

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

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

MEETING DATE: Tuesday, February 14, 2012

TIME: 9:00 —11:00 a.m.

PLACE: 301 Senate Office Building

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

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
1	Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated. State Board of Education Chartrand, Gary (Ponte Vedra Beach)		
		12/31/2014	Recommend Confirm Yeas 6 Nays 0
TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
2	CS/SB 250 Transportation / Braynon (Similar H 269)	Uniform Traffic Control; Authorizing school districts to deploy school bus traffic infraction detectors under certain circumstances; authorizing the Department of Highway Safety and Motor Vehicles, a county, or a municipality to authorize a traffic infraction enforcement officer to issue and enforce a citation for a violation of such provisions; requiring notification to be sent to the registered owner of the motor vehicle involved in the violation; providing for distribution of penalties collected; providing that the act does not preclude the issuance of citations by law enforcement officers; providing for penalties for infractions enforced by a traffic infraction enforcement officer; providing for distribution of fines; providing that no points may be assessed against the driver's license for infractions enforced by a traffic infraction enforcement officer, etc. TR 02/07/2012 Fav/CS ED 02/14/2012 Favorable BC	Favorable Yeas 5 Nays 1
3	SB 980 Margolis (Compare CS/CS/H 1343)	Discretionary Sales Surtaxes; Renaming the school capital outlay surtax as the "school surtax"; expanding the purposes for which revenues from the surtax may be used; requiring approval of the electors in order to use the surtax revenues for the additional purposes authorized by the act, etc. ED 02/14/2012 Fav/CS BC	Fav/CS Yeas 6 Nays 0

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Tuesday, February 14, 2012, 9:00 —11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1010 Oelrich (Identical H 331, Compare CS/H 4195)	Career and Adult Education; Requiring the Next Generation Sunshine State Standards to include financial literacy in the core curricular content of economics; providing that the credit requirement in economics for high school graduation includes instruction in financial literacy; authorizing district school boards and Florida College System institution boards of trustees to vary up to a specified percentage of intended learning outcomes of career education programs; deleting lifelong learning courses or activities and recreational or leisure courses as priorities in the provision of adult education program academic services, etc. ED 02/14/2012 Favorable HE BC	Favorable Yeas 6 Nays 0
5	SB 1368 Gaetz (Compare CS/H 7059)	High School Graduation; Creating the "Science, Technology, Engineering, and Mathematics (STEM) High School Graduation Acceleration Act of 2012"; requiring that each school district adopt a policy that provides a high school student with the option of graduating early; requiring that the end-of-course assessment in Algebra I be administered four times annually beginning with a specified school year; requiring that the Department of Education award bonus points to a high school based on the percentage of students who earn credits in mathematics and science in excess of the general requirements for high school graduation and the number of students who graduate in less than 8 semesters or the equivalent; authorizing the Department of Education to evaluate students who graduate at the midpoint of the academic year for a Florida Bright Futures Scholarship award, etc. ED 02/14/2012 Fav/CS BC	Fav/CS Yeas 6 Nays 0
6	SB 1610 Dean (Compare CS/H 1059)	Background Screening for Noninstructional Contractors on School Grounds; Requiring the Department of Education to approve a uniform, statewide identification badge to be worn by noninstructional contractors signifying that a contractor has met specified background screening requirements; requiring school districts to issue the identification badge to a qualified contractor; providing that the identification badge shall be recognized by all school districts; requiring the department to determine the cost to be borne by the contractor, etc. ED 02/14/2012 Fav/CS BC	Fav/CS Yeas 6 Nays 0

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Education Pre-K - 12

Tuesday, February 14, 2012, 9:00 —11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 1758 Flores (Compare CS/H 5103)	Early Learning; Revising the duties of the Office of Early Learning within the Department of Education; requiring that the Office of Early Learning develop and adopt by rule unified performance standards and outcome measures for school readiness programs; requiring that the Office of Early Learning adopt a statewide, standardized contract that is limited to state and federal requirements to be used by the early learning coalitions; requiring that the prevailing market rate schedule differentiate rates by the type of child care services provided for preschool-age children participating in the Voluntary Prekindergarten Education Program; requiring that a school district offering the Voluntary Prekindergarten Education Program adopt procedures that separately account for the funds received and the expenses incurred for the program, etc. ED 02/14/2012 Temporarily Postponed BC	Temporarily Postponed
8	SB 1522 Montford	Accountability in Public Schools; Amending provisions relating to the high-performing charter school system; providing that students who are enrolled in high school courses requiring end-of-course assessments are not required to take the corresponding statewide comprehensive assessments; requiring that the State Board of Education comply with the federal Elementary and Secondary Education Act, including any waivers approved under that act; requiring that the Department of Education annually identify a public school based on the school's grade designated pursuant to s. 1008.34, F.S., for the purpose of determining whether the school requires intervention and support strategies for improvement, etc. ED 02/14/2012 Fav/CS BC	Fav/CS Yeas 6 Nays 0
9	SB 1348 Wise (Compare CS/H 1037, CS/H 7081, CS/CS/S 842)	Coordination Between Schools and Local Governments; Authorizing the Board of Trustees of the Florida School for the Deaf and the Blind to exercise the power of eminent domain after receiving approval from the Administration Commission; deleting a requirement that the Florida School for the Deaf and the Blind and the local government submit an interlocal agreement to the state land planning agency and the Office of Educational Facilities for review; providing for the vesting of the Florida School for the Deaf and the Blind facilities; requiring local government cooperation in the restoration of school facilities, etc. ED 02/14/2012 Fav/CS CA BC	Fav/CS Yeas 6 Nays 0

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Workshop - Discussion and testimony only on the following (no vote to be taken):			
10	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 ED 01/30/2012 Not Considered ED 02/14/2012 Not Considered CM BC	Not Considered
Other Related Meeting Materials			

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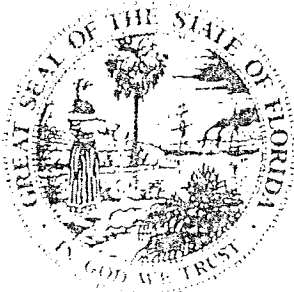
**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

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

Gary R. Chartrand

is duly appointed a member of the
State Board of Education

for a term beginning on the
Sixteenth 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 Twenty-Fifth day of May, A.D., 2011.*

A handwritten signature in black ink, appearing to read "Kurt Browning".

Secretary of State



RICK SCOTT
GOVERNOR

RECEIVED
2011 MAY 24 PM 3:15
FLORIDA GOVERNOR'S OFFICE
DIVISION OF ELECTIONS

May 16, 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:

Mr. Gary R. Chartrand
139 Ponte Vedra Boulevard
Ponte Vedra Beach, Florida 32082

as a member of the State Board of Education, succeeding Talmadge W. Fair, subject to confirmation by the Senate. This appointment is effective May 16, 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

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 Transportation Committee

BILL: CS/SB 250

INTRODUCER: Transportation Committee and Senator Braynon

SUBJECT: Uniform Traffic Control

DATE: February 10, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Eichin	Buford	TR	Fav/CS
2.	Abrams	deMarsh-Mathues	ED	Favorable
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	☒	Statement of Substantial Changes
B. AMENDMENTS.....	☐	Technical amendments were recommended
	☐	Amendments were recommended
	☐	Significant amendments were recommended

I. Summary:

This bill creates the "School Bus Safety Program," authorizing a Florida school district to deploy school bus infraction detectors on its school buses for enforcing s. 316.172(1)(a) or s. 316.172(1)(b), F.S., when a driver fails to stop upon approaching any school bus which displays a stop signal. A school district deploying school bus traffic infraction detectors must coordinate the issuance of traffic citations with the Florida Highway Patrol, local sheriff's office, local police department, local school board, if applicable, or any other entity having the authority and jurisdiction to enforce traffic laws. In addition, the bill authorizes the Department of Highway Safety and Motor Vehicles (DHSMV), to use images from school bus traffic infraction detectors on any state road under the original jurisdiction of the Florida Department of Transportation (FDOT), when permitted by the FDOT.

The bill provides for the issuance of citations to registered owners of motor vehicles and affirmative defenses available to vehicle owners. The bill provides a \$265 penalty for any violations of ss. 316.172(1)(a) or 316.172(1)(b), F.S., regardless of the method of enforcement. If the penalty is paid within 30 days of notification, the total penalty is \$265. However, if the penalty is not paid within 30 days of notification and a traffic citation is issued, the total penalty

is \$265, plus court costs and fees of up to \$98, depending on the county where the offense occurs.

This bill substantially amends sections 316.003, 316.008, 316.640, 316.650, 318.14, 318.18, and 322.27, creates ss. 316.0084, 316.07457, 316.0777, and 321.51 of the Florida Statutes, and creates an undesignated section of law.

II. Present Situation:

National statistics have consistently demonstrated that school buses constitute one of the safest forms of transportation. The National Research Council concluded that children are at far more risk traveling to and from school by bike, walking, or in private passenger vehicles, especially if a teen-age driver is involved, than in school buses.¹ According to the National Highway Traffic Safety Administration, approximately 450,000 public school buses travel approximately 4.3 billion miles to transport 23.5 million children to and from school and school-related activities.² On average, 20 school-age children die each year in school bus-related crashes or incidents. Of these 20, five of the children are injured inside the bus, five are struck by other vehicles, and ten are struck by the school bus itself.³ According to the Florida Department of Education (DOE), from the 1999-2000 to the 2009-2010 school years there have been four pedestrian students struck by a vehicle illegally passing a stopped school bus.⁴ These statistics indicate that there may be an opportunity to improve even this very safe form of travel.⁵ Public health and traffic safety officials have examined the risks associated with school bus stops and noted the importance of carefully selecting bus stop locations.⁶

Current law requires district school boards to establish school bus stops, or provide by district school board rule for establishing school bus stops, as needed at the most reasonably safe locations available.⁷ Where unusual traffic hazards exist at school bus stops on roads maintained by the state outside of municipalities, the FDOT must place signs at the bus stops warning drivers of the location of the stops. The FDOT must place these signs in concurrence and cooperation with and upon request of the district school board. According to the FDOT, there are federal guidelines rather than requirements for states to use in placing “school bus ahead” signs.⁸

Documentation of stop locations and the specific procedures for ensuring stop safety are determined by the school district.⁹ Districts have safety professionals who review new stop locations or existing locations when there is an indication of a hazard.¹⁰ Some districts routinely

¹ *The Relative Risks of School Travel: A National Perspective and Guidance for Local Community Risk Assessment.* Transportation Research Board, 2002.

² See <http://www.nhtsa.gov/staticfiles/nti/buses/pdf/SelectingSchoolBusStopLocations.pdf>.

³ *Id.*

⁴ DOE, Florida Public School Bus Transportation-related Fatalities Multi-Year Summary (Updated 10/13/10).

⁵ *Id.*

⁶ Schieber RA, Vegega ME Reducing childhood pedestrian injuries: summary of a multidisciplinary conference. *Injury Prevention*, 2002; 8:13-110. See http://www.cdc.gov/ncipc/pub-res/childhood_pedestrian/child_pedestrian.htm.

⁷ s. 1006.22(12)(c), F.S.

⁸ *Manual on Uniform Traffic Control Devices*, U.S. Department of Transportation, Federal Highway Administration, <http://mutcd.fhwa.dot.gov/pdfs/2009/mutcd2009edition.pdf>.

⁹ s. 1006.22(12)(c), F.S.

¹⁰ DOE, April 4, 2011, on file with the Education Pre-K – 12 committee.

review all stop locations. The DOE also notes that all school bus operators are trained and instructed to report hazards at stops.

According to the DOE, in 2009-2010, school districts reported that there were 293,126 public school bus stops in Florida.¹¹ There were 14,988 public school buses in daily service in 2009-2010, equating to an average of 40 stops per day per bus (20 physical locations, morning and afternoon).¹²

Failure to Stop for a School Bus

A person commits a moving violation if he or she is driving a vehicle and fails to stop when approaching any school bus while the bus is displaying a stop signal.¹³ A violation of this offense is punishable as provided in ch. 318, F.S. Currently, there is a minimum \$100 civil penalty and an additional \$65 civil penalty for a driver who has been found guilty by the court for failing to stop for a school bus.¹⁴ The DHSMV must suspend the driver's license of any person who commits a second or subsequent violation of this section within a 5-year period for not less than 90 days and not more than six months.

Section 316.172(1)(b), F.S., provides that a person commits a moving violation if the person passes a school bus on the side children enter and exit while the bus is displaying a stop signal. A violation of this offense is punishable as provided in ch. 318, F.S., and requires a mandatory hearing. Section 318.18(5)(b), F.S., assesses a minimum \$200 civil penalty and an additional \$65 civil penalty for a violation of s. 316.172(1)(b), F.S. In addition, the DHSMV must suspend the driver's license of any person who commits a violation of this section for not less than 180 days and not more than one year for a second or subsequent offense within a five year period.

According to the DHSMV, in 2009, there were 3,533 citations for failure to stop for a school bus (s. 316.172(1)(a), F.S.) and 295 citations for passing a stopped school bus (s. 316.172(1)(b), F.S.). This data is based on law enforcement citations. Reports of illegal "pass-by" of the school bus by bus operators or other non-law enforcement witnesses can be used for information and analysis, but not to find the offending motorist in violation of the law or impose consequences.¹⁵ In 2000, a Florida study by the Center for Urban Transportation Research found that there were 10,719 reported instances of motorists illegally passing school buses on the day of the survey.¹⁶ There were 14,108 public school buses in daily service at that time.¹⁷

Driver Improvement Courses

Section 322.0261, F.S., requires the DHSMV to identify any operator who was convicted of or who plead nolo contendere to a first violation of failure to stop for or pass a stopped school bus displaying a stop signal and require that operator, in addition to other applicable penalties, to attend a DHSMV-approved driver improvement course in order to maintain driving privileges. If

¹¹ *Id.*

¹² *Id.*

¹³ s. 316.172(1)(a), F.S.

¹⁴ s. 318.18(5)(a)(c), F.S.

¹⁵ DOE, 2011 Bill Analysis: SB 2036, March 30, 2011, on file with the Senate Education Committee.

¹⁶ Center for Urban Transportation Research, School Bus Stop-Arm Violations in Florida: A Follow-up Study (July 2000) available at http://www.cutr.usf.edu/pubs/Stop_arm_viol_follow.pdf.

¹⁷ *Id.*

the operator fails to complete the course within 90 days after receiving notice from the DHSMV, the operator's driver license is canceled by the DHSMV until the course is successfully completed. In determining whether to approve a driver improvement course, the DHSMV considers course content designed to promote safety, driver awareness, crash avoidance techniques, and other factors or criteria to improve driver performance from a safety viewpoint.

Trauma Centers

A verified trauma center (center) is a hospital with an established trauma program which includes health care practitioners who specialize in the treatment of emergency conditions and facilities appropriate to treat those patients.¹⁸ Part II of Chapter 395, F.S., provides for a tiered system of center verification within the 19 trauma service areas established in s. 395.402, F.S. The Florida Department of Health (DOH) selects hospitals for center designation through an application process. Standards for designation are based on national guidelines established by the American College of Surgeons.¹⁹ Standards for designation as a pediatric center are developed in conjunction with Children's Medical Services.²⁰ Florida's centers treat over 40,000 patients annually.²¹

There are three types of centers:

- Level I centers which have formal trauma care research and education programs, provide support to Level II and pediatric centers and general hospitals, and participate in an inclusive system of trauma care.²²
- Level II centers which serve as a resource for general hospitals and participate in an inclusive system of trauma care.²³
- Pediatric centers which must be in substantial compliance with DOH rules relating to pediatric trauma center operation.²⁴

There are a total of 21 verified centers in Florida: seven Level I centers; eight Level II centers, four Level II and Pediatric centers, and two Pediatric only centers.²⁵ A center may have more than one designation, for example, St. Mary's Medical Center in West Palm Beach carries both a Level II and a Pediatric center designation. Additionally, one provisional center exists in Ft. Pierce, Florida.

Centers are partially funded by traffic infraction fines deposited into the Administrative Trust Fund (Trust Fund) within the DOH. Currently, as provided in s. 318.18(5)(c), F.S., the

¹⁸ DOH, *The Costs of Trauma Center Readiness*, July 17, 2002, on file with the Transportation Committee.

¹⁹ s. 395.401(2), F.S. Section 395.4025, F.S., delineates the DOH verified trauma center designation process. Detailed DOH standards for designation are found in *Trauma Center Standards, Department of Health, Pamphlet 150-9, January 2008*, see <http://www.doh.state.fl.us/DEMO/Trauma/PDFs/TraumaCntrStandards-DOHPamphlet150-9Jan2008.pdf> (last visited Feb. 6, 2012).

²⁰ *Id.*

²¹ DOH, Division of Emergency Medical Operations, Office of Trauma, see <http://www.doh.state.fl.us/DEMO/Trauma/index.html> (last visited Feb. 6, 2012).

²² s. 395.4001(6), F.S.

²³ s. 395.4001(7), F.S.

²⁴ s. 395.4001(9), F.S.

²⁵ DOH, Division of Emergency Medical Operations, Office of Trauma, see <http://www.doh.state.fl.us/DEMO/Trauma/PDFs/TextEquivforTraumaCentersMap.doc> (last visited Feb. 6, 2012).

Department of Revenue (DOR) deposits \$65 of the \$165 or \$265 traffic citation fine for failure to stop for a school bus or passing a school bus, respectively, assessed by law enforcement officers, into the DOH Emergency Medical Services Trust Fund for distribution to trauma centers. The DOH distributes these funds on a quarterly basis to centers based on a distribution methodology, as provided in s. 395.4036, F.S. The distribution methodology requires:

- Thirty percent to Level II trauma centers operated by a public hospital governed by an elected board of directors as of December 31, 2008.²⁶
- Thirty-five percent to centers based on a center's trauma caseload for the most recent calendar year for which data is available. The determination of caseload volume for distribution of funds is based on DOH's Trauma Registry data.²⁷
- Thirty-five percent to centers based on the severity of a center's caseload. Severity determination is made by DOH according to the International Classification Injury Severity Scores.²⁸

Verified trauma centers are either subject to audit under s. 215.97, F.S., the Florida Single Audit Act, or, if not subject to audit requirements, must annually attest to DOH that proceeds from distributions under s. 395.4036, F.S., were used in compliance with that section.²⁹ Currently, traffic fine revenues do not directly fund any other type of health care facility or entity.

III. Effect of Proposed Changes:

School Bus Safety Program

Generally, this bill creates the "School Bus Safety Program" and provides a definition of the term "school bus traffic infraction detector." The bill authorizes the use of cameras to enforce the requirements of s. 316.172(1)(a) and s. 316.172(1)(b), F.S., for failing to stop for a school bus when so directed.

Section 1. Amends s. 316.003, F.S., to provide a definition of the term "school bus traffic infraction detector." Specifically, a "school bus traffic infraction detector" is defined as a vehicle sensor installed to work in conjunction with a school bus and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of a motor vehicle at the time the vehicle passes a school bus in violation of s. 316.172(1)(a) or s. 316.172(1)(b), F.S. Any notification under s. 316.0084(1)(b), F.S., or traffic citation issued by the use of a school bus traffic infraction detector must include a photograph, video feed, or other recorded image showing both the license tag of the offending vehicle and the school bus stop signal being violated.

Section 2. Amends s. 316.008, F.S., to authorize a Florida school district to deploy school bus infraction detectors on its school buses for enforcing s. 316.172(1)(a), or s. 316.172(1)(b), F.S., when a driver fails to stop upon approaching any school bus which displays a stop signal. A

²⁶ s. 395.4036(1)(b)1., F.S.

²⁷ s. 395.4036(1)(b)2., F.S.

²⁸ s. 395.4036(1)(b)3., F.S. The International Classification Injury Severity Score (ICISS) is a mathematical ratio used to predict and score patient survival from severe injuries. Rule 64J-2.019, F.A.C., provides for classifications of trauma patients based on the ICISS scoring system.

²⁹ s. 395.4036(3), F.S.

school district would coordinate the issuance of traffic citations with the Florida Highway Patrol, local sheriff's office, local police department, local school board, if applicable, or any other entity having the authority and jurisdiction to enforce the traffic laws and within the particular school district, as provided in ss. 316.006 and 316.640, F.S.

Section 3. Creates s. 316.0084, F.S., to provide:

Notifications and Citations

If a traffic infraction detector identifies a person violating ss. 316.172(1)(a) or 316.172(1)(b), F.S., the visual information is captured and reviewed by a traffic infraction enforcement officer. The bill provides that a notification must be issued to the registered owner of the vehicle by first class mail within 10 days of the alleged infraction. The notice must be accompanied by a photograph or other recorded image of the violation, and must include a statement of the vehicle owner's right to review images or video of the violation, and the time, place, and Internet location where the evidence may be reviewed.

If the registered owner of the vehicle does not submit payment within 30 days of receipt of the notification described above, the traffic infraction enforcement officer must issue a traffic citation to the owner. A citation must be mailed by certified mail and must be issued no later than 45 days after the violation. The citation must also include the photograph and statements described above regarding a review of the photographic or video evidence. The report of an officer and images provided by a traffic infraction detector are admissible in court to provide a rebuttable presumption that the vehicle was used in a violation.

Affirmative Defenses

The registered owner of the motor vehicle is responsible for payment of the fine unless the owner can establish that the vehicle:

- Passed the bus at the direction of a law enforcement officer;
- Was, at the time of the violation, in the care, custody, or control of another person; or
- Received a Uniform Traffic Citation (UTC) for the alleged violation issued by a law enforcement officer.

To establish any of these affirmative defenses, the owner of the vehicle must furnish an affidavit to the appropriate governmental entity that provides detailed information supporting an exemption as provided above, including relevant documents such as a police report (if the car had been reported stolen) or a copy of the UTC, if issued. If the owner submits an affidavit that another driver was behind the wheel, the affidavit must contain the name, address, date of birth, and if known, the driver's license number, of the driver. A traffic citation may be issued to this person, and the affidavit from the registered owner may be used as evidence in a further proceeding regarding that person's alleged violation of ss. 316.172(1)(a) or 316.172(1)(b), F.S. Submission of a false affidavit is a second degree misdemeanor.

If a vehicle is leased, the owner of the leased vehicle is not responsible for paying the citation, nor is the owner required to submit an affidavit, if the motor vehicle is registered in the name of the lessee.

Fines

The bill increases the penalty for a violation of s. 316.172(1)(a), F.S., when a driver has failed to stop for a school bus when so directed, from \$100 to \$200. The fine for a violation of s. 316.172(1)(b), F.S., remains at \$200. The additional \$65 civil penalty still applies for either violation. Therefore, violations of both s. 316.172(1)(a), or s. 316.172(1)(b), F.S., results in a penalty of \$265, regardless of whether the citation is issued by a law enforcement officer or a traffic infraction enforcement officer through the use of a school bus traffic infraction detector.

For violations detected through the use of a traffic infraction detector, the total penalty is \$265, if the penalty is paid within 30 days of notification. However, if the penalty is not paid within 30 days of notification and a traffic citation is issued, the total penalty is \$265, plus court costs and fees of up to \$98, depending on the county where the offense occurs.

Oversight and Accountability

Beginning in 2014, each school district that operates a traffic infraction detector is required to submit an annual report to the DHSMV. Thereafter, the DHSMV must submit a summary report and recommendations to the Governor and the Legislature.

Section 4. Creates s. 316.07457, F.S., to provide that the detectors deployed by a school district must meet requirements established by the DHSMV and must be tested at regular intervals according to specifications prescribed by the DHSMV. The DHSMV must establish the specifications by December 31, 2012.

Section 5. Creates s. 316.0777, F.S., to allow the placement and installation of school bus traffic infraction detectors on school buses when permitted by the DHSMV.

Section 6. Amends s. 316.640, F.S., to authorize traffic infraction enforcement officers to issue uniform traffic citations for violations of ss. 316.172(1)(a) and 316.172(1)(b), F.S., when a driver fails to stop upon approaching any school bus which displays a stop signal and when identified by school bus traffic infraction detectors.

Section 7. Amends s. 316.650, F.S., to specify that procedures relating to issuance of traffic citations under s. 316.0084, F.S., shall be identical to existing procedures for other specified sections of law. Specifically, this section requires a traffic infraction enforcement officer to provide by electronic transmission a replica of the citation data (when issued under s. 316.0084, F.S.) to the court having jurisdiction over the alleged offense or its traffic violations bureau within five business days after the issuance date of the citation to the violator.

Section 8. Amends s. 318.14, F.S., to provide an exception from provisions requiring a person cited for an infraction for failing to stop upon approaching any school bus which displays a stop signal (when issued under s. 316.0084, F.S.,) to sign and accept a citation indicating a promise to appear.

Section 9. Amends s. 318.18(5), F.S., to increase the penalty for a violation of s. 316.172(1)(a), F.S., when a driver has failed to stop for a school bus when so directed, from \$100 to \$200. The fine for a violation of s. 316.172(1)(b), F.S., remains at \$200. The additional \$65 civil penalty still applies for either violation. Therefore, violations of both s. 316.172(1)(a), F.S., or s. 316.172(1)(b), F.S., result in a penalty of \$265.

For violations detected through the use of a traffic infraction detector, the total penalty is \$265, if the penalty is paid within 30 days of notification. However, if the penalty is not paid within 30 days of notification and a traffic citation is issued, the total penalty is \$265, plus court costs and fees of up to \$98, depending on the county where the offense occurs.

This section changes the distribution of penalties if the citation is issued by a law enforcement officer for violations of ss. 316.172(1)(a) or 316.172(1)(b), F.S.

The bill provides that if a person presents documentation from the appropriate governmental entity that the citation was issued in error, the clerk of the court may dismiss the case, and may not charge for such service.

Section 10. Creates s. 321.51, F.S., to authorize the DHSMV to use school bus traffic infraction detectors on any state road under the original jurisdiction of the FDOT, when permitted by the FDOT.

The purpose for, and meaning of section 10 of the bill is unclear. As written, this section grants the FDOT the power to allow (and by inference, to disallow) the use of images from school bus infraction detectors by the DHSMV to enforce s. 316.172(1)(a), F.S., or s. 316.172(1)(b), F.S., on state roads under the jurisdiction of the FDOT. It is not clear whether such permission is necessary for other entities (e.g., local sheriff's office, local police department, or local school board) to enforce these statutes or whether such permission is only necessary for enforcement activities that take place on state roads.

Section 11. Amends s. 322.27(3), F.S., to provide that violations of ss. 316.172(1)(a) or s. 316.172(1)(b), F.S., when a driver has failed to stop upon approaching a school bus displaying a stop signal, which are enforced by traffic infraction enforcement officers may not result in points assessed against the operator's driver's license, and may not be used for the purpose of setting motor vehicle insurance rates.

Section 12. Provides a severability clause.

Section 13. Provides an effective date of July 1, 2012.

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 increases the fine from \$100 to \$200 for a violation of s. 316.172(1)(a), F.S.

According to the DHSMV, in 2009, there were 3,533 citations for failure to stop for a school bus (s. 316.172(1)(a), F.S.) and 295 citations for passing a stopped school bus (s. 316.172(1)(b), F.S.). This data is based on law enforcement citations. As the use of school bus traffic infraction detection devices and the penalties for violations are made known, the frequency of these violations may decrease, improving the safety of school bus passengers.

To the extent that school districts choose to permit the use of traffic infraction detectors there may be a fiscal impact to the private sector. Traffic infraction detectors will increase the scope of a local government's enforcement of violations for failing to stop for a school bus and passing a stopped school bus; therefore, increasing the possibility of a motor vehicle owner receiving a citation for these violations. The fine for the violation is \$265.

C. Government Sector Impact:

Section 318.18(5), F.S., changes the distribution of penalties if the citation is issued by a law enforcement officer for violations of ss. 316.172(1)(a) or 316.172(1)(b), F.S.

Regardless of whether the citation is issued by a law enforcement officer or a traffic infraction enforcement officer through the use of a school bus traffic infraction detector, the \$265 penalty is distributed as follows:

- \$170 to the school district in which the violation occurred;
- \$65 to the DOH's Emergency Medical Services Trust Fund;
- \$15 to the DHSMV; and
- \$15 to the county or municipality issuing the notice or citation or the DHSMV if the department issued the notice or citation.

The bill increases the penalty for failing to stop for a school bus or passing a stopped school bus. To the extent the department and school districts choose to permit the use of school bus traffic infraction detectors, there will be a fiscal impact for the cost of the installation and maintenance of the devices, the amount of which will vary depending on the negotiated agreement with any private vendor providing the equipment.

There may be an increase in fine revenue for the school districts and local governments choosing to permit the use of traffic infraction detectors, the amount of which is indeterminate and reliant on driver awareness and future behavior.

The bill requires the DHSMV to adopt rules implementing specifications for installation, placement, and testing of school bus traffic infraction detectors.

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 Transportation on February 7, 2012:

The CS incorporated a technical amendment to clarify that funds collected as a result of fines are to be remitted to DOR for payment to the school district and the DHSMV Operating Trust Fund.

- B. **Amendments:**

None.

By the Committee on Transportation; and Senator Braynon

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1 A bill to be entitled
 2 An act relating to uniform traffic control; amending
 3 s. 316.003, F.S.; defining the term "school bus
 4 traffic infraction detector"; amending s. 316.008,
 5 F.S.; authorizing school districts to deploy school
 6 bus traffic infraction detectors under certain
 7 circumstances; creating s. 316.0084, F.S.; providing
 8 for use of school bus traffic infraction detectors to
 9 enforce specified provisions requiring a person
 10 driving a vehicle to stop when approaching a school
 11 bus displaying a stop signal; authorizing the
 12 Department of Highway Safety and Motor Vehicles, a
 13 county, or a municipality to authorize a traffic
 14 infraction enforcement officer to issue and enforce a
 15 citation for a violation of such provisions; requiring
 16 notification to be sent to the registered owner of the
 17 motor vehicle involved in the violation; providing
 18 requirements for the notification; providing for
 19 collection of penalties; providing for distribution of
 20 penalties collected; providing procedures for
 21 issuance, disposition, and enforcement of citations;
 22 providing for exemptions; providing that certain
 23 evidence is admissible for enforcement; providing
 24 penalties for submission of a false affidavit;
 25 providing that the act does not preclude the issuance
 26 of citations by law enforcement officers; requiring
 27 reports from participating school districts to the
 28 department; requiring the department to make reports
 29 to the Governor and Legislature; creating s.

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30 316.07457, F.S.; requiring school bus traffic
 31 infraction detectors to meet specifications
 32 established by the department; creating s. 316.0777,
 33 F.S.; providing for the placement and installation of
 34 detectors on school buses when permitted by and under
 35 the specifications of the department; amending s.
 36 316.640, F.S.; providing for authority of traffic
 37 enforcement officers appointed by the state or a
 38 police department or sheriff's department to enforce
 39 specified provisions; amending s. 316.650, F.S.;
 40 requiring a traffic enforcement officer to provide to
 41 the court a replica of the citation data by electronic
 42 transmission under certain conditions; amending s.
 43 318.14, F.S.; providing an exception from provisions
 44 requiring a person cited for an infraction for failing
 45 to stop upon approaching any school bus that displays
 46 a stop signal to sign and accept a citation indicating
 47 a promise to appear; amending s. 318.18, F.S.;
 48 increasing certain fines; providing for penalties for
 49 infractions enforced by a traffic infraction
 50 enforcement officer; providing for distribution of
 51 fines; allowing the clerk of court to dismiss certain
 52 cases upon receiving documentation that the uniform
 53 traffic citation was issued in error; creating s.
 54 321.51, F.S.; authorizing the Department of Highway
 55 Safety and Motor Vehicles to use school bus traffic
 56 infraction detectors under certain circumstances;
 57 amending s. 322.27, F.S.; providing that no points may
 58 be assessed against the driver's license for

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infractions enforced by a traffic infraction enforcement officer; providing that infractions enforced by a traffic infraction enforcement officer may not be used for purposes of setting motor vehicle insurance rates; providing for severability; providing an effective date.

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

Section 1. Subsection (89) is added to section 316.003, Florida Statutes, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(89) SCHOOL BUS TRAFFIC INFRACTION DETECTOR.—A vehicle sensor installed to work in conjunction with a school bus and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of a motor vehicle at the time the vehicle passes a school bus in violation of s. 316.172(1)(a) or (b). Any notification under s. 316.0084(1)(b) or traffic citation issued by the use of a school bus traffic infraction detector must include a photograph, video feed, or other recorded image showing both the license tag of the offending vehicle and the school bus stop signal being violated.

Section 2. Subsection (9) is added to section 316.008, Florida Statutes, to read:

316.008 Powers of local authorities.—

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(9) A school district may deploy school bus traffic infraction detectors on its school buses for purposes of enforcing s. 316.172(1)(a) or (b) when a driver fails to stop upon approaching any school bus that displays a stop signal. A school district deploying school bus traffic infraction detectors must coordinate the issuing of traffic citations with the Florida Highway Patrol, the local sheriff's office, the local police department, the local school board, if applicable, or other entity having the authority and jurisdiction to enforce the traffic laws of this state and within the particular school district as provided in ss. 316.006 and 316.640.

Section 3. Section 316.0084, Florida Statutes, is created to read:

316.0084 School Bus Safety Program; administration; report.—

(1) (a) For purposes of administering this section, the department, a county, or a municipality may authorize a traffic infraction enforcement officer under s. 316.640 to issue a traffic citation for a violation of s. 316.172(1)(a) or (b). This paragraph does not prohibit a review of information from a traffic infraction detector by an authorized employee or agent of the department, a county, or a municipality before issuance of the traffic citation by the traffic infraction enforcement officer. This paragraph does not prohibit the department, a county, or a municipality from issuing notification as provided in paragraph (b) to the registered owner of the motor vehicle involved in the violation of s. 316.172(1)(a) or (b).

(b) 1.a. Within 10 days after a violation, notification shall be sent to the registered owner of the motor vehicle

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involved in the violation specifying the remedies available under s. 318.14 and that the violator must pay the penalty of \$265 to the department, county, or municipality, or furnish an affidavit in accordance with paragraph (d), within 30 days following the date of the notification in order to avoid court fees, costs, and the issuance of a traffic citation. The notification shall be sent by first-class mail.

b. The notification under this paragraph must inform the owner that he or she has the right to review the photographic or electronic images or the streaming video evidence that constitutes a rebuttable presumption against the owner of the vehicle. The notice must state the time and place or Internet location where the evidence may be examined and observed.

2. Penalty amounts collected by the department, a county, or a municipality under this section, less the amount retained by the department, county, or municipality pursuant to subparagraph 3., shall be remitted to the Department of Revenue each week by means of electronic funds transfer. In addition to the payment, summary detail of the penalty amounts remitted shall be reported to the Department of Revenue.

3. A penalty amount of \$265 shall be assessed for a violation of s. 316.172(1)(a) or (b) when a driver has failed to stop upon approaching any school bus that displays a stop signal. Of that amount, \$15 shall be retained by the county or municipality issuing the notice or citation or retained by the department if the department issued the notice or citation, and \$250 shall be remitted to the Department of Revenue and disbursed as follows: \$170 shall be remitted to the school district in which the violation occurred; \$65 shall be deposited

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into the Emergency Medical Services Trust Fund of the Department of Health to be used as provided in s. 395.4036; and \$15 shall be deposited into the department's Operating Trust Fund.

(c)1.a. If payment has not been received within 30 days after notification under subparagraph (b)1., a traffic citation shall be issued by mailing the traffic citation by certified mail to the address of the registered owner of the motor vehicle involved in the violation.

b. Delivery of the traffic citation constitutes notification under this paragraph.

c. In the case of joint ownership of a motor vehicle, the traffic citation shall be mailed to the first name appearing on the registration, unless the first name appearing on the registration is a business organization, in which case the second name appearing on the registration may be used.

d. The traffic citation shall be mailed to the registered owner of the motor vehicle involved in the violation no later than 45 days after the date of the violation.

2. The citation under this paragraph must include a notice that the owner has the right to review, in person or remotely, the photographic or electronic images or the streaming video evidence that constitutes a rebuttable presumption against the owner of the vehicle. The notice must state the time and place or Internet location where the evidence may be examined and observed.

