs
 730 (b) and (c) of subsection (9) of section 1008.22, Florida
 731 Statutes, are amended to read:
 732 1008.22 Student assessment program for public schools.—
 733 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
 734 design and implement a statewide program of educational
 735 assessment that provides information for the improvement of the
 736 operation and management of the public schools, including
 737 schools operating for the purpose of providing educational
 738 services to youth in Department of Juvenile Justice programs.
 739 The commissioner may enter into contracts for the continued
 740 administration of the assessment, testing, and evaluation
 741 programs authorized and funded by the Legislature. Contracts may
 742 be initiated in 1 fiscal year and continue into the next and may
 743 be paid from the appropriations of either or both fiscal years.
 744 The commissioner is authorized to negotiate for the sale or
 745 lease of tests, scoring protocols, test scoring services, and
 746 related materials developed pursuant to law. Pursuant to the
 747 statewide assessment program, the commissioner shall:
 748 (c) Develop and implement a student achievement testing
 749 program as follows:
 750 1. The Florida Comprehensive Assessment Test (FCAT)
 751 measures a student's content knowledge and skills in reading,
 752 writing, science, and mathematics. The content knowledge and
 753 skills assessed by the FCAT must be aligned to the core
 754 curricular content established in the Next Generation Sunshine

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 State Standards. Other content areas may be included as directed by the commissioner. Comprehensive assessments of reading and mathematics shall be administered annually in grades 3 through 10 except, beginning with the 2010-2011 school year, the administration of grade 9 FCAT Mathematics shall be discontinued, and beginning with the 2011-2012 school year, the administration of grade 10 FCAT Mathematics shall be discontinued, except as required for students who have not attained minimum performance expectations for graduation as provided in paragraph (9)(c). FCAT Writing and FCAT Science shall be administered at least once at the elementary, middle, and high school levels except, beginning with the 2011-2012 school year, the administration of FCAT Science at the high school level shall be discontinued.

2.a. End-of-course assessments for a subject shall be administered in addition to the comprehensive assessments required under subparagraph 1. End-of-course assessments must be rigorous, statewide, standardized, and developed or approved by the department. The content knowledge and skills assessed by end-of-course assessments must be aligned to the core curricular content established in the Next Generation Sunshine State Standards.

(I) Statewide, standardized end-of-course assessments in mathematics shall be administered according to this sub-subparagraph. Beginning with the 2010-2011 school year, all students enrolled in Algebra I or an equivalent course must take the Algebra I end-of-course assessment. For students entering grade 9 during the 2010-2011 school year and who are enrolled in Algebra I or an equivalent, each student's performance on the

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 end-of-course assessment in Algebra I shall constitute 30 percent of the student's final course grade. Beginning with students entering grade 9 in the 2011-2012 school year, a student who is enrolled in Algebra I or an equivalent must earn a passing score on the end-of-course assessment in Algebra I or attain an equivalent score as described in subsection (11) in order to earn course credit. Beginning with the 2011-2012 school year, all students enrolled in geometry or an equivalent course must take the geometry end-of-course assessment. For students entering grade 9 during the 2011-2012 school year, each student's performance on the end-of-course assessment in geometry shall constitute 30 percent of the student's final course grade. Beginning with students entering grade 9 during the 2012-2013 school year, a student must earn a passing score on the end-of-course assessment in geometry or attain an equivalent score as described in subsection (11) in order to earn course credit.

(II) Statewide, standardized end-of-course assessments in science shall be administered according to this sub-subparagraph. Beginning with the 2011-2012 school year, all students enrolled in Biology I or an equivalent course must take the Biology I end-of-course assessment. For the 2011-2012 school year, each student's performance on the end-of-course assessment in Biology I shall constitute 30 percent of the student's final course grade. Beginning with students entering grade 9 during the 2012-2013 school year, a student must earn a passing score on the end-of-course assessment in Biology I in order to earn course credit.

b. During the 2012-2013 school year, an end-of-course

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 813 assessment in civics education shall be administered as a field
 814 test at the middle school level. During the 2013-2014 school
 815 year, each student's performance on the statewide, standardized
 816 end-of-course assessment in civics education shall constitute 30
 817 percent of the student's final course grade. Beginning with the
 818 2014-2015 school year, a student must earn a passing score on
 819 the end-of-course assessment in civics education in order to
 820 pass the course and be promoted from the middle grades. The
 821 school principal of a middle school shall determine, in
 822 accordance with State Board of Education rule, whether a student
 823 who transfers to the middle school and who has successfully
 824 completed a civics education course at the student's previous
 825 school must take an end-of-course assessment in civics
 826 education.

827 c. The commissioner may select one or more nationally
 828 developed comprehensive examinations, which may include, but
 829 need not be limited to, examinations for a College Board
 830 Advanced Placement course, International Baccalaureate course,
 831 or Advanced International Certificate of Education course, or
 832 industry-approved examinations to earn national industry
 833 certifications identified in the Industry Certification Funding
 834 List, pursuant to rules adopted by the State Board of Education,
 835 for use as end-of-course assessments under this paragraph, if
 836 the commissioner determines that the content knowledge and
 837 skills assessed by the examinations meet or exceed the grade
 838 level expectations for the core curricular content established
 839 for the course in the Next Generation Sunshine State Standards.
 840 The commissioner may collaborate with the American Diploma
 841 Project in the adoption or development of rigorous end-of-course

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 842 assessments that are aligned to the Next Generation Sunshine
 843 State Standards.

844 d. Contingent upon funding provided in the General
 845 Appropriations Act, including the appropriation of funds
 846 received through federal grants, the Commissioner of Education
 847 shall establish an implementation schedule for the development
 848 and administration of additional statewide, standardized end-of-
 849 course assessments in English/Language Arts II, Algebra II,
 850 chemistry, physics, earth/space science, United States history,
 851 and world history. Priority shall be given to the development of
 852 end-of-course assessments in English/Language Arts II. The
 853 Commissioner of Education shall evaluate the feasibility and
 854 effect of transitioning from the grade 9 and grade 10 FCAT
 855 Reading and high school level FCAT Writing to an end-of-course
 856 assessment in English/Language Arts II. The commissioner shall
 857 report the results of the evaluation to the President of the
 858 Senate and the Speaker of the House of Representatives no later
 859 than July 1, 2011.

860 3. The testing program shall measure student content
 861 knowledge and skills adopted by the State Board of Education as
 862 specified in paragraph (a) and measure and report student
 863 performance levels of all students assessed in reading, writing,
 864 mathematics, and science. The commissioner shall provide for the
 865 tests to be developed or obtained, as appropriate, through
 866 contracts and project agreements with private vendors, public
 867 vendors, public agencies, postsecondary educational
 868 institutions, or school districts. The commissioner shall obtain
 869 input with respect to the design and implementation of the
 870 testing program from state educators, assistive technology

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experts, and the public.

4. The testing program shall be composed of criterion-referenced tests that shall, to the extent determined by the commissioner, include test items that require the student to produce information or perform tasks in such a way that the core content knowledge and skills he or she uses can be measured.

5. FCAT Reading, Mathematics, and Science and all statewide, standardized end-of-course assessments shall measure the content knowledge and skills a student has attained on the assessment by the use of scaled scores and achievement levels. Achievement levels shall range from 1 through 5, with level 1 being the lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on an assessment. For purposes of FCAT Writing, student achievement shall be scored using a scale of 1 through 6 and the score earned shall be used in calculating school grades. A score shall be designated for each subject area tested, below which score a student's performance is deemed inadequate. The school districts shall provide appropriate remedial instruction to students who score below these levels.

6. The State Board of Education shall, by rule, designate a passing score for each part of the grade 10 assessment test and end-of-course assessments. Any rule that has the effect of raising the required passing scores may apply only to students taking the assessment for the first time after the rule is adopted by the State Board of Education. Except as otherwise provided in this subparagraph and as provided in s. 1003.428(8)(b), s. 1003.4287(8)(b), or s. 1003.43(11)(b), students must earn a passing score on grade 10 FCAT Reading and

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grade 10 FCAT Mathematics or attain concordant scores as described in subsection (10) in order to qualify for a standard or career technical high school diploma.