(d)1. The owner of the motor vehicle involved in the violation is responsible and liable for paying the uniform traffic citation issued for a violation of s. 316.172(1)(a) or (b), unless the owner can establish that:

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175 a. The motor vehicle passed the bus at the direction of a
 176 law enforcement officer;
 177 b. The motor vehicle was, at the time of the violation, in
 178 the care, custody, or control of another person; or
 179 c. A uniform traffic citation was issued by a law
 180 enforcement officer to the driver of the motor vehicle for the
 181 alleged violation of s. 316.172(1)(a) or (b).
 182 2. In order to establish such facts, the owner of the motor
 183 vehicle shall, within 30 days after the date of issuance of the
 184 traffic citation, furnish to the appropriate governmental entity
 185 an affidavit setting forth detailed information supporting an
 186 exemption as provided in this paragraph.
 187 a. An affidavit supporting an exemption under sub-
 188 paragraph 1.b. must include the name, address, date of birth,
 189 and, if known, the driver's license number of the person who
 190 leased, rented, or otherwise had care, custody, or control of
 191 the motor vehicle at the time of the alleged violation. If the
 192 vehicle was stolen at the time of the alleged offense, the
 193 affidavit must include the police report indicating that the
 194 vehicle was stolen.
 195 b. If a traffic citation for a violation of s.
 196 316.172(1)(a) or (b) was issued at the location of the violation
 197 by a law enforcement officer, the affidavit must include the
 198 serial number of the uniform traffic citation.
 199 3. Upon receipt of an affidavit supporting an exemption
 200 under sub-subparagraph 1.b., the person designated as having
 201 care, custody, and control of the motor vehicle at the time of
 202 the violation may be issued a traffic citation for a violation
 203 of s. 316.172(1)(a) or (b) when the driver failed to stop upon

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204 approaching any school bus that displays a stop signal. The
 205 affidavit is admissible in a proceeding pursuant to this section
 206 for the purpose of providing proof that the person identified in
 207 the affidavit was in actual care, custody, or control of the
 208 motor vehicle. The owner of a leased vehicle for which a traffic
 209 citation is issued for a violation of s. 316.172(1)(a) or (b) is
 210 not responsible for paying the traffic citation and is not
 211 required to submit an affidavit as specified in this subsection
 212 if the motor vehicle involved in the violation is registered in
 213 the name of the lessee of such motor vehicle.
 214 4. The submission of a false affidavit is a misdemeanor of
 215 the second degree, punishable as provided in s. 775.082 or s.
 216 775.083.
 217 (e) The photographic or electronic images or streaming
 218 video attached to or referenced in the traffic citation is
 219 evidence that a violation of s. 316.172(1)(a) or (b) has
 220 occurred and is admissible in any proceeding to enforce this
 221 section and raises a rebuttable presumption that the motor
 222 vehicle named in the report or shown in the photographic or
 223 electronic images or streaming video evidence was used in
 224 violation of s. 316.172(1)(a) or (b).
 225 (2) This section supplements the enforcement of s.
 226 316.172(1)(a) and (b) and does not prohibit a law enforcement
 227 officer from issuing a traffic citation for a violation of s.
 228 316.172(1)(a) or (b).
 229 (3)(a) Each school district that deploys a school bus
 230 traffic infraction detector shall submit a report by October 1,
 231 2014, and annually thereafter, to the department which details
 232 the results of using the school bus traffic infraction detector

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and the procedures for enforcement for the preceding state fiscal year. The information submitted by counties and municipalities must include statistical data and information required by the department to complete the report required under paragraph (b).

(b) On or before December 31, 2014, and annually thereafter, the department shall provide a summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the use and operation of traffic infraction detectors under this section, along with the department's recommendations and recommendations for any necessary legislation. The summary report must include a review of the information submitted to the department by counties and municipalities and must describe the enhancement of the traffic safety and enforcement programs.

Section 4. Section 316.07457, Florida Statutes, is created to read:

316.07457 Implementation.—Any school bus traffic infraction detector deployed by a school district on one or more of the buses in its fleet must meet specifications established by the department and must be tested at regular intervals according to specifications prescribed by the department. The department shall establish such specifications by December 31, 2012.

Section 5. Section 316.0777, Florida Statutes, is created to read:

316.0777 School bus traffic infraction detectors; placement and installation.—School bus traffic infraction detectors are allowed on the school buses of school districts when permitted by the department and under placement and installation

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specifications developed by the department.

Section 6. Paragraph (b) of subsection (1) and subsection (5) of section 316.640, Florida Statutes, are amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(b)1. The Department of Transportation has authority to enforce on all the streets and highways of this state all laws applicable within its authority.

2.a. The Department of Transportation shall develop training and qualifications standards for toll enforcement officers whose sole authority is to enforce the payment of tolls pursuant to s. 316.1001. ~~Nothing in~~ This subparagraph does not authorize a toll enforcement officer to carry a firearm ~~shall be construed to permit the carrying of firearms~~ or other weapons and does not authorize, ~~nor shall~~ a toll enforcement officer to make arrests ~~have arrest authority~~.

b. For the purpose of enforcing s. 316.1001, governmental entities, as defined in s. 334.03, which own or operate a toll facility may employ independent contractors or designate employees as toll enforcement officers; however, any such toll enforcement officer must successfully meet the training and qualifications standards for toll enforcement officers established by the Department of Transportation.

3. For the purpose of enforcing s. 316.0083 or s. 316.0084, the department may designate employees as traffic infraction enforcement officers. A traffic infraction enforcement officer must successfully complete instruction in traffic enforcement procedures and court presentation through the Selective Traffic

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291 Enforcement Program as approved by the Division of Criminal
 292 Justice Standards and Training of the Department of Law
 293 Enforcement, or through a similar program, but may not
 294 necessarily otherwise meet the uniform minimum standards
 295 established by the Criminal Justice Standards and Training
 296 Commission for law enforcement officers or auxiliary law
 297 enforcement officers under s. 943.13. This subparagraph does not
 298 authorize the carrying of firearms or other weapons by a traffic
 299 infraction enforcement officer and does not authorize a traffic
 300 infraction enforcement officer to make arrests. The department's
 301 traffic infraction enforcement officers must be physically
 302 located in the state.

303 (5) (a) Any sheriff's department or police department of a
 304 municipality may employ, as a traffic infraction enforcement
 305 officer, any individual who successfully completes instruction
 306 in traffic enforcement procedures and court presentation through
 307 the Selective Traffic Enforcement Program as approved by the
 308 Division of Criminal Justice Standards and Training of the
 309 Department of Law Enforcement, or through a similar program, but
 310 who does not necessarily otherwise meet the uniform minimum
 311 standards established by the Criminal Justice Standards and
 312 Training Commission for law enforcement officers or auxiliary
 313 law enforcement officers under s. 943.13. Any such traffic
 314 infraction enforcement officer who observes the commission of a
 315 traffic infraction or, in the case of a parking infraction, who
 316 observes an illegally parked vehicle may issue a traffic
 317 citation for the infraction when, based upon personal
 318 investigation, he or she has reasonable and probable grounds to
 319 believe that an offense has been committed which constitutes a

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320 noncriminal traffic infraction as defined in s. 318.14. In
 321 addition, any such traffic infraction enforcement officer may
 322 issue a traffic citation under s. 316.0083 or s. 316.0084. For
 323 purposes of enforcing s. 316.0083 or s. 316.0084, any sheriff's
 324 department or police department of a municipality may designate
 325 employees as traffic infraction enforcement officers. The
 326 traffic infraction enforcement officers must be physically
 327 located in the county of the respective sheriff's or police
 328 department.

329 (b) The traffic infraction enforcement officer shall be
 330 employed in relationship to a selective traffic enforcement
 331 program at a fixed location or as part of a crash investigation
 332 team at the scene of a vehicle crash or in other types of
 333 traffic infraction enforcement under the direction of a fully
 334 qualified law enforcement officer; however, it is not necessary
 335 that the traffic infraction enforcement officer's duties be
 336 performed under the immediate supervision of a fully qualified
 337 law enforcement officer.

338 (c) This subsection does not permit the carrying of
 339 firearms or other weapons, nor do traffic infraction enforcement
 340 officers have arrest authority other than the authority to issue
 341 a traffic citation as provided in this subsection.

342 Section 7. Subsection (3) of section 316.650, Florida
 343 Statutes, is amended to read:

344 316.650 Traffic citations.—

345 (3) (a) Except for a traffic citation issued pursuant to s.
 346 316.1001, ~~or~~ s. 316.0083, or s. 316.0084, each traffic
 347 enforcement officer, upon issuing a traffic citation to an
 348 alleged violator of any provision of the motor vehicle laws of

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349 this state or of any traffic ordinance of any municipality or
 350 town, shall deposit the original traffic citation or, in the
 351 case of a traffic enforcement agency that has an automated
 352 citation issuance system, the chief administrative officer shall
 353 provide by an electronic transmission a replica of the citation
 354 data to a court having jurisdiction over the alleged offense or
 355 with its traffic violations bureau within 5 days after issuance
 356 to the violator.

357 (b) If a traffic citation is issued pursuant to s.
 358 316.1001, a traffic enforcement officer may deposit the original
 359 traffic citation or, in the case of a traffic enforcement agency
 360 that has an automated citation system, may provide by an
 361 electronic transmission a replica of the citation data to a
 362 court having jurisdiction over the alleged offense or with its
 363 traffic violations bureau within 45 days after the date of
 364 issuance of the citation to the violator. If the person cited
 365 for the violation of s. 316.1001 makes the election provided by
 366 s. 318.14(12) and pays the \$25 fine, or such other amount as
 367 imposed by the governmental entity owning the applicable toll
 368 facility, plus the amount of the unpaid toll that is shown on
 369 the traffic citation directly to the governmental entity that
 370 issued the citation, or on whose behalf the citation was issued,
 371 in accordance with s. 318.14(12), the traffic citation will not
 372 be submitted to the court, the disposition will be reported to
 373 the department by the governmental entity that issued the
 374 citation, or on whose behalf the citation was issued, and no
 375 points will be assessed against the person's driver's license.

376 (c) If a traffic citation is issued under s. 316.0083 or s.
 377 316.0084, the traffic infraction enforcement officer shall

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378 provide by electronic transmission a replica of the traffic
 379 citation data to the court having jurisdiction over the alleged
 380 offense or its traffic violations bureau within 5 days after the
 381 date of issuance of the traffic citation to the violator.

382 Section 8. Subsection (2) of section 318.14, Florida
 383 Statutes, is amended to read:

384 318.14 Noncriminal traffic infractions; exception;
 385 procedures.—

386 (2) Except as provided in ss. 316.1001(2), and 316.0083,
 387 and 316.0084, any person cited for a violation requiring a
 388 mandatory hearing listed in s. 318.19 or any other criminal
 389 traffic violation listed in chapter 316 must sign and accept a
 390 citation indicating a promise to appear. The officer may
 391 indicate on the traffic citation the time and location of the
 392 scheduled hearing and must indicate the applicable civil penalty
 393 established in s. 318.18. For all other infractions under this
 394 section, except for infractions under s. 316.1001, the officer
 395 must certify by electronic, electronic facsimile, or written
 396 signature that the citation was delivered to the person cited.
 397 This certification is prima facie evidence that the person cited
 398 was served with the citation.

399 Section 9. Subsection (5) of section 318.18, Florida
 400 Statutes, is amended to read:

401 318.18 Amount of penalties.—The penalties required for a
 402 noncriminal disposition pursuant to s. 318.14 or a criminal
 403 offense listed in s. 318.17 are as follows:

404 (5) (a) Two ~~One~~ hundred dollars for a violation of s.
 405 316.172(1)(a), failure to stop for a school bus. If, at a
 406 hearing, the alleged offender is found to have committed this

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offense, the court shall impose a minimum civil penalty of \$200
~~\$100~~. In addition to this penalty, for a second or subsequent
 offense within a period of 5 years, the department shall suspend
 the driver's license of the person for not less than 90 days and
 not more than 6 months.

(b) Two hundred dollars for a violation of s.
 316.172(1)(b), passing a school bus on the side that children
 enter and exit when the school bus displays a stop signal. If,
 at a hearing, the alleged offender is found to have committed
 this offense, the court shall impose a minimum civil penalty of
 \$200. In addition to this penalty, for a second or subsequent
 offense within a period of 5 years, the department shall suspend
 the driver's license of the person for not less than 180 days
 and not more than 1 year.

(c) In addition to the penalty under paragraph (a) or
 paragraph (b), \$65 for a violation of s. 316.172(1)(a) or (b).
 If the alleged offender is found to have committed the offense,
 the court shall impose the civil penalty under paragraph (a) or
 paragraph (b) plus an additional \$65. As provided in s.
316.0084(1)(b)3., the additional \$65 collected under this
 paragraph shall be remitted to the Department of Revenue for
 deposit into the Emergency Medical Services Trust Fund of the
 Department of Health to be used as provided in s. 395.4036.

(d) The \$265 collected under paragraphs (a), (b), and (c)
shall be distributed as provided in s. 316.0084(1)(b)3.

(e) If a person who is cited for a violation of s.
316.172(1)(a) or (b), as enforced by a traffic infraction
enforcement officer under s. 316.0084, presents documentation
from the appropriate governmental entity that the traffic

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citation was in error, the clerk of court may dismiss the case,
and may not impose a charge for this service.

Section 10. Section 321.51, Florida Statutes, is created to
 read:

321.51 Authorization to use school bus traffic infraction
detectors.—When permitted by the Department of Transportation,
the Department of Highway Safety and Motor Vehicles may, under
s. 316.0084, use images from school bus traffic infraction
detectors to enforce s. 316.172(1)(a) or (b) when a driver fails
to stop upon approaching any school bus that displays a stop
signal on state roads, as defined in chapter 316, which are
under the original jurisdiction of the Department of
Transportation.

Section 11. Paragraph (d) of subsection (3) of section
 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke
 license.—

(3) There is established a point system for evaluation of
 convictions of violations of motor vehicle laws or ordinances,
 and violations of applicable provisions of s. 403.413(6)(b) when
 such violations involve the use of motor vehicles, for the
 determination of the continuing qualification of any person to
 operate a motor vehicle. The department is authorized to suspend
 the license of any person upon showing of its records or other
 good and sufficient evidence that the licensee has been
 convicted of violation of motor vehicle laws or ordinances, or
 applicable provisions of s. 403.413(6)(b), amounting to 12 or
 more points as determined by the point system. The suspension
 shall be for a period of not more than 1 year.

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465 (d) The point system shall have as its basic element a
 466 graduated scale of points assigning relative values to
 467 convictions of the following violations:
 468 1. Reckless driving, willful and wanton—4 points.
 469 2. Leaving the scene of a crash resulting in property
 470 damage of more than \$50—6 points.
 471 3. Unlawful speed resulting in a crash—6 points.
 472 4. Passing a stopped school bus—4 points.
 473 5. Unlawful speed:
 474 a. Not in excess of 15 miles per hour of lawful or posted
 475 speed—3 points.
 476 b. In excess of 15 miles per hour of lawful or posted
 477 speed—4 points.
 478 6. A violation of a traffic control signal device as
 479 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
 480 However, no points shall be imposed for a violation of s.
 481 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 482 stop at a traffic signal and when enforced by a traffic
 483 infraction enforcement officer. In addition, a violation of s.
 484 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 485 stop at a traffic signal and when enforced by a traffic
 486 infraction enforcement officer may not be used for purposes of
 487 setting motor vehicle insurance rates. Furthermore, no points
 488 shall be imposed for a violation of s. 316.172(1)(a) or (b) when
 489 a driver has failed to stop upon approaching any school bus that
 490 displays a stop signal and when enforced by a traffic infraction
 491 enforcement officer. In addition, a violation of s.
 492 316.172(1)(a) or (b) when a driver has failed to stop upon
 493 approaching any school bus that displays a stop signal and when

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494 enforced by a traffic infraction enforcement officer may not be
 495 used for purposes of setting motor vehicle insurance rates.
 496 7. All other moving violations (including parking on a
 497 highway outside the limits of a municipality)—3 points. However,
 498 no points shall be imposed for a violation of s. 316.0741 or s.
 499 316.2065(12); and points shall be imposed for a violation of s.
 500 316.1001 only when imposed by the court after a hearing pursuant
 501 to s. 318.14(5).
 502 8. Any moving violation covered above, excluding unlawful
 503 speed, resulting in a crash—4 points.
 504 9. Any conviction under s. 403.413(6)(b)—3 points.
 505 10. Any conviction under s. 316.0775(2)—4 points.
 506 Section 12. If any provision of this act or its application
 507 to any person or circumstance is held invalid, the invalidity
 508 does not affect other provisions or applications of this act
 509 which can be given effect without the invalid provision or
 510 application, and to this end the provisions of this act are
 511 severable.
 512 Section 13. 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 980

INTRODUCER: Education Pre-K – 12 Committee and Senator Margolis

SUBJECT: Discretionary Sales Surtaxes

DATE: February 14, 2012

REVISED: _____

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

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	☒	Statement of Substantial Changes
B. AMENDMENTS.....	☐	Technical amendments were recommended
	☐	Amendments were recommended
	☐	Significant amendments were recommended

I. Summary:

The bill amends s. 212.055(6), F.S., expanding the allowable use of the School Capital Outlay Surtax (SCOS) revenues. The bill also specifies that the expanded list of expenditures is not applicable to school districts currently levying the surtax, unless the district obtains approval of the voters by referendum to expand the uses of the SCOS proceeds. Additionally, if the SCOS is implemented for the expanded allowable uses, the bill requires a decrease in the current discretionary capital outlay property tax levy.

This bill substantially amends s. 212.055 of the Florida Statutes and creates an undesignated section of law.

II. Present Situation:

The School Capital Outlay Surtax (SCOS), more commonly known as the school half-cent sales tax, is a sales tax that may be levied by a school board via a resolution that is adopted by a

favorable vote of the electorate through a local referendum.¹ The SCOS may not exceed 0.5 percent.²

The resolution setting forth the SCOS must include a general description of the projects the tax proceeds will benefit.³ The proceeds may only be used for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses that have a useful life expectancy of five or more years, and any land acquisition, land improvement, design, and engineering costs associated with such facilities and campuses.⁴ Additionally, the plan for the projects must include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district.⁵ SCOS revenues may be used for the purpose of servicing bond indebtedness to finance authorized projects, and any accrued interest may be held in trust to finance such projects. However, the SCOS proceeds, including any accrued interest, cannot be used for operational expenses.⁶

Currently, the voters in 14 school districts have adopted school half-cent sales taxes that will generate an estimated \$346.5 million during the county fiscal year ending September 30, 2012.⁷ The following chart provides the estimated revenue from the school districts that have imposed the SCOS.⁸

School District	Effective Date	Tax Rate (percent)	Estimated Revenue
Bay	Jan. 1, 2011 to Dec. 31, 2020	.5	\$14,443,479
Calhoun	Jan. 1, 2009 to Dec. 31, 2018	.5	\$373,918
Escambia	Jan. 1, 2003 to Dec. 31, 2017	.5	\$19,783,694
Flagler	Jan. 1, 2003 to Dec. 31, 2012	.5	\$4,073,054
Hernando	Jan. 1, 2005 to Dec. 31, 2014	.5	\$7,897,587
Jackson	Jul. 1, 2006 to Dec. 31, 2015	.5	\$2,007,881
Leon	Jan. 1, 2003 to Dec. 31, 2012	.5	\$17,401,087
Manatee	Jan. 1, 2003 to Dec. 31, 2017	.5	\$22,023,612
Monroe	Jan. 1, 2006 to Dec. 31, 2015	.5	\$12,648,470
Orange	Jan. 1, 2003 to Dec. 31, 2015	.5	\$166,828,401
Polk	Jan. 1, 2004 to Dec. 31, 2018	.5	\$30,216,281
St. Lucie	Jan. 1, 2006 to Dec. 31, 2026	.5	\$12,476,274
Santa Rosa	Oct. 1, 1998 to Dec. 31, 2018	.5	\$6,251,530
Volusia	Jan. 1, 2002 to Dec. 16, 2016	.5	\$30,040,095
TOTAL			\$346,465,361

According to the Florida Department of Education (DOE), a school district may also receive a portion of the local government infrastructure surtax, based upon an interlocal agreement

¹ s. 212.055(6)(a), F.S.

² *Id.*

³ s. 212.055(6)(c), F.S.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Local Government Financial Information Handbook*, see <http://edr.state.fl.us/Content/local-government/reports/lghih11.pdf>. (October, 2011).

⁸ see *Id.* at 149 and 164-65.

between the county and the district school board.⁹ A county governing authority may levy either 0.5 percent or one-percent local government surtax.¹⁰ The DOE determined that 19 out of the 67 district school boards either imposed the voter approved SCOS or shared the local government infrastructure tax, totaling \$433,620,201 for capital improvements during the 2010-2011 fiscal year.¹¹ Further, the DOE estimates collections for capital outlay purposes for fiscal year 2011-2012 to total \$389,957,490.¹²

III. Effect of Proposed Changes:

The bill expands the potential uses of the School Capital Outlay Surtax (SCOS) proceeds by providing that the following additional uses are acceptable expenditures:

- New construction and modeling projects¹³ that are included in the district's educational plant survey;¹⁴
- Maintenance, renovation, and repair of existing school plants or of leased facilities to correct deficiencies;¹⁵
- Maintaining, securing, or upgrading technology equipment for schools;
- The purchase, lease-purchase, or lease of school buses;¹⁶
- The purchase, lease-purchase, or lease of new and replacement equipment;¹⁷
- Payments for educational facilities¹⁸ and sites due under a lease-purchase agreement not exceeding in the aggregate an amount equal to three-fourths of the proceeds from the millage levied by a district pursuant to s. 1011.71(2), F.S.¹⁹
- Payment of loans that are renewed annually with the consent of the lender and are for a period not to exceed four years with the purposes of:
 - Purchasing school buses, land, and equipment for educational purposes;

⁹ Florida Department of Education, 2012 Agency Bill Analysis of SB 980 (January 20, 2012). On file with the Senate Committee on Education Pre-K – 12.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ This includes projects that survey or surveys deem as needed under the rules of the State Board of Education pursuant to s. 1013.64(3)(b), F.S. and new construction of educational plant space pursuant to s. 1013.64(6)(b), F.S.

¹⁴ s. 1011.71(2)(a), F.S.; The requirements for educational plant surveys are specified in s. 1013.31, F.S.

¹⁵ s. 1011.71(2)(b), F.S.

¹⁶ s. 1011.71(2)(c), F.S.

¹⁷ s. 1011.71(2)(d), F.S. This includes computer hardware, as well as operating systems and software meeting certain criteria.

¹⁸ Section 1013.01(6), F.S. defines education facilities as the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by law and approved by boards.

¹⁹ s. 1011.71(2)(e), F.S.

- Addressing an emergency condition in an existing school plant that demands immediate correction in order to prevent further damage to the building or equipment; or
- Eliminating a safety hazard that constitutes an immediate danger to the students and other occupants.²⁰
- Payment of costs directly related to complying with state and federal environmental statutes, rules, and regulations governing school facilities;²¹
- Rental or lease of existing buildings or for conversion of these buildings for use as educational facilities;²²
- Payment of the cost of school buses when a school district contracts with a private entity to provide student transportation services;²³ and
- The costs of opening day collection for the library media center of a new school;²⁴

When using SCOS revenues for the additional purposes described in this bill, school boards must covenant to decrease the capital local school property tax²⁵ and maintain that tax at the reduced millage as long as the SCOS is in effect. However, the bill does not specify the amount of this property tax reduction.

The bill limits these additional uses of SCOS revenues to school districts that levy the surtax after July 1, 2012, unless the additional uses are approved by a majority vote of the electorate through a local referendum.

The bill provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²⁰ ss. 1011.71(2)(f), 1011.14, and 1011.15, F.S.

²¹ s. 1011.71(2)(g), F.S.

²² s. 1011.71(2)(h), F.S.

²³ s. 1011.71(2)(i), F.S.

²⁴ s. 1011.71(2)(j), F.S.

²⁵ s. 1011.71(2), F.S.

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

The bill expands the potential uses of the School Capital Outlay Surtax (SCOS) proceeds by adding new categories for expending these revenues. Thus, school districts will have greater flexibility in spending SCOS proceeds.

B. Private Sector Impact:

If additional school districts approve the SCOS by voter referendum, there may be an increase in local taxes.²⁶

C. Government Sector Impact:

According to the DOE, the bill necessitates updating the *Capital Outlay Manual* prepared by the Office of Educational Facilities to reflect the revisions.²⁷ Also, the bill requires minor revisions to the *5-year District facilities Work Plan User Manual* and 5-year district facilities work plan report form generated by the Educational Facilities Information Systems (EFIS).²⁸ However, the update and EFIS revisions can be handled as workload management issues using existing resources.²⁹

The DOE notes that this bill may help provide flexibility in the use of available revenues to meet capital outlay needs of the school districts.³⁰

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 Education Pre-K - 12 Committee on February 14, 2012:

The committee substitute limits the additional uses of the SCOS to those specifically listed in the bill and s. 1011.71(2), F.S. The committee substitute also requires school boards using the SCOS revenues for the newly allowable purposes to covenant to reduce property taxes.

²⁶ Florida Department of Education, 2012 Agency Bill Analysis of SB 980 (January 20, 2012). On file with the Senate Committee on Education Pre-K – 12.

²⁷ *Id.*

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.



769326

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/14/2012	.	
	.	
	.	
	.	

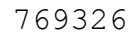
The Committee on Education Pre-K - 12 (Bullard) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (6) of section 212.055, Florida
Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent;
authorization and use of proceeds.—It is the legislative intent
that any authorization for imposition of a discretionary sales
surtax shall be published in the Florida Statutes as a
subsection of this section, irrespective of the duration of the
levy. Each enactment shall specify the types of counties



(6) SCHOOL CAPITAL OUTLAY SURTAX.—

(b) The resolution shall include a statement that provides a brief and general description of the new or existing school capital outlay projects to be funded by the surtax. The statement shall conform to the requirements of s. 101.161 and shall be placed on the ballot by the governing body of the county. The following question shall be placed on the ballot:

.....AGAINST THE CENTS TAX

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facilities and campuses which have a useful life expectancy of 5 or more years, and any land acquisition, land improvement, design, and engineering costs related thereto. Additionally, the plan shall include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district. Surtax revenues may be used for the purpose of servicing bond indebtedness to finance projects authorized by this subsection, and any interest accrued thereto may be held in trust to finance such projects. Neither the proceeds of the surtax nor any interest accrued thereto shall be used for operational expenses.

(d) The resolution may also set forth a plan for using the proceeds of the surtax to fund the expenses authorized under s. 1011.71(2). The plan may provide that the proceeds of the surtax, including interest accrued on the revenues of the surtax, shall be used for the expenses of maintaining, renovating, or repairing existing school facilities or for maintaining, securing, or upgrading capital technology equipment and infrastructure for schools. However, in order to use the surtax revenues for the purposes specified in this paragraph, a school board shall covenant to decrease the capital local school property tax levied pursuant to s. 1011.71(2) and to maintain that tax at the reduced millage for as long as the surtax is in effect.

(e) ~~(d)~~ Surtax revenues collected by the Department of Revenue pursuant to this subsection shall be distributed to the school board imposing the surtax in accordance with law.

Section 2. A school district that levies the surtax under s. 212.055(6), Florida Statutes, before July 1, 2012, may not



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use the surtax revenues for the additional purposes authorized
in this act unless the plan for such use is approved by a
majority vote of the electors of the county voting in a
referendum.

Section 3. 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 discretionary sales surtaxes;
amending s. 212.055, F.S.; expanding the purposes for
which revenues from the school capital outlay surtax
may be used; making the use of surtax revenues for
specified additional purposes contingent upon certain
school board actions relating to the reduction of
certain property taxes during the time surtax is in
effect; requiring approval of the electors in order to
use the surtax revenues for the additional purposes
authorized by the act; providing an effective date.

By Senator Margolis

35-00603C-12

2012980

A bill to be entitled

An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; renaming the school capital outlay surtax as the "school surtax"; expanding the purposes for which revenues from the surtax may be used; requiring approval of the electors in order to use the surtax revenues for the additional purposes authorized by the act; providing an effective date.

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

Section 1. Subsection (6) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(6) SCHOOL ~~CAPITAL-OUTLAY~~ SURTAX.—

(a) The school board in each county may levy, pursuant to resolution conditioned to take effect only upon approval by a

35-00603C-12

2012980

majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent.

(b) The resolution shall include a statement that provides a brief and general description of the new or existing school capital outlay projects to be funded by the surtax. The statement shall conform to the requirements of s. 101.161 and shall be placed on the ballot by the governing body of the county. The following question shall be placed on the ballot:

....FOR THE

....CENTS TAX

....AGAINST THE

....CENTS TAX

(c) The resolution providing for the imposition of the surtax shall set forth a plan for use of the surtax proceeds for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of 5 or more years, and any land acquisition, land improvement, design, and engineering costs related thereto. The resolution may also set forth a plan for using the proceeds of the surtax to fund the expenses authorized under s. 1011.71(2)-(5), including lease payments under outstanding or future lease purchase agreements pursuant to ss. 1001.42 and 1013.15. Additionally, the plan shall include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district. Surtax revenues may be used for the purpose of servicing bond

35-00603C-12

2012980

57 indebtedness to finance projects authorized by this subsection,
58 and any interest accrued thereto may be held in trust to finance
59 such projects. ~~Neither~~ The proceeds of the surtax, including ~~nor~~
60 ~~any~~ interest accrued on the revenues of the surtax, may also
61 ~~thereto shall~~ be used for the operational expenses of
62 maintaining, renovating, or repairing existing school
63 facilities, or maintaining, securing, or upgrading technology
64 equipment for schools.

65 (d) Surtax revenues collected by the Department of Revenue
66 pursuant to this subsection shall be distributed to the school
67 board imposing the surtax in accordance with law.

68 Section 2. A school district that levies the surtax under
69 s. 212.055(6), Florida Statutes, before July 1, 2012, may not
70 use the surtax revenues for the additional purposes authorized
71 in this act unless the plan for such use is approved by a
72 majority vote of the electors of the county voting in a
73 referendum.

74 Section 3. 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 1010

INTRODUCER: Senator Oelrich

SUBJECT: Career and Adult Education

DATE: February 14, 2012

REVISED: _____

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

I. Summary:

The bill creates “Action Steps to Employment,” strategic activities to be completed prior to the completion of the first term for students entering adult general education programs. This initiative would include, among other activities, identification of and strategies to acquire the knowledge and skills needed to attain employment.

Under the bill, students entering adult general education programs would be provided assistance from employment specialists, guidance counselors, business and industry representatives, and online resources. Online resources would include information on financial literacy, student financial aid, industry certification, and occupational skills and a listing of employment openings.

The bill authorizes district school boards and Florida College System (FCS) institutions to adjust up to ten percent of the intended learning outcomes in their respective career education programs. The flexibility would allow school districts and the FCS institutions to respond quickly to local workforce needs. The flexibility to adjust learning outcomes would not apply to career education programs that train students for occupations requiring state or federal licensure, certification, or registration.

The bill would establish that the one-half credit in economics required for high school graduation¹ include instruction in financial literacy. Financial literacy would also be included within the state adopted social studies curriculum standards.

¹ s. 1003.428(2)(a)4., F.S.

In addition, financial literacy would be included as a component of required instruction as outlined in current law.²

The bill also includes technical changes to career-related education terminology. The term “applied academics for adult education” would replace the term “vocational preparatory instruction,” as it relates to adult education instruction.

This bill amends sections 1003.41, 1003.42, 1003.428, 1003.429, 1003.433, 1004.02, 1004.91, 1004.92, 1004.93, 1007.263, 1007.271, 1008.37, 1009.22, and 1009.25 of the Florida Statutes.

II. Present Situation:

Adult Education

In 2009-2010, more than 340,000 individuals were enrolled in Adult Basic Education (ABE), General Educational Development (GED), Adult High School (AHS), and English for Speakers of Other Languages (ESOL) programs.³ According to the DOE, many of these students lack basic reading skills beyond the eighth-grade level,⁴ making it difficult for them to obtain employment beyond the entry-level. Many of these individuals are unable to secure a job at all.⁵

Current labor market trends indicate that a high school diploma alone will not provide sufficient skills in many areas of forecasted employment. It is projected that more than 70 percent of jobs created from 2006-2020 will require more than a high school diploma.⁶

In June 2008, DOE launched a “re-engineering of adult education programs.”⁷ The specific goal of the program is to increase the number and percentage of adult education students who enter postsecondary education and earn a degree, certificate, or industry credential and secure employment.

Current law encourages adult education services to include lifelong learning courses and activities that address community, social, and economic issues, as well as courses relating to recreational or leisure pursuits of the student.⁸ Current law stipulates that the cost of the recreational or leisure pursuit courses be borne by the enrollees.⁹

Financial Literacy

Section 1003.41 (1)(a)3, F.S., establishes curricular content for mathematics to include financial literacy standards. Financial literacy standards were previously included in mathematics courses

² s. 1003.42, F.S.

³ DOE Bill analysis, October 20, 2011. On file with the Senate Committee on Education Pre-K – 12.

⁴ More than 1.7 million adults in Florida have reading skills below the 8th grade level. See www.fldoe.org/workforce/adulted/pdf/AdultEd-StatePlan.pdf.

⁵ DOE Bill analysis, October 20, 2011. On file with the Senate Committee on Education Pre-K – 12.

⁶ See www.fldoe.org/workforce/dwdgrants/pdf/strategic_plan.pdf. See also <http://www.edweek.org/ew/articles/2011/06/09/34overview.h30.html?intc=EW-DC11-TOC>.

⁷ See http://www.fldoe.org/Workforce/dwdgrants/pdf/strategic_plan.pdf.

⁸ s. 1004.93(4), F.S.

⁹ s. 1004.93(2), F.S.

at the grade 9-12 level.¹⁰ Financial literacy content, however, is not included in the Common Core Standards for mathematics adopted by the SBE in July, 2010.¹¹

For purposes of high school graduation, students are required to earn three credits in social studies, which includes one-half credit in economics. Frameworks for current economics courses do not include financial literacy content and financial literacy content is not included in the newly developed Common Core Standards adopted by the SBE in July, 2010.¹² In order to ensure instruction in financial literacy, the DOE has proposed incorporating the content into an existing required course.¹³

III. Effect of Proposed Changes:

Adult General Education

The bill establishes an increased emphasis on the critical link between adult general education programs and gainful employment. The bill creates “Action Steps to Employment” activities for students entering adult general education programs after July 1, 2012. The activities must be completed prior to the end of the student’s first term. The activities include:

- Identification of employment opportunities using market-driven tools;
- Creation of a personalized employment goal;
- Completion of a personalized skill and knowledge inventory;
- Comparison of the results of the personalized skill and knowledge inventory with the knowledge and skills needed to attain the personalized employment goal; and
- Upgrading of skills and knowledge needed through adult general education programs and additional educational training, if needed, based on the employment goal.

Under the bill, the “Action Steps to Employment” would be developed through assistance provided by adult general education teachers, employment specialists, guidance counselors, business and industry representatives, and online resources. Students would be directed to online resources and provided information on financial literacy, student financial aid, industry certification, occupational skills, and a listing of employment openings.

The bill provides for a ten percent variance on the learning outcomes in non-regulated career education programs offered by local school districts and FCS institutions. This provision would provide flexibility for school districts and state colleges to develop curriculum and learning outcomes in response to local employer needs. Although the Division of Career and Adult Education currently reviews and updates career education curriculum frameworks every three years based on input from business and industry, some program standards and outcomes,

¹⁰ See <http://www.floridastandards.org/index.aspx>. MA.912.A.2.1, was formerly included in state adopted Next Generation Sunshine State Standards.

¹¹ Email correspondence with the DOE Deputy Chancellor for Educator Quality, February 1, 2012. On file with the Senate Committee on Education Pre-K – 12. Common Cores Standards, to date, have not been developed for content areas other than mathematics and reading/language arts. In order to ensure delivery of financial literacy instruction, the content has been integrated into the state standards for social studies, specifically economics for grades 9-12.

¹² See http://www.floridastandards.org/Standards/Common_Core_Standards.aspx.

¹³ Email correspondence with the DOE Deputy Chancellor for Educator Quality, February 1, 2012. On file with the Senate Committee on Education Pre-K – 12.

particularly in the Information Technology Cluster, change rapidly. This flexibility to adjust certain learning outcomes would allow education providers to respond more quickly to the changing needs of local employers.

Adult General Education is defined in law as "comprehensive instructional programs designed to improve the employability of the state's workforce through adult basic education..."¹⁴ and is supported through state funding. State funding is only provided for the programs currently included in the definition of adult general education and does not include financial support for lifelong learning and leisure pursuits. The bill would repeal the inclusion of lifelong learning courses or courses related to recreational or leisure pursuits within the definition of adult general education.¹⁵

Financial Literacy

The bill would require that financial literacy standards be included within the economics course required for high school graduation. The provision will ensure that the content is included within an appropriate course required for high school graduation, irrespective of the content not be included in the Common Core Standards for mathematics. The bill also provides a definition of financial literacy and requires that financial literacy be included in required instruction under s. 1003.42, F.S.

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.

¹⁴ s. 1004.02(3), F.S.

¹⁵ ch. 2011-63, L.O.F. amended s. 1009.25, F.S., to remove the adult general education fee exemption for students without a high school diploma or students who test at or below the eighth grade in basic skills.