7. In addition to designating a passing score under subparagraph 6., the State Board of Education shall also designate, by rule, a score for each statewide, standardized end-of-course assessment which indicates that a student is high achieving and has the potential to meet college-readiness standards by the time the student graduates from high school.

8. Participation in the testing program is mandatory for all students attending public school, including students served in Department of Juvenile Justice programs, except as otherwise prescribed by the commissioner. A student who has not earned passing scores on the grade 10 FCAT as provided in subparagraph 6. must participate in each retake of the assessment until the student earns passing scores or achieves scores on a standardized assessment which are concordant with passing scores pursuant to subsection (10). If a student does not participate in the statewide assessment, the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. A parent must provide signed consent for a student to receive classroom instructional accommodations that would not be available or permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such instructional accommodations. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of test accommodations for students in exceptional education programs and for students who have limited English

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 929 proficiency. Accommodations that negate the validity of a
 930 statewide assessment are not allowable in the administration of
 931 the FCAT or an end-of-course assessment. However, instructional
 932 accommodations are allowable in the classroom if included in a
 933 student's individual education plan. Students using
 934 instructional accommodations in the classroom that are not
 935 allowable as accommodations on the FCAT or an end-of-course
 936 assessment may have the FCAT or an end-of-course assessment
 937 requirement waived pursuant to the requirements of s.
 938 1003.428(8)(b), s. 1003.4287(8)(b), or s. 1003.43(11)(b).

939 9. A student seeking an adult high school diploma must meet
 940 the same testing requirements that a regular high school student
 941 must meet.

942 10. District school boards must provide instruction to
 943 prepare students in the core curricular content established in
 944 the Next Generation Sunshine State Standards adopted under s.
 945 1003.41, including the core content knowledge and skills
 946 necessary for successful grade-to-grade progression and high
 947 school graduation. If a student is provided with instructional
 948 accommodations in the classroom that are not allowable as
 949 accommodations in the statewide assessment program, as described
 950 in the test manuals, the district must inform the parent in
 951 writing and must provide the parent with information regarding
 952 the impact on the student's ability to meet expected performance
 953 levels in reading, writing, mathematics, and science. The
 954 commissioner shall conduct studies as necessary to verify that
 955 the required core curricular content is part of the district
 956 instructional programs.

957 11. District school boards must provide opportunities for

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 958 students to demonstrate an acceptable performance level on an
 959 alternative standardized assessment approved by the State Board
 960 of Education following enrollment in summer academies.

961 12. The Department of Education must develop, or select,
 962 and implement a common battery of assessment tools that will be
 963 used in all juvenile justice programs in the state. These tools
 964 must accurately measure the core curricular content established
 965 in the Next Generation Sunshine State Standards.

966 13. For students seeking a special diploma pursuant to s.
 967 1003.438, the Department of Education must develop or select and
 968 implement an alternate assessment tool that accurately measures
 969 the core curricular content established in the Next Generation
 970 Sunshine State Standards for students with disabilities under s.
 971 1003.438.

972 14. The Commissioner of Education shall establish schedules
 973 for the administration of statewide assessments and the
 974 reporting of student test results. When establishing the
 975 schedules for the administration of statewide assessments, the
 976 commissioner shall consider the observance of religious and
 977 school holidays. The commissioner shall, by August 1 of each
 978 year, notify each school district in writing and publish on the
 979 department's Internet website the testing and reporting
 980 schedules for, at a minimum, the school year following the
 981 upcoming school year. The testing and reporting schedules shall
 982 require that:

983 a. There is the latest possible administration of statewide
 984 assessments and the earliest possible reporting to the school
 985 districts of student test results which is feasible within
 986 available technology and specific appropriations; however, test

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 987 results for the FCAT must be made available no later than the
 988 week of June 8. Student results for end-of-course assessments
 989 must be provided no later than 1 week after the school district
 990 completes testing for each course. The commissioner may extend
 991 the reporting schedule under exigent circumstances.