B. Private Sector Impact:

The private sector may realize a financial benefit as the result adult general education being targeted more closely to local workforce needs.

C. Government Sector Impact:

According to the DOE, the costs associated with the development of the “Action Steps to Employment” would be minimal. Costs with respect to professional development for social studies teachers to incorporate financial literacy instruction within economics coursework is also minimal.¹⁶

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.

¹⁶ DOE Bill analysis, October 20, 2011. On file with the Senate Committee on Education Pre-K – 12.

By Senator Oelrich

14-00899-12

20121010__

1 A bill to be entitled
 2 An act relating to career and adult education;
 3 amending s. 1003.41, F.S.; requiring the Next
 4 Generation Sunshine State Standards to include
 5 financial literacy in the core curricular content of
 6 economics; amending s. 1003.42, F.S.; including the
 7 study of financial literacy in public school required
 8 instruction; amending ss. 1003.428 and 1003.429, F.S.;
 9 providing that the credit requirement in economics for
 10 high school graduation includes instruction in
 11 financial literacy; amending s. 1003.433, F.S.,
 12 relating to learning opportunities for certain
 13 transfer students and students needing additional
 14 instruction to meet high school graduation
 15 requirements; deleting provisions that exempt adult
 16 general education students from payment of tuition and
 17 fees; amending s. 1004.02, F.S.; revising definitions;
 18 replacing the term "vocational-preparatory"
 19 instruction with the term "applied academics for adult
 20 education" instruction with respect to adult general
 21 education; amending s. 1004.91, F.S.; conforming
 22 provisions relating to career education programs;
 23 deleting obsolete provisions; amending s. 1004.92,
 24 F.S.; authorizing district school boards and Florida
 25 College System institution boards of trustees to vary
 26 up to a specified percentage of intended learning
 27 outcomes of career education programs; amending s.
 28 1004.93, F.S.; deleting lifelong learning courses or
 29 activities and recreational or leisure courses as

Page 1 of 20

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

14-00899-12

20121010__

30 priorities in the provision of adult education program
 31 academic services; requiring students entering adult
 32 general education programs to complete specified
 33 "Action Steps to Employment" activities; amending ss.
 34 1007.263, 1007.271, 1008.37, 1009.22, and 1009.25,
 35 F.S.; conforming terminology to changes made by the
 36 act; providing an effective date.
 37
 38 Be It Enacted by the Legislature of the State of Florida:
 39
 40 Section 1. Paragraph (a) of subsection (1) of section
 41 1003.41, Florida Statutes, is amended to read:
 42 1003.41 Sunshine State Standards.—
 43 (1) Public K-12 educational instruction in Florida is based
 44 on the "Sunshine State Standards." The State Board of Education
 45 shall review the Sunshine State Standards and replace them with
 46 the Next Generation Sunshine State Standards that establish the
 47 core content of the curricula to be taught in this state and
 48 that specify the core content knowledge and skills that K-12
 49 public school students are expected to acquire. The Next
 50 Generation Sunshine State Standards must, at a minimum:
 51 (a) Establish the core curricular content for language
 52 arts, science, mathematics, and social studies, as follows:
 53 1. Language arts standards must establish specific
 54 curricular content for, at a minimum, the reading process,
 55 literary analysis, the writing process, writing applications,
 56 communication, and information and media literacy. The standards
 57 must include distinct grade level expectations for the core
 58 content knowledge and skills that a student is expected to have

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

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59 acquired by each individual grade level from kindergarten
 60 through grade 8. The language arts standards for grades 9
 61 through 12 may be organized by grade clusters of more than one
 62 grade level. The language arts standards must also identify
 63 significant literary genres and authors that encompass a
 64 comprehensive range of historical periods. Beginning with the
 65 2011-2012 school year, the reading portion of the language arts
 66 curriculum shall include civics education content for all grade
 67 levels. The State Board of Education shall, in accordance with
 68 the expedited schedule established under subsection (2), review
 69 and replace the language arts standards adopted by the state
 70 board in 2007 with Next Generation Sunshine State Standards that
 71 comply with this subparagraph.

72 2. Science standards must establish specific curricular
 73 content for, at a minimum, the nature of science, earth and
 74 space science, physical science, and life science. The standards
 75 must include distinct grade level expectations for the core
 76 content knowledge and skills that a student is expected to have
 77 acquired by each individual grade level from kindergarten
 78 through grade 8. The science standards for grades 9 through 12
 79 may be organized by grade clusters of more than one grade level.

80 3. Mathematics standards must establish specific curricular
 81 content for, at a minimum, algebra, geometry, probability,
 82 statistics, calculus, discrete mathematics, ~~financial literacy,~~
 83 and trigonometry. The standards must include distinct grade
 84 level expectations for the core content knowledge and skills
 85 that a student is expected to have acquired by each individual
 86 grade level from kindergarten through grade 8. The mathematics
 87 standards for grades 9 through 12 may be organized by grade

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88 clusters of more than one grade level.
 89 4. Social studies standards must establish specific
 90 curricular content for, at a minimum, geography, United States
 91 and world history, government, civics, economics to include
 92 financial literacy, and humanities. The standards must include
 93 distinct grade level expectations for the core content knowledge
 94 and skills that a student is expected to have acquired by each
 95 individual grade level from kindergarten through grade 8. The
 96 social studies standards for grades 9 through 12 may be
 97 organized by grade clusters of more than one grade level.

98 Section 2. Paragraph (u) is added to subsection (2) of
 99 section 1003.42, Florida Statutes, to read:

100 1003.42 Required instruction.—

101 (2) Members of the instructional staff of the public
 102 schools, subject to the rules of the State Board of Education
 103 and the district school board, shall teach efficiently and
 104 faithfully, using the books and materials required that meet the
 105 highest standards for professionalism and historic accuracy,
 106 following the prescribed courses of study, and employing
 107 approved methods of instruction, the following:

108 (u) Financial literacy, including the knowledge,
 109 understanding, skills, behaviors, attitudes, and values that
 110 will enable a student to make responsible and effective
 111 financial decisions in his or her daily life now and during
 112 adulthood.

113
 114 The State Board of Education is encouraged to adopt standards
 115 and pursue assessment of the requirements of this subsection.

116 Section 3. Paragraph (a) of subsection (2) of section

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1003.428, Florida Statutes, is amended to read:

1003.428 General requirements for high school graduation; revised.—

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

(a) Sixteen core curriculum credits:

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

2. 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. Beginning with students entering grade 9 in 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 as approved by the State Board of Education. Beginning with students entering grade 9 in the 2010-2011 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I) must be met in order for a student to earn the required credit in Algebra I. Beginning with students entering grade 9 in the 2011-2012 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I) must be met in order for a student to earn the required credit in geometry. Beginning with students entering grade 9 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 as approved by the State Board of Education.

3. Three credits in science, two of which must have a

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laboratory component. Beginning with students entering grade 9 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 as approved by the State Board of Education. Beginning with students entering grade 9 in the 2011-2012 school year, 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 chemistry or physics or a series of courses equivalent to chemistry or physics as approved by the State Board of Education, and one credit must be an equally rigorous course, as determined by the State Board of Education.

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

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

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 175 score of "C" or better. The competency test on personal fitness
 176 must be developed by the Department of Education. A district
 177 school board may not require that the one credit in physical
 178 education be taken during the 9th grade year. Completion of one
 179 semester with a grade of "C" or better in a marching band class,
 180 in a physical activity class that requires participation in
 181 marching band activities as an extracurricular activity, or in a
 182 dance class shall satisfy one-half credit in physical education
 183 or one-half credit in performing arts. This credit may not be
 184 used to satisfy the personal fitness requirement or the
 185 requirement for adaptive physical education under an individual
 186 education plan (IEP) or 504 plan. Completion of 2 years in a
 187 Reserve Officer Training Corps (R.O.T.C.) class, a significant
 188 component of which is drills, shall satisfy the one-credit
 189 requirement in physical education and the one-credit requirement
 190 in performing arts. This credit may not be used to satisfy the
 191 personal fitness requirement or the requirement for adaptive
 192 physical education under an individual education plan (IEP) or
 193 504 plan.

194 Section 4. Paragraphs (b) and (c) of subsection (1) of
 195 section 1003.429, Florida Statutes, are amended to read:

196 1003.429 Accelerated high school graduation options.—

197 (1) Students who enter grade 9 in the 2006-2007 school year
 198 and thereafter may select, upon receipt of each consent required
 199 by this section, one of the following three high school
 200 graduation options:

201 (b) Completion of a 3-year standard college preparatory
 202 program requiring successful completion of a minimum of 18
 203 academic credits in grades 9 through 12. At least 6 of the 18

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 204 credits required for completion of this program must be received
 205 in classes that are offered pursuant to the International
 206 Baccalaureate Program, the Advanced Placement Program, dual
 207 enrollment, Advanced International Certificate of Education, or
 208 specifically listed or identified by the Department of Education
 209 as rigorous pursuant to s. 1009.531(3). The 18 credits required
 210 for completion of this program shall be primary requirements and
 211 shall be distributed as follows:

212 1. Four credits in English, with major concentration in
 213 composition and literature;

214 2. Three credits and, beginning with students entering
 215 grade 9 in the 2010-2011 school year, four credits in
 216 mathematics at the Algebra I level or higher from the list of
 217 courses that qualify for state university admission. Beginning
 218 with students entering grade 9 in the 2010-2011 school year, in
 219 addition to the Algebra I credit requirement, one of the four
 220 credits in mathematics must be geometry or a series of courses
 221 equivalent to geometry as approved by the State Board of
 222 Education. Beginning with students entering grade 9 in the 2010-
 223 2011 school year, the end-of-course assessment requirements
 224 under s. 1008.22(3)(c)2.a.(I) must be met in order for a student
 225 to earn the required credit in Algebra I. Beginning with
 226 students entering grade 9 in the 2011-2012 school year, the end-
 227 of-course assessment requirements under s. 1008.22(3)(c)2.a.(I)
 228 must be met in order for a student to earn the required credit
 229 in geometry. Beginning with students entering grade 9 in the
 230 2012-2013 school year, in addition to the Algebra I and geometry
 231 credit requirements, one of the four credits in mathematics must
 232 be Algebra II or a series of courses equivalent to Algebra II as

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approved by the State Board of Education;

3. Three credits in science, two of which must have a laboratory component. Beginning with students entering grade 9 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 as approved by the State Board of Education. Beginning with students entering grade 9 in the 2011-2012 school year, 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 chemistry or physics or a series of courses equivalent to chemistry or physics as approved by the State Board of Education, and one credit must be an equally rigorous course, as approved by the State Board of Education;

4. Three credits in social sciences, which must include one credit in United States history, one credit in world history, one-half credit in United States government, and one-half credit in economics to include financial literacy;

5. Two credits in the same second language unless the student is a native speaker of or can otherwise demonstrate competency in a language other than English. If the student demonstrates competency in another language, the student may replace the language requirement with two credits in other academic courses; and

6. Three credits in electives and, beginning with students entering grade 9 in the 2010-2011 school year, two credits in

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electives; or

(c) Completion of a 3-year career preparatory program requiring successful completion of a minimum of 18 academic credits in grades 9 through 12. The 18 credits shall be primary requirements and shall be distributed as follows:

1. Four credits in English, with major concentration in composition and literature;

2. Three credits and, beginning with students entering grade 9 in the 2010-2011 school year, four credits in mathematics, one of which must be Algebra I. Beginning with students entering grade 9 in 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 as approved by the State Board of Education. Beginning with students entering grade 9 in the 2010-2011 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I) must be met in order for a student to earn the required credit in Algebra I. Beginning with students entering grade 9 in the 2011-2012 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I) must be met in order for a student to earn the required credit in geometry. Beginning with students entering grade 9 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 as approved by the State Board of Education;

3. Three credits in science, two of which must have a laboratory component. Beginning with students entering grade 9 in the 2011-2012 school year, one of the three credits in

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science must be Biology I or a series of courses equivalent to Biology I as approved by the State Board of Education. Beginning with students entering grade 9 in the 2011-2012 school year, 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 chemistry or physics or a series of courses equivalent to chemistry or physics as approved by the State Board of Education, and one credit must be an equally rigorous course, as approved by the State Board of Education;

4. Three credits in social sciences, which must include one credit in United States history, one credit in world history, one-half credit in United States government, and one-half credit in economics to include financial literacy;

5. Three credits in a single vocational or career education program, three credits in career and technical certificate dual enrollment courses, or five credits in vocational or career education courses; and

6. Two credits and, beginning with students entering grade 9 in the 2010-2011 school year, one credit in electives unless five credits are earned pursuant to subparagraph 5.

Any student who selected an accelerated graduation program before July 1, 2004, may continue that program, and all statutory program requirements that were applicable when the student made the program choice shall remain applicable to the

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student as long as the student continues that program.

Section 5. Paragraph (c) of subsection (2) of section 1003.433, Florida Statutes, is amended to read:

1003.433 Learning opportunities for out-of-state and out-of-country transfer students and students needing additional instruction to meet high school graduation requirements.—

(2) Students who have met all requirements for the standard high school diploma except for passage of the grade 10 FCAT or an alternate assessment by the end of grade 12 must be provided the following learning opportunities:

(c) Participation in an adult general education program as provided in s. 1004.93 for such time as the student requires to master English, reading, mathematics, or any other subject required for high school graduation. ~~Students attending adult basic, adult secondary, or vocational-preparatory instruction are exempt from any requirement for the payment of tuition and fees, including lab fees, pursuant to s. 1009.25.~~ A student attending an adult general education program shall have the opportunity to take the grade 10 FCAT an unlimited number of times in order to receive a standard high school diploma.

Section 6. Subsections (3) and (24) of section 1004.02, Florida Statutes, are amended to read:

1004.02 Definitions.—As used in this chapter:

(3) "Adult general education" means comprehensive instructional programs designed to improve the employability of the state's workforce through adult basic education, adult secondary education, English for Speakers of Other Languages, applied academics for adult education ~~vocational-preparatory~~ instruction, and instruction for adults with disabilities.

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(24) "Applied academics for adult education instruction" or "applied academics instruction" ~~"Vocational-preparatory instruction"~~ means adult general education through which persons attain academic and workforce readiness skills at the level of functional literacy (grade levels 6.0-8.9) or higher so that such persons may pursue technical certificate education or higher-level technical education.

Section 7. Section 1004.91, Florida Statutes, is amended to read:

1004.91 Career education program basic skills requirements ~~Career preparatory instruction.-~~

(1) The State Board of Education shall adopt, by rule, standards of basic skill mastery for completion of certificate career education programs. Each school district and Florida College System institution that conducts programs that confer career credit shall provide applied academics ~~career-preparatory~~ instruction through which students receive the basic skills instruction required pursuant to this section.

(2) Students who enroll in a program offered for career credit of 450 hours or more shall complete an entry-level examination within the first 6 weeks of admission into the program. The State Board of Education shall designate examinations that are currently in existence, the results of which are comparable across institutions, to assess student mastery of basic skills. Any student found to lack the required level of basic skills for such program shall be referred to applied academics ~~career-preparatory~~ instruction or another adult general basic ~~education~~ program for a structured program of basic skills instruction. Such instruction may include

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English for speakers of other languages. A student may not receive a career certificate of completion without first demonstrating the basic skills required in the state curriculum frameworks for the career education program.

(3) An adult student with a disability may be exempted from the provisions of this section. A student who possesses a college degree at the associate in applied science level or higher is exempt from this section. ~~A student who has completed or who is exempt from the college-level communication and computation skills examination pursuant to s. 1008.29, or who is exempt from the college entry level examination pursuant to s. 1008.29, is exempt from the provisions of this section.-~~ Students who have passed a state, national, or industry licensure exam aligned to the career education program in which a student is enrolled are exempt from this section. An adult student who is enrolled in an apprenticeship program that is registered with the Department of Education in accordance with the provisions of chapter 446 is exempt from the provisions of this section.

Section 8. Paragraph (c) is added to subsection (2) of section 1004.92, Florida Statutes, to read:

1004.92 Purpose and responsibilities for career education.-

(2)

(c) District school boards and Florida College System institution boards of trustees may vary up to 10 percent of the intended learning outcomes of each career education program. The variance does not apply to career education programs that train students for occupations requiring state or federal licensure, certification, or registration.

Section 9. Subsection (2) of section 1004.93, Florida

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Statutes, is amended, subsection (8) is renumbered as subsection (9), and a new subsection (8) is added to that section, to read:

1004.93 Adult general education.—

(2) The adult education program must provide academic services to students in the following priority:

(a) Students who demonstrate skills at less than a fifth grade level, as measured by tests approved for this purpose by the State Board of Education, and who are studying to achieve basic literacy.

(b) Students who demonstrate skills at the fifth grade level or higher, but below the ninth grade level, as measured by tests approved for this purpose by the State Board of Education, and who are studying to achieve functional literacy.

(c) Students who are earning credit required for a high school diploma or who are preparing for the General Educational Development test.

(d) Students who have earned high school diplomas and require specific improvement in order to:

1. Obtain or maintain employment or benefit from certificate career education programs;
2. Pursue a postsecondary degree; or
3. Develop competence in the English language to qualify for employment.

~~(e) Students who enroll in lifelong learning courses or activities that seek to address community social and economic issues that consist of health and human relations, government, parenting, consumer economics, and senior citizens.~~

~~(f) Students who enroll in courses that relate to the recreational or leisure pursuits of the students. The cost of~~

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~~courses conducted pursuant to this paragraph shall be borne by the enrollees.~~

(8) In order to accelerate the employment of adult education students, students entering adult general education programs after July 1, 2012, must complete the following "Action Steps to Employment" activities prior to the completion of the first term:

(a) Identify employment opportunities using market-driven tools.

(b) Create a personalized employment goal.

(c) Conduct a personalized skill and knowledge inventory.

(d) Compare the results of the personalized skill and knowledge inventory with the knowledge and skills needed to attain the personalized employment goal.

(e) Upgrade skills and knowledge needed through adult general education programs and additional educational pursuits based on the personalized employment goal.

The "Action Steps to Employment" may be developed through a blended approach with assistance provided to adult general education students by teachers, employment specialists, guidance counselors, business and industry representatives, and online resources. Students should be directed to online resources or provided information on financial literacy, student financial aid, industry certifications, and occupational skills and knowledge tools and a listing of job openings.

Section 10. Subsection (1) of section 1007.263, Florida Statutes, is amended to read:

1007.263 Florida College System institutions; admissions of

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 465 students.—Each Florida College System institution board of
 466 trustees is authorized to adopt rules governing admissions of
 467 students subject to this section and rules of the State Board of
 468 Education. These rules shall include the following:

469 (1) Admissions counseling shall be provided to all students
 470 entering college or career credit programs. Counseling shall
 471 utilize tests to measure achievement of college-level
 472 communication and computation competencies by all students
 473 entering college credit programs or tests to measure achievement
 474 of basic skills for career education programs as prescribed in
 475 s. 1004.91.

476
 477 Each board of trustees shall establish policies that notify
 478 students about, and place students into, adult basic education,
 479 adult secondary education, or other instructional programs that
 480 provide students with alternatives to traditional college-
 481 preparatory instruction, including private provider instruction.
 482 A student is prohibited from enrolling in additional college-
 483 level courses until the student scores above the cut-score on
 484 all sections of the common placement test.

485 Section 11. Subsection (2) of section 1007.271, Florida
 486 Statutes, is amended to read:

487 1007.271 Dual enrollment programs.—

488 (2) For the purpose of this section, an eligible secondary
 489 student is a student who is enrolled in a Florida public
 490 secondary school or in a Florida private secondary school which
 491 is in compliance with s. 1002.42(2) and conducts a secondary
 492 curriculum pursuant to s. 1003.43. Students enrolled in
 493 postsecondary instruction that is not creditable toward the high

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 494 school diploma shall not be classified as dual enrollments.
 495 Students who are eligible for dual enrollment pursuant to this
 496 section shall be permitted to enroll in dual enrollment courses
 497 conducted during school hours, after school hours, and during
 498 the summer term. Instructional time for such enrollment may vary
 499 from 900 hours; however, the school district may only report the
 500 student for a maximum of 1.0 FTE, as provided in s. 1011.61(4).
 501 Any student so enrolled is exempt from the payment of
 502 registration, tuition, and laboratory fees. Applied academics
 503 for adult education ~~Vocational preparatory~~ instruction, college-
 504 preparatory instruction, and other forms of precollegiate
 505 instruction, as well as physical education courses that focus on
 506 the physical execution of a skill rather than the intellectual
 507 attributes of the activity, are ineligible for inclusion in the
 508 dual enrollment program. Recreation and leisure studies courses
 509 shall be evaluated individually in the same manner as physical
 510 education courses for potential inclusion in the program.

511 Section 12. Subsection (2) of section 1008.37, Florida
 512 Statutes, is amended to read:

513 1008.37 Postsecondary feedback of information to high
 514 schools.—

515 (2) The Commissioner of Education shall report, by high
 516 school, to the State Board of Education, the Board of Governors,
 517 and the Legislature, no later than November 30 of each year, on
 518 the number of prior year Florida high school graduates who
 519 enrolled for the first time in public postsecondary education in
 520 this state during the previous summer, fall, or spring term,
 521 indicating the number of students whose scores on the common
 522 placement test indicated the need for remediation through

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523 applied academics instruction or college-preparatory ~~or~~
 524 ~~vocational-preparatory~~ instruction pursuant to s. 1004.91 or s.
 525 1008.30.

526 Section 13. Paragraph (a) of subsection (3) of section
 527 1009.22, Florida Statutes, is amended to read:

528 1009.22 Workforce education postsecondary student fees.—

529 (3)(a) Except as otherwise provided by law, fees for
 530 students who are nonresidents for tuition purposes must offset
 531 the full cost of instruction. Residency of students shall be
 532 determined as required in s. 1009.21. Fee-nonexempt students
 533 enrolled in applied academics for adult education ~~vocational-~~
 534 ~~preparatory~~ instruction shall be charged fees equal to the fees
 535 charged for adult general education programs. Each Florida
 536 College System institution that conducts college-preparatory and
 537 applied academics for adult education ~~vocational-preparatory~~
 538 instruction in the same class section may charge a single fee
 539 for both types of instruction.

540 Section 14. Paragraphs (c) and (d) of subsection (1) of
 541 section 1009.25, Florida Statutes, are amended to read:

542 1009.25 Fee exemptions.—

543 (1) The following students are exempt from the payment of
 544 tuition and fees, including lab fees, at a school district that
 545 provides postsecondary career programs, Florida College System
 546 institution, or state university:

547 (c) A student who is or was at the time he or she reached
 548 18 years of age in the custody of the Department of Children and
 549 Family Services or who, after spending at least 6 months in the
 550 custody of the department after reaching 16 years of age, was
 551 placed in a guardianship by the court. Such exemption includes

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552 fees associated with enrollment in applied academics for adult
 553 education ~~career-preparatory~~ instruction. The exemption remains
 554 valid until the student reaches 28 years of age.

555 (d) A student who is or was at the time he or she reached
 556 18 years of age in the custody of a relative under s. 39.5085 or
 557 who was adopted from the Department of Children and Family
 558 Services after May 5, 1997. Such exemption includes fees
 559 associated with enrollment in applied academics for adult
 560 education ~~career-preparatory~~ instruction. The exemption remains
 561 valid until the student reaches 28 years of age.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/14/12

Meeting Date

Topic Career and Adult Ed.

Bill Number 1010
(if applicable)

Name Gerard Robinson

Amendment Barcode _____
(if applicable)

Job Title Commissioner of Education

Address 325 W. Gaines St

Phone 850-245-7830

Tallahassee FL 32399
City State Zip

E-mail Gerard.Robinson@FLDOE.org

Speaking: ☒ For ☐ Against ☐ Information

Representing Department of Education

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

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 1368

INTRODUCER: Senator Gaetz

SUBJECT: High School Graduation

DATE: February 13, 2012

REVISED: _____

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

I. Summary:

The bill provides each student the option of graduating as soon as the student has earned 24 credits that meet high school graduation requirements. Students who graduate early will still be able to participate in high school graduation activities.

The bill allows school districts to receive funding for more than 24 credits if the student completed unpaid high school credit delivered by the district in prior year enrollment. The additional funding is up to one full-time equivalent (FTE) for students graduating one year early and up to one-half FTE for students who graduate one semester early. A student who graduates at the end of the first semester is eligible for a Bright Futures Scholarship to enter college in the spring term.

For purposes of calculating high school grades, the bill allows a school to earn bonus points for students who graduate early or who take additional science, technology, engineering, and mathematics (STEM) courses.

The bill provides for performance based funding. Credit is funded based on passing the statewide end-of-course (EOC) assessment without taking the course. High school credits for courses that require an EOC assessment, after the third year of administering the assessment, will be funded only upon passing the assessment.

The bill requires the Algebra I EOC assessment to be administered four times annually.

This bill substantially amends sections 1008.22, 1008.34, 1009.53, 1009.531, 1011.62 and creates section 1003.4281 of the Florida Statutes.

II. Present Situation:

Science, Technology, Engineering and Mathematics (STEM)

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.¹ The study found that "majors with high technical, business, and healthcare content tend to earn the most among both recent and experienced college graduates."²

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.³ According to a Georgetown University report analyzing STEM jobs by state, Florida will require a total of 385,010 STEM jobs by 2018,⁴ 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 at state universities in computer, computer services, information technology, software engineering, management information systems and related high tech fields.⁵

Prioritizing STEM in education is one of seven key steps in the Governor's 2012 Job Creation and Economic Growth Agenda.⁶ 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.⁷ The agenda cites Enterprise Florida's estimate that 15 of the 20 fastest growing job fields will require a STEM education.⁸

High School Graduation

Florida students entering their first year of high school may choose from one of the following five options to earn a standard diploma:⁹

- A four-year, 24-credit program;¹⁰

¹ 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.

² *Id.*, p. 6.

³ <http://www.techamericafoundation.org/cyberstates2011-florida>.

⁴ This number represents an increase of 62,450 jobs over the 2008 total of 322,560 jobs.

⁵ Florida State University Learning Systems Institute using state university system data, compiled October 2011.

⁶ 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/>.

⁷ *Id.*, p. 6.

⁸ *Id.*, p. 6.

⁹ A student may also graduate from high school with a GED, certificate of completion, or a special diploma.

¹⁰ s. 1003.428, F.S. The 24 credits may be earned through applied, integrated, and combined courses approved by the DOE. Sixteen of the 24 credits are core curriculum credits: four credits in English; 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; three credits in science, two of which must have a laboratory component; three credits in social studies; one credit in fine or performing arts, speech and debate, or a practical arts course that incorporates artistic content and techniques of creativity, interpretation, and

- An International Baccalaureate (IB) curriculum;¹¹
- An Advanced International Certificate of Education (AICE) curriculum;¹²
- A three-year, 18-credit college preparatory program;¹³ or
- A three-year, 18-credit career preparatory program.¹⁴

End-of Course Assessments

Beginning with students entering grade 9 in the 2011-2012 school year, a student who is enrolled in Algebra I or an equivalent course must earn a passing score on the assessment in Algebra I or attain an equivalent score to earn course credit.¹⁵ For the 2011-2012 school year, the Algebra I assessment will be administered during two testing windows (December/January and April/May). The Geometry and Biology I assessments will be administered in April/May.¹⁶

Beginning in the 2012 -2013 school year, the Algebra I EOC Assessment will be administered three times, in July, December, and April/May. In addition, the Geometry and Biology I EOC assessments will be administered twice, in December and April/ May.

High School Grades¹⁷

For Florida's high school grading system, the state assessment-based components are weighted at 50 percent of the high school grade,¹⁸ while the other 50 percent of the available school grade points are weighted toward component areas that directly measure, or are otherwise essential to, career and college readiness (i.e., graduation rate, participation and performance in advanced curricula, including national industry certifications), and postsecondary readiness in reading and mathematics.¹⁹ These additional components for measuring high school performance were implemented beginning in 2009-2010 to provide a more comprehensive measure of high schools' effectiveness in preparing students for success after graduation.

Currently, Florida calculates high school graduation rates for schools using a cohort method of tracking individual students in and out of the system from their entrance into ninth grade through completion four years later.²⁰ High schools are not currently awarded additional bonus point for students who graduate early from high school. Instead, high schools are awarded points based on the annual growth of their cohort graduation rate and the growth of their cohort graduation rate

imagination; and one credit in physical education to include integration of health. The remaining eight credits are electives. Beginning with students entering grade 9 in the 2011-2012 school year, at least one course within the 24 credits must be completed online.

¹¹ *Id.*

¹² *Id.*

¹³ s. 1003.429(1)(a) and (b), F.S. According to the DOE, the number of high school students, from 2007-2010, choosing to graduate based on the 18-hour college preparatory program and the 18-credit career preparatory program has declined from 140 students in 2006-2007 school year to 80 students in the 2009-2010 school year. DOE Bill Analysis for SB 1368, February 1, 2012. On file with the Senate Committee on Education Pre-K – 12.

¹⁴ s. 1003.429(1)(a) and (c), F.S.

¹⁵ s. 1008.22(3)(c)2.a.(I), F.S.

¹⁶ DOE Bill Analysis for SB 1368, February 1, 2012. On file with the Senate Committee on Education Pre-K – 12.

¹⁷ s. 1008.34(3)(b), F.S.

¹⁸ s. 1008.34(3)(b)1., F.S.

¹⁹ s. 1008.34(3)(b)3., F.S.

²⁰ DOE Bill Analysis for SB 1368, February 1, 2012. On file with the Senate Committee on Education Pre-K – 12.

for at-risk students. At-risk students are those students who scored at Level 2 or below on both the FCAT reading and FCAT math tests in grade eight.²¹

The high school grading formula does include points for accelerated course work participation for students in grades 9-12, which is based on Advanced Placement (AP), IB, AICE, dual enrollment, and industry certification²² exams and courses.²³ High schools earn points for this component regardless of what course the student is enrolled in.²⁴ In addition, high schools can earn points for their students' performance in accelerated course work.²⁵

Florida Bright Futures Scholarship Program

The law establishes three lottery-funded scholarships to reward Florida high school graduates for high academic achievement.²⁶ The Florida Bright Futures Scholarship Program is comprised of the following awards:

- Florida Academic Scholars award, including Academic Top Scholars (ATS) award;
- Florida Medallion Scholars award; and
- Florida Gold Seal Vocational Scholars award.

Current law authorizes the DOE to evaluate students annually for a Bright Futures Scholarship.²⁷ The evaluation is based upon transcripts reflecting completed and in-progress coursework at the end of the 7th or 8th semesters, community service hours, and SAT/ACT test scores taken up to January 30th or June 30th of the student's high school graduation year.²⁸

Each funded academic year begins in fall and ends with the spring term. The DOE transmits payment for each initial and renewal award to eligible postsecondary institutions before the registration period each term of each academic year.²⁹ The law provides for a renewal evaluation of a Bright Futures Scholar recipient after the passage of a full academic year, fall through spring.³⁰

Students must apply for a scholarship by high school graduation.³¹ Students file a Florida Financial Aid Application (FFAA) to be evaluated for academic eligibility for the subsequent academic year.³² A student who graduates in the 2012-2013 academic year would file a 2013-2014 FFAA for funding during any term in the 2013-2014 academic year, which begins fall 2013.³³

²¹ s. 1008.34(3)(b)3.d., F.S.

²² Industry courses and exams are those leading to national industry certification identified in the Industry Certification Funding List, pursuant to SBE rules.

²³ s. 1008.34(3)(b)3.b., F.S.

²⁴ DOE Bill Analysis for SB 1368, February 1, 2012. On file with the Senate Committee on Education Pre-K – 12.

²⁵ *Id.*

²⁶ s. 1009.53, F.S.

²⁷ *Id.* See <http://www.floridastudentfinancialaid.org/SSFAD/bf/awardamt.htm> and <http://www.floridastudentfinancialaid.org/SSFAD/factsheets/BF.htm>.

²⁸ DOE Bill Analysis for SB 1368, February 1, 2012. On file with the Senate Committee on Education Pre-K – 12.

²⁹ *Id.*

³⁰ s. 1009.532, F.S.

³¹ s. 1009.531(1)(f), F.S.

³² s. 1009.531, F.S. See https://www.floridastudentfinancialaidsg.org/UA/SAWSTUA_uaform.asp.

³³ DOE Bill Analysis for SB 1368, February 1, 2012. On file with the Senate Committee on Education Pre-K – 12.

III. Effect of Proposed Changes:

High School Graduation

The bill allows a student to graduate early, providing the minimum graduation requirements in s. 1003.428, F.S., have been satisfied. School districts would be required to notify the parent of a student who is eligible to graduate early.

A student who graduates early may continue to participate in school activities and events as if he or she was still enrolled, until the time at which the student would have been scheduled to satisfy the minimum graduation requirements. However, a student who fails to comply with district school board rules and policy may be denied access to the school facilities and grounds during normal operating hours.

End-of Course Assessments

The proposed change will require the DOE and school districts to administer the Algebra 1 EOC assessment four times annually.³⁴ According to the DOE, this would require amending the current assessment contract to include the additional test administration. The DOE notes that the earliest this could be accomplished would be the 2013-2014 school year when the necessary funding is approved and the contract is modified.³⁵

The changes for Algebra I and Geometry EOC assessments would be in place for one year since the state transitions to the Partnership for Assessment of Readiness for College and Careers (PARCC) assessments in 2014-2015. The PARCC assessments are based on the Common Core Standards and are scheduled to be fully implemented in the 2014-2015 school year.³⁶

High School Grades

Beginning in the 2012-2013 school year, the DOE must award bonus points for regular high school course completion data for the percentage of students who took additional courses in science³⁷ and mathematics³⁸ that exceeds the current high school graduation requirements.

³⁴ Currently, there are six statewide assessment administrations: Writing in February/March; Reading, Math, Science in April; FCAT/FCAT 2.0 Retakes in October; and the EOC assessments in December, July/August, and April/May). DOE Bill Analysis for SB 1368, February 1, 2012. On file with the Senate Committee on Education Pre-K – 12.

³⁵ *Id.*

³⁶ *Id.*

³⁷ Beginning with students entering grade 9 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 as approved by the State Board of Education (SBE). Beginning with students entering grade 9 in the 2011-2012 school year, the EOC assessment requirements 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 SBE, one credit must be chemistry or physics or a series of courses equivalent to chemistry or physics as approved by the SBE, and one credit must be an equally rigorous course, as determined by the SBE.

³⁸ Beginning with students entering grade 9 in 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 as approved by the SBE. Beginning with students entering grade 9 in the 2010-2011 school year, the EOC assessment requirements must be met in order for a student to earn the required credit in Algebra I. Beginning with students entering grade 9 in the 2011-2012 school year, the EOC assessment requirements must be met in order for a student to earn the required credit in geometry. Beginning with students entering grade 9 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, as approved by the SBE.

According to the DOE, this may result in students enrolling in additional courses that are not required for students to graduate to inflate the points they receive for the non-FCAT components of high school grades.³⁹ However, the bill requires the courses to be at a level of rigor that exceeds the general course requirements for high school graduation in s. 1003.428, F.S.

High schools are awarded points for participation and performance in accelerated coursework.⁴⁰ The proposed change would allow for the award of additional points to high schools if students take an AP or dual enrollment course in mathematics or science. Also, the DOE would award bonus points to high schools based on the percentage of students who graduate in fewer than eight semesters.

The DOE currently tracks the number of students who graduate from high school early based upon the 18-credit hour diploma option; however, the proposed change will require the bonus points to be awarded retroactively to schools if the cohort count of the 18-credit-hour diploma is used. The DOE notes that an annual count of the early graduates could be used for this bonus point calculation, instead of the cohort count because students who graduate early are not counted in the graduation rate until their four-year cohort graduation rate is calculated.⁴¹

Florida Bright Futures Scholarship Program

The DOE would evaluate students who graduate at midpoint of an academic year based upon official transcripts reflecting completed and in progress coursework, community service hours, and SAT/ACT test scores for academic eligibility for the spring term of that same academic year. The DOE would transmit payment for each initial award to eligible postsecondary institutions before the registration period for spring term.

Eligible Bright Futures students who graduate midpoint of an academic year and are funded in the spring term of that same academic year would be evaluated for renewal of an award at the end of the following spring term of the next academic year in which they are funded.

According to the DOE, students currently file the FFAA between December 1st and high school graduation up through August 31st of an academic year for evaluation for academic eligibility for the subsequent academic year.⁴² Students who graduate at the midpoint of an academic year will be required to file the FFAA by November 30th for academic eligibility and funding during the remainder of that academic year. The student who graduates midpoint of the 2012-13 academic year would file a 2012-13 FFAA for funding in the 2012-13 academic year.⁴³

The DOE noted that amending the filing date for the FFAA from November 30th to August 31st would allow appropriate time to efficiently use current staff and programs to collect necessary data (e.g., transcripts, test scores, and community service) and perform evaluations in time for mid-year graduates to receive scholarship funding from their respective postsecondary institutions.⁴⁴

³⁹ DOE Bill Analysis for SB 1368, February 1, 2012. On file with the Senate Committee on Education Pre-K – 12.

⁴⁰ s. 1008.34, F.S.

⁴¹ DOE Bill Analysis for SB 1368, February 1, 2012. On file with the Senate Committee on Education Pre-K – 12.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

The Bright Futures Scholarship applicants would be required to file the FFAA for evaluation of scholarship academic eligibility. Applicants would also need to file the Free Application for Federal Student Aid (FAFSA) to receive funding.

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 proposed change may increase the opportunities a student has to pass the Algebra I EOC Assessment, if the student initially failed the assessment. The early graduation option would permit a student to obtain a Bright Futures Scholarship in the spring.

C. Government Sector Impact:

The estimated cost of an additional EOC assessment administration is \$750,000 for one subject per year and funds would need to be allocated for a full-time staff member to assist with the additional administration, scoring, and reporting responsibilities.⁴⁵ The proposed change would increase the testing load in school districts.⁴⁶

Currently, a high school student earns Florida Education Finance Program (FEFP) funding at the rate of one-sixth of a full-time equivalent student for each course in which the student is enrolled. The maximum funding limit is six courses or 1.0 FTE. Enrollment in more than six courses does not result in funding for more than 1.0 FTE. The bill specifies that one high school credit is equivalent to one-sixth of an FTE. Under the bill, high school credits earned in excess of six per school year in courses provided by the district are defined as unpaid credits.

⁴⁵ DOE Bill Analysis for SB 1368, February 1, 2012. On file with the Senate Committee on Education Pre-K – 12.

⁴⁶ *Id.*

Under the bill, a student who graduates at least one semester in advance of the scheduled graduation of the student's cohort earns one-sixth of an FTE for each unpaid high school credit. For a student who graduates one year or more in advance of the student's cohort, the school district may report up to 1.0 FTE for unpaid high school credits. For a student who graduates one semester in advance of the student's cohort, the school district may report up to one-half FTE for unpaid high school credits. The number of courses in excess of six courses per day in which students enrolled during prior years is not known.

The number of students who would graduate early under the bill is not known. To the extent that a student graduates early, the district may earn funding for courses enrolled in during prior years that were in excess of the 1.0 FTE limit. The unpaid credits funding earned for early graduation would be approximately equal to the funding foregone as a result of early graduation.⁴⁷

Districts that authorize the accelerated graduation of a student may report additional FTE of unpaid credits for courses taken in prior years of enrollment. The number of students who will graduate early with 24 credits because of the financial incentives in the bill is unknown.

Typically, students remain enrolled in high school for four years, even if they meet graduation requirements early. Consequently, the state normally funds a high school student for four FTE. The bill may encourage districts to graduate a student who meets requirements early, as the student would no longer need to be enrolled for eight semesters in order for a district to earn four FTE for funding.

Districts that authorize the accelerated graduation of a student may report additional FTE of unpaid credits for courses taken in prior years of enrollments.

Currently, FTE for funding purposes is based only on seat time. The bill changes this to provide courses with EOC assessments to be funded only upon the award of the course credit, whether the student enrolled in the course or only took and passed the EOC assessment. If the student passes the EOC assessment, the district may report one-sixth of an FTE, subject to the 1.0 FTE per student limit. The number of students who would take EOC assessments without taking the course is not known.

The costs associated with revising FTE reporting requirements would be mitigated through modifications to the existing data systems.⁴⁸

VI. Technical Deficiencies:

The requirements for school grade bonus points are unclear as written. An amendment to lines 466-476 and 568-578 would clarify these requirements.

⁴⁷ *Id.*

⁴⁸ Meeting with DOE staff, January 27, 2012.

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.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/14/2012	.	
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	.	
	.	

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. Section 1002.3105, Florida Statutes, is created
to read:

1002.3105 Academically Challenging Curriculum to Enhance
Learning (ACCEL) options.—

(1) ACCEL OPTIONS.—

(a) Academically Challenging Curriculum to Enhance Learning
(ACCEL) options are educational options that provide
academically challenging curriculum or accelerated instruction



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to eligible public school students in kindergarten through grade
12.

(b)1. At a minimum, each school must offer the following
ACCEL options:

a. Whole-grade and midyear promotion;

b. Subject-matter acceleration;

c. Virtual instruction in higher grade level subjects; and

d. The Credit Acceleration Program under s. 1003.4295.

2. Additional ACCEL options may include, but are not
limited to:

a. Enriched science, technology, engineering, and
mathematics (STEM) coursework;

b. Enrichment programs;

c. Flexible grouping;

d. Advanced academic courses;

e. Combined classes;

f. Self-paced instruction;

g. Curriculum compacting;

h. Advanced-content instruction; and

i. Telescoping curriculum.

(2) ELIGIBILITY AND PROCEDURAL REQUIREMENTS.—

(a) Principal-determined eligibility requirements.—

1. Each principal must establish student eligibility
requirements for virtual instruction in higher grade level
subjects. Each principal must also establish student eligibility
requirements for whole-grade promotion, midyear promotion, and
subject-matter acceleration when the promotion or acceleration
occurs within the principal's school.

2. If a school offers enriched STEM coursework, enrichment



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programs, flexible grouping, advanced academic courses, combined classes, self-paced instruction, curriculum compacting, advanced-content instruction, telescoping curriculum, or an alternative ACCEL option established by the principal, the principal must establish student eligibility requirements therefor.

(b) School district-determined eligibility and procedural requirements.—A school district must establish student eligibility requirements and procedural requirements for any whole-grade promotion, midyear promotion, or subject-matter acceleration that would result in a student attending a different school. Student eligibility requirements and procedural requirements established by the school district must be included in the school district's comprehensive student progression plan under s. 1008.25.

(3) STUDENT ELIGIBILITY CONSIDERATIONS.—When establishing student eligibility requirements, principals and school districts must consider, at a minimum:

(a) The student's performance on a locally determined assessment, a statewide assessment, or a statewide, standardized assessment administered pursuant to s. 1008.22.

(b) The student's grade point average.

(c) The student's attendance and conduct record.

(d) Recommendations from one or more of the student's teachers in core-curricula courses as defined in s. 1003.01(14) (a) - (e).

(4) ACCEL REQUIREMENTS.—

(a) Each principal must inform parents and students of the ACCEL options available at the school and the student



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eligibility requirements for the ACCEL options established pursuant to paragraph (2) (a).

(b)1. Each principal must establish a process by which a parent may request student participation in whole-grade promotion, midyear promotion, and subject-matter acceleration when the promotion or acceleration occurs within the principal's school; virtual instruction in higher grade level subjects; or an alternative ACCEL option established by the principal. If the parent selects one of these ACCEL options and the student meets the eligibility requirements established by the principal pursuant to paragraph (2) (a), the student must be provided the opportunity to participate in the ACCEL option.

2. Each school district must establish a process by which a parent may request student participation in whole-grade promotion, midyear promotion, or subject-matter acceleration that would result in a student attending a different school. If the parent selects one of these ACCEL options and the student meets the eligibility and procedural requirements set forth in the district's comprehensive student progression plan, as required under paragraph (2) (b), the student must be provided the opportunity to participate in the ACCEL option.

(c) If a student participates in an ACCEL option pursuant to the parental request under subparagraph (b)1., a performance contract must be executed by the student, the parent, and the principal. At a minimum, the performance contract must require compliance with:

1. Minimum student attendance requirements.
2. Minimum student conduct requirements.
3. ACCEL option requirements established by the principal,



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which may include participation in extracurricular activities,
educational outings, field trips, interscholastic competitions,
and other activities related to the ACCEL option selected.

(d) If a principal initiates a student's participation in
an ACCEL option, the student's parent must be notified. A
performance contract, pursuant to paragraph (c), is not required
when a principal initiates participation but may be used at the
discretion of the principal.

Section 2. Paragraph (i) of subsection (1) of section
1003.02, Florida Statutes, is amended to read:

1003.02 District school board operation and control of
public K-12 education within the school district.—As provided in
part II of chapter 1001, district school boards are
constitutionally and statutorily charged with the operation and
control of public K-12 education within their school district.
The district school boards must establish, organize, and operate
their public K-12 schools and educational programs, employees,
and facilities. Their responsibilities include staff
development, public K-12 school student education including
education for exceptional students and students in juvenile
justice programs, special programs, adult education programs,
and career education programs. Additionally, district school
boards must:

(1) Provide for the proper accounting for all students of
school age, for the attendance and control of students at
school, and for proper attention to health, safety, and other
matters relating to the welfare of students in the following
fields:

(i) *Parental notification of acceleration options*



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~~mechanisms.~~—At the beginning of each school year and during
registration for the next term, notify parents of students in or
entering high school of the opportunity and benefits of advanced
placement, International Baccalaureate, Advanced International
Certificate of Education, dual enrollment, and Florida Virtual
School courses and options for early or accelerated high school
graduation under ss. 1003.4281 and 1003.429.

Section 3. Section 1003.4281, Florida Statutes, is created
to read:

1003.4281 Science, Technology, Engineering, and Mathematics
(STEM) High School Graduation Acceleration Act of 2012.—

(1) This section may be cited as the "Science, Technology,
Engineering, and Mathematics (STEM) High School Graduation
Acceleration Act of 2012."

(2) The purpose of this section is to provide an option in
which a student may select early graduation if the student has
completed a minimum of 24 credits and meets the graduation
requirements in s. 1003.428. For purposes of this section, the
term "early graduation" means graduating from high school in
less than 8 semesters or the equivalent.

(3) Each school district shall adopt a policy that provides
a high school student with the option of graduating early. Each
school district shall notify the parent of a student who is
eligible, pursuant to this section, to graduate early. A school
district may not prohibit a student who meets the requirements
of this section from graduating early.

(4) A student who graduates early is eligible to continue
participating in activities, awards, class rankings, social
events, and graduation events as if the student were still



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enrolled in high school as a regular high school student.
However, a school principal or superintendent may prevent a student from participating in these activities and events for reasons that would otherwise exclude a regularly enrolled student from participation. A student who graduates early may be denied access to the school facilities and grounds during normal operating hours unless the student complies with the rules and policies prescribed by the district school board.

(5) For the purposes of this section, a credit is equal to $\frac{1}{6}$ of an FTE. A student may earn up to 6 paid high school credits equivalent to 1 FTE per school year in grades 9 through 12 for courses provided by the school district. High school credits earned in excess of 6 per school year in courses provided by the school district are unpaid credits.

Section 4. Section 1007.27, Florida Statutes, is amended to read:

1007.27 Articulated acceleration mechanisms.—

(1) It is the intent of the Legislature that a variety of articulated acceleration mechanisms be available for secondary and postsecondary students attending public educational institutions. It is intended that articulated acceleration serve to shorten the time necessary for a student to complete the requirements associated with the conference of a high school diploma and a postsecondary degree, broaden the scope of curricular options available to students, or increase the depth of study available for a particular subject. Articulated acceleration mechanisms shall include, but are not ~~be~~ limited to, dual enrollment and early admission as provided for in s. 1007.271, ~~early admission~~, advanced placement, credit by



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examination, the International Baccalaureate Program, and the Advanced International Certificate of Education Program. Credit earned through the Florida Virtual School shall provide additional opportunities for early graduation and acceleration. Students of Florida public secondary schools enrolled pursuant to this subsection shall be deemed authorized users of the state-funded electronic library resources that are licensed for Florida College System institutions and state universities by the Florida Center for Library Automation and the College Center for Library Automation. Verification of eligibility shall be in accordance with rules established by the State Board of Education and regulations established by the Board of Governors and processes implemented by Florida College System institutions and state universities.

(2) The Department of Education shall annually identify and publish the minimum scores, maximum credit, and course or courses for which credit is to be awarded for each College Level Examination Program (CLEP) subject examination, College Board Advanced Placement Program examination, Advanced International Certificate of Education examination, and International Baccalaureate examination. The department shall use student performance data in subsequent postsecondary courses to determine the appropriate examination scores and courses for which credit is to be granted. Minimum scores may vary by subject area based on available performance data. In addition, the department shall identify such courses in the general education core curriculum of each state university and Florida College System institution.

(3) Each Florida College System institution and state



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university must award credit for specific courses for which competency has been demonstrated by successful passage of one of the examinations in subsection (2) unless the award of credit duplicates credit already awarded. Florida College System institutions and state universities may not exempt students from courses without the award of credit if competencies have been so demonstrated.

(4) It is the intent of the Legislature to provide articulated acceleration mechanisms for students who are in home education programs, as defined in s. 1002.01, consistent with the educational opportunities available to public and private secondary school students. Home education students may participate in dual enrollment, career dual enrollment, early admission, and credit by examination. Credit earned by home education students through dual enrollment shall apply toward the completion of a home education program that meets the requirements of s. 1002.41.

~~(5) Early admission shall be a form of dual enrollment through which eligible secondary students enroll in a postsecondary institution on a full-time basis in courses that are creditable toward the high school diploma and the associate or baccalaureate degree. Students enrolled pursuant to this subsection shall be exempt from the payment of registration, tuition, and laboratory fees.~~

~~(5)-(6)~~ Advanced placement is ~~shall be~~ the enrollment of an eligible secondary student in a course offered through the Advanced Placement Program administered by the College Board. Postsecondary credit for an advanced placement course is ~~shall be~~ limited to students who score a minimum of 3, on a 5-point



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scale, on the corresponding Advanced Placement Examination. The specific courses for which students receive such credit shall be identified in the statewide articulation agreement required by s. 1007.23(1). Students of Florida public secondary schools enrolled pursuant to this subsection are ~~shall be~~ exempt from the payment of any fees for administration of the examination regardless of whether or not the student achieves a passing score on the examination. For purposes of this subsection, an eligible public secondary student is a student who is enrolled in a Florida public secondary school, who demonstrates readiness for college-level coursework through achievement of a minimum score on a statewide assessment administered pursuant to s. 1008.22 or a common placement test administered pursuant to s. 1008.30, and who has a 3.0 unweighted grade point average in the related courses in which the student is requesting enrollment in an Advanced Placement course. The State Board of Education shall establish, by rule, the required minimum scores on statewide assessments and common placement tests.

(6) ~~(7)~~ Credit by examination shall be the program through which secondary and postsecondary students generate postsecondary credit based on the receipt of a specified minimum score on nationally standardized general or subject-area examinations. For the purpose of statewide application, such examinations and the corresponding minimum scores required for an award of credit shall be delineated by the State Board of Education and the Board of Governors in the statewide articulation agreement required by s. 1007.23(1). The maximum credit generated by a student pursuant to this subsection shall be mitigated by any related postsecondary credit earned by the



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student prior to the administration of the examination. This subsection shall not preclude Florida College System institutions and universities from awarding credit by examination based on student performance on examinations developed within and recognized by the individual postsecondary institutions.

(7)~~(8)~~ The International Baccalaureate Program shall be the curriculum in which eligible secondary students are enrolled in a program of studies offered through the International Baccalaureate Program administered by the International Baccalaureate Office. The State Board of Education and the Board of Governors shall specify in the statewide articulation agreement required by s. 1007.23(1) the cutoff scores and International Baccalaureate Examinations which will be used to grant postsecondary credit at Florida College System institutions and universities. Any changes to the articulation agreement, which have the effect of raising the required cutoff score or of changing the International Baccalaureate Examinations which will be used to grant postsecondary credit, shall only apply to students taking International Baccalaureate Examinations after such changes are adopted by the State Board of Education and the Board of Governors. Students shall be awarded a maximum of 30 semester credit hours pursuant to this subsection. The specific course for which a student may receive such credit shall be specified in the statewide articulation agreement required by s. 1007.23(1). Students enrolled pursuant to this subsection shall be exempt from the payment of any fees for administration of the examinations regardless of whether or not the student achieves a passing score on the examination.



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~~(8)-(9)~~ The Advanced International Certificate of Education Program and the International General Certificate of Secondary Education (pre-AICE) Program shall be the curricula in which eligible secondary students are enrolled in programs of study offered through the Advanced International Certificate of Education Program or the International General Certificate of Secondary Education (pre-AICE) Program administered by the University of Cambridge Local Examinations Syndicate. The State Board of Education and the Board of Governors shall specify in the statewide articulation agreement required by s. 1007.23(1) the cutoff scores and Advanced International Certificate of Education examinations which will be used to grant postsecondary credit at Florida College System institutions and universities. Any changes to the cutoff scores, which changes have the effect of raising the required cutoff score or of changing the Advanced International Certification of Education examinations which will be used to grant postsecondary credit, shall apply to students taking Advanced International Certificate of Education examinations after such changes are adopted by the State Board of Education and the Board of Governors. Students shall be awarded a maximum of 30 semester credit hours pursuant to this subsection. The specific course for which a student may receive such credit shall be determined by the Florida College System institution or university that accepts the student for admission. Students enrolled in either program of study pursuant to this subsection shall be exempt from the payment of any fees for administration of the examinations regardless of whether the student achieves a passing score on the examination.

Section 5. Paragraph (c) of subsection (3) of section



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1008.22, Florida Statutes, is amended to read:

1008.22 Student assessment program for public schools.—

(3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. The commissioner may enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may be initiated in 1 fiscal year and continue into the next and may be paid from the appropriations of either or both fiscal years. The commissioner is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed pursuant to law. Pursuant to the statewide assessment program, the commissioner shall:

(c) Develop and implement a student achievement testing program as follows:

1. The Florida Comprehensive Assessment Test (FCAT) measures a student's content knowledge and skills in reading, writing, science, and mathematics. The content knowledge and skills assessed by the FCAT must be aligned to the core curricular content established in the Next Generation Sunshine 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



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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 end-of-course assessment in Algebra I shall constitute 30 percent of the student's final course grade. Beginning with the 2012-2013 school year, the end-of-course assessment in Algebra I shall be administered four times annually. Beginning with students entering grade 9 in the 2011-2012 school year, a



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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-sub-paragraph. 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 assessment in civics education shall be administered as a field test at the middle school level. During the 2013-2014 school year, each student's performance on the statewide, standardized



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end-of-course assessment in civics education shall constitute 30 percent of the student's final course grade. Beginning with the 2014-2015 school year, a student must earn a passing score on the end-of-course assessment in civics education in order to pass the course and be promoted from the middle grades. The school principal of a middle school shall determine, in accordance with State Board of Education rule, whether a student who transfers to the middle school and who has successfully completed a civics education course at the student's previous school must take an end-of-course assessment in civics education.

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

d. Contingent upon funding provided in the General



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Appropriations Act, including the appropriation of funds received through federal grants, the Commissioner of Education shall establish an implementation schedule for the development and administration of additional statewide, standardized end-of-course assessments in English/Language Arts II, Algebra II, chemistry, physics, earth/space science, United States history, and world history. Priority shall be given to the development of end-of-course assessments in English/Language Arts II. The Commissioner of Education shall evaluate the feasibility and effect of transitioning from the grade 9 and grade 10 FCAT Reading and high school level FCAT Writing to an end-of-course assessment in English/Language Arts II. The commissioner shall report the results of the evaluation to the President of the Senate and the Speaker of the House of Representatives no later than July 1, 2011.

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

4. The testing program shall be composed of criterion-referenced tests that shall, to the extent determined by the



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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) or s. 1003.43(11)(b), students must earn a passing score on grade 10 FCAT Reading and grade 10 FCAT Mathematics or attain concordant scores as described in subsection (10) in order to qualify for a standard high school diploma.



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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 proficiency. Accommodations that negate the validity of a statewide assessment are not allowable in the administration of the FCAT or an end-of-course assessment. However, instructional



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accommodations are allowable in the classroom if included in a student's individual education plan. Students using instructional accommodations in the classroom that are not allowable as accommodations on the FCAT or an end-of-course assessment may have the FCAT or an end-of-course assessment requirement waived pursuant to the requirements of s. 1003.428(8)(b) or s. 1003.43(11)(b).

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

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

11. District school boards must provide opportunities for students to demonstrate an acceptable performance level on an alternative standardized assessment approved by the State Board of Education following enrollment in summer academies.



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

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

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

a. There is the latest possible administration of statewide assessments and the earliest possible reporting to the school districts of student test results which is feasible within available technology and specific appropriations; however, test results for the FCAT must be made available no later than the week of June 8. Student results for end-of-course assessments must be provided no later than 1 week after the school district



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completes testing for each course. The commissioner may extend the reporting schedule under exigent circumstances.

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

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

The commissioner may, based on collaboration and input from school districts, design and implement student testing programs, for any grade level and subject area, necessary to effectively monitor educational achievement in the state, including the measurement of educational achievement of the Next Generation Sunshine State Standards for students with disabilities. Development and refinement of assessments shall include universal design principles and accessibility standards that will prevent any unintended obstacles for students with disabilities while ensuring the validity and reliability of the test. These principles should be applicable to all technology platforms and assistive devices available for the assessments.



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The field testing process and psychometric analyses for the statewide assessment program must include an appropriate percentage of students with disabilities and an evaluation or determination of the effect of test items on such students.

Section 6. Subsection (3) of section 1008.34, Florida Statutes, is amended to read:

1008.34 School grading system; school report cards; district grade.—

(3) DESIGNATION OF SCHOOL GRADES.—

(a) Each school that has students who are tested and included in the school grading system shall receive a school grade, except as follows:

1. A school shall not receive a school grade if the number of its students tested and included in the school grading system is less than the minimum sample size necessary, based on accepted professional practice, for statistical reliability and prevention of the unlawful release of personally identifiable student data under s. 1002.22 or 20 U.S.C. s. 1232g.

2. An alternative school may choose to receive a school grade under this section or a school improvement rating under s. 1008.341. For charter schools that meet the definition of an alternative school pursuant to State Board of Education rule, the decision to receive a school grade is the decision of the charter school governing board.

3. A school that serves any combination of students in kindergarten through grade 3 which does not receive a school grade because its students are not tested and included in the school grading system shall receive the school grade designation of a K-3 feeder pattern school identified by the Department of



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Education and verified by the school district. A school feeder pattern exists if at least 60 percent of the students in the school serving a combination of students in kindergarten through grade 3 are scheduled to be assigned to the graded school.

(b)1. A school's grade shall be based on a combination of:

a. Student achievement scores, including achievement on all FCAT assessments administered under s. 1008.22(3)(c)1., end-of-course assessments administered under s. 1008.22(3)(c)2.a., and achievement scores for students seeking a special diploma.

b. Student learning gains in reading and mathematics as measured by FCAT and end-of-course assessments, as described in s. 1008.22(3)(c)1. and 2.a. Learning gains for students seeking a special diploma, as measured by an alternate assessment tool, shall be included not later than the 2009-2010 school year.

c. Improvement of the lowest 25th percentile of students in the school in reading and mathematics on the FCAT or end-of-course assessments described in s. 1008.22(3)(c)2.a., unless these students are exhibiting satisfactory performance.

2. Beginning with the 2011-2012 school year, for schools comprised of middle school grades 6 through 8 or grades 7 and 8, the school's grade shall include the performance and participation of its students enrolled in high school level courses with end-of-course assessments administered under s. 1008.22(3)(c)2.a. Performance and participation must be weighted equally. As valid data becomes available, the school grades shall include the students' attainment of national industry certification identified in the Industry Certification Funding List pursuant to rules adopted by the State Board of Education.

3. ~~Beginning with the 2009-2010 school year~~ For schools



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comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, 50 percent of the school grade shall be based on a combination of the factors listed in sub-subparagraphs 1.a.-c. and the remaining 50 percent on the following factors:

a. The high school graduation rate of the school;

b. As valid data becomes available, the performance and participation of the school's students in College Board Advanced Placement courses, International Baccalaureate courses, dual enrollment courses, and Advanced International Certificate of Education courses; and the students' achievement of national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education;

c. Postsecondary readiness of the school's students as measured by the SAT, ACT, or the common placement test;

d. The high school graduation rate of at-risk students who scored at Level 2 or lower on the grade 8 FCAT Reading and Mathematics examinations;

e. As valid data becomes available, the performance of the school's students on statewide standardized end-of-course assessments administered under s. 1008.22(3)(c)2.c. and d.; ~~and~~

f. The percentage of the school's students who earn credits in mathematics and science courses that must be:

(I) In excess of the requirements in s. 1003.428(2)(a)2. and 3.; and

(II) At a level of rigor exceeding the course requirements in s. 1003.428(2)(a)2. and 3.;

g. The percentage of students who graduate in less than 8 semesters or the equivalent; and



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709 ~~h.f.~~ The growth or decline in the components listed in sub-
710 subparagraphs a.-e. from year to year.

711
712 Beginning with the 2012-2013 school year, the Department of
713 Education shall award bonus points to each high school based on
714 the data in sub-subparagraphs f. and g.

715 (c) Student assessment data used in determining school
716 grades shall include:

717 1. The aggregate scores of all eligible students enrolled
718 in the school who have been assessed on the FCAT and statewide,
719 standardized end-of-course assessments in courses required for
720 high school graduation, including, beginning with the 2010-2011
721 school year, the end-of-course assessment in Algebra I; and
722 beginning with the 2011-2012 school year, the end-of-course
723 assessments in geometry and Biology; and beginning with the
724 2013-2014 school year, on the statewide, standardized end-of-
725 course assessment in civics education at the middle school
726 level.

727 2. The aggregate scores of all eligible students enrolled
728 in the school who have been assessed on the FCAT and end-of-
729 course assessments as described in s. 1008.22(3)(c)2.a., and who
730 have scored at or in the lowest 25th percentile of students in
731 the school in reading and mathematics, unless these students are
732 exhibiting satisfactory performance.

733 3. The achievement scores and learning gains of eligible
734 students attending alternative schools that provide dropout
735 prevention and academic intervention services pursuant to s.
736 1003.53. The term "eligible students" in this subparagraph does
737 not include students attending an alternative school who are



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subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice. The student performance data for eligible students identified in this subparagraph shall be included in the calculation of the home school's grade. As used in this subparagraph and s. 1008.341, the term "home school" means the school to which the student would be assigned if the student were not assigned to an alternative school. If an alternative school chooses to be graded under this section, student performance data for eligible students identified in this subparagraph shall not be included in the home school's grade but shall be included only in the calculation of the alternative school's grade. A school district that fails to assign the FCAT and end-of-course assessment as described in s. 1008.22(3)(c)2.a. scores of each of its students to his or her home school or to the alternative school that receives a grade shall forfeit Florida School Recognition Program funds for 1 fiscal year. School districts must require collaboration between the home school and the alternative school in order to promote student success. This collaboration must include an annual discussion between the principal of the alternative school and the principal of each student's home school concerning the most appropriate school assignment of the student.

4. The achievement scores and learning gains of students designated as hospital- or homebound. Student assessment data for students designated as hospital- or homebound shall be assigned to their home school for the purposes of school grades.



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As used in this subparagraph, the term "home school" means the school to which a student would be assigned if the student were not assigned to a hospital- or homebound program.

5. For schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the data listed in subparagraphs 1.-3. and the following data as the Department of Education determines such data are valid and available:

a. The high school graduation rate of the school as calculated by the Department of Education;

b. The participation rate of all eligible students enrolled in the school and enrolled in College Board Advanced Placement courses; International Baccalaureate courses; dual enrollment courses; Advanced International Certificate of Education courses; and courses or sequences of courses leading to national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education;

c. The aggregate scores of all eligible students enrolled in the school in College Board Advanced Placement courses, International Baccalaureate courses, and Advanced International Certificate of Education courses;

d. Earning of college credit by all eligible students enrolled in the school in dual enrollment programs under s. 1007.271;

e. Earning of a national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education;

f. The aggregate scores of all eligible students enrolled in the school in reading, mathematics, and other subjects as



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measured by the SAT, the ACT, and the common placement test for postsecondary readiness;

g. The high school graduation rate of all eligible at-risk students enrolled in the school who scored at Level 2 or lower on the grade 8 FCAT Reading and Mathematics examinations;

h. The performance of the school's students on statewide standardized end-of-course assessments administered under s. 1008.22(3)(c)2.c. and d.; ~~and~~

i. The percentage of the school's students who earn credits in mathematics and science courses that must be:

(I) In excess of the requirements in s. 1003.428(2)(a)2. and 3.; and

(II) At a level of rigor exceeding the course requirements in s. 1003.428(2)(a)2. and 3.;

j. The percentage of students who graduate in less than 8 semesters or the equivalent; and

k.~~i.~~ The growth or decline in the data components listed in sub-subparagraphs a.-h. from year to year.

Beginning with the 2012-2013 school year, the Department of Education shall award bonus points to each high school based on the data in sub-subparagraphs i. and j. The State Board of Education shall adopt appropriate criteria for each school grade. The criteria must also give added weight to student achievement in reading. Schools designated with a grade of "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students in the school who are in the lowest 25th percentile in reading and mathematics on the FCAT and end-of-course assessments as described in s.



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1008.22(3)(c)2.a., unless these students are exhibiting satisfactory performance. Beginning with the 2009-2010 school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the criteria for school grades must also give added weight to the graduation rate of all eligible at-risk students, as defined in this paragraph. Beginning in the 2009-2010 school year, in order for a high school to be designated as having a grade of "A," making excellent progress, the school must demonstrate that at-risk students, as defined in this paragraph, in the school are making adequate progress.

Section 7. Subsection (5) of section 1009.53, Florida Statutes, is amended to read:

1009.53 Florida Bright Futures Scholarship Program.—

(5) The department shall issue awards from the scholarship program annually. However, the department may evaluate students who graduate from high school at the midpoint of the academic year for an award, with distribution of the initial award during the spring term at an eligible postsecondary institution. The department shall evaluate a student for renewal of an award after the student completes a full academic year, which begins with the fall term through the beginning of the next fall term. Annual awards may be for up to 45 semester credit hours or the equivalent. Before the registration period each semester, the department shall transmit payment for each award to the president or director of the postsecondary education institution, or his or her representative, except that the department may withhold payment if the receiving institution fails to report or to make refunds to the department as required



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in this section.

(a) Within 30 days after the end of regular registration each semester, the educational institution shall certify to the department the eligibility status of each student who receives an award. After the end of the drop and add period, an institution is not required to reevaluate or revise a student's eligibility status; however, an institution must make a refund to the department within 30 days after the end of the semester of any funds received for courses dropped by a student or courses from which a student has withdrawn after the end of the drop and add period, unless the student has been granted an exception by the department pursuant to subsection (11).

(b) An institution that receives funds from the program shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 60 days after the end of regular registration.

(c) Each institution that receives moneys through this program shall provide for a financial audit, as defined in s. 11.45, conducted by an independent certified public accountant or the Auditor General for each fiscal year in which the institution expends program moneys in excess of \$100,000. At least every 2 years, the audit shall include an examination of the institution's administration of the program and the institution's accounting of the moneys for the program since the last examination of the institution's administration of the program. The report on the audit must be submitted to the department within 9 months after the end of the fiscal year. The department may conduct its own annual audit of an institution's administration of the program. The department may request a



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refund of any moneys overpaid to the institution for the program. The department may suspend or revoke an institution's eligibility to receive future moneys for the program if the department finds that an institution has not complied with this section. The institution must remit within 60 days any refund requested in accordance with this subsection.

(d) Any institution that is not subject to an audit pursuant to this subsection shall attest, under penalty of perjury, that the moneys were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.

Section 8. Paragraph (f) of subsection (1) of section 1009.531, Florida Statutes, is amended to read:

1009.531 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(1) Effective January 1, 2008, in order to be eligible for an initial award from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(f) Apply for a scholarship from the program by high school graduation. A student who graduates from high school at the midpoint of the academic year may be evaluated for an award for the current academic year if he or she submits a completed Florida Financial Aid Application by August 31 of his or her graduation year.

Section 9. Paragraph (c) of subsection (1) is of section 1011.61, Florida Statutes, is amended to read:

1011.61 Definitions.—Notwithstanding the provisions of s. 1000.21, the following terms are defined as follows for the



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purposes of the Florida Education Finance Program:

(1) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(c)1. A "full-time equivalent student" is:

a. A full-time student in any one of the programs listed in s. 1011.62(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 1011.62(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student in a combination of programs listed in s. 1011.62(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2. The difference between that fraction or sum of fractions and the maximum value as set forth in subsection (4) for each full-time student is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(II) A prekindergarten handicapped student shall meet the requirements specified for kindergarten students.

(III) A full-time equivalent student for students in kindergarten through grade 5 in a virtual instruction program under s. 1002.45 or a virtual charter school under s. 1002.33 shall consist of a student who has successfully completed a basic program listed in s. 1011.62(1)(c)1.a. or b., and who is



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promoted to a higher grade level.

(IV) A full-time equivalent student for students in grades 6 through 12 in a virtual instruction program under s. 1002.45(1)(b)1., 2., or 3. or a virtual charter school under s. 1002.33 shall consist of six full credit completions in programs listed in s. 1011.62(1)(c)1.b. or c. and 3. Credit completions may be a combination of full-credit courses or half-credit courses. Beginning in the 2014-2015 fiscal year, when s. 1008.22(3)(g) is implemented, the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an end-of-course assessment shall be adjusted after the student completes the end-of-course assessment.

(V) A Florida Virtual School full-time equivalent student shall consist of six full credit completions or the prescribed level of content that counts toward promotion to the next grade in the programs listed in s. 1011.62(1)(c)1.a. and b. for kindergarten through grade 8 and the programs listed in s. 1011.62(1)(c)1.c. for grades 9 through 12. Credit completions may be a combination of full-credit courses or half-credit courses. Beginning in the 2014-2015 fiscal year, when s. 1008.22(3)(g) is implemented, the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an end-of-course assessment shall be adjusted after the student completes the end-of-course assessment.

(VI) Each successfully completed full-credit course earned through an online course delivered by a district other than the one in which the student resides shall be calculated as 1/6 FTE.



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(VII) Each successfully completed credit earned under the alternative high school course credit requirements authorized in s. 1002.375, which is not reported as a portion of the 900 net hours of instruction pursuant to subparagraph (1)(a)1., shall be calculated as 1/6 FTE.

(VIII) (A) A full-time equivalent student for courses requiring statewide end-of-course assessments pursuant to s. 1008.22(3) shall be defined and reported as provided in s. 1011.61(1)(a)1. for the first 3 years of administering the end-of-course assessments. Beginning in the fourth year of administering the end-of-course assessments, FTE shall be credit-based and each course shall be equal to 1/6 FTE. The reported FTE shall be adjusted after the student completes the end-of-course assessment pursuant to s. 1008.22(3)(c)2.a.

(B) For students enrolled in a school district as a full-time student, the school district may report 1/6 FTE for each student who passes a statewide end-of-course assessment without having taken the corresponding course.

(C) The FTE earned under this sub-sub-sub-subparagraph and any FTE for courses or programs listed in s. 1011.62(1)(c) which do not require passing statewide end-of-course assessments are subject to the requirements in subsection (4).

2. A student in membership in a program scheduled for more or less than 180 school days or the equivalent on an hourly basis as specified by rules of the State Board of Education is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in



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programs scheduled for more than 180 days is limited to students enrolled in juvenile justice education programs and the Florida Virtual School.

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department to operate for less than the minimum school day.

Section 10. 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:

(a) *Determination of full-time equivalent membership.*—During each of several school weeks, including scheduled intersessions of a year-round school program during the fiscal year, a program membership survey of each school shall be made by each district by aggregating the full-time equivalent student membership of each program by school and by district. The department shall establish the number and interval of membership calculations, except that for basic and special programs such



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calculations shall not exceed nine for any fiscal year. The district's full-time equivalent membership shall be computed and currently maintained in accordance with regulations of the commissioner.

(b) *Determination of base student allocation.*—The base student allocation for the Florida Education Finance Program for kindergarten through grade 12 shall be determined annually by the Legislature and shall be that amount prescribed in the current year's General Appropriations Act.

(c) *Determination of programs.*—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of the two weighted cost factors for exceptional students with the highest levels of need. For these students, the funding support level shall fund the exceptional students' education program, with the exception of extended school year services for students with disabilities.

1. Basic programs.—

a. Kindergarten and grades 1, 2, and 3.

b. Grades 4, 5, 6, 7, and 8.

c. Grades 9, 10, 11, and 12.

2. Programs for exceptional students.—

a. Support Level IV.

b. Support Level V.

3. Secondary career education programs.—

4. English for Speakers of Other Languages.—

(d) *Annual allocation calculation.*—



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1. The Department of Education is authorized and directed to review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district for the K-12 FEFP.

2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 1001.42(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.

3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of two program groups. Group 1 shall be composed of basic programs for grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of students in exceptional student education programs support levels IV and V, English for Speakers of Other Languages programs, and all career programs in grades 9-12.

a. For any calculation of the FEFP, the enrollment ceiling for group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.

b. The weighted enrollment ceiling for group 2 programs shall be calculated by multiplying the enrollment for each program by the appropriate program weight as provided in the General Appropriations Act. The weighted enrollment ceiling for



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program group 2 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of Children and Family Services and the Department of Juvenile Justice.

c. If, for any calculation of the FEFP, the weighted enrollment for program group 2, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:

(I) The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.