992 b. FCAT Writing may not be administered earlier than the
 993 week of March 1, and a comprehensive statewide assessment of any
 994 other subject may not be administered earlier than the week of
 995 April 15.

996 c. A statewide, standardized end-of-course assessment is
 997 administered at the end of the course. The commissioner shall
 998 select an administration period for assessments that meets the
 999 intent of end-of-course assessments and provides student results
 1000 prior to the end of the course. School districts shall
 1001 administer tests in accordance with the schedule determined by
 1002 the commissioner. For an end-of-course assessment administered
 1003 at the end of the first semester, the commissioner shall
 1004 determine the most appropriate testing dates based on a review
 1005 of each school district's academic calendar.

1006
 1007 The commissioner may, based on collaboration and input from
 1008 school districts, design and implement student testing programs,
 1009 for any grade level and subject area, necessary to effectively
 1010 monitor educational achievement in the state, including the
 1011 measurement of educational achievement of the Next Generation
 1012 Sunshine State Standards for students with disabilities.
 1013 Development and refinement of assessments shall include
 1014 universal design principles and accessibility standards that
 1015 will prevent any unintended obstacles for students with

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 1016 disabilities while ensuring the validity and reliability of the
 1017 test. These principles should be applicable to all technology
 1018 platforms and assistive devices available for the assessments.
 1019 The field testing process and psychometric analyses for the
 1020 statewide assessment program must include an appropriate
 1021 percentage of students with disabilities and an evaluation or
 1022 determination of the effect of test items on such students.

1023 (9) APPLICABILITY OF TESTING STANDARDS.—

1024 (b) A student must attain the passing scores on the
 1025 statewide assessment required for a standard or career technical
 1026 high school diploma or for high school course credits under sub-
 1027 sub-subparagraphs (3)(c)2.a.(I) and (II) which are in effect at
 1028 the time the student enters grade 9. If a student transfers into
 1029 a high school, the school principal shall determine, in
 1030 accordance with State Board of Education rule, whether the
 1031 student must take an end-of-course assessment in a course for
 1032 which the student has credit that was earned from the previous
 1033 school.

1034 (c) If the commissioner revises a statewide assessment and
 1035 the revisions require the State Board of Education to modify the
 1036 passing scores required for a standard or career technical high
 1037 school diploma or for high school course credits under sub-sub-
 1038 subparagraphs (3)(c)2.a.(I) and (II), the commissioner may, with
 1039 approval of the state board, discontinue administration of the
 1040 former assessment upon the graduation, based on normal student
 1041 progression, of students participating in the final regular
 1042 administration of the former assessment. The state board shall
 1043 adopt by rule passing scores for the revised assessment which
 1044 are statistically equivalent to passing scores on the

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1045 discontinued assessment for a student required under paragraph

1046 (b) to attain passing scores on the discontinued assessment.

1047 Section 13. This act shall take effect July 1, 2013.

585

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

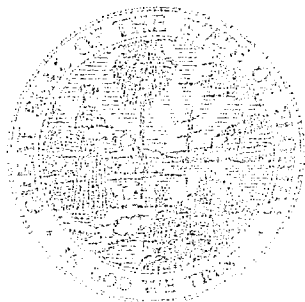
I, Kurt S. Browning, Secretary of State,
do hereby certify that

Sara S. Bradshaw

is duly appointed a member of the

State Board of Education

for a term beginning on the
Sixth day of September, A.D., 2011,
until the Thirty-First day of December, A.D., 2013
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 Third day of October, A.D., 2011.*

A handwritten signature in black ink, appearing to read "Kurt Browning".

Secretary of State



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE

2011 SEP -9 PM 4:03

DIVISION OF ELECTIONS
TALLAHASSEE, FL

September 6, 2011

Mr. Kurt S. Browning, Secretary
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Browning:

Please be advised I have made the following appointment under the provisions of Section 1001.01, Florida Statutes:

Mrs. Sara S. Bradshaw
1345 Dupont Road
Havana, Florida 32333

as a member of the State Board of Education, succeeding Mark E. Kaplan, subject to confirmation by the Senate. This appointment is effective September 6, 2011, for a term ending December 31, 2013.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/lm

585

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

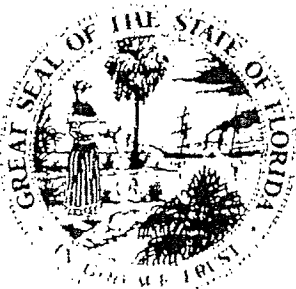
I, Kurt S. Browning, Secretary of State,
do hereby certify that

Akshay M. Desai

is duly appointed a member of the

State Board of Education

for a term beginning on the
Second day of May, A.D., 2011,
until the Thirty-First day of December, A.D., 2014
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 Sixteenth day of May, A.D., 2011.

A handwritten signature in black ink, appearing to read "Kurt Browning", written over a horizontal line.

Secretary of State



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2011 MAY 10 PM 2:19
DIVISION OF ELECTIONS
TALLAHASSEE, FL

May 2, 2011

Mr. Kurt S. Browning, Secretary
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Browning:

Please be advised I have made the following reappointment under the provisions of Section 1001.01, Florida Statutes:

Dr. Akshay M. Desai
100 Central Avenue
Suite 200
St. Petersburg, Florida 33701

as a member of the State Board of Education, subject to confirmation by the Senate.
This appointment is effective May 2, 2011, for a term ending December 31, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/lm

585

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Kurt S. Browning, Secretary of State,
do hereby certify that

Barbara S. Feingold

is duly appointed a member of the
State Board of Education

for a term beginning on the
Eighteenth day of July, A.D., 2011,
until the Thirty-First day of December, A.D., 2013
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 Thirtieth day of August, A.D., 2011.*

Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE

2011 JUL 19 AM 8:35

DIVISION OF ELECTIONS
TALLAHASSEE, FL

July 18, 2011

Mr. Kurt S. Browning, Secretary
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Browning:

Please be advised I have made the following appointment under the provisions of Section 1001.01, Florida Statutes:

Mrs. Barbara S. Feingold
7410 Sedona Way
Delray Beach, Florida 33446

as a member of the State Board of Education, succeeding Susan N. Story, subject to confirmation by the Senate. This appointment is effective July 18, 2011, for a term ending December 31, 2013.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott", written over a horizontal line.

Rick Scott
Governor

RS/lm

Sally Bradshaw

Sally Bradshaw has an extensive career in federal and state government and the political arena.

Most recently, Bradshaw served as an advisor to Governor Haley Barbour and his political action committee. She served as a senior advisor to the Republican Party of Florida during the 2010 general election cycle. During the 2008 Presidential race, she served as a senior advisor to Governor Mitt Romney's Presidential campaign, responsible for overseeing Florida primary operations.



Bradshaw served as Governor Jeb Bush's Chief of Staff from January of 1999 through January of 2001. In that position she directed the day-to-day operations of the Governor's office. She was also the director of the Bush transition effort. She served as senior Campaign Advisor to the Bush-Brogan 2002 re-election campaign, and she managed Bush's 1998 gubernatorial bid, a position she also held in 1994.

She has served as a public relations consultant to Core Message, a public affairs and grassroots firm in Tallahassee; she has also served as a business development consultant to Design Farm, a full-service marketing and consulting firm, also in Tallahassee.

A native of Greenville, Mississippi, Bradshaw has lived in Florida since 1991, holding a variety of political positions including Political Director of the Republican Party of Florida, Executive Director of the 1992 Florida Bush-Quayle campaign, and Staff Director for the House of Representatives Republican Office. She has also served as Executive Director of the Foundation for Florida's Future, a non-profit grassroots public policy institute.

Before moving to Florida, Bradshaw worked at the White House, where she was an Associate Director of Political Affairs for President George H.W. Bush from 1989-1991. She served as a regional field coordinator for the Bush for President Campaign in 1988. She attended Vanderbilt University and obtained a Bachelor of Arts degree from George Washington University.