(II) If the difference calculated under sub-sub-paragraph (I) is greater than zero for any program, a reduction proportion shall be computed for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program group exceeds the weighted enrollment ceiling for the program group.

(III) The reduction proportion calculated under sub-sub-paragraph (II) shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-sub-subparagraph (I).

(IV) The prorated reduction amount calculated under sub-sub-subparagraph (III) shall be subtracted from the program's weighted enrollment to produce a revised program weighted enrollment.

(V) The prorated reduction amount calculated under sub-sub-



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subparagraph (III) shall be divided by the appropriate program weight, and the result shall be added to the revised program weighted enrollment computed in sub-sub-subparagraph (IV).

(e) *Funding model for exceptional student education programs.*—

1.a. The funding model uses basic, at-risk, support levels IV and V for exceptional students and career Florida Education Finance Program cost factors, and a guaranteed allocation for exceptional student education programs. Exceptional education cost factors are determined by using a matrix of services to document the services that each exceptional student will receive. The nature and intensity of the services indicated on the matrix shall be consistent with the services described in each exceptional student's individual educational plan. The Department of Education shall review and revise the descriptions of the services and supports included in the matrix of services for exceptional students and shall implement those revisions before the beginning of the 2012-2013 school year.

b. In order to generate funds using one of the two weighted cost factors, a matrix of services must be completed at the time of the student's initial placement into an exceptional student education program and at least once every 3 years by personnel who have received approved training. Nothing listed in the matrix shall be construed as limiting the services a school district must provide in order to ensure that exceptional students are provided a free, appropriate public education.

c. Students identified as exceptional, in accordance with chapter 6A-6, Florida Administrative Code, who do not have a matrix of services as specified in sub-subparagraph b. shall



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generate funds on the basis of full-time-equivalent student membership in the Florida Education Finance Program at the same funding level per student as provided for basic students.

Additional funds for these exceptional students will be provided through the guaranteed allocation designated in subparagraph 2.

2. For students identified as exceptional who do not have a matrix of services and students who are gifted in grades K through 8, there is created a guaranteed allocation to provide these students with a free appropriate public education, in accordance with s. 1001.42(4)(m) and rules of the State Board of Education, which shall be allocated annually to each school district in the amount provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of FTE student membership in the Florida Education Finance Program, and the amount allocated for each school district shall not be recalculated during the year. These funds shall be used to provide special education and related services for exceptional students and students who are gifted in grades K through 8. Beginning with the 2007-2008 fiscal year, a district's expenditure of funds from the guaranteed allocation for students in grades 9 through 12 who are gifted may not be greater than the amount expended during the 2006-2007 fiscal year for gifted students in grades 9 through 12.

(f) *Supplemental academic instruction; categorical fund.*—

1. There is created a categorical fund to provide supplemental academic instruction to students in kindergarten through grade 12. This paragraph may be cited as the "Supplemental Academic Instruction Categorical Fund."

2. Categorical funds for supplemental academic instruction



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shall be allocated annually to each school district in the amount provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of FTE student membership in the Florida Education Finance Program and shall be included in the total potential funds of each district. These funds shall be used to provide supplemental academic instruction to students enrolled in the K-12 program. Supplemental instruction strategies may include, but are not limited to: modified curriculum, reading instruction, after-school instruction, tutoring, mentoring, class size reduction, extended school year, intensive skills development in summer school, and other methods for improving student achievement. Supplemental instruction may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.

3. Effective with the 1999-2000 fiscal year, funding on the basis of FTE membership beyond the 180-day regular term shall be provided in the FEFP only for students enrolled in juvenile justice education programs or in education programs for juveniles placed in secure facilities or programs under s. 985.19. Funding for instruction beyond the regular 180-day school year for all other K-12 students shall be provided through the supplemental academic instruction categorical fund and other state, federal, and local fund sources with ample flexibility for schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.



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4. The Florida State University School, as a lab school, is authorized to expend from its FEFP or Lottery Enhancement Trust Fund allocation the cost to the student of remediation in reading, writing, or mathematics for any graduate who requires remediation at a postsecondary educational institution.

5. Beginning in the 1999-2000 school year, dropout prevention programs as defined in ss. 1003.52, 1003.53(1)(a), (b), and (c), and 1003.54 shall be included in group 1 programs under subparagraph (d)3.

(g) *Education for speakers of other languages.*—A school district shall be eligible to report full-time equivalent student membership in the ESOL program in the Florida Education Finance Program provided the following conditions are met:

1. The school district has a plan approved by the Department of Education.

2. The eligible student is identified and assessed as limited English proficient based on assessment criteria.

3.a. An eligible student may be reported for funding in the ESOL program for a base period of 3 years. However, a student whose English competency does not meet the criteria for proficiency after 3 years in the ESOL program may be reported for a fourth, fifth, and sixth year of funding, provided his or her limited English proficiency is assessed and properly documented before ~~prior to~~ his or her enrollment in each additional year beyond the 3-year base period.

b. If a student exits the program and is later reclassified as limited English proficient, the student may be reported in the ESOL program for funding for an additional year, or extended annually for a period not to exceed a total of 6 years pursuant



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to this paragraph, based on an annual evaluation of the student's status.

4. An eligible student may be reported for funding in the ESOL program for membership in ESOL instruction in English and ESOL instruction or home language instruction in the basic subject areas of mathematics, science, social studies, and computer literacy.

(h) *Small, isolated high schools.*—Districts that ~~which~~ levy the maximum nonvoted discretionary millage, exclusive of millage for capital outlay purposes levied pursuant to s. 1011.71(2), may calculate full-time equivalent students for small, isolated high schools by multiplying the number of unweighted full-time equivalent students times 2.75; provided the school has attained a grade of "C" or better, pursuant to s. 1008.34, for the previous school year. For the purpose of this section, the term "small, isolated high school" means any high school that ~~which~~ is located no less than 28 miles by the shortest route from another high school; that ~~which~~ has been serving students primarily in basic studies provided by sub-subparagraphs (c)1.b. and c. and may include subparagraph (c)4.; and that ~~which~~ has a membership of no more than 100 students, but no fewer than 28 students, in grades 9 through 12.

(i) *Calculation of full-time equivalent membership with respect to dual enrollment instruction.*—Students enrolled in dual enrollment instruction pursuant to s. 1007.271 may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. Instructional time for dual enrollment may vary from 900 hours; however, the school district may only



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1260 report the student for a maximum of 1.0 full-time equivalent
1261 student membership, as provided in s. 1011.61(4). Dual
1262 enrollment full-time equivalent student membership shall be
1263 calculated in an amount equal to the hours of instruction that
1264 would be necessary to earn the full-time equivalent student
1265 membership for an equivalent course if it were taught in the
1266 school district. Students in dual enrollment courses may also be
1267 calculated as the proportional shares of full-time equivalent
1268 enrollments they generate for a Florida College System
1269 institution or university conducting the dual enrollment
1270 instruction. Early admission students shall be considered dual
1271 enrollments for funding purposes. Students may be enrolled in
1272 dual enrollment instruction provided by an eligible independent
1273 college or university and may be included in calculations of
1274 full-time equivalent student memberships for basic programs for
1275 grades 9 through 12 by a district school board. However, those
1276 provisions of law which exempt dual enrolled and early admission
1277 students from payment of instructional materials and tuition and
1278 fees, including laboratory fees, do ~~shall~~ not apply to students
1279 who select the option of enrolling in an eligible independent
1280 institution. An independent college or university that ~~which~~ is
1281 located and chartered in Florida, is not for profit, is
1282 accredited by the Commission on Colleges of the Southern
1283 Association of Colleges and Schools or the Accrediting Council
1284 for Independent Colleges and Schools, and confers degrees as
1285 defined in s. 1005.02 shall be eligible for inclusion in the
1286 dual enrollment or early admission program. Students enrolled in
1287 dual enrollment instruction shall be exempt from the payment of
1288 tuition and fees, including laboratory fees. No student enrolled



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in college credit mathematics or English dual enrollment instruction shall be funded as a dual enrollment unless the student has successfully completed the relevant section of the entry-level examination required pursuant to s. 1008.30.

(j) *Instruction in exploratory career education.*—Students in grades 7 through 12 who are enrolled for more than four semesters in exploratory career education may not be counted as full-time equivalent students for this instruction.

(k) *Study hall.*—A student who is enrolled in study hall may not be included in the calculation of full-time equivalent student membership for funding under this section.

(l) *Calculation of additional full-time equivalent membership based on International Baccalaureate examination scores of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in an International Baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an International Baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each school district shall allocate 80 percent of the funds received from International Baccalaureate bonus FTE funding to the school program whose students generate the funds and to school programs that prepare prospective students to enroll in International Baccalaureate courses. Funds shall be expended solely for the payment of allowable costs associated with the International Baccalaureate program. Allowable costs include International Baccalaureate



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annual school fees; International Baccalaureate examination fees; salary, benefits, and bonuses for teachers and program coordinators for the International Baccalaureate program and teachers and coordinators who prepare prospective students for the International Baccalaureate program; supplemental books; instructional supplies; instructional equipment or instructional materials for International Baccalaureate courses; other activities that identify prospective International Baccalaureate students or prepare prospective students to enroll in International Baccalaureate courses; and training or professional development for International Baccalaureate teachers. School districts shall allocate the remaining 20 percent of the funds received from International Baccalaureate bonus FTE funding for programs that assist academically disadvantaged students to prepare for more rigorous courses. The school district shall distribute to each classroom teacher who provided International Baccalaureate instruction:

1. A bonus in the amount of \$50 for each student taught by the International Baccalaureate teacher in each International Baccalaureate course who receives a score of 4 or higher on the International Baccalaureate examination.

2. An additional bonus of \$500 to each International Baccalaureate teacher in a school designated with a grade of "D" or "F" who has at least one student scoring 4 or higher on the International Baccalaureate examination, regardless of the number of classes taught or of the number of students scoring a 4 or higher on the International Baccalaureate examination.

Bonuses awarded to a teacher according to this paragraph may



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~~shall~~ not exceed \$2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(m) *Calculation of additional full-time equivalent membership based on Advanced International Certificate of Education examination scores of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in a full-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.08 full-time equivalent student membership shall be calculated for each student enrolled in a half-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an Advanced International Certificate of Education diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. The school district shall distribute to each classroom teacher who provided Advanced International Certificate of Education instruction:

1. A bonus in the amount of \$50 for each student taught by the Advanced International Certificate of Education teacher in each full-credit Advanced International Certificate of Education course who receives a score of E or higher on the Advanced International Certificate of Education examination. A bonus in the amount of \$25 for each student taught by the Advanced International Certificate of Education teacher in each half-credit Advanced International Certificate of Education course



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who receives a score of E or higher on the Advanced International Certificate of Education examination.

2. An additional bonus of \$500 to each Advanced International Certificate of Education teacher in a school designated with a grade of "D" or "F" who has at least one student scoring E or higher on the full-credit Advanced International Certificate of Education examination, regardless of the number of classes taught or of the number of students scoring an E or higher on the full-credit Advanced International Certificate of Education examination.

3. Additional bonuses of \$250 each to teachers of half-credit Advanced International Certificate of Education classes in a school designated with a grade of "D" or "F" which has at least one student scoring an E or higher on the half-credit Advanced International Certificate of Education examination in that class. The maximum additional bonus for a teacher awarded in accordance with this subparagraph may ~~shall~~ not exceed \$500 in any given school year. Teachers receiving an award under subparagraph 2. are not eligible for a bonus under this subparagraph.

Bonuses awarded to a teacher according to this paragraph may ~~shall~~ not exceed \$2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(n) *Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student in each advanced



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placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each district must allocate at least 80 percent of the funds provided to the district for advanced placement instruction, in accordance with this paragraph, to the high school that generates the funds. The school district shall distribute to each classroom teacher who provided advanced placement instruction:

1. A bonus in the amount of \$50 for each student taught by the Advanced Placement teacher in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination.

2. An additional bonus of \$500 to each Advanced Placement teacher in a school designated with a grade of "D" or "F" who has at least one student scoring 3 or higher on the College Board Advanced Placement Examination, regardless of the number of classes taught or of the number of students scoring a 3 or higher on the College Board Advanced Placement Examination.

Bonuses awarded to a teacher according to this paragraph may ~~shall~~ not exceed \$2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(o) *Calculation of additional full-time equivalent membership based on certification of successful completion of industry-certified career and professional academy programs pursuant to ss. 1003.491, 1003.492, 1003.493, and 1003.4935 and*



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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 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. Such value shall be added to the total full-time equivalent student membership in secondary career education programs for grades 9 through 12 in the subsequent year for courses that were not funded through dual enrollment. The additional full-time equivalent membership authorized under this paragraph may not exceed 0.3 per student.



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

(p) Calculation of additional full-time equivalent membership based on accelerated high school graduation.—
Notwithstanding s. 1011.61(4), a school district that authorizes the accelerated graduation of a student who has met all the requirements in s. 1003.428 and graduates at least one semester in advance of the scheduled graduation of the student's cohort may report one-sixth of an FTE for unpaid high school credit delivered by the district during the student's prior enrollment. For a student who graduates 1 year or more in advance of the student's cohort, the school district may report up to 1 FTE for unpaid high school credits. For a student who graduates one semester in advance of the student's cohort, the school district may report up to 1/2 FTE for unpaid high school credits. If the student was enrolled in the district as a full-time high school student for at least 2 years, the district shall report the unpaid FTE delivered by the district. If the student was enrolled in the district for less than 2 years, the district shall report the unpaid FTE delivered by the district and the prior district of enrollment. The district of enrollment for which early graduation is claimed shall transfer a proportionate share of the funds earned for the unpaid FTE to the prior district of enrollment.



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(q)~~(p)~~ *Year-round-school programs.*—The Commissioner of Education is authorized to adjust student eligibility definitions, funding criteria, and reporting requirements of statutes and rules in order that year-round-school programs may achieve equivalent application of funding requirements with non-year-round-school programs.

(r)~~(q)~~ *Extended-school-year program.*—It is the intent of the Legislature that students be provided additional instruction by extending the school year to 210 days or more. Districts may apply to the Commissioner of Education for funds to be used in planning and implementing an extended-school-year program.

(s)~~(r)~~ *Determination of the basic amount for current operation.*—The basic amount for current operation to be included in the Florida Education Finance Program for kindergarten through grade 12 for each district shall be the product of the following:

1. The full-time equivalent student membership in each program, multiplied by
2. The cost factor for each program, adjusted for the maximum as provided by paragraph (c), multiplied by
3. The base student allocation.

(t)~~(s)~~ *Computation for funding through the Florida Education Finance Program.*—The State Board of Education may adopt rules establishing programs and courses for which the student may earn credit toward high school graduation.

Section 11. 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:



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Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to high school graduation; creating s.
1002.3105, F.S.; establishing Academically Challenging
Curriculum to Enhance Learning (ACCEL) options to
provide eligible public school students educational
options that provide academically challenging
curriculum or accelerated instruction; requiring that
each school offer minimum ACCEL options; providing for
additional ACCEL options; requiring that each school
principal and school district determine student
eligibility and procedural requirements; requiring
that each school principal and school district base
such determination on certain considerations;
requiring that each school principal inform parents
and students of the ACCEL options and the eligibility
requirements; requiring that each school principal and
school district establish a process by which a parent
may request student participation in whole-grade
promotion, midyear promotion, and subject-matter
acceleration under certain circumstances; requiring
that a performance contract be executed by the
student, the parent, and the school principal under
certain circumstances; requiring that a student's
parent be notified if a school principal initiates a
student's participation in an ACCEL option; amending
s. 1003.02, F.S.; requiring that school districts
notify parents of options for early or accelerated



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high school graduation at the beginning of each school year and during registration for the next term; creating s. 1003.4281, F.S.; providing a short title; providing a purpose; providing a definition for the term "early graduation"; requiring that each school district adopt a policy that provides a high school student with the option of graduating early; requiring that each school district notify the parent of a student who is eligible for early graduation; prohibiting a school district from preventing a student from graduating early if the student meets the requirements; providing that a student who graduates early is eligible to continue participating in activities, awards, class rankings, social events, and graduation events; authorizing a school principal or superintendent to prevent such participation under certain circumstances; providing that a student who graduates early may be denied access to the school facilities and grounds during normal operating hours; providing that a credit is equal to one-sixth full-time equivalent student; amending s. 1007.27, F.S.; revising provisions relating to articulated acceleration mechanisms and early admission; providing student eligibility requirements for enrollment in advanced placement courses; amending s. 1008.22, F.S.; requiring that the end-of-course assessment in Algebra I be administered four times annually beginning with a specified school year; amending s. 1008.34, F.S.; revising provisions relating to school grades;



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requiring that the Department of Education award bonus points to a high school based on the percentage of students who earn credits in mathematics and science in excess of the general requirements for high school graduation and the percentage of students who graduate in less than 8 semesters or the equivalent; amending ss. 1009.53 and 1009.531, F.S.; authorizing the Department of Education to evaluate students who graduate at the midpoint of the academic year for a Florida Bright Futures Scholarship award; requiring that such students be evaluated for scholarship renewal after completion of a full academic year at an eligible postsecondary education institution; requiring that students submit a completed Florida Financial Aid Application by a specified date; amending s. 1011.61, F.S.; providing reporting requirements for school districts for full-time equivalent students in courses requiring statewide end-of-course assessments; providing that a student who passes a statewide end-of-course assessment without having taken the corresponding course is one-sixth of a full-time equivalent student for funding purposes; providing for school districts to receive additional funding for students who graduate early; amending s. 1011.62, F.S.; providing a calculation of additional full-time equivalent membership based on accelerated high school graduation; authorizing a school district to report unpaid high school credits for students who graduate at least one semester or 1



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1608 year or more in advance of their scheduled graduation
1609 for funding purposes; providing an effective date.

By Senator Gaetz

4-01498C-12

20121368__

1 A bill to be entitled
 2 An act relating to high school graduation; creating s.
 3 1003.4281, F.S.; providing a short title; providing a
 4 purpose; providing a definition for the term "early
 5 graduation"; requiring that each school district adopt
 6 a policy that provides a high school student with the
 7 option of graduating early; requiring that each school
 8 district notify the parent of a student who is
 9 eligible for early graduation; prohibiting a school
 10 district from preventing a student from graduating
 11 early if the student meets the requirements; providing
 12 that a student who graduates early is eligible to
 13 continue participating in activities, awards, class
 14 rankings, social events, and graduation events;
 15 authorizing a school principal or superintendent to
 16 prevent such participation under certain
 17 circumstances; providing that a student who graduates
 18 early may be denied access to the school facilities
 19 and grounds during normal operating hours; providing
 20 that a credit is equal to one-sixth full-time
 21 equivalent student; amending s. 1008.22, F.S.;
 22 requiring that the end-of-course assessment in Algebra
 23 I be administered four times annually beginning with a
 24 specified school year; amending s. 1008.34, F.S.;
 25 revising provisions relating to school grades;
 26 requiring that the Department of Education award bonus
 27 points to a high school based on the percentage of
 28 students who earn credits in mathematics and science
 29 in excess of the general requirements for high school

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

4-01498C-12

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30 graduation and the number of students who graduate in
 31 less than 8 semesters or the equivalent; amending ss.
 32 1009.53 and 1009.531, F.S.; authorizing the Department
 33 of Education to evaluate students who graduate at the
 34 midpoint of the academic year for a Florida Bright
 35 Futures Scholarship award; requiring that such
 36 students be evaluated for scholarship renewal after
 37 completion of a full academic year at an eligible
 38 postsecondary education institution; requiring that
 39 students submit a completed Florida Financial Aid
 40 Application by a specified date; amending s. 1011.61,
 41 F.S.; providing reporting requirements for school
 42 districts for full-time equivalent students in courses
 43 requiring statewide end-of-course assessments;
 44 providing that a student who passes a statewide end-
 45 of-course assessment without having taken the
 46 corresponding course is one-sixth of a full-time
 47 equivalent student for funding purposes; providing for
 48 school districts to receive additional funding for
 49 students who graduate early; amending s. 1011.62,
 50 F.S.; providing a calculation of additional full-time
 51 equivalent membership based on accelerated high school
 52 graduation; authorizing a school district to report
 53 unpaid high school credits for students who graduate
 54 at least one semester or 1 year or more in advance of
 55 their scheduled graduation for funding purposes;
 56 providing an effective date.
 57
 58 Be It Enacted by the Legislature of the State of Florida:

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

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Section 1. Section 1003.4281, Florida Statutes, is created to read:

1003.4281 Science, Technology, Engineering, and Mathematics (STEM) High School Graduation Acceleration Act of 2012.-

(1) This section may be cited as the "Science, Technology, Engineering, and Mathematics (STEM) High School Graduation Acceleration Act of 2012."

(2) The purpose of this section is to provide an option in which a student may select early graduation if the student has completed a minimum of 24 credits and meets the graduation requirements in s. 1003.428. For purposes of this section, the term "early graduation" means graduating from high school in less than 8 semesters or the equivalent.

(3) Each school district shall adopt a policy that provides a high school student with the option of graduating early. Each school district shall notify the parent of a student who is eligible, pursuant to this section, to graduate early. A school district may not prohibit a student who meets the requirements of this section from graduating early.

(4) A student who graduates early is eligible to continue participating in activities, awards, class rankings, social events, and graduation events as if the student were still enrolled in high school as a regular high school student. However, a school principal or superintendent may prevent a student from participating in these activities and events for reasons that would otherwise exclude a regularly enrolled student from participation. A student who graduates early may be denied access to the school facilities and grounds during normal

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operating hours unless the student complies with the rules and policies prescribed by the district school board.

(5) For the purposes of this section, a credit is equal to 1/6 of an FTE. A student may earn up to 6 paid high school credits equivalent to 1 FTE per school year in grades 9 through 12 for courses provided by the school district. High school credits earned in excess of 6 per school year in courses provided by the school district are unpaid credits.

Section 2. Paragraph (c) of subsection (3) of section 1008.22, Florida Statutes, is amended to read:

1008.22 Student assessment program for public schools.-

(3) STATEWIDE ASSESSMENT PROGRAM.-The commissioner shall design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. The commissioner may enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may be initiated in 1 fiscal year and continue into the next and may be paid from the appropriations of either or both fiscal years. The commissioner is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed pursuant to law. Pursuant to the statewide assessment program, the commissioner shall:

(c) Develop and implement a student achievement testing program as follows:

1. The Florida Comprehensive Assessment Test (FCAT)

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measures a student's content knowledge and skills in reading, writing, science, and mathematics. The content knowledge and skills assessed by the FCAT must be aligned to the core curricular content established in the Next Generation Sunshine 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

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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 end-of-course assessment in Algebra I shall constitute 30 percent of the student's final course grade. Beginning with the 2012-2013 school year, the end-of-course assessment in Algebra I shall be administered four times annually. 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

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

c. The commissioner may select one or more nationally developed comprehensive examinations, which may include, but need not be limited to, examinations for a College Board Advanced Placement course, International Baccalaureate course, or Advanced International Certificate of Education course, or industry-approved examinations to earn national industry certifications identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education, for use as end-of-course assessments under this paragraph, if

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the commissioner determines that the content knowledge and skills assessed by the examinations meet or exceed the grade level expectations for the core curricular content established for the course in the Next Generation Sunshine State Standards. The commissioner may collaborate with the American Diploma Project in the adoption or development of rigorous end-of-course assessments that are aligned to the Next Generation Sunshine State Standards.

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

3. The testing program shall measure student content knowledge and skills adopted by the State Board of Education as specified in paragraph (a) and measure and report student performance levels of all students assessed in reading, writing, mathematics, and science. The commissioner shall provide for the

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tests to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts. The commissioner shall obtain input with respect to the design and implementation of the testing program from state educators, assistive technology 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

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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) or s. 1003.43(11)(b), students must earn a passing score on grade 10 FCAT Reading and grade 10 FCAT Mathematics or attain concordant scores as described in subsection (10) in order to qualify for a standard 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

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

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

10. District school boards must provide instruction to prepare students in the core curricular content established in the Next Generation Sunshine State Standards adopted under s. 1003.41, including the core content knowledge and skills necessary for successful grade-to-grade progression and high school graduation. If a student is provided with instructional accommodations in the classroom that are not allowable as accommodations in the statewide assessment program, as described in the test manuals, the district must inform the parent in writing and must provide the parent with information regarding

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 the impact on the student's ability to meet expected performance levels in reading, writing, mathematics, and science. The commissioner shall conduct studies as necessary to verify that the required core curricular content is part of the district instructional programs.

11. District school boards must provide opportunities for students to demonstrate an acceptable performance level on an alternative standardized assessment approved by the State Board of Education following enrollment in summer academies.

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

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

14. The Commissioner of Education shall establish schedules for the administration of statewide assessments and the reporting of student test results. When establishing the schedules for the administration of statewide assessments, the commissioner shall consider the observance of religious and school holidays. The commissioner shall, by August 1 of each year, notify each school district in writing and publish on the department's Internet website the testing and reporting schedules for, at a minimum, the school year following the

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upcoming school year. The testing and reporting schedules shall require that:

a. There is the latest possible administration of statewide assessments and the earliest possible reporting to the school districts of student test results which is feasible within available technology and specific appropriations; however, test results for the FCAT must be made available no later than the week of June 8. Student results for end-of-course assessments must be provided no later than 1 week after the school district completes testing for each course. The commissioner may extend the reporting schedule under exigent circumstances.

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

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

The commissioner may, based on collaboration and input from school districts, design and implement student testing programs, for any grade level and subject area, necessary to effectively

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monitor educational achievement in the state, including the measurement of educational achievement of the Next Generation Sunshine State Standards for students with disabilities. Development and refinement of assessments shall include universal design principles and accessibility standards that will prevent any unintended obstacles for students with disabilities while ensuring the validity and reliability of the test. These principles should be applicable to all technology platforms and assistive devices available for the assessments. The field testing process and psychometric analyses for the statewide assessment program must include an appropriate percentage of students with disabilities and an evaluation or determination of the effect of test items on such students.

Section 3. Subsection (3) of section 1008.34, Florida Statutes, is amended to read:

1008.34 School grading system; school report cards; district grade.—

(3) DESIGNATION OF SCHOOL GRADES.—

(a) Each school that has students who are tested and included in the school grading system shall receive a school grade, except as follows:

1. A school shall not receive a school grade if the number of its students tested and included in the school grading system is less than the minimum sample size necessary, based on accepted professional practice, for statistical reliability and prevention of the unlawful release of personally identifiable student data under s. 1002.22 or 20 U.S.C. s. 1232g.

2. An alternative school may choose to receive a school grade under this section or a school improvement rating under s.

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1008.341. For charter schools that meet the definition of an alternative school pursuant to State Board of Education rule, the decision to receive a school grade is the decision of the charter school governing board.

3. A school that serves any combination of students in kindergarten through grade 3 which does not receive a school grade because its students are not tested and included in the school grading system shall receive the school grade designation of a K-3 feeder pattern school identified by the Department of Education and verified by the school district. A school feeder pattern exists if at least 60 percent of the students in the school serving a combination of students in kindergarten through grade 3 are scheduled to be assigned to the graded school.

(b)1. A school's grade shall be based on a combination of:

a. Student achievement scores, including achievement on all FCAT assessments administered under s. 1008.22(3)(c)1., end-of-course assessments administered under s. 1008.22(3)(c)2.a., and achievement scores for students seeking a special diploma.

b. Student learning gains in reading and mathematics as measured by FCAT and end-of-course assessments, as described in s. 1008.22(3)(c)1. and 2.a. Learning gains for students seeking a special diploma, as measured by an alternate assessment tool, shall be included not later than the 2009-2010 school year.

c. Improvement of the lowest 25th percentile of students in the school in reading and mathematics on the FCAT or end-of-course assessments described in s. 1008.22(3)(c)2.a., unless these students are exhibiting satisfactory performance.

2. Beginning with the 2011-2012 school year, for schools comprised of middle school grades 6 through 8 or grades 7 and 8,

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the school's grade shall include the performance and participation of its students enrolled in high school level courses with end-of-course assessments administered under s. 1008.22(3)(c)2.a. Performance and participation must be weighted equally. As valid data becomes available, the school grades shall include the students' attainment of national industry certification identified in the Industry Certification Funding List pursuant to rules adopted by the State Board of Education.

3. ~~Beginning with the 2009-2010 school year~~ For schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, 50 percent of the school grade shall be based on a combination of the factors listed in sub-subparagraphs 1.a.-c. and the remaining 50 percent on the following factors:

a. The high school graduation rate of the school;

b. As valid data becomes available, the performance and participation of the school's students in College Board Advanced Placement courses, International Baccalaureate courses, dual enrollment courses, and Advanced International Certificate of Education courses; and the students' achievement of national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education;

c. Postsecondary readiness of the school's students as measured by the SAT, ACT, or the common placement test;

d. The high school graduation rate of at-risk students who scored at Level 2 or lower on the grade 8 FCAT Reading and Mathematics examinations;

e. As valid data becomes available, the performance of the school's students on statewide standardized end-of-course

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assessments administered under s. 1008.22(3)(c)2.c. and d.; ~~and~~

f. Beginning with the 2012-2013 school year, the Department of Education shall award bonus points to each high school based on the percentage of the school's students who earn credits in mathematics and science in excess of the requirements in s. 1003.428(2)(a)2. and 3. The courses must be at a level of rigor that exceeds the course requirements in s. 1003.428(2)(a)2. and 3.;

g. Beginning with the 2012-2013 school year, the Department of Education shall award bonus points to each high school based on the percentage of students who graduate in less than 8 semesters or the equivalent; and

~~h.~~ The growth or decline in the components listed in subparagraphs a.-e. from year to year.

(c) Student assessment data used in determining school grades shall include:

1. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT and statewide, standardized end-of-course assessments in courses required for high school graduation, including, beginning with the 2010-2011 school year, the end-of-course assessment in Algebra I; and beginning with the 2011-2012 school year, the end-of-course assessments in geometry and Biology; and beginning with the 2013-2014 school year, on the statewide, standardized end-of-course assessment in civics education at the middle school level.
2. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT and end-of-course assessments as described in s. 1008.22(3)(c)2.a., and who

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have scored at or in the lowest 25th percentile of students in the school in reading and mathematics, unless these students are exhibiting satisfactory performance.

3. The achievement scores and learning gains of eligible students attending alternative schools that provide dropout prevention and academic intervention services pursuant to s. 1003.53. The term "eligible students" in this subparagraph does not include students attending an alternative school who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice. The student performance data for eligible students identified in this subparagraph shall be included in the calculation of the home school's grade. As used in this subparagraph and s. 1008.341, the term "home school" means the school to which the student would be assigned if the student were not assigned to an alternative school. If an alternative school chooses to be graded under this section, student performance data for eligible students identified in this subparagraph shall not be included in the home school's grade but shall be included only in the calculation of the alternative school's grade. A school district that fails to assign the FCAT and end-of-course assessment as described in s. 1008.22(3)(c)2.a. scores of each of its students to his or her home school or to the alternative school that receives a grade shall forfeit Florida School Recognition Program funds for 1 fiscal year. School districts must require collaboration between the home school and the alternative school in order to promote

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 student success. This collaboration must include an annual discussion between the principal of the alternative school and the principal of each student's home school concerning the most appropriate school assignment of the student.

4. The achievement scores and learning gains of students designated as hospital- or homebound. Student assessment data for students designated as hospital- or homebound shall be assigned to their home school for the purposes of school grades. As used in this subparagraph, the term "home school" means the school to which a student would be assigned if the student were not assigned to a hospital- or homebound program.

5. For schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the data listed in subparagraphs 1.-3. and the following data as the Department of Education determines such data are valid and available:

a. The high school graduation rate of the school as calculated by the Department of Education;

b. The participation rate of all eligible students enrolled in the school and enrolled in College Board Advanced Placement courses; International Baccalaureate courses; dual enrollment courses; Advanced International Certificate of Education courses; and courses or sequences of courses leading to national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education;

c. The aggregate scores of all eligible students enrolled in the school in College Board Advanced Placement courses, International Baccalaureate courses, and Advanced International Certificate of Education courses;

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 d. Earning of college credit by all eligible students enrolled in the school in dual enrollment programs under s. 1007.271;

e. Earning of a national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education;

f. The aggregate scores of all eligible students enrolled in the school in reading, mathematics, and other subjects as measured by the SAT, the ACT, and the common placement test for postsecondary readiness;

g. The high school graduation rate of all eligible at-risk students enrolled in the school who scored at Level 2 or lower on the grade 8 FCAT Reading and Mathematics examinations;

h. The performance of the school's students on statewide standardized end-of-course assessments administered under s. 1008.22(3)(c)2.c. and d.; ~~and~~

i. Beginning with the 2012-2013 school year, the Department of Education shall award bonus points to each high school based on the percentage of the school's students who earn credits in mathematics and science in excess of the requirements in s. 1003.428(2)(a)2. and 3. The courses must be at a level of rigor that exceeds the course requirements in s. 1003.428(2)(a)2. and 3.;

j. Beginning with the 2012-2013 school year, the Department of Education shall award bonus points to each high school based on the percentage of students who graduate in less than 8 semesters or the equivalent; and

~~k.i.~~ The growth or decline in the data components listed in sub-subparagraphs a.-h. from year to year.

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581
582 The State Board of Education shall adopt appropriate criteria
583 for each school grade. The criteria must also give added weight
584 to student achievement in reading. Schools designated with a
585 grade of "C," making satisfactory progress, shall be required to
586 demonstrate that adequate progress has been made by students in
587 the school who are in the lowest 25th percentile in reading and
588 mathematics on the FCAT and end-of-course assessments as
589 described in s. 1008.22(3)(c)2.a., unless these students are
590 exhibiting satisfactory performance. Beginning with the 2009-
591 2010 school year for schools comprised of high school grades 9,
592 10, 11, and 12, or grades 10, 11, and 12, the criteria for
593 school grades must also give added weight to the graduation rate
594 of all eligible at-risk students, as defined in this paragraph.
595 Beginning in the 2009-2010 school year, in order for a high
596 school to be designated as having a grade of "A," making
597 excellent progress, the school must demonstrate that at-risk
598 students, as defined in this paragraph, in the school are making
599 adequate progress.

600 Section 4. Subsection (5) of section 1009.53, Florida
601 Statutes, is amended to read:

602 1009.53 Florida Bright Futures Scholarship Program.—

603 (5) The department shall issue awards from the scholarship
604 program annually. However, the department may evaluate students
605 who graduate from high school at the midpoint of the academic
606 year for an award, with distribution of the initial award during
607 the spring term at an eligible postsecondary institution. The
608 department shall evaluate a student for renewal of an award
609 after the student completes a full academic year, which begins

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610 with the fall term through the beginning of the next fall term.
611 Annual awards may be for up to 45 semester credit hours or the
612 equivalent. Before the registration period each semester, the
613 department shall transmit payment for each award to the
614 president or director of the postsecondary education
615 institution, or his or her representative, except that the
616 department may withhold payment if the receiving institution
617 fails to report or to make refunds to the department as required
618 in this section.

619 (a) Within 30 days after the end of regular registration
620 each semester, the educational institution shall certify to the
621 department the eligibility status of each student who receives
622 an award. After the end of the drop and add period, an
623 institution is not required to reevaluate or revise a student's
624 eligibility status; however, an institution must make a refund
625 to the department within 30 days after the end of the semester
626 of any funds received for courses dropped by a student or
627 courses from which a student has withdrawn after the end of the
628 drop and add period, unless the student has been granted an
629 exception by the department pursuant to subsection (11).

630 (b) An institution that receives funds from the program
631 shall certify to the department the amount of funds disbursed to
632 each student and shall remit to the department any undisbursed
633 advances within 60 days after the end of regular registration.

634 (c) Each institution that receives moneys through this
635 program shall provide for a financial audit, as defined in s.
636 11.45, conducted by an independent certified public accountant
637 or the Auditor General for each fiscal year in which the
638 institution expends program moneys in excess of \$100,000. At

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 639 least every 2 years, the audit shall include an examination of
 640 the institution's administration of the program and the
 641 institution's accounting of the moneys for the program since the
 642 last examination of the institution's administration of the
 643 program. The report on the audit must be submitted to the
 644 department within 9 months after the end of the fiscal year. The
 645 department may conduct its own annual audit of an institution's
 646 administration of the program. The department may request a
 647 refund of any moneys overpaid to the institution for the
 648 program. The department may suspend or revoke an institution's
 649 eligibility to receive future moneys for the program if the
 650 department finds that an institution has not complied with this
 651 section. The institution must remit within 60 days any refund
 652 requested in accordance with this subsection.

(d) Any institution that is not subject to an audit
 653 pursuant to this subsection shall attest, under penalty of
 654 perjury, that the moneys were used in compliance with law. The
 655 attestation shall be made annually in a form and format
 656 determined by the department.

Section 5. Paragraph (f) of subsection (1) of section
 658 1009.531, Florida Statutes, is amended to read:

1009.531 Florida Bright Futures Scholarship Program;
 660 student eligibility requirements for initial awards.—

(1) Effective January 1, 2008, in order to be eligible for
 662 an initial award from any of the three types of scholarships
 663 under the Florida Bright Futures Scholarship Program, a student
 664 must:

(f) Apply for a scholarship from the program by high school
 665 graduation. A student who graduates from high school at the
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 668 midpoint of the academic year may be evaluated for an award for
 669 the current academic year if he or she submits a completed
 670 Florida Financial Aid Application by November 30 of his or her
 671 graduation year.

Section 6. Paragraph (c) of subsection (1) is of section
 672 1011.61, Florida Statutes, is amended to read:

1011.61 Definitions.—Notwithstanding the provisions of s.
 673 1000.21, the following terms are defined as follows for the
 674 purposes of the Florida Education Finance Program:

(1) A "full-time equivalent student" in each program of the
 675 district is defined in terms of full-time students and part-time
 676 students as follows:

(c)1. A "full-time equivalent student" is:

a. A full-time student in any one of the programs listed in
 681 s. 1011.62(1)(c); or

b. A combination of full-time or part-time students in any
 683 one of the programs listed in s. 1011.62(1)(c) which is the
 684 equivalent of one full-time student based on the following
 685 calculations:

(I) A full-time student in a combination of programs listed
 687 in s. 1011.62(1)(c) shall be a fraction of a full-time
 688 equivalent membership in each special program equal to the
 689 number of net hours per school year for which he or she is a
 690 member, divided by the appropriate number of hours set forth in
 691 subparagraph (a)1. or subparagraph (a)2. The difference between
 692 that fraction or sum of fractions and the maximum value as set
 693 forth in subsection (4) for each full-time student is presumed
 694 to be the balance of the student's time not spent in such
 695 special education programs and shall be recorded as time in the
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appropriate basic program.

(II) A prekindergarten handicapped student shall meet the requirements specified for kindergarten students.

(III) A full-time equivalent student for students in kindergarten through grade 5 in a virtual instruction program under s. 1002.45 or a virtual charter school under s. 1002.33 shall consist of a student who has successfully completed a basic program listed in s. 1011.62(1)(c)1.a. or b., and who is promoted to a higher grade level.

(IV) A full-time equivalent student for students in grades 6 through 12 in a virtual instruction program under s. 1002.45(1)(b)1., 2., or 3. or a virtual charter school under s. 1002.33 shall consist of six full credit completions in programs listed in s. 1011.62(1)(c)1.b. or c. and 3. Credit completions may be a combination of full-credit courses or half-credit courses. Beginning in the 2014-2015 fiscal year, when s. 1008.22(3)(g) is implemented, the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an end-of-course assessment shall be adjusted after the student completes the end-of-course assessment.

(V) A Florida Virtual School full-time equivalent student shall consist of six full credit completions or the prescribed level of content that counts toward promotion to the next grade in the programs listed in s. 1011.62(1)(c)1.a. and b. for kindergarten through grade 8 and the programs listed in s. 1011.62(1)(c)1.c. for grades 9 through 12. Credit completions may be a combination of full-credit courses or half-credit courses. Beginning in the 2014-2015 fiscal year, when s.

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1008.22(3)(g) is implemented, the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an end-of-course assessment shall be adjusted after the student completes the end-of-course assessment.

(VI) Each successfully completed full-credit course earned through an online course delivered by a district other than the one in which the student resides shall be calculated as 1/6 FTE.

(VII) Each successfully completed credit earned under the alternative high school course credit requirements authorized in s. 1002.375, which is not reported as a portion of the 900 net hours of instruction pursuant to subparagraph (1)(a)1., shall be calculated as 1/6 FTE.

(VIII) (A) A full-time equivalent student for courses requiring statewide end-of-course assessments pursuant to s. 1008.22(3) shall be defined and reported as one-sixth of the hours in s. 1011.61(1)(a)1. for the first 3 years of administering the end-of-course assessments. Beginning in the fourth year of administering the end-of-course assessments, FTE shall be credit-based and each course shall be equal to 1/6 FTE. The reported FTE shall be adjusted after the student completes the end-of-course assessment pursuant to s. 1008.22(3)(c)2.a.

(B) The school district may report 1/6 FTE for each student who passes a statewide end-of-course assessment without having taken the corresponding course.

(C) The FTE earned under this sub-sub-sub-subparagraph and any FTE for courses or programs listed in s. 1011.62(1)(c) which do not require passing statewide end-of-course assessments are subject to the requirements in subsection (4).

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2. A student in membership in a program scheduled for more or less than 180 school days or the equivalent on an hourly basis as specified by rules of the State Board of Education is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to students enrolled in juvenile justice education programs and the Florida Virtual School.

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department to operate for less than the minimum school day.

Section 7. 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:

(a) *Determination of full-time equivalent membership.*—

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During each of several school weeks, including scheduled intersessions of a year-round school program during the fiscal year, a program membership survey of each school shall be made by each district by aggregating the full-time equivalent student membership of each program by school and by district. The department shall establish the number and interval of membership calculations, except that for basic and special programs such calculations shall not exceed nine for any fiscal year. The district's full-time equivalent membership shall be computed and currently maintained in accordance with regulations of the commissioner.

(b) *Determination of base student allocation.*—The base student allocation for the Florida Education Finance Program for kindergarten through grade 12 shall be determined annually by the Legislature and shall be that amount prescribed in the current year's General Appropriations Act.

(c) *Determination of programs.*—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of the two weighted cost factors for exceptional students with the highest levels of need. For these students, the funding support level shall fund the exceptional students' education program, with the exception of extended school year services for students with disabilities.

1. Basic programs.—

a. Kindergarten and grades 1, 2, and 3.

b. Grades 4, 5, 6, 7, and 8.

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- 813 c. Grades 9, 10, 11, and 12.
- 814 2. Programs for exceptional students.—
- 815 a. Support Level IV.
- 816 b. Support Level V.
- 817 3. Secondary career education programs.—
- 818 4. English for Speakers of Other Languages.—
- 819 (d) *Annual allocation calculation.*—
- 820 1. The Department of Education is authorized and directed
- 821 to review all district programs and enrollment projections and
- 822 calculate a maximum total weighted full-time equivalent student
- 823 enrollment for each district for the K-12 FEFP.
- 824 2. Maximum enrollments calculated by the department shall
- 825 be derived from enrollment estimates used by the Legislature to
- 826 calculate the FEFP. If two or more districts enter into an
- 827 agreement under the provisions of s. 1001.42(4)(d), after the
- 828 final enrollment estimate is agreed upon, the amount of FTE
- 829 specified in the agreement, not to exceed the estimate for the
- 830 specific program as identified in paragraph (c), may be
- 831 transferred from the participating districts to the district
- 832 providing the program.
- 833 3. As part of its calculation of each district's maximum
- 834 total weighted full-time equivalent student enrollment, the
- 835 department shall establish separate enrollment ceilings for each
- 836 of two program groups. Group 1 shall be composed of basic
- 837 programs for grades K-3, grades 4-8, and grades 9-12. Group 2
- 838 shall be composed of students in exceptional student education
- 839 programs support levels IV and V, English for Speakers of Other
- 840 Languages programs, and all career programs in grades 9-12.
- 841 a. For any calculation of the FEFP, the enrollment ceiling

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- 842 for group 1 shall be calculated by multiplying the actual
- 843 enrollment for each program in the program group by its
- 844 appropriate program weight.
- 845 b. The weighted enrollment ceiling for group 2 programs
- 846 shall be calculated by multiplying the enrollment for each
- 847 program by the appropriate program weight as provided in the
- 848 General Appropriations Act. The weighted enrollment ceiling for
- 849 program group 2 shall be the sum of the weighted enrollment
- 850 ceilings for each program in the program group, plus the
- 851 increase in weighted full-time equivalent student membership
- 852 from the prior year for clients of the Department of Children
- 853 and Family Services and the Department of Juvenile Justice.
- 854 c. If, for any calculation of the FEFP, the weighted
- 855 enrollment for program group 2, derived by multiplying actual
- 856 enrollments by appropriate program weights, exceeds the
- 857 enrollment ceiling for that group, the following procedure shall
- 858 be followed to reduce the weighted enrollment for that group to
- 859 equal the enrollment ceiling:
- 860 (I) The weighted enrollment ceiling for each program in the
- 861 program group shall be subtracted from the weighted enrollment
- 862 for that program derived from actual enrollments.
- 863 (II) If the difference calculated under sub-sub-
- 864 subparagraph (I) is greater than zero for any program, a
- 865 reduction proportion shall be computed for the program by
- 866 dividing the absolute value of the difference by the total
- 867 amount by which the weighted enrollment for the program group
- 868 exceeds the weighted enrollment ceiling for the program group.
- 869 (III) The reduction proportion calculated under sub-sub-
- 870 subparagraph (II) shall be multiplied by the total amount of the

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871 program group's enrollment over the ceiling as calculated under
872 sub-sub-subparagraph (I).

873 (IV) The prorated reduction amount calculated under sub-
874 sub-subparagraph (III) shall be subtracted from the program's
875 weighted enrollment to produce a revised program weighted
876 enrollment.

877 (V) The prorated reduction amount calculated under sub-sub-
878 subparagraph (III) shall be divided by the appropriate program
879 weight, and the result shall be added to the revised program
880 weighted enrollment computed in sub-sub-subparagraph (IV).

881 (e) *Funding model for exceptional student education*
882 *programs.*—

883 1.a. The funding model uses basic, at-risk, support levels
884 IV and V for exceptional students and career Florida Education
885 Finance Program cost factors, and a guaranteed allocation for
886 exceptional student education programs. Exceptional education
887 cost factors are determined by using a matrix of services to
888 document the services that each exceptional student will
889 receive. The nature and intensity of the services indicated on
890 the matrix shall be consistent with the services described in
891 each exceptional student's individual educational plan. The
892 Department of Education shall review and revise the descriptions
893 of the services and supports included in the matrix of services
894 for exceptional students and shall implement those revisions
895 before the beginning of the 2012-2013 school year.

896 b. In order to generate funds using one of the two weighted
897 cost factors, a matrix of services must be completed at the time
898 of the student's initial placement into an exceptional student
899 education program and at least once every 3 years by personnel

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900 who have received approved training. Nothing listed in the
901 matrix shall be construed as limiting the services a school
902 district must provide in order to ensure that exceptional
903 students are provided a free, appropriate public education.

904 c. Students identified as exceptional, in accordance with
905 chapter 6A-6, Florida Administrative Code, who do not have a
906 matrix of services as specified in sub-subparagraph b. shall
907 generate funds on the basis of full-time-equivalent student
908 membership in the Florida Education Finance Program at the same
909 funding level per student as provided for basic students.
910 Additional funds for these exceptional students will be provided
911 through the guaranteed allocation designated in subparagraph 2.

912 2. For students identified as exceptional who do not have a
913 matrix of services and students who are gifted in grades K
914 through 8, there is created a guaranteed allocation to provide
915 these students with a free appropriate public education, in
916 accordance with s. 1001.42(4)(m) and rules of the State Board of
917 Education, which shall be allocated annually to each school
918 district in the amount provided in the General Appropriations
919 Act. These funds shall be in addition to the funds appropriated
920 on the basis of FTE student membership in the Florida Education
921 Finance Program, and the amount allocated for each school
922 district shall not be recalculated during the year. These funds
923 shall be used to provide special education and related services
924 for exceptional students and students who are gifted in grades K
925 through 8. Beginning with the 2007-2008 fiscal year, a
926 district's expenditure of funds from the guaranteed allocation
927 for students in grades 9 through 12 who are gifted may not be
928 greater than the amount expended during the 2006-2007 fiscal

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year for gifted students in grades 9 through 12.

(f) *Supplemental academic instruction; categorical fund.*—

1. There is created a categorical fund to provide supplemental academic instruction to students in kindergarten through grade 12. This paragraph may be cited as the "Supplemental Academic Instruction Categorical Fund."

2. Categorical funds for supplemental academic instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of FTE student membership in the Florida Education Finance Program and shall be included in the total potential funds of each district. These funds shall be used to provide supplemental academic instruction to students enrolled in the K-12 program. Supplemental instruction strategies may include, but are not limited to: modified curriculum, reading instruction, after-school instruction, tutoring, mentoring, class size reduction, extended school year, intensive skills development in summer school, and other methods for improving student achievement. Supplemental instruction may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.

3. Effective with the 1999-2000 fiscal year, funding on the basis of FTE membership beyond the 180-day regular term shall be provided in the FEFP only for students enrolled in juvenile justice education programs or in education programs for juveniles placed in secure facilities or programs under s.

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985.19. Funding for instruction beyond the regular 180-day school year for all other K-12 students shall be provided through the supplemental academic instruction categorical fund and other state, federal, and local fund sources with ample flexibility for schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.

4. The Florida State University School, as a lab school, is authorized to expend from its FEFP or Lottery Enhancement Trust Fund allocation the cost to the student of remediation in reading, writing, or mathematics for any graduate who requires remediation at a postsecondary educational institution.

5. Beginning in the 1999-2000 school year, dropout prevention programs as defined in ss. 1003.52, 1003.53(1)(a), (b), and (c), and 1003.54 shall be included in group 1 programs under subparagraph (d)3.

(g) *Education for speakers of other languages.*—A school district shall be eligible to report full-time equivalent student membership in the ESOL program in the Florida Education Finance Program provided the following conditions are met:

1. The school district has a plan approved by the Department of Education.

2. The eligible student is identified and assessed as limited English proficient based on assessment criteria.

3.a. An eligible student may be reported for funding in the ESOL program for a base period of 3 years. However, a student whose English competency does not meet the criteria for proficiency after 3 years in the ESOL program may be reported for a fourth, fifth, and sixth year of funding, provided his or

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her limited English proficiency is assessed and properly documented ~~before~~ ~~prior to~~ his or her enrollment in each additional year beyond the 3-year base period.

b. If a student exits the program and is later reclassified as limited English proficient, the student may be reported in the ESOL program for funding for an additional year, or extended annually for a period not to exceed a total of 6 years pursuant to this paragraph, based on an annual evaluation of the student's status.

4. An eligible student may be reported for funding in the ESOL program for membership in ESOL instruction in English and ESOL instruction or home language instruction in the basic subject areas of mathematics, science, social studies, and computer literacy.

(h) *Small, isolated high schools.*—Districts ~~that~~ which levy the maximum nonvoted discretionary millage, exclusive of millage for capital outlay purposes levied pursuant to s. 1011.71(2), may calculate full-time equivalent students for small, isolated high schools by multiplying the number of unweighted full-time equivalent students times 2.75; provided the school has attained a grade of "C" or better, pursuant to s. 1008.34, for the previous school year. For the purpose of this section, the term "small, isolated high school" means any high school ~~that~~ which is located no less than 28 miles by the shortest route from another high school; ~~that~~ which has been serving students primarily in basic studies provided by sub-subparagraphs (c)1.b. and c. and may include subparagraph (c)4.; and ~~that~~ which has a membership of no more than 100 students, but no fewer than 28 students, in grades 9 through 12.

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(i) *Calculation of full-time equivalent membership with respect to dual enrollment instruction.*—Students enrolled in dual enrollment instruction pursuant to s. 1007.271 may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. Instructional time for dual enrollment may vary from 900 hours; however, the school district may only report the student for a maximum of 1.0 full-time equivalent student membership, as provided in s. 1011.61(4). Dual enrollment full-time equivalent student membership shall be calculated in an amount equal to the hours of instruction that would be necessary to earn the full-time equivalent student membership for an equivalent course if it were taught in the school district. Students in dual enrollment courses may also be calculated as the proportional shares of full-time equivalent enrollments they generate for a Florida College System institution or university conducting the dual enrollment instruction. Early admission students shall be considered dual enrollments for funding purposes. Students may be enrolled in dual enrollment instruction provided by an eligible independent college or university and may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. However, those provisions of law which exempt dual enrolled and early admission students from payment of instructional materials and tuition and fees, including laboratory fees, do ~~shall~~ not apply to students who select the option of enrolling in an eligible independent institution. An independent college or university ~~that~~ which is located and chartered in Florida, is not for profit, is

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1045 accredited by the Commission on Colleges of the Southern
 1046 Association of Colleges and Schools or the Accrediting Council
 1047 for Independent Colleges and Schools, and confers degrees as
 1048 defined in s. 1005.02 shall be eligible for inclusion in the
 1049 dual enrollment or early admission program. Students enrolled in
 1050 dual enrollment instruction shall be exempt from the payment of
 1051 tuition and fees, including laboratory fees. No student enrolled
 1052 in college credit mathematics or English dual enrollment
 1053 instruction shall be funded as a dual enrollment unless the
 1054 student has successfully completed the relevant section of the
 1055 entry-level examination required pursuant to s. 1008.30.

1056 (j) *Instruction in exploratory career education.*—Students
 1057 in grades 7 through 12 who are enrolled for more than four
 1058 semesters in exploratory career education may not be counted as
 1059 full-time equivalent students for this instruction.

1060 (k) *Study hall.*—A student who is enrolled in study hall may
 1061 not be included in the calculation of full-time equivalent
 1062 student membership for funding under this section.

1063 (l) *Calculation of additional full-time equivalent*
 1064 *membership based on International Baccalaureate examination*
 1065 *scores of students.*—A value of 0.16 full-time equivalent student
 1066 membership shall be calculated for each student enrolled in an
 1067 International Baccalaureate course who receives a score of 4 or
 1068 higher on a subject examination. A value of 0.3 full-time
 1069 equivalent student membership shall be calculated for each
 1070 student who receives an International Baccalaureate diploma.
 1071 Such value shall be added to the total full-time equivalent
 1072 student membership in basic programs for grades 9 through 12 in
 1073 the subsequent fiscal year. Each school district shall allocate

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1074 80 percent of the funds received from International
 1075 Baccalaureate bonus FTE funding to the school program whose
 1076 students generate the funds and to school programs that prepare
 1077 prospective students to enroll in International Baccalaureate
 1078 courses. Funds shall be expended solely for the payment of
 1079 allowable costs associated with the International Baccalaureate
 1080 program. Allowable costs include International Baccalaureate
 1081 annual school fees; International Baccalaureate examination
 1082 fees; salary, benefits, and bonuses for teachers and program
 1083 coordinators for the International Baccalaureate program and
 1084 teachers and coordinators who prepare prospective students for
 1085 the International Baccalaureate program; supplemental books;
 1086 instructional supplies; instructional equipment or instructional
 1087 materials for International Baccalaureate courses; other
 1088 activities that identify prospective International Baccalaureate
 1089 students or prepare prospective students to enroll in
 1090 International Baccalaureate courses; and training or
 1091 professional development for International Baccalaureate
 1092 teachers. School districts shall allocate the remaining 20
 1093 percent of the funds received from International Baccalaureate
 1094 bonus FTE funding for programs that assist academically
 1095 disadvantaged students to prepare for more rigorous courses. The
 1096 school district shall distribute to each classroom teacher who
 1097 provided International Baccalaureate instruction:

1098 1. A bonus in the amount of \$50 for each student taught by
 1099 the International Baccalaureate teacher in each International
 1100 Baccalaureate course who receives a score of 4 or higher on the
 1101 International Baccalaureate examination.

1102 2. An additional bonus of \$500 to each International

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Baccalaureate teacher in a school designated with a grade of "D" or "F" who has at least one student scoring 4 or higher on the International Baccalaureate examination, regardless of the number of classes taught or of the number of students scoring a 4 or higher on the International Baccalaureate examination.

Bonuses awarded to a teacher according to this paragraph may ~~shall~~ not exceed \$2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(m) *Calculation of additional full-time equivalent membership based on Advanced International Certificate of Education examination scores of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in a full-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.08 full-time equivalent student membership shall be calculated for each student enrolled in a half-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an Advanced International Certificate of Education diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. The school district shall distribute to each classroom teacher who provided Advanced International Certificate of Education instruction:

1. A bonus in the amount of \$50 for each student taught by

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the Advanced International Certificate of Education teacher in each full-credit Advanced International Certificate of Education course who receives a score of E or higher on the Advanced International Certificate of Education examination. A bonus in the amount of \$25 for each student taught by the Advanced International Certificate of Education teacher in each half-credit Advanced International Certificate of Education course who receives a score of E or higher on the Advanced International Certificate of Education examination.

2. An additional bonus of \$500 to each Advanced International Certificate of Education teacher in a school designated with a grade of "D" or "F" who has at least one student scoring E or higher on the full-credit Advanced International Certificate of Education examination, regardless of the number of classes taught or of the number of students scoring an E or higher on the full-credit Advanced International Certificate of Education examination.

3. Additional bonuses of \$250 each to teachers of half-credit Advanced International Certificate of Education classes in a school designated with a grade of "D" or "F" which has at least one student scoring an E or higher on the half-credit Advanced International Certificate of Education examination in that class. The maximum additional bonus for a teacher awarded in accordance with this subparagraph may ~~shall~~ not exceed \$500 in any given school year. Teachers receiving an award under subparagraph 2. are not eligible for a bonus under this subparagraph.

Bonuses awarded to a teacher according to this paragraph may

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shall not exceed \$2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(n) *Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each district must allocate at least 80 percent of the funds provided to the district for advanced placement instruction, in accordance with this paragraph, to the high school that generates the funds. The school district shall distribute to each classroom teacher who provided advanced placement instruction:

1. A bonus in the amount of \$50 for each student taught by the Advanced Placement teacher in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination.

2. An additional bonus of \$500 to each Advanced Placement teacher in a school designated with a grade of "D" or "F" who has at least one student scoring 3 or higher on the College Board Advanced Placement Examination, regardless of the number of classes taught or of the number of students scoring a 3 or higher on the College Board Advanced Placement Examination.

Bonuses awarded to a teacher according to this paragraph may

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shall not exceed \$2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(o) *Calculation of additional full-time equivalent membership based on certification of successful completion of industry-certified 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 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,

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 1219 and average annual openings for the primary occupation linked to
 1220 the industry certification. Such value shall be added to the
 1221 total full-time equivalent student membership in secondary
 1222 career education programs for grades 9 through 12 in the
 1223 subsequent year for courses that were not funded through dual
 1224 enrollment. The additional full-time equivalent membership
 1225 authorized under this paragraph may not exceed 0.3 per student.
 1226 Each district must allocate at least 80 percent of the funds
 1227 provided for industry certification, in accordance with this
 1228 paragraph, to the program that generated the funds. Unless a
 1229 different amount is specified in the General Appropriations Act,
 1230 the appropriation for this calculation is limited to \$15 million
 1231 annually. If the appropriation is insufficient to fully fund the
 1232 total calculation, the appropriation shall be prorated.

1233 (p) Calculation of additional full-time equivalent
 1234 membership based on accelerated high school graduation.—
 1235 Notwithstanding s. 1011.61(4), a school district that authorizes
 1236 the accelerated graduation of a student who has met all the
 1237 requirements in s. 1003.428 and graduates at least one semester
 1238 in advance of the scheduled graduation of the student's cohort
 1239 may report one-sixth of an FTE for unpaid high school credit
 1240 delivered by the district in the prior years of enrollment. For
 1241 a student who graduates 1 year or more in advance of the
 1242 student's cohort, the school district may report up to 1 FTE for
 1243 unpaid high school credits. For a student who graduates one
 1244 semester in advance of the student's cohort, the school district
 1245 may report up to 1/2 FTE for unpaid high school credits.

1246 (q) ~~(p)~~ Year-round-school programs.—The Commissioner of
 1247 Education is authorized to adjust student eligibility

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 1248 definitions, funding criteria, and reporting requirements of
 1249 statutes and rules in order that year-round-school programs may
 1250 achieve equivalent application of funding requirements with non-
 1251 year-round-school programs.

1252 (r) ~~(q)~~ Extended-school-year program.—It is the intent of
 1253 the Legislature that students be provided additional instruction
 1254 by extending the school year to 210 days or more. Districts may
 1255 apply to the Commissioner of Education for funds to be used in
 1256 planning and implementing an extended-school-year program.

1257 (s) ~~(r)~~ Determination of the basic amount for current
 1258 operation.—The basic amount for current operation to be included
 1259 in the Florida Education Finance Program for kindergarten
 1260 through grade 12 for each district shall be the product of the
 1261 following:

- 1262 1. The full-time equivalent student membership in each
- 1263 program, multiplied by
- 1264 2. The cost factor for each program, adjusted for the
- 1265 maximum as provided by paragraph (c), multiplied by
- 1266 3. The base student allocation.

1267 (t) ~~(s)~~ Computation for funding through the Florida
 1268 Education Finance Program.—The State Board of Education may
 1269 adopt rules establishing programs and courses for which the
 1270 student may earn credit toward high school graduation.

1271 Section 8. This act shall take effect July 1, 2012.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Budget - Subcommittee on Transportation, Tourism,
and Economic Development Appropriations, *Chair*
Reapportionment, *Chair*
Budget
Budget - Subcommittee on Health and Human Services
Appropriations
Commerce and Tourism
Health Regulation
Rules
Rules - Subcommittee on Ethics and Elections

JOINT COMMITTEE:

Legislative Budget Commission

SENATOR DON GAETZ

4th District

February 14, 2012

The Honorable Stephen Wise
Chairman
Committee on Education Pre-K - 12
410 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Wise,

I respectfully request that Eric Edwards from my staff present Senate Bill 1368 in the Committee on Education Pre-K – 12 today, Tuesday, February 14, 2012.

Thank you for your consideration.

Respectfully,



Senator Don Gaetz

cc: Lynda deMarsh-Mathues

REPLY TO:

- ☐ 4300 Legendary Drive, Suite 230, Destin, Florida 32541 (850) 897-5747
- ☐ 420 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5009

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

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 1610

INTRODUCER: Committee on Education Pre-K - 12 and Senator Dean

SUBJECT: Education

DATE: February 14, 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.....	☒	Statement of Substantial Changes
B. AMENDMENTS.....	☐	Technical amendments were recommended
	☐	Amendments were recommended
	☐	Significant amendments were recommended

I. Summary:

The bill is the culmination of the committee's interim project on education in Department of Juvenile Justice (DJJ) facilities.¹ It includes the recommendations of the Juvenile Justice Education Workgroup to improve the education outcomes of youth in DJJ facilities. The bill requires an evaluation of the effectiveness of school districts and private providers based upon the attainment of relevant academic and workforce skills that increase the likelihood of success upon release from a DJJ facility. School districts and private providers would be prohibited from providing educational services to youth in DJJ facilities if they fail to meet the above performance outcomes.

This bill also requires the Department of Education (DOE) to create a uniform, statewide photo identification badge to be worn by noninstructional contractors indicating that the contractors have been screened.

¹ Senate Interim Report 2012-219, Delivery of Educational Services in the Department of Juvenile Justice Services, available at <http://www.flsenate.gov/Committees/InterimProjects/2012/>.

School districts would be required to issue the contractor badges. To qualify for the badge, the contractor must:

- Be a resident and citizen, or a permanent resident alien of the U.S.;
- Be at least 18 years old; and
- Meet background screening standards.

The badges must be visible at all times when a noninstructional contractor is on school grounds.

The cost for the identification badge, to be determined by the DOE, will be paid by the contractor.

The badge would be valid for a period of five years, unless the contractor is required to return the badge due to a new offense.

Badgeholders who commit a disqualifying offense are required to relinquish their badges to the issuing school district within 48 hours of self-reporting the incident.

This bill substantially amends sections 985.03, 985.46, 985.618, 985.632, 985.721, 1001.42, 1002.20, 1002.45, 1003.01, 1009.25, 1010.20, 1011.62, and 1012.467, creates section 1003.515, and repeals section 1003.52 of the Florida Statutes.

II. Present Situation:

Statutory requirements

Section 1003.52, F.S., establishes the educational expectations for DJJ youth in residential and day treatment programs.² The Department of Education (DOE) currently serves as the lead agency for juvenile justice education programs, curriculum, support services, and resources. Although district school boards are responsible for providing educational services to youth in juvenile justice programs, the DOE and DJJ are responsible for reporting the academic performance of students in juvenile justice programs, developing academic and career guidance to district school boards and providers in educational programming, and prescribing the roles of program personnel and school district or provider collaboration strategies.³

Current law states that education is the single most important factor in the rehabilitation of adjudicated delinquent youth and that the goal of the juvenile justice system is to allow these youth the opportunity to obtain a high-quality education.⁴ Unfortunately, the law only requires an education program that supports treatment goals and leads to a high school diploma or equivalent.⁵ Data collected on student achievement is based primarily on learning gains in

² DJJ programs provide oversight for approximately 150 residential, day treatment, and prevention programs in 43 counties. The majority of programs are operated under contract by private providers for services such as mental health, substance abuse treatment, plans for restitution, and transition services so that youth successfully re-enter their home communities.

³ s. 1003.52(1), F.S.

⁴ *Id.*

⁵ s. 1003.52(5), F.S.

reading and mathematics.⁶ Given the serious academic deficits many of these youth bring to the programs and the significant hurdles they will face in obtaining gainful employment, DJJ education programs must go beyond a high school diploma or equivalent and offer workforce skills that will lead to employment.

The Office of Program Policy Analysis and Government Accountability (OPPAGA) reported concerns with a lack of meaningful student outcomes in DJJ facilities and recommended the evaluation of youth based on outcomes proven to reduce delinquency—continuing education and meaningful employment.⁷ Instead, educational programs are currently assigned quality assurance ratings based on on-site reviews and interviews of education services personnel.⁸

DJJ education program outcomes

The need to improve the educational outcomes of youth in DJJ facilities is documented through available data. On any given day, approximately 100,000 youth are in some form of juvenile justice placement, nationally.⁹ Obstacles to successful re-entry amplify the effects of the school-to-prison pipeline and increase the likelihood that these youth will find themselves returning to the justice system they just exited. Youth who return to school from juvenile justice placements have lower recidivism rates and a higher likelihood of successful re-entry into the community.¹⁰ Unfortunately, 79 percent of juvenile justice students in residential programs, who were age 16 or older and significantly behind academically, did not return to school upon release.¹¹

The Department of Education (DOE) provided data on youth released from DJJ programs over several years using information from the Florida Education and Training Placement Information Program (FETPIP). The DOE tracked youth in DJJ residential programs to determine occupational, educational, and subsequent judicial placement in the years following release from the program. To provide context, the DOE provided the same outcome information for high school dropouts and graduates. The chart shows that youth released from DJJ are returning to school at progressively lower rates over time. In addition, DJJ youth are similar to dropouts in that low percentages enroll in postsecondary education. Youth released from DJJ were also less likely to be employed than dropouts or high school graduates. Finally, DJJ youth, following release, are more likely to be incarcerated as adults than dropouts or high school graduates. Of

⁶ Approximately 15 percent of DJJ students demonstrated learning gains in mathematics and reading during FY 2009-2010. Eighty-five percent failed to read on grade level and 78 percent scored below grade level on mathematics. See page 4, www.fldoe.org/esd/pdf/jj_annual.pdf.

⁷ OPPAGA Report 08-07, available at: <http://www.oppaga.state.fl.us/ReportsYearList.aspx?yearID=22>.

⁸ Quality assurance ratings include information relating to teacher certifications and qualifications, courses taught by each teacher, qualifications and duties of all educational support personnel, assessment information, progress monitoring data, and program characteristics (i.e., size, location, provider, career education level designated by the DJJ, security level, and age range of students), school names and numbers under which diplomas are reported, course offerings, class schedules, bell schedules, school calendars, curriculum information, fidelity checks, walk-through forms, and annual evaluations of the educational program. See also *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, 2009-10, Department of Education, available at: www.fldoe.org/esd/pdf/jj_annual.pdf.

⁹ See *The School to Prison Pipeline and Back*, New York Law School Review, Volume 54, 2009-10, pg. 1116, available at: www.nyls.edu/index.php?cID=2666.

¹⁰ *Id.*

¹¹ *Juvenile Justice Students Face Barriers to High School Graduation and Job Training*, OPPAGA, Report No. 10-55 (October 2010.)

those who were later incarcerated by the Department of Corrections, they were less likely to earn full time equivalent wages after leaving the DJJ program.

Information on DJJ Youth in Comparison to School Dropouts and High School Graduates

	Year Students Left Or Graduated 2006-07			Year Students Left or Graduated 2007-08		
	DJJ Leavers	Dropouts	HS Grads	DJJ Leavers	Dropouts	HS Grads
1. Number of students	7,395	25,144	127,258	6,041	19,640	131,128
2. Number and percent who returned to HS or MS at any point following release	2430 33%	7,879 31%	NA	634 10%	5,471 28%	NA
3. Number and percentage of DJJ Leavers who received a GED	1,557 21%	NA	NA	1,288 21%	NA	NA
4. Number and percent who enrolled in Postsecondary ED in the year following their release - continuing education	390 0%	1,520 6%	80,057 63%	364 6%	1,274 6%	82,741 63%
5. Number and percent who were employed in the year after release	1,502 20%	9,234 37%	69,117 54%	866 14%	5,437 28%	62,890 48%
6. Of those who were employed, number and percent who were employed with full time equivalent wages in the year after their release ¹²	231 15%	2,011 22%	15,032 22%	135 16%	1,239 28%	10,613 17%
7. Number and percent who were later incarcerated in a DOC facility (Followed through 2009-10)	1,197 16%	874 3%	271 0%	600 10%	503 3%	159 0%
8. Of those that were later incarcerated in a DOC facility, the number and percent employed in the year after release with full time equivalent wages ¹	20 2%	16 2%	29 11%	3 0%	2 0%	8 5%

Source: Florida Education and Training Placement Information Program

* Percentages less than .50% are rounded to (whole percentages) 0%.

Youth released from DJJ programs are most likely to reoffend within the first nine months of release.¹³ Of these recidivists, more than half will be rearrested within the first four months

¹² Full-time is determined by the wages equal to or greater than “minimum wages *13 weeks* 40 hours.” If the wage amount is equal to or greater than this number, FETPIP considers the individual full-time for the quarter.

¹³ DJJ CAR Report, 2009-09, page 115.

following program release. Although Florida and federal law¹⁴ require state and local agencies to provide for effective re-entry of youth into the community, 13 of the state's 67 school districts automatically place students in an alternative education setting despite recommendations from the DJJ program staff and statutory requirements to use those recommendations in re-entry placement decisions.¹⁵ Youth who have been involved in juvenile and criminal activity are not provided sufficient re-entry support to ensure that they do not re-offend.

The Center for Smart Justice¹⁶ reports that the \$240 million the state spends annually on residential facilities 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.¹⁷

Juvenile Justice Education Workgroup

The Juvenile Justice Education Workgroup was created in the summer of 2011 to bring together stakeholders in juvenile justice education. The workgroup heard testimony concerning youth education outcomes in juvenile justice facilities. Cognizant of the significant challenges these youth will face in obtaining gainful employment, the workgroup recommended a revised accountability structure to evaluate the effectiveness of the education. In particular, the workgroup recommended evaluating DJJ education programs on the following: youth attainment of industry certifications in targeted, high-demand and high-wage fields; continuing education at the secondary or postsecondary level; job placement or self-employment; and attainment of postsecondary credit.

High-demand and high-wage employment

In an effort to improve the alignment of coursework to skills needed in high demand occupations, the Career and Professional Academy Act was enacted by the 2007 Legislature.¹⁸ The legislation requires the collaborative development of a strategic 5-year plan by school districts, regional workforce boards, postsecondary institutions, and private businesses to determine relevant workforce-related educational offerings to be delivered within the K-12 arena. As a result of the legislation, the number of career academies in the state's secondary schools has increased dramatically. High school students earned a total of 803 industry certifications in high demand occupations during the 2007-08 school year and 8,629 certifications in the 2009-10 school year.¹⁹ Of particular importance, the development of the 5-

¹⁴ Sections 1401(a), 1417(a), and 1422(d) of PL 107-110, No Child Left Behind Act of 2001; Sections 1003.52(5) (13)(i) and 985.618(1)(a)(b), F.S.; and State Board Rule 6A-6.05281.

¹⁵ See <http://www.fldoe.org/eae/sdte.asp>.

¹⁶ The Florida TaxWatch Center for Smart Justice was established in 2010 as a statewide research organization to ensure statewide justice reform through proven, cost-effective measures. The center is led by a board of civic and business leaders from across the state. See www.floridataxwatch.org/centers/CSJ/aboutsmartjustice.php.

¹⁷ 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>.

¹⁸ ch. 2007-216, L.O.F.