Bradshaw is a past appointee to the Florida State Board of Education, and a previous Chairman of the School Board of Trustees, Holy Comforter Episcopal School. She recently served as a member of the Head of School Search Committee at Holy Comforter. She is also a former Director of Capital Health Plan, Tallahassee.

Bradshaw and her husband Paul and their four children attend Faith Presbyterian Church where she has served as a member of the Faith Preschool board of directors. She currently serves as a member of the church Session.

A.K. Desai

Dr. A.K. Desai obtained his medical degree from Government Medical College, India. He achieved his Masters Degree in Administrative Medicine while attending the George Washington University in Washington, D.C. He is certified by the American Boards of Internal Medicine, Geriatrics, and Quality Assurance. He currently resides in St. Petersburg, Florida and is married to Seema Desai and they have three



children, Priyanka, Parth and Crystal. Dr. Desai's interests include reading, education, foreign policy and politics.

Dr. Desai is the President, CEO and Chairman of Universal Health Care.

In the past, Dr. Desai has served as Chief of Staff and Chairman of the Board of Trustees at Northside Hospital and Heart Institute as well as St. Petersburg General Hospital in St. Petersburg, Florida. He has served on numerous committees of various Hospitals and Health Plans throughout the Tampa Bay area.

Dr. Desai was the Chairman of the Council for Education Policy, Research and Improvement (CEPRI) for the state of Florida and was appointed to this position by Governor Jeb Bush.

Currently, Dr. Desai serves as Commissioner and Chairman of Health Committee, White House Commission on Asian American, Pacific Islander advising the President on issues effecting Asian Americans.

Barbara S. Feingold

Barbara S. Feingold is Vice President and Director of MCNA Health Care Holdings LLC, one of the largest providers of Medicaid, CHIP, and commercial dental insurance in the United States with headquarters in Fort Lauderdale. She also serves on the Board of Directors of MCNA Dental Insurance Company and has served in various executive capacities with Dentaland Dental Centers, a specialty care multigroup practice with a general dental component operating since the 1970's with a significant emphasis on pediatric dental care.



As a former speech and language pathologist in Broward County, Ms. Feingold has firsthand experience working in the Florida educational system. The foundation for her commitment to education is based on her extended work with underserved, disabled, and mentally challenged students. Early intervention and community involvement are critical to a successful educational environment, and Ms. Feingold has been an outspoken advocate for children. Her passion for the wellbeing and education of Florida's children is exemplified through her volunteerism, philanthropy and fundraising efforts.

During her tenure as President of the Michael-Ann Russell Jewish Community Center in Miami-Dade, Ms. Feingold was instrumental in creating an infant day care center and remediation programs for school age children. Presently, she is a Vice-President of the Levis Jewish Community Center in Boca Raton where she has helped develop a specialized program for children with special needs.

At MCNA and Dentaland, Ms. Feingold has fostered a corporate culture of community involvement for over thirty-five years through her dedicated service to a variety of Florida non profit organizations. She has raised millions of dollars annually for those in need, with an emphasis on children and seniors. Ms. Feingold is a past board member of the Greater Miami Jewish Federation where she was the recipient of numerous awards including the Stanley C. Myers Presidents Leadership Award. She is currently a board member of the Ruth Rales Jewish Family Service and the Jewish Federation of South Palm Beach County where she also serves as Vice Chair of Women's Philanthropy.

Florida is home to many diverse populations, and Ms. Feingold strives to ensure that all children are given the opportunity to learn. She is committed to cultural competency and serves as a regional board member of the Anti Defamation League and was honored by the Simon Weisenthal Center.

Ms. Feingold received her B.S. with honors in Speech Pathology from Montclair State University. She worked in the Newark, New Jersey and Broward County, Florida school systems as a speech and language pathologist for elementary and middle school age children. She resides in Delray Beach with her husband, Dr. Jeffrey Feingold, and are the proud parents of three children, all graduates of Florida schools.