¹⁹ Presentation by the Department of Education, Chancellor for Career and Adult Education, August 24, 2011. On file with the Committee on Education Pre-K - 12.

year plan specifically requires that strategies be included to involve youth in DJJ facilities.²⁰ During the 2010-11 FY, grant funding supported industry certifications for youth in DJJ programs through virtual course offerings. As a result of the funding, the DJJ reports that 72 youth earned OSHA (Office of Safety and Health Administration) industry certifications, 60 earned industry certifications in Microsoft Office Suites, and 13 earned OSHA+certifications (OSHA plus add-on certification in Aggression Management and/or Blood-borne Pathogens).²¹

Criminal History Background Checks for Noninstructional Contractors (s. 1012.467, F.S.)

A noninstructional contractor is defined as any vendor, person, or entity under school or school board contract who is compensated for services performed for the school or school district, not in an employee capacity. Noninstructional contractors also include employees of contractors, subcontractors, and subcontractor employees.²²

A criminal history check is required of each noninstructional contractor who is:

- Granted access to school grounds when students are present;
- Whose contract performance with the school or school board is not expected to involve direct contact with students; and
- Expected to have infrequent and incidental student contact.²³

The criminal history check, to be conducted every five years, involves a database search for convictions of the following offenses:

- Sexual offender crimes;
- Sexual misconduct with developmentally disabled adults or mental health patients;
- Terrorism;
- Murder;
- Kidnapping;
- Lewdness and indecent exposure;²⁴
- Incest; and
- Child abuse, aggravated child abuse, or neglect of a child.²⁵

Noninstructional contractors are under a standing duty to report to an employer within 48 hours any arrests involving disqualifying offenses, or be subject to third-degree felony charges for a failure to notify.²⁶

A noninstructional contractor that works in multiple districts is required to notify a school district that he or she has completed a criminal history check in another school district in the last five

²⁰ See s. 1003.491(3)(j), F.S.

²¹ Data provided by DJJ Office of Educational Services. On file with the Committee on Education Pre-K – 12.

²² s. 1012.467(1), F.S.

²³ s. 1012.467(2)(a), F.S.

²⁴ s. 435.04(1), F.S.

²⁵ s. 1012.467(2)(a) and (g), F.S.

²⁶ s. 1012.467(6), F.S.

years. The school district uses a shared system, designed for that purpose, to verify results, without cost to the contractor.²⁷ The system is commonly known as the Florida Shared School Results system (FSSR). Over the last five-year period, the Florida Department of Law Enforcement (FDLE) indicates that of the 222,570 records in the FSSR, only 32,309 were viewed by a school district other than the one which submitted the record. This represents just 14.5 percent of the total number of records maintained, which suggests that work in multiple districts may not be that common.²⁸

Level 2 Background Screenings

Certain employees, such as instructional personnel and noninstructional personnel who have direct contact with students, are subject to more rigorous background screening. This includes not only fingerprinting through the FDLE, but also a national criminal history check through the Federal Bureau of Investigation, as well as a more comprehensive list of disqualifying offenses.²⁹ These include categories of offenses relating to sexual misconduct against children, abuse against vulnerable populations, violent crimes, certain felony drug crimes, and a range of miscellaneous offenses, such as felony video voyeurism, arson, false imprisonment, and escape.³⁰

Level 2 screenings capture not just convictions, but also pending charges, guilty pleas and pleas of nolo contendere (neither admission of, nor denial of guilt.)³¹

The DOE indicates that screening standards established in s. 1012.467, F.S., are considered to represent the minimum set of standards, and many districts have adopted their own screening standards for contractors. Some districts apply the same standards to employees and contractors, established by their school boards. Other districts use separate screening standards adopted by their school board or have adopted the provisions in s. 435.04, F.S., as their standards for contractors. This has created great confusion for those contractors who cross districts in their work in multiple districts.³²

Exemption to Screening

Section 1012.468, F.S., provides an exemption from fingerprinting and criminal history checks to certain noninstructional contractors. These are persons who receive compensation for services in a vendor capacity or otherwise a vendor or a person who is under contract with a school or the school board and receives compensation for services, but is not an employee of the district. The exemption applies as follows:

- To those under direct supervision of a school employee or contractor who has been screened pursuant to s. 1012.467, F.S. (which provides the list of disqualifying offenses that have resulted in a conviction); or

²⁷ s. 1012.467(2)(f), F.S.

²⁸ Donna Uzell, FDLE, E-mail correspondence on February 10, 2012. On file with the Committee on Education Pre-K – 12.

²⁹ s. 435.04(1), F.S.

³⁰ s. 435.04(2), F.S.

³¹ s. 435.04(2), F.S.

³² DOE Bill Analysis on SB 1610 (January 17, 2012). On file with the Committee on Education Pre-K – 12.

- To those who are not under direct supervision, but have been screened through the more stringent s. 435.04, F.S.³³

Noninstructional contractors that are exempt from screening are still required to be screened through the sexual predator and sexual offender database maintained by the Florida Department of Law Enforcement and the National Sex Offender Public Registry maintained by the U.S. Department of Justice.³⁴

III. Effect of Proposed Changes:

The Department of Juvenile Justice (DJJ)

The bill is a comprehensive effort to transform educational opportunities for youth in DJJ programs. Under the bill, the DOE is given authority to develop performance ratings for school district and private providers based on identified student outcomes. School districts or private providers who fail to meet established performance thresholds for two years out of three, based on the specified outcomes, would no longer provide educational services to these youth. Instead, the school district would be required to enter into an agreement with an adequate or high-performing school district or enter into a contract with an adequate or high-performing private provider to offer educational and workforce-related services to youth in these programs.

The DJJ, in consultation with the DOE, the Department of Economic Opportunity, school districts, and private providers, would adopt rules to implement provisions in the bill for which the DJJ is given responsibility.

The State Board of Education, in consultation with the DJJ, the Department of Economic Opportunity, school districts, and private providers, would adopt rules to establish performance ratings based on levels of attainment of outcomes. The bill requires the performance ratings to be weighted based on the rigor in attaining specified outcomes. Performance categories would include high, adequate, and failing. For purposes of determining performance ratings, school districts and private providers would be held accountable for student outcomes for no more than six months following the student's release from a residential or non-residential DJJ program. Established rules would also include provisions for uniform contracts between school districts and private providers.

Performance Outcomes

Education outcomes are designed to promote the successful return of adjudicated youth to their communities through employment in high demand occupations or continuing education. Outcomes established under the bill would differ based on the age-appropriate needs of the youth. Those 14 years or younger would be required to meet at least one of the following outcomes:

³³ s. 1012.468(2), F.S.

³⁴ s. 1012.468(3), F.S.

- Attainment of an industry certification in a targeted occupation;³⁵
- Participation in continuing education;³⁶
- Attainment of occupational completion points³⁷ in a targeted occupation;
- Attainment of secondary or postsecondary credit; or
- Achievement of academic progress in reading and mathematics.³⁸

Youth 15 years and older would be required to meet at least one of the following outcomes:

- Attainment of an industry certification in a targeted occupation;
- Obtaining employment;³⁹
- Attainment of occupational completion points in a targeted occupation;
- Participation in continuing education to complete the industry certification;
- Attainment of occupational completion points in a targeted occupation;
- Attainment of a high school diploma or its equivalent;
- Attainment of a high school diploma or its equivalent;
- Earning secondary or postsecondary credit; or
- Achievement of academic progress in reading and mathematics.⁴⁰

If a youth is in a residential or non-residential program for less than 40 days, the bill requires that the youth receives employability, life skills, and academic remediation, as appropriate. Counseling and transition services must also be provided.

Industry Certifications for Targeted Occupations

In an effort to promote academic engagement and relevant workforce skills, the bill establishes youth attainment of industry certifications as a key performance outcome. The DJJ program must collaborate with the regional workforce board and postsecondary institutions to determine the occupational areas of emphasis in the program. This provision will ensure that employment positions are currently or forecast to be available in the area in which the student is pursuing the certification. Additionally, it provides opportunities for industry certified volunteers from the community to provide support.

³⁵ In order to provide workforce skills in high demand occupations, the bill requires that industry certifications for these students be limited to those included on the Industry Certification Funding List pursuant to s. 1011.62(1)(o), F.S.

³⁶ For purposes of measuring student outcomes, continuing education would be defined based on the individual youth. Students of compulsory attendance age, for example, would be expected to continue their education within the secondary school arena in a supportive environment and an academic area that has meaning to them. Older youth who have attained a partial industry certification would enroll in an educational environment to complete the training, while those having attained full industry certification may wish to enhance those credentials with additional coursework.

³⁷ Occupational Completion Points (OCPs) are selected sets of student performance standards that fall between established occupational completion points, as identified in vocational job preparatory course descriptions. These selected standards guide the student in completing a modified program and developing marketable skills. See <http://www.fldoe.org/workforce/programs/ss5.asp>.

³⁸ Section 1003.52(3)(b), F.S., requires the DOE to select a valid assessment tool to measure learning gains in mathematics and reading.

³⁹ The Industry Certification Funding List is available at: <https://www.fldoe.org/workforce/fcpea/pdf/1011icfl.pdf>.

⁴⁰ Section 1003.52(3)(b), F.S., requires the DOE to select a common assessment tool to measure academic progress in mathematics and reading.

Access to Educational and Workforce-related Virtual Courses and Virtual Counseling

The bill requires residential juvenile justice education programs to provide access to virtual education instruction and virtual counseling to support the educational and workforce skills needed for adjudicated youth. This provision supports efficient use of the youth's time in a DJJ facility, by accelerating instructional opportunities during evenings and weekends, and expands access to courses, many of which result in high-demand industry certifications.⁴¹

School District Contracts with Private Providers

School districts would continue to provide educational services or contract with a private provider to meet specified student outcomes, contingent upon a designated level of performance over time. The bill establishes that school districts that contract for educational services may not dictate personnel decisions if the contracted provider maintains an adequate or high performance rating. It also allows for certification of instructional personnel to be covered under the "expert in the field" provisions currently in law. These provisions promote flexibility to employ instructors who are highly effective in working with at-risk youth. Also, when determining educational placement for youth upon release, the school district must adhere to the transition plan. This provision promotes decisions made in the best interest of the youth and supports the transition and re-entry plan established during program stay.

Development of Transitions Plans for Successful Reintegration

The bill requires that an educational component to the transition plan be developed for youth to specify educational and other services to be provided during the youth's stay in the DJJ program, as well as services to be provided upon release. The educational component of the transition plan, developed in collaboration with the youth and the youth's family, would govern decisions regarding educational, workforce, and other services to ensure successful reintegration into the community.

Annual Report to the Legislature

The DJJ, with assistance from the DOE, school districts, and private providers, is required to submit an annual report to the Legislature beginning February 15, 2014. The report must include data on the level of attainment of performance outcomes by DJJ youth and include comparisons by demographics, by district and provider, and with students in traditional educational settings. The report must address the use of virtual education in attainment of outcomes and implementation of transition and reintegration plans for successful re-entry of youth into the community. Additionally, the report must provide recommendations for improving outcome measures and additional cost savings.

⁴¹All 145 industry certifications earned by youth in DJJ programs during FY 2010-11 (OSHA and Microsoft Office Suites) were completed through virtual education courses.

Criminal Background Checks

This bill requires the DOE to create a uniform, statewide photo identification badge to be worn by noninstructional contractors indicating that the contractors have been screened.

School districts would be required to issue the actual contractor badges. To qualify for the badge, the contractor must:

- Be a resident and citizen, or a permanent resident alien of the U.S.;
- Be at least 18 years old; and
- Meet criminal history background check requirements in s. 1012.467, F.S..

This bill specifies that the validity of the badge is for a period of five years. This is identical to the amount of time that background checks remain valid. Also, the bill clarifies that the exemption from background screening provided in s. 1012.468, F.S., would still apply. These provisions are consistent with current law.

The badges must be visible at all times when a noninstructional contractor is on school grounds. Presumably, the badgeholder would wear the badge.

If a disqualifying offense occurs and the noninstructional contractor self-reports the offense as is required within 48 hours, the badge must be returned to the issuing school district within 48 hours of notification. This appears to be cumulative to the initial 48 hour period for self-reporting required in s. 1012.467(6), F.S., which would mean that the criminal offender would have up to four days from the date of the charge to return the badge.

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:

Private providers that fail to meet performance expectations for two out of three years would be barred from providing education services to youth in DJJ facilities. These entities may experience a reduction in revenue. High-performing providers may experience a positive fiscal impact.

The cost savings to taxpayers, although indeterminate, may be significant. Criminologists estimate that steering just one high-risk delinquent teen away from a life of crime saves society \$3 million to \$6 million in reduced victim costs and criminal justice expenses, plus increased wages and tax payments over the young person's lifetime.⁴²

Regarding the language relating to background screening, the cost for the identification badge, to be determined by the DOE, will be paid by the contractor. Presumably the cost would include the cost of screening.

It is unclear what impact the requirement for citizenship or permanent resident alien status could have on private contractor companies.

C. Government Sector Impact:

School districts would be required to expend 95 percent of funding received for juvenile justice education directly on student instruction in the juvenile justice education programs in their respective districts. This is an increase of five percent over the currently required 90 percent provision in law.⁴³ This is not a reduction in available funding; however, it requires that funds be targeted more closely to student instruction, thus resulting in less funding available for administrative costs.

School districts that fail to meet performance expectations for two out of three years would experience a reduction in revenue. High-performing school districts may experience a positive revenue impact.

Government cost savings, although indeterminate, may be significant. Youth are more likely to successfully return to their communities with educational success and meaningful workforce skills. When youth are successful, future crime and costly incarceration is prevented.

Regarding the issue of background screening, as the cost of the badge would be borne by the contractor, the DOE should not incur a fiscal impact, other than a small increase in workload from the provisions of this bill.

⁴² Missouri's current director of adult corrections credits their Department of Youth Services practices with saving the state millions of dollars by reducing the recidivism of juvenile offenders into adult prisons. See the Missouri Model, available at: www.aecf.org/~media/Pubs/.../MOModel/MO_Fullreport_webfinal.pdf.

⁴³ s. 1010.20(3)(a), F.S.

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 Education Pre-K – 12 on February 14, 2012:

The committee substitute:

- Ensures students in residential programs have access to virtual instruction or instruction offered by volunteers during evenings and weekends;
- Provides clarity to the individual student outcomes in the bill and includes occupational completion points throughout;
- Provides that a provider who maintains at least an adequate rating will be given autonomy to hire instructors;
- Requires that SBE rule includes provisions for uniform contracts between the school districts and private providers;
- Increases from 90 percent to 95 percent the amount of funding generated by juvenile justice students that must go directly to student instruction;
- Provides that the applicable background screening law for noninstructional contractors is s. 1012.467, F.S.;
- Provides that identification badges remain valid for a five-year period;
- Specifies that if a disqualifying offense occurs and the noninstructional contractor self-reports the offense as is required, the badge must be returned to the issuing school district within 48 hours of notification; and
- Clarifies that the provision addressing the exemption from background screening for certain noninstructional contractors continues to apply.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/15/2012	.	
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The Committee on Education Pre-K - 12 (Wise) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (30) through (57) of section 985.03, Florida Statutes, are redesignated as subsections (31) through (58), respectively, and a new subsection (30) is added to that section, to read:

985.03 Definitions.—As used in this chapter, the term:
(30) "Juvenile justice education programs" has the same meaning as provided in s. 1003.01(11)(a).

Section 2. Subsection (6) is added to section 985.46,



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Florida Statutes, to read:

985.46 Conditional release.—

(6) Each juvenile committed to a commitment program shall have a transition plan upon release. Transition planning shall begin for each juvenile upon placement in a commitment program and shall result in an individual transition plan for each youth before he or she is released. The transition plan shall be developed with the participation of the youth, representatives of the commitment program, school district personnel, and representatives of conditional release or postcommitment probation programs, if appropriate. The transition plan shall include an education transition plan component as provided in s. 1003.515(10), as well as information regarding pertinent delinquency treatment and intervention services that are accessible upon exiting the program.

(a) For a juvenile who is released on conditional release or postcommitment probation status, the transition plan shall be incorporated into the conditions of release.

(b) For a juvenile who is not released on conditional release or postcommitment probation status, the transition plan shall be explained to the youth and provided upon release, with all necessary referrals having been made at least 30 days before the youth exits the program.

(c) For a juvenile who participates in a nonresidential program, the transition plan shall be explained to the youth and provided upon release. For a juvenile who participates in a nonresidential program and who is released on conditional release or postcommitment probation status, the transition plan shall be incorporated into the conditions of release.



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Section 3. Section 985.618, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 985.618, F.S., for present text.)

985.618 Education and workforce-related programs.—

(1) The Legislature intends for youth in juvenile justice programs to be provided a quality education that includes workforce-related skills that lead to continuing education or meaningful employment, or both, and that results in reduced rates of recidivism.

(2) The department, in collaboration with the Department of Education, shall annually verify that each juvenile justice education program, at a minimum:

(a) Provides access to virtual course offerings that maximize learning opportunities for youth.

(b) Encourages access to virtual counseling to address the educational and workforce needs of adjudicated youth.

(c) Provides instruction from individuals who hold industry credentials in the occupational areas in which they teach.

(d) Ensures students in juvenile justice residential education programs have access to virtual instruction or instruction offered by volunteers during evenings and weekends.

(e) Considers, before placement, the age, interests, prior education, training, work experience, emotional and mental abilities, treatment needs, and physical capabilities of the youth and the duration of the term of placement imposed.

(f) Provides specialized instruction, related services, accommodations, and modifications as are necessary to ensure the provision of a free, appropriate public education for students



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71 with disabilities.

72 (g) Expends funds in a manner that directly supports the
73 attainment of successful student outcomes as specified in s.
74 1003.515(7) and that allows youth to engage in real work
75 situations whenever possible.

76 (3) The department shall collaborate with the Department of
77 Education, the Department of Economic Opportunity, school
78 districts, and private providers to adopt rules to administer
79 this section.

80 Section 4. Section 985.632, Florida Statutes, is amended to
81 read:

82 985.632 Quality assurance and cost-effectiveness.—

83 (1) It is the intent of the Legislature that the
84 department:

85 (a) Ensure that information be provided to decisionmakers
86 in a timely manner so that resources are allocated to programs
87 of the department which achieve desired performance levels.

88 (b) Provide information about the cost of such programs and
89 their differential effectiveness so that the quality of such
90 programs can be compared and improvements made continually.

91 (c) Provide information to aid in developing related policy
92 issues and concerns.

93 (d) Provide information to the public about the
94 effectiveness of such programs in meeting established goals and
95 objectives.

96 (e) Provide a basis for a system of accountability so that
97 each client is afforded the best programs to meet his or her
98 needs.

99 (f) Improve service delivery to clients.



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(g) Modify or eliminate activities that are not effective.

(2) As used in this section, the term:

(a) "Client" means any person who is being provided treatment or services by the department or by a provider under contract with the department.

(b) "Program component" means an aggregation of generally related objectives which, because of their special character, related workload, and interrelated output, can logically be considered an entity for purposes of organization, management, accounting, reporting, and budgeting.

(c) "Program effectiveness" means the ability of the program to achieve desired client outcomes, goals, and objectives.

(3) The department shall annually collect and report cost data for every program operated by the department or its contracted provider ~~or contracted by the department~~. The cost data shall conform to a format approved by the department and the Legislature. Uniform cost data shall be reported and collected for each education program operated by a school district or private provider contracted by a school district ~~state-operated and contracted programs~~ so that comparisons can be made among programs. The Department of Education shall ensure that there is accurate cost accounting for education programs operated by school districts, including those programs operated by private providers under contract with school districts ~~state-operated services including market-equivalent rent and other shared cost. The cost of the educational program provided to a residential facility shall be reported and included in the cost of a program.~~ The Department of Education shall submit ~~an~~ annual



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cost data report to the department ~~President of the Senate, the~~
~~Speaker of the House of Representatives, the Minority Leader of~~
~~each house of the Legislature, the appropriate substantive and~~
~~fiscal committees of each house of the Legislature, and the~~
~~Governor, no later than December 1 of each year. The annual cost~~
data shall be included in the annual report required in
subsection (7). Cost-benefit analysis for juvenile justice
education ~~educational~~ programs shall ~~will~~ be developed and
implemented in collaboration with and in cooperation with the
Department of Education, local providers, and local school
districts. ~~Cost data for the report shall include data collected~~
~~by the Department of Education for the purposes of preparing the~~
~~annual report required by s. 1003.52(19).~~

(4) (a) The department, in consultation with the Office of
Economic and Demographic Research and contract service
providers, shall develop a cost-effectiveness model and apply
the model to each commitment program. Program recidivism rates
shall be a component of the model. The cost-effectiveness model
shall compare program costs to client outcomes and program
outputs. It is the intent of the Legislature that continual
development efforts take place to improve the validity and
reliability of the cost-effectiveness model.

(b) The department shall rank commitment programs based on
the cost-effectiveness model and shall submit a report to the
appropriate substantive and fiscal committees of each house of
the Legislature by December 31 of each year.

(c) Based on reports of the department on client outcomes
and program outputs and on the department's most recent cost-
effectiveness rankings, the department may terminate a program



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operated by the department or a provider if the program has failed to achieve a minimum threshold of program effectiveness. This paragraph does not preclude the department from terminating a contract as provided under this section or as otherwise provided by law or contract, and does not limit the department's authority to enter into or terminate a contract.

(d) In collaboration with the Office of Economic and Demographic Research, and contract service providers, the department shall develop a work plan to refine the cost-effectiveness model so that the model is consistent with the performance-based program budgeting measures approved by the Legislature to the extent the department deems appropriate. The department shall notify the Office of Program Policy Analysis and Government Accountability of any meetings to refine the model.

(e) Contingent upon specific appropriation, the department, in consultation with the Office of Economic and Demographic Research, and contract service providers, shall:

1. Construct a profile of each commitment program that uses the results of the quality assurance report required by this section, the cost-effectiveness report required in this subsection, and other reports available to the department.

2. Target, for a more comprehensive evaluation, any commitment program that has achieved consistently high, low, or disparate ratings in the reports required under subparagraph 1.

3. Identify the essential factors that contribute to the high, low, or disparate program ratings.

4. Use the results of these evaluations in developing or refining juvenile justice programs or program models, client



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outcomes and program outputs, provider contracts, quality assurance standards, and the cost-effectiveness model.

(5) (a) Program effectiveness shall be determined by implementing systematic data collection, data analysis, and education and workforce-related program evaluations pursuant to this section and s. 1003.515.

(b) The evaluation of juvenile justice education and workforce-related programs shall be based on the performance outcomes provided in s. 1003.515(7).

(6) ~~(5)~~ The department shall:

(a) Establish a comprehensive quality assurance system for each program operated by the department or its contracted provider ~~operated by a provider under contract with the department~~. Each contract entered into by the department must provide for quality assurance.

(b) Provide operational definitions of and criteria for quality assurance for each specific program component.

(c) Establish quality assurance goals and objectives for each specific program component.

(d) Establish the information and specific data elements required for the quality assurance program.

(e) Develop a quality assurance manual of specific, standardized terminology and procedures to be followed by each program.

(f) Evaluate each program operated by the department or its contracted ~~a provider under a contract with the department~~ and establish minimum thresholds for each program component. If a provider fails to meet the established minimum thresholds, such failure shall cause the department to cancel the provider's



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contract unless the provider achieves compliance with minimum thresholds within 6 months or unless there are documented extenuating circumstances. In addition, the department may not contract with the same provider for the canceled service for a period of 12 months. If a department-operated program fails to meet the established minimum thresholds, the department must take necessary and sufficient steps to ensure and document program changes to achieve compliance with the established minimum thresholds. If the department-operated program fails to achieve compliance with the established minimum thresholds within 6 months and if there are no documented extenuating circumstances, the department must notify the Executive Office of the Governor and the Legislature of the corrective action taken. Appropriate corrective action may include, but is not limited to:

1. Contracting out for the services provided in the program;
2. Initiating appropriate disciplinary action against all employees whose conduct or performance is deemed to have materially contributed to the program's failure to meet established minimum thresholds;
3. Redesigning the program; or
4. Realigning the program.

The department shall submit an annual report to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, the appropriate substantive and fiscal committees of each house of the Legislature, and the Governor, no later than February 1 of



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each year. The annual report must contain, at a minimum, for each specific program component: a comprehensive description of the population served by the program; a specific description of the services provided by the program; cost; a comparison of expenditures to federal and state funding; immediate and long-range concerns; and recommendations to maintain, expand, improve, modify, or eliminate each program component so that changes in services lead to enhancement in program quality. The department shall ensure the reliability and validity of the information contained in the report.

(7) The department, in collaboration with the Department of Education and in consultation with the school districts and private juvenile justice education program providers, shall prepare an annual report containing the education performance outcomes, based on the criteria in s. 1003.515(7), of youth in juvenile justice education programs. The report shall delineate the performance outcomes of youth in the state, in each school district's juvenile justice education program, and for each private provider's juvenile justice education program, including the performance outcomes of all major student populations and genders, as determined by the Department of Education. The report shall address the use and successful completion of virtual instruction courses and the successful implementation of transition and reintegration plans. The report must include an analysis of the performance of youth over time, including, but not limited to, additional education attainment, employment, earnings, industry certification, and rates of recidivism. The report must also include recommendations for improving performance outcomes and for additional cost savings and



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efficiencies. The report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 15, 2014, and each year thereafter.

~~(8)(6)~~ The department shall collect and analyze available statistical data for the purpose of ongoing evaluation of all programs. The department shall provide the Legislature with necessary information and reports to enable the Legislature to make informed decisions regarding the effectiveness of, and any needed changes in, services, programs, policies, and laws.

Section 5. Section 985.721, Florida Statutes, is amended to read:

985.721 Escapes from secure detention or residential commitment facility.—An escape from:

(1) Any secure detention facility maintained for the temporary detention of children, pending adjudication, disposition, or placement;

(2) Any residential commitment facility described in s. 985.03(46) ~~985.03(45)~~, maintained for the custody, treatment, punishment, or rehabilitation of children found to have committed delinquent acts or violations of law; or

(3) Lawful transportation to or from any such secure detention facility or residential commitment facility,

constitutes escape within the intent and meaning of s. 944.40 and is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 6. Paragraph (b) of subsection (18) of section 1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.—The



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district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.— Maintain a state system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 1008.385, 1010.01, and 1011.01. This system of school improvement and education accountability shall comply with the provisions of ss. 1008.33, 1008.34, 1008.345, and 1008.385 and include the following:

(b) *Public disclosure.*—The district school board shall provide information regarding the performance of students in ~~and education~~ educational programs as required pursuant to ss. 1008.22 and 1008.385 and implement a system of school reports as required by statute and State Board of Education rule which shall include schools operating for the purpose of providing education ~~educational~~ services to youth in Department of Juvenile Justice residential and nonresidential programs, and for those programs ~~schools~~, report on the data and education outcomes ~~elements~~ specified in s. 1003.515(7) ~~1003.52(19)~~. Annual public disclosure reports shall be in an easy-to-read report card format and shall include the school's grade, high school graduation rate calculated without GED tests, disaggregated by student ethnicity, and performance data as specified in state board rule.

Section 7. Subsection (20) of section 1002.20, Florida Statutes, is amended to read:



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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:

(20) JUVENILE JUSTICE PROGRAMS.—Students who are in juvenile justice programs have the right to receive educational programs and services in accordance with the provisions of s. 1003.515 ~~1003.52~~.

Section 8. Paragraph (b) of subsection (1) of section 1002.45, Florida Statutes, is amended to read:

1002.45 Virtual instruction programs.—

(1) PROGRAM.—

(b) Each school district that is eligible for the sparsity supplement pursuant to s. 1011.62(7) shall provide all enrolled public school students within its boundaries the option of participating in part-time and full-time virtual instruction programs. Each school district that is not eligible for the sparsity supplement shall provide at least three options for part-time and full-time virtual instruction. All school districts must provide parents with timely written notification of an open enrollment period for full-time students of at least 90 days that ends no later than 30 days before ~~prior to~~ the first day of the school year. The purpose of the program is to make quality virtual instruction available to students using online and distance learning technology in the nontraditional classroom. A school district virtual instruction program shall provide the following:



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1. Full-time virtual instruction for students enrolled in kindergarten through grade 12.

2. Part-time virtual instruction for students enrolled in grades 9 through 12 courses that are measured pursuant to subparagraph (8)(a)2.

3. Full-time or part-time virtual instruction for students enrolled in dropout prevention and academic intervention programs under s. 1003.53, Department of Juvenile Justice education programs under s. 1003.515 ~~1003.52~~, core-curricula courses to meet class size requirements under s. 1003.03, or Florida College System institutions under this section.

Section 9. Paragraph (a) of subsection (11) of section 1003.01, Florida Statutes, is amended to read:

1003.01 Definitions.—As used in this chapter, the term:

(11)(a) "Juvenile justice education programs ~~or schools~~" means programs ~~or schools~~ operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, for a school year comprised of 250 days of instruction distributed over 12 months. At the request of the provider, a district school board may decrease the minimum number of days of instruction by up to 10 days for teacher planning for residential programs and up to 20 days for teacher planning for nonresidential programs, subject to the approval of the Department of Juvenile Justice and the Department of Education.

Section 10. Section 1003.515, Florida Statutes, is created to read:

1003.515 The Florida Juvenile Justice Education Act.—

(1) SHORT TITLE.—This section may be cited as the "Florida Juvenile Justice Education Act."



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390 (2) LEGISLATIVE FINDING.—The Legislature finds that an
391 education is the single most important factor in the
392 rehabilitation of adjudicated youth who are in Department of
393 Juvenile Justice residential and nonresidential programs.

394 (3) PURPOSES.—The purposes of this section are to:

395 (a) Provide performance-based outcome measures and
396 accountability for juvenile justice education programs; and

397 (b) Improve academic and workforce-related outcomes so that
398 adjudicated and at-risk youth may successfully complete the
399 transition to and reenter the academic and workforce
400 environments.

401 (4) DEFINITION.—For purposes of this section, the term
402 “juvenile justice education programs” has the same meaning as in
403 s. 1003.01(11)(a).

404 (5) SCHOOL DISTRICT AND CONTRACTED EDUCATION PROVIDER
405 RESPONSIBILITIES.—

406 (a) A school district or private provider contracted by a
407 school district to offer education services to youth in a
408 juvenile justice education program shall:

409 1. Provide rigorous and relevant academic and workforce-
410 related curricula that will lead to industry certifications or
411 occupational completion points in an occupational area
412 identified in the Industry Certification Funding list adopted by
413 the State Board of Education, or articulate to secondary or
414 postsecondary-level coursework, as appropriate.

415 2. Support state, local, and regional economic development
416 demands.

417 3. Make high-wage and high-demand careers more accessible
418 to adjudicated and at-risk youth.



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419 4. Reduce rates of recidivism for adjudicated youth.

420 5. Provide access to the appropriate courses and
421 instruction to prepare youth for a standard high school diploma,
422 a special diploma, or a high school equivalency diploma, as
423 appropriate.

424 6. Provide access to virtual education courses that are
425 appropriate to meet the requirements of academic or workforce-
426 related programs and the requirements for continuing education
427 specified in the youth's transition and postrelease plans.

428 7. Provide opportunities for earning credits toward high
429 school graduation or credits that articulate to postsecondary
430 education institutions while the youth are in residential and
431 nonresidential juvenile justice facilities.

432 8. Ensure that the credits and partial credits earned by
433 the youth are transferred and included in the youth's records as
434 part of the transition plan.

435 9. Ensure that the education program consists of the
436 appropriate academic, workforce-related, or exceptional
437 education curricula and related services that directly support
438 performance outcomes, which must be specified in each youth's
439 education transition plan component as required by subsection
440 (10).

441 10. If the duration of a youth's stay in a program is less
442 than 40 days, ensure that the youth receives employability, life
443 skills, and academic remediation, as appropriate. In addition,
444 counseling and transition services must be provided which
445 mitigate the youth's identified risk factors and prepare the
446 youth for a successful reintegration into the school, community,
447 and home settings.



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11. Maintain an academic record for each youth who is enrolled in a juvenile justice facility, as required by s. 1003.51, and ensure that the coursework, credits, partial credits, occupational completion points, and industry certifications earned by the youth are transferred and included in the youth's transition plan pursuant to s. 985.46.

(b) Each school district and private provider shall ensure that the following youth participate in the program:

1. Youth who are of compulsory school attendance age pursuant to s. 1003.21.

2. Youth who are not of compulsory school attendance age and who have not received a high school diploma or its equivalent, if the youth is in a residential or nonresidential juvenile justice program. Such youth must participate in the education program and participate in a workforce-related education program that leads to industry certification or occupational completion points in an occupational area identified in the Industry Certification Funding list adopted by the State Board of Education. This subparagraph does not limit the rights of students with disabilities, as defined under the Individuals with Disabilities Education Act, who are not of compulsory school attendance age and who have not received a high school diploma to receive a free, appropriate public education in accordance with their individualized needs.

3. Youth who have attained a high school diploma or its equivalent and who are not employed. Such youth must participate in a workforce-related education program that leads to employment in an occupational area identified in the Industry Certification Funding list adopted by the State Board of



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Education. Such youth may enroll in a state postsecondary institution to complete the workforce-related education program and are exempt from the payment of tuition and fees pursuant to s. 1009.25(1)(g).

(6) PROGRAM REQUIREMENTS.—In compliance with the strategic 5-year plan under s. 1003.491, each juvenile justice residential and nonresidential education program shall, in collaboration with the regional workforce board or economic development agency and local postsecondary institutions, determine the appropriate occupational areas for the program. Juvenile justice education programs must:

(a) Ensure that rigorous academic and workforce-related coursework is offered and meets or exceeds appropriate state-approved subject area standards, and results in the attainment of industry certification and postsecondary credit, when appropriate;

(b) Ensure instruction from individuals who hold state certifications, school district certifications pursuant to ss. 1012.39 and 1012.55(1), or industry credentials in the occupational areas in which they teach;

(c) Maximize the use of private sector personnel;

(d) Use strategies to maximize the delivery of virtual instruction;

(e) Maximize instructional efficiency for youth in juvenile justice facilities;

(f) Provide opportunities for youth to earn weighted or dual enrollment credit for higher-level courses, when appropriate;

(g) Promote credit recovery; and



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

(7) DEPARTMENT RESPONSIBILITIES.—

(a) The department shall identify each residential and nonresidential juvenile justice education program, excluding detention programs, as having one of the following performance ratings as defined by State Board of Education rule:

1. High performance.
2. Adequate performance.
3. Failing performance.

(b) The department shall consider the level of rigor associated with the attainment of a particular outcome when assigning weight to the outcome. The department shall evaluate the following elements in determining a juvenile justice education program's performance rating:

1. One or more of the following outcomes for a youth who is 14 years of age or younger:

a. Achieving academic progress in reading and mathematics, as measured by the statewide common pre- and post-assessment adopted by the department for use in juvenile justice education programs.

b. Participating in continuing education upon release from a juvenile justice residential or nonresidential program.

c. Completing secondary coursework upon release from a juvenile justice residential or nonresidential program.

d. Attaining occupational completion points in an



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occupational area identified in the Industry Certification
Funding list adopted by the State Board of Education.

e. Attaining an industry certification in an occupational
area identified in the Industry Certification Funding list
adopted by the State Board of Education, if available and
appropriate.

2. One or more of the following outcomes for a youth who is
15 years of age or older:

a. Achieving academic progress in reading and mathematics,
as measured by the statewide common pre- and post-assessment
adopted by the department for use in juvenile justice education
programs.

b. Participating in continuing education upon release from
a juvenile justice residential or nonresidential program.

c. Earning secondary or postsecondary credit upon release
from a juvenile justice residential or nonresidential program.

d. Attaining a high school diploma or its equivalent upon
release from a juvenile justice residential or nonresidential
program.

e. Obtaining employment upon release from a juvenile
justice residential or nonresidential program.

f. Attaining an industry certification in an occupational
area identified in the Industry Certification Funding list
adopted by the State Board of Education.

g. Attaining occupational completion points in an
occupational area identified in the Industry Certification
Funding list adopted by the State Board of Education.

h. Participating in continuing education upon release from
a juvenile justice residential or nonresidential program in



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order to complete the industry certification identified in the Industry Certification Funding list adopted by the State Board of Education.

(c) By September 1, 2012, the department shall make available a common student pre- and post-assessment to measure the academic progress in reading and mathematics of youth who are assigned to juvenile justice education programs.

For purposes of performance ratings, juvenile justice residential and nonresidential education programs, excluding detention centers, shall be held accountable for the performance outcomes of youth for no more than 6 months after the release of youth from the residential or nonresidential program. This subsection 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.

(8) PROGRAM ACCOUNTABILITY.—

(a) The department shall, in collaboration with the Department of Juvenile Justice:

1. Monitor the education performance of youth in juvenile justice facilities.

2. Prohibit school districts or private providers that have failing performance ratings from delivering the education services.

3. Verify that a school district is operating or contracting with a private provider to deliver education services.

(b) If a school district's juvenile justice residential or nonresidential education program earns two failing performance



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ratings in any 3-year period, as provided in subsection (7), the school district shall contract with a private provider that has an adequate or higher performance rating or enter into an agreement with a school district that has an adequate or higher performance rating to deliver the education services to the youth in the program.

(c) Except as provided in paragraph (b), the school district of the county in which the residential or nonresidential facility is located shall deliver education services to youth in Department of Juvenile Justice programs. A school district may contract with a private provider to deliver the education services in lieu of directly providing the education services. The contract shall include performance criteria as provided in subsection (7).

(d) When determining educational placement for youth who enroll in a school district upon release, the school district must adhere to the transition plan established under s. 985.46(6).

(e) If a private provider under contract with a school district maintains an adequate or high-performance rating pursuant to subsection (7), the school district may not require a private provider to use the school district's personnel.

(f) Academic instructional personnel must be certified by the Department of Education; however, a nondegreed teacher of career education may be certified by a local school district under s. 1012.39 and may be designated as teaching out-of-field. An instructor who is deemed to be an expert in a specific field may be employed under s. 1012.55(1).

(g) Each school district must provide juvenile justice



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education programs access to substitute classroom teachers used
by the school district.

(9) EXITING PROGRAM.—Upon exiting a program, a youth must:

(a) Attain an industry certification or occupational
completion points in an occupational area identified in the
Industry Certification Funding list adopted by the State Board
of Education;

(b) Enroll in a program to complete the industry
certification;

(c) Be gainfully employed and earning full-time wages; or

(d) Enroll in and continue his or her education based on
the transition and postrelease plan provided in s. 958.46.

(10) EDUCATION TRANSITION PLAN COMPONENT.—

(a) The education transition plan component shall be
incorporated in the transition plan pursuant to s. 985.46(6).

(b) Each juvenile justice education program must develop an
education transition plan component during the course of a
youth's stay in a juvenile justice residential or nonresidential
program which coordinates academic and workforce services and
assists the youth in successful community reintegration upon the
youth's release.

(c) The development of the education transition plan
component shall begin upon a youth's placement in the program.
The education transition plan component must include the
academic and workforce services to be provided during the
program stay and the establishment of services to be implemented
upon release. The appropriate personnel in the juvenile justice
residential and nonresidential program, the members of the
community, the youth, and the youth's family, when appropriate,



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shall collaborate to develop the education transition plan component.

(d) Education planning for reintegration shall begin when placement decisions are made and continue throughout the youth's stay in order to provide for continuing education, job placement, and other necessary services. Individuals who are responsible for reintegration shall coordinate activities to ensure that the education transition plan component is successfully implemented and a youth is provided access to support services that will sustain the youth's success once he or she is no longer under the supervision of the Department of Juvenile Justice. The education transition plan component must provide for continuing education, workforce development, or meaningful job placement pursuant to the performance outcomes in subsection (7). For purposes of this section, the term "reintegration" means the process by which a youth returns to the community following release from a juvenile justice program.

(11) FUNDING.—

(a) Youth who are participating in GED preparation programs while under the supervision of the Department of Juvenile Justice shall be funded at the basic program cost factor for juvenile justice programs in the Florida Education Finance Program (FEFP). Juvenile justice education programs shall be funded in the appropriate FEFP program based on the education services needed by the students in the programs pursuant to s. 1011.62.

(b) Juvenile justice education programs operated through a contract with the Department of Juvenile Justice and under the purview of the department's quality assurance standards and



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performance outcomes shall receive the appropriate FEFP funding for juvenile justice programs.

(c) A district school board shall fund the education program in a juvenile justice facility at the same or higher level of funding for equivalent students in the district school system based on the funds generated through the FEFP and funds allocated from federal programs.

(d) Consistent with the rules of the State Board of Education, district school boards shall request an alternative full-time equivalent (FTE) survey for juvenile justice programs experiencing fluctuations in student enrollment.

(e) The State Board of Education shall prescribe rules relating to FTE count periods which must be the same for juvenile justice programs and other public school programs. The summer school period for students in juvenile justice programs shall begin on the day immediately preceding the subsequent regular school year. Students may be funded for no more than 25 hours per week of direct instruction; however, students shall be provided access to virtual instruction in order to maximize the most efficient use of time.

(12) FACILITIES.—The district school board may not be charged any rent, maintenance, utilities, or overhead on the facilities. Maintenance, repairs, and remodeling of existing facilities shall be provided by the Department of Juvenile Justice.

(13) RULEMAKING.—The State Board of Education shall collaborate with the Department of Juvenile Justice, the Department of Economic Opportunity, school districts, and private providers to adopt rules pursuant to ss. 120.536(1) and



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120.54 to administer this section which must include provisions for uniform contracts and contract requirements between school districts and private providers.

Section 11. Section 1003.52, Florida Statutes, is repealed.

Section 12. Present paragraph (g) of subsection (1) of section 1009.25, Florida Statutes, is redesignated as paragraph (h), and a new paragraph (g) is added to that subsection, to read:

1009.25 Fee exemptions.—

(1) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides postsecondary career programs, Florida College System institution, or state university:

(g) For purposes of completing coursework initiated while in the temporary custody of the state, youth who are eligible under s. 1003.515(5)(b)3. and who are ordered by a court to participate in a juvenile justice residential program.

Section 13. Paragraph (a) of subsection (3) of section 1010.20, Florida Statutes, is amended to read:

1010.20 Cost accounting and reporting for school districts.—

(3) PROGRAM EXPENDITURE REQUIREMENTS.—

(a) Each district shall expend at least the percent of the funds generated by each of the programs listed in this section on the aggregate total school costs for such programs:

1. Kindergarten and grades 1, 2, and 3, 90 percent.
2. Grades 4, 5, 6, 7, and 8, 80 percent.
3. Grades 9, 10, 11, and 12, 80 percent.
4. Programs for exceptional students, on an aggregate



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program basis, 90 percent.

5. Grades 7 through 12 career education programs, on an aggregate program basis, 80 percent.

6. Students-at-risk programs, on an aggregate program basis, 80 percent.

7. Juvenile justice programs, on an aggregate program basis, 95 ~~90~~ percent.

8. Any new program established and funded under s. 1011.62(1)(c), that is not included under subparagraphs 1.-7., on an aggregate basis as appropriate, 80 percent.

Section 14. Paragraph (f) 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:

(f) *Supplemental academic instruction; categorical fund.*—

1. There is created a categorical fund to provide supplemental academic instruction to students in kindergarten through grade 12. This paragraph may be cited as the "Supplemental Academic Instruction Categorical Fund."

2. Categorical funds for supplemental academic instruction shall be allocated annually to each school district in the



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amount provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of FTE student membership in the Florida Education Finance Program and shall be included in the total potential funds of each district. These funds shall be used to provide supplemental academic instruction to students enrolled in the K-12 program. Supplemental instruction strategies may include, but are not limited to: modified curriculum, reading instruction, after-school instruction, tutoring, mentoring, class size reduction, extended school year, intensive skills development in summer school, and other methods for improving student achievement. Supplemental instruction may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.

3. Effective with the 2012-2013 ~~1999-2000~~ fiscal year, funding on the basis of FTE membership beyond the 180-day regular term shall be provided in the FEFP only for students enrolled in juvenile justice education programs or in education programs for juveniles placed in secure facilities or programs under s. 985.19. Funding for instruction beyond the regular 180-day school year for all other K-12 students shall be provided through the supplemental academic instruction categorical fund and other state, federal, and local fund sources with ample flexibility for schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.

4. The Florida State University School, as a lab school, is



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authorized to expend from its FEFP or Lottery Enhancement Trust Fund allocation the cost to the student of remediation in reading, writing, or mathematics for any graduate who requires remediation at a postsecondary educational institution.

5. ~~Beginning in the 1999-2000 school year,~~ Dropout prevention programs as defined in ss. 1003.515 ~~1003.52~~, 1003.53(1)(a), (b), and (c), and 1003.54 shall be included in group 1 programs under subparagraph (d)3.

Section 15. Subsection (8) is added to section 1012.467, Florida Statutes, to read:

1012.467 Noninstructional contractors who are permitted access to school grounds when students are present; background screening requirements.—

(8)(a) The Department of Education shall create a uniform, statewide identification badge to be worn by noninstructional contractors signifying that a contractor has met the requirements of this section. The school district shall issue an identification badge to the contractor, which must bear a photograph of the contractor. An identification badge shall be issued if the contractor:

1. Is a resident and citizen of the United States or a permanent resident alien of the United States as determined by the United States Bureau of Citizenship and Immigration Services;

2. Is 18 years of age or older; and

3. Meets the background screening requirements under this section.

(b) The uniform, statewide identification badge shall be recognized by all school districts and must be visible at all



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times a noninstructional contractor is on school grounds.

(c) The identification badge shall be valid for a period of 5 years. If a noninstructional contractor provides notification pursuant to subsection (6), the contractor shall, within 48 hours, return the identification badge to the school district that issued the badge.

(d) The Department of Education shall determine a uniform cost that a school district may charge a noninstructional contractor for receipt of the identification badge, which shall be borne by the recipient of the badge.

(e) This subsection does not apply to noninstructional contractors who are exempt from background screening requirements pursuant to s. 1012.468.

Section 16. This act shall take effect upon becoming a law.

===== 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 education; amending s. 985.03,
F.S.; providing a definition for the term "juvenile
justice education programs" for purposes of the act;
amending s. 985.46, F.S.; requiring that each juvenile
committed to a juvenile justice commitment program
have a transition plan upon release; requiring that
the transition plan include an education transition
plan component and information regarding delinquency
treatment and intervention services that are



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accessible upon exiting the program; amending s.
985.618, F.S.; providing legislative intent regarding
juvenile justice education and workforce-related
programs; requiring that the Department of Juvenile
Justice, in collaboration with the Department of
Education, annually verify that each juvenile justice
education program meets specified minimum standards;
requiring that the department collaborate with certain
entities to adopt rules; amending s. 985.632, F.S.;
conforming provisions to changes made by the act;
requiring that the Department of Education rather than
the Department of Juvenile Justice ensure that there
is accurate cost accounting for certain education
programs; requiring that the Department of Education
submit annual cost data to the department; requiring
that the effectiveness of juvenile justice education
programs be determined by implementing systematic data
collection, data analysis, and evaluations; requiring
that the programs be evaluated based on student
performance outcomes; requiring that the Department of
Juvenile Justice, in collaboration with the Department
of Education and in consultation with other entities,
prepare and submit an annual report to the Governor
and the Legislature by a specified date; amending s.
985.721, F.S.; conforming a cross-reference; amending
s. 1001.42, F.S.; conforming provisions to changes
made by the act; conforming a cross-reference;
amending ss. 1002.20 and 1002.45, F.S.; conforming
cross-references; amending s. 1003.01, F.S.; revising



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the term "juvenile justice education programs or schools" to conform to changes made by the act; creating s. 1003.515, F.S.; providing a short title; providing a legislative finding; providing purposes of the Florida Juvenile Justice Education Act; providing a definition for the term "juvenile justice education programs"; providing responsibilities for school districts and private providers contracted by school districts to offer education services to youth in juvenile justice education programs; requiring that each juvenile justice residential and nonresidential program involve the regional workforce board or economic development agency and local postsecondary institutions to determine the occupational areas for the education and workforce-related program; providing requirements for education and workforce-related services in juvenile justice programs; providing responsibilities for the Department of Education; requiring that the department identify each juvenile justice residential and nonresidential education program, excluding detention programs, by performance ratings; providing criteria for determining performance ratings; requiring that the department make available a common student pre- and post-assessment to measure the academic progress in reading and mathematics of youth in juvenile justice education programs; requiring that juvenile justice residential and nonresidential education programs, excluding detention centers, be held accountable for student



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performance outcomes for a specified period after youth are released from the programs; providing for program accountability; requiring that the department monitor the education performance of youth, prohibit certain school district or private providers, under specified circumstances, from delivering education services, and verify that a school district is operating or contracting to deliver education services; providing for a school district's responsibilities; requiring that a youth who exits the program attain an industry certification, enroll in a program to complete the industry certification, be gainfully employed, or enroll in and continue his or her education based on a transition plan; requiring that an education transition plan component be incorporated in a youth's transition plan; requiring that each juvenile justice education program develop the education transition plan component during the course of the youth's stay in a juvenile justice residential or nonresidential program; providing funding requirements for the juvenile justice education programs; prohibiting a district school board from being charged rent, maintenance, utilities, or overhead on facilities; requiring that the Department of Juvenile Justice provide maintenance, repairs, and remodeling of existing facilities; requiring that the State Board of Education collaborate with the Department of Juvenile Justice, the Department of Economic Opportunity, school



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districts, and private providers to adopt rules;
repealing s. 1003.52, F.S., relating to educational
services in Department of Juvenile Justice programs;
amending s. 1009.25, F.S.; providing an exemption from
the payment of postsecondary education fees and
tuition for certain youth who are ordered by a court
to participate in a juvenile justice residential
program; amending s. 1010.20, F.S.; revising
provisions relating to expenditure requirements for
juvenile justice programs; amending s. 1011.62, F.S.;
extending dates relating to the funding of students
who are enrolled in juvenile justice education
programs or in education programs for juveniles placed
in secure facilities; conforming a cross-reference;
amending s. 1012.467, F.S.; requiring the Department
of Education to create a uniform, statewide
identification badge to be worn by noninstructional
contractors signifying that a contractor has met
specified requirements; requiring school districts to
issue the identification badge to a qualified
contractor; providing that the identification badge
shall be recognized by all school districts; providing
that the identification badge is valid for 5 years;
establishing conditions for return of an
identification badge; requiring the department to
determine a uniform cost that a school district may
charge a contractor for receipt of the identification
badge, which shall be borne by the contractor;
providing an exception for certain contractors;



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970

providing an effective date.

By Senator Dean

3-01461A-12

20121610__

A bill to be entitled

An act relating to background screening for noninstructional contractors on school grounds; amending s. 1012.467, F.S.; requiring the Department of Education to approve a uniform, statewide identification badge to be worn by noninstructional contractors signifying that a contractor has met specified background screening requirements; requiring school districts to issue the identification badge to a qualified contractor; providing that the identification badge shall be recognized by all school districts; requiring the department to determine the cost to be borne by the contractor; providing an effective date.

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

Section 1. Subsection (8) is added to section 1012.467, Florida Statutes, to read:

1012.467 Noninstructional contractors who are permitted access to school grounds when students are present; background screening requirements.—

(8) (a) The Department of Education shall approve a uniform, statewide identification badge to be worn by noninstructional contractors signifying that a contractor has met the requirements of this section and the uniform, statewide level 2 screening requirements as described in s. 1012.32. The school district shall issue an identification badge to the contractor, which must bear a photograph of the contractor. An

3-01461A-12

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identification badge shall be issued if the contractor:

1. Is a resident and citizen of the United States or a permanent resident alien of the United States as determined by the United States Bureau of Citizenship and Immigration Services;

2. Is 18 years of age or older; and

3. Meets the background screening standards under s. 435.04.

(b) The uniform, statewide identification badge shall be recognized by all school districts and must be visible at all times a noninstructional contractor is on school grounds.

(c) The Department of Education shall determine the cost to a noninstructional contractor for receipt of the identification badge which shall be borne by the recipient of the badge.

Section 2. This act shall take effect October 1, 2012.

THE FLORIDA SENATE
APPEARANCE RECORD

Waive

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

2/14/12
Meeting Date

Topic Background Screening
Name Richard Watson

Bill Number SB 1610
(if applicable)

Job Title Legislative Counsel

Amendment Barcode _____
(if applicable)

Address P.O. Box 10038
Tallahassee FL 32302
Street City State Zip

Phone 850 222-0000

E-mail rick@ventsmark
contractors.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Associated Builders & Contractors

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)

Spoke

2/14
Meeting Date

Topic GLITCH BILL

Bill Number 1610
(if applicable)

Name GAIL MARIE PERRY

Amendment Barcode _____
(if applicable)

Job Title CHAIR

Address PO Box 1766

Phone 954 830 4033

Pompano Beach FL 33061
City State Zip

E-mail workingjerk@hotmail.com

Speaking: ☒ For ☐ Against ☐ Information

COUNCIL of FLORIDA

Representing COMMUNICATIONS WORKERS of AMERICA

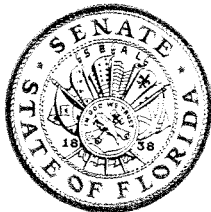
Appearing at request of Chair: ☐ Yes ☐ No

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

Tallahassee, Florida 32399-1100

COMMITTEES:

Environmental Preservation and Conservation,
Chair
Criminal Justice, *Vice Chair*
Budget - Subcommittee on Transportation, Tourism,
and Economic Development Appropriations
Governmental Oversight and Accountability
Reapportionment
Regulated Industries

SENATOR CHARLES S. DEAN, SR.

3rd District

February 14, 2012

Lynda deMarsh-Mathues
415 Knott Building
404 South Monroe St.
Tallahassee, FL 32399-1100

Dear Ms. deMarsh-Mathues:

Thank you for allowing Senate Bill 1610, relating to Background Screening for Noninstructional Contractors on School Grounds, to be placed on your agenda. Unfortunately, I will be unable to attend the Committee meeting and would like to request your permission to allow my aide, Travis Hart, to present this bill in my place.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Charles S. Dean".

Charles S. Dean
State Senator
District 3

REPLY TO:

- ☐ 405 Tompkins Street, Inverness, Florida 34450 (352) 860-5175
- ☐ Post Office Box 2558, Ocala, Florida 34478-2558 (352) 873-6513
- ☐ 302 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5017

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

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 1758

INTRODUCER: Senator Flores

SUBJECT: Early Learning

DATE: February 13, 2012

REVISED: _____

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

I. Summary:

This bill revises requirements relating to the payment rate and accounting procedures for early learning programs. The bill requires:

- The Office of Early Learning (OEL) to adopt a new method of calculating a family's required contribution to the cost of care;
- Early learning coalitions to pay providers the market rate minus the family contribution;
- OEL to adopt a statewide standard contract for programs, with no addenda allowed; and
- School districts that provide the Voluntary Prekindergarten (VPK) program to separately account for the funds received and expended for that program.

The bill requires OEL rules to limit support services to those listed in law and requires OEL to adopt uniform program performance standards by rule.

This bill amends ss. 411.01, 411.01013, and 1002.71, Florida Statutes.

II. Present Situation:

Established in 1999,¹ the School Readiness Program provides subsidies for early childhood education and child care services to children of low-income families; children in protective services who are at risk of abuse, neglect, or abandonment; children with disabilities; and children who are not economically disadvantaged but who meet the federal and state

¹ ch. 99-357, L.O.F.

requirements for the migrant preschool program.² The School Readiness Program is a state-federal partnership between Florida's OEL and the Office of Child Care of the United States Department of Health and Human Services.³ The School Readiness Program receives funding from a mixture of state and federal sources, including the federal Child Care and Development Fund (CCDF) block grant, the federal Temporary Assistance for Needy Families (TANF) block grant, and general revenue and other state funds.⁴ Early learning coalitions administer the School Readiness Program, the Voluntary Prekindergarten Program, and the state's child care resource and referral network in a county-wide, or multi-county area.

Currently parents participating in the School Readiness Program pay a contribution to the cost of early learning based on family income and the size of the family. A separate sliding fee scale model has been adopted by each early learning coalition which is used to determine each family's co-payment based on the Federal Poverty Guidelines.⁵ It is recommended by the federal government that the total amount of a family's payment for services based on the sliding fee scale should be set at ten percent of the family's income, regardless of the number of children in care.

Section 411.01(4)3., F.S., lists the system support services for school readiness programs, but the services are not limited to those on the list.⁶ Thus, the statute does not prohibit OEL or ELCs from defining and adopting more system support services than are listed in statute. The OEL may currently adopt child performance standards and outcome measures by rule. Currently, the statewide standard contract is not limited to only state and federal requirements, and there is no prohibition to addenda to the contract.

The OEL calculates the "prevailing market rate" in accordance with section 411.01013, F.S. The Market Rate Schedule is calculated annually and is used by each early learning coalition in setting its School Readiness Provider Reimbursement Rates by care level and type.⁷ At this time the Office of Early Learning does not track how a school district accounts for expenses related to its implementation of the VPK Education Program.

As required by the 2011 Legislature,⁸ the Auditor General performed an audit of OEL services and related delivery systems. The audit found that, "in many respects, OEL did not effectively administer its responsibilities for the School Readiness and VPK Programs."⁹ The provisions of this bill relating to the determination of parent co-payments, accounting for VPK income and

² s. 411.01(6), F.S.

³ U.S. Department of Health and Human Services, *Child Care and Development Fund Fact Sheet*, <http://www.acf.hhs.gov/programs/ccb/ccdf/factsheet.htm>

⁴ Specific Appropriation 2033, ch. 2011-69, L.O.F.

⁵ <http://aspe.hhs.gov/poverty/12poverty.shtml>

⁶ The services are: Child care resource and referral services, warm-line services for assistance to child care personnel regarding the inclusion of children with disabilities and special health care needs, eligibility determinations, child performance standards, child screening and assessment, developmentally appropriate curricula, health and safety requirements, statewide data system requirements, and rating and improvement systems.

⁷ The latest Market Rate Schedule published by Florida's Office of Early Learning is readable at:

http://www.floridaearlylearning.com/EarlyLearning/Documents/Fiscal-MarketRate/AbridgedMarket_Rate_2011_FT-PT.pdf

⁸ ch. 2011-142, L.O.F.

⁹ Auditor General, "Early Learning Programs and Related Delivery Systems," Report No. 2-012-061, December 2011, p.1. Readable at: http://www.myflorida.com/audgen/pages/pdf_files/2012-061.pdf

expenditures, and uniform outcome measures for school readiness programs address several findings of the audit.

III. Effect of Proposed Changes:

This bill revises requirements relating to the payment rate and accounting procedures for early learning programs. The bill:

- Repeals the requirement for a sliding fee scale for parent payments, requiring instead the use of an “affordable parent contribution,” defined as ten percent of the annual family income;
- Requires the Office of Early Learning to adopt a standardized statewide contract for use by early learning coalitions when contracting with providers, limits the contract to state and federal requirements only, and prohibits coalitions from adopting addenda to the contract;
- Adds a category in the prevailing market rate schedule for preschool-age children participating in the Voluntary Prekindergarten Education Program;
- Requires the Office of Early Learning to calculate a payment schedule for providers that is equal to the prevailing market rate for the appropriate category minus the affordable parent contribution; and
- Requires school districts that offer the Voluntary Prekindergarten Education Program to adopt procedures to account separately for income and expenses for this program.

The bill requires the OEL to adopt rules that limit the system support services to those listed in s. 411.01(4)3., F.S. The bill also gives the OEL rulemaking authority to adopt uniform performance standards and outcome measures for school readiness programs.

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 amount parents would pay for school readiness services could change, but the effect of the bill is indeterminate. Payments to early learning program providers would increase.

C. Government Sector Impact:

For FY 2011-12, a total of \$616.8 million was appropriated for the School Readiness Program from state and federal funds, including \$358.6 million from the CCDF block grant, \$116.4 million from the TANF block grant, \$137.5 million from the state's General Revenue Fund, \$3.8 million from other state fund sources, and \$500,000 from other federal fund sources.¹⁰

According to OEL, requiring that the OEL pay school readiness providers at the "prevailing market rate" minus the affordable parent contribution, would result in a fiscal impact of \$272,037,958.71 to the School Readiness program. Based on the 2011-2012 child and provider population to date, the office is expected to reimburse \$532,946,183.80 in School Readiness payments. Under the requirements of this bill, the Office would need to reimburse providers a total of \$804,984,142.51. If the Office were not to be appropriated the additional approximate \$272 million, the program would be forced to remove 68,000 children from the program.

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.

¹⁰ Specific Appropriation 2033, ch. 2011-69, L.O.F.

By Senator Flores

38-01274A-12

20121758__

1 A bill to be entitled
2 An act relating to early learning; amending s. 411.01,
3 F.S.; revising the duties of the Office of Early
4 Learning within the Department of Education; requiring
5 that the Office of Early Learning develop and adopt by
6 rule unified performance standards and outcome
7 measures for school readiness programs; requiring that
8 the Office of Early Learning adopt a statewide,
9 standardized contract that is limited to state and
10 federal requirements to be used by the early learning
11 coalitions; requiring that the Office of Early
12 Learning prohibit such coalitions from adopting
13 addenda to the contract; revising provisions to
14 conform to changes made by the act; amending s.
15 411.01013, F.S.; defining the term "affordable parent
16 contribution"; revising provisions relating to the
17 prevailing market rate schedule adopted by the Office
18 of Early Learning; requiring that the prevailing
19 market rate schedule differentiate rates by the type
20 of child care services provided for preschool-age
21 children participating in the Voluntary
22 Prekindergarten Education Program; requiring that the
23 Office of Early Learning calculate a payment schedule
24 equal to the prevailing market rate for each
25 differentiated rate, minus the affordable parent
26 contribution; amending s. 1002.71, F.S.; requiring
27 that a school district offering the Voluntary
28 Prekindergarten Education Program adopt procedures
29 that separately account for the funds received and the

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

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30 expenses incurred for the program; providing an
31 effective date.
32
33 Be It Enacted by the Legislature of the State of Florida:
34
35 Section 1. Paragraph (e) of subsection (2), paragraph (d)
36 of subsection (4), paragraph (d) of subsection (5), paragraph
37 (c) of subsection (6), and paragraph (g) of subsection (9) of
38 section 411.01, Florida Statutes, are amended to read:
39 411.01 School readiness programs; early learning
40 coalitions.—
41 (2) LEGISLATIVE INTENT.—
42 (e) It is the intent of the Legislature that the school
43 readiness program coordinate and operate in conjunction with the
44 district school systems. However, it is also the intent of the
45 Legislature that the school readiness program not be construed
46 as part of the system of free public schools but rather as a
47 separate program for children under the age of kindergarten
48 eligibility, funded separately from the system of free public
49 schools, using the affordable parent contribution as defined in
50 s. 411.01013(1)(a) utilizing a mandatory sliding fee scale, and
51 providing an integrated and seamless system of school readiness
52 services for the state's birth-to-kindergarten population.
53 (4) OFFICE OF EARLY LEARNING OF THE DEPARTMENT OF
54 EDUCATION.—
55 (d) The Office of Early Learning shall:
56 1. Be responsible for the prudent use of all public and
57 private funds in accordance with all legal and contractual
58 requirements.

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

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2. Provide final approval and every 2 years review early learning coalitions and school readiness plans.

3. Establish a unified approach to the state's efforts toward enhancement of school readiness. In support of this effort, the Office of Early Learning shall adopt specific system support services that address the state's school readiness programs. An early learning coalition shall amend its school readiness plan to conform to the specific system support services adopted by rule of the Office of Early Learning. System support services ~~shall include, but are not~~ limited to the following:

- a. Child care resource and referral services;
- b. Warm-Line services;
- c. Eligibility determinations;
- d. Child performance standards;
- e. Child screening and assessment;
- f. Developmentally appropriate curricula;
- g. Health and safety requirements;
- h. Statewide data system requirements; and
- i. Rating and improvement systems.

4. Safeguard the effective use of federal, state, local, and private resources to achieve the highest possible level of school readiness for the children in this state.

5. Adopt a rule establishing criteria for the expenditure of funds designated for the purpose of funding activities to improve the quality of child care within the state in accordance with s. 658G of the federal Child Care and Development Block Grant Act.

6. Provide technical assistance to early learning

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coalitions in a manner determined by the Office of Early Learning based upon information obtained by the office from various sources, including, but not limited to, public input, government reports, private interest group reports, office monitoring visits, and coalition requests for service.

7. In cooperation with the early learning coalitions, coordinate with the Child Care Services Program Office of the Department of Children and Family Services to minimize duplicating interagency activities, health and safety monitoring, and acquiring and composing data pertaining to child care training and credentialing.

8. Develop and adopt by rule unified performance standards and outcome measures for school readiness programs. The performance standards must address the age-appropriate progress of children in the development of school readiness skills. The performance standards for children from birth to 5 years of age in school readiness programs must be integrated with the performance standards adopted by the Department of Education for children in the Voluntary Prekindergarten Education Program under s. 1002.67.

9. Adopt a statewide, standardized standard contract that is limited to state and federal requirements and that must be used by the coalitions when contracting with school readiness providers. In order to fulfill the legislative intent in paragraph (2)(c), the Office of Early Learning shall prohibit the coalitions from adopting addenda to the contract.

(5) CREATION OF EARLY LEARNING COALITIONS.—

(d) *Implementation.*—

1. An early learning coalition may not implement the school

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117 readiness program until the coalition's school readiness plan is
118 approved by the Office of Early Learning.

119 2. Each early learning coalition shall coordinate with one
120 another to implement a comprehensive program of school readiness
121 services which enhances the cognitive, social, physical, and
122 moral character of the children to achieve the performance
123 standards and outcome measures and which helps families achieve
124 economic self-sufficiency. Such program must contain, at a
125 minimum, the following elements:

126 a. Implement the school readiness program to meet the
127 requirements of this section and the system support services,
128 performance standards, and outcome measures adopted by the
129 Office of Early Learning.

130 b. Demonstrate how the program will ensure that each child
131 from birth through 5 years of age in a publicly funded school
132 readiness program receives scheduled activities and instruction
133 designed to enhance the age-appropriate progress of the children
134 in attaining the performance standards adopted by the department
135 under subparagraph (4)(d)8.

136 c. Ensure that the coalition has solicited and considered
137 comments regarding the proposed school readiness plan from the
138 local community.

139
140 Before implementing the school readiness program, the early
141 learning coalition must submit the plan to the office for
142 approval. The office may approve the plan, reject the plan, or
143 approve the plan with conditions. The office shall review school
144 readiness plans at least every 2 years.

145 3. If the Office of Early Learning determines during the

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146 review of school readiness plans, or through monitoring and
147 performance evaluations conducted under paragraph (4)(1), that
148 an early learning coalition has not substantially implemented
149 its plan, has not substantially met the performance standards
150 and outcome measures adopted by the office, or has not
151 effectively administered the school readiness program or
152 Voluntary Prekindergarten Education Program, the office may
153 dissolve the coalition and temporarily contract with a qualified
154 entity to continue school readiness and prekindergarten services
155 in the coalition's county or multicounty region until the office
156 reestablishes the coalition and a new school readiness plan is
157 approved in accordance with the rules adopted by the office.

158 4. The Office of Early Learning shall adopt rules
159 establishing criteria for the approval of school readiness
160 plans. The criteria must be consistent with the system support
161 services, performance standards, and outcome measures adopted by
162 the office and must require each approved plan to include the
163 following minimum standards for the school readiness program:

164 a. A community plan that addresses the needs of all
165 children and providers within the coalition's county or
166 multicounty region.

167 ~~b. A sliding fee scale establishing a copayment for parents~~
168 ~~based upon their ability to pay, which is the same for all~~
169 ~~program providers.~~

170 ~~b.e.~~ A choice of settings and locations in licensed,
171 registered, religious-exempt, or school-based programs to be
172 provided to parents.

173 ~~c.d.~~ Specific eligibility priorities for children in
174 accordance with subsection (6).

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175 ~~d.e.~~ Performance standards and outcome measures adopted by
 176 the office.

177 ~~e.f.~~ Payment rates adopted by the early learning coalitions
 178 and approved by the office. Payment rates may not have the
 179 effect of limiting parental choice or creating standards or
 180 levels of services that have not been expressly established by
 181 the Legislature, unless the creation of such standards or levels
 182 of service, which must be uniform throughout the state, has been
 183 approved by the Federal Government and result in the state being
 184 eligible to receive additional federal funds available for early
 185 learning on a statewide basis.

186 ~~f.g.~~ Direct enhancement services for families and children.
 187 System support and direct enhancement services shall be in
 188 addition to payments for the placement of children in school
 189 readiness programs. Direct enhancement services for families may
 190 include parent training and involvement activities and
 191 strategies to meet the needs of unique populations and local
 192 eligibility priorities. Enhancement services for children may
 193 include provider supports and professional development approved
 194 in the plan by the Office of Early Learning.

195 ~~g.h.~~ The business organization of the early learning
 196 coalition, which must include the coalition's articles of
 197 incorporation and bylaws if the coalition is organized as a
 198 corporation. If the coalition is not organized as a corporation
 199 or other business entity, the plan must include the contract
 200 with a fiscal agent. An early learning coalition may contract
 201 with other coalitions to achieve efficiency in multicounty
 202 services, and these contracts may be part of the coalition's
 203 school readiness plan.

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

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204 ~~h.i.~~ The implementation of locally developed quality
 205 programs in accordance with the requirements adopted by the
 206 office under subparagraph (4)(d)5.

207
 208 The Office of Early Learning may request the Governor to apply
 209 for a waiver to allow the coalition to administer the Head Start
 210 Program to accomplish the purposes of the school readiness
 211 program.

212 5. Persons with an early childhood teaching certificate may
 213 provide support and supervision to other staff in the school
 214 readiness program.

215 6. An early learning coalition may not implement its school
 216 readiness plan until it submits the plan to and receives
 217 approval from the Office of Early Learning. Once the plan is
 218 approved, the plan and the services provided under the plan
 219 shall be controlled by the early learning coalition. The plan
 220 shall be reviewed and revised as necessary, but at least
 221 biennially. An early learning coalition may not implement the
 222 revisions until the coalition submits the revised plan to and
 223 receives approval from the office. If the office rejects a
 224 revised plan, the coalition must continue to operate under its
 225 prior approved plan.

226 7. Section 125.901(2)(a)3. does not apply to school
 227 readiness programs. The Office of Early Learning may apply to
 228 the Governor and Cabinet for a waiver of, and the Governor and
 229 Cabinet may waive, any of the provisions of ss. 411.223 and
 230 1003.54, if the waiver is necessary for implementation of school
 231 readiness programs.

232 8. Two or more early learning coalitions may join for

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

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233 purposes of planning and implementing a school readiness
234 program.

235 (6) PROGRAM ELIGIBILITY.—The school readiness program is
236 established for children from birth to the beginning of the
237 school year for which a child is eligible for admission to
238 kindergarten in a public school under s. 1003.21(1)(a)2. or who
239 are eligible for any federal subsidized child care program. Each
240 early learning coalition shall give priority for participation
241 in the school readiness program as follows:

242 (c) Subsequent priority shall be given to a child who meets
243 one or more of the following criteria:

244 1. A child who is younger than the age of kindergarten
245 eligibility and:

246 a. Is at risk of welfare dependency, including an
247 economically disadvantaged child, a child of a participant in
248 the welfare transition program, a child of a migratory
249 agricultural worker, or a child of a teen parent.

250 b. Is a member of a working family that is economically
251 disadvantaged.

252 c. For whom financial assistance is provided through the
253 Relative Caregiver Program under s. 39.5085.

254 2. A 3-year-old child or 4-year-old child who may not be
255 economically disadvantaged but who has a disability; has been
256 served in a specific part-time exceptional education program or
257 a combination of part-time exceptional education programs with
258 required special services, aids, or equipment; and was
259 previously reported for funding part time under the Florida
260 Education Finance Program as an exceptional student.

261 3. An economically disadvantaged child, a child with a

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262 disability, or a child at risk of future school failure, from
263 birth to 4 years of age, who is served at home through a home
264 visitor program and an intensive parent education program.

265 4. A child who meets federal and state eligibility
266 requirements for the migrant preschool program but who is not
267 economically disadvantaged.

268
269 As used in this paragraph, the term "economically disadvantaged"
270 means having a family income that does not exceed 150 percent of
271 the federal poverty level. Notwithstanding any change in a
272 family's economic status, but subject to the affordable parent
273 contribution ~~additional family contributions in accordance with~~
274 ~~the sliding fee scale~~, a child who meets the eligibility
275 requirements upon initial registration for the program remains
276 eligible until the beginning of the school year for which the
277 child is eligible for admission to kindergarten in a public
278 school under s. 1003.21(1)(a)2.

279 (9) FUNDING; SCHOOL READINESS PROGRAM.—

280 (g) All cost savings and all revenues received through the
281 affordable parent contribution ~~a mandatory sliding fee scale~~
282 shall be used to help fund each early learning coalition's
283 school readiness program.

284 Section 2. Subsection (1), paragraph (b) of subsection (3),
285 and subsection (5) of section 411.01013, Florida Statutes, are
286 amended to read:

287 411.01013 Prevailing market rate schedule.—

288 (1) As used in this section, the term:

289 (a) "Affordable parent contribution" means 10 percent of
290 the annual family income.

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291 ~~(b)(a)~~ "Market rate" means the price that a child care
 292 provider charges for daily, weekly, or monthly child care
 293 services.

294 ~~(c)(b)~~ "Prevailing market rate" means the annually
 295 determined 75th percentile of a reasonable frequency
 296 distribution of the market rate in a predetermined geographic
 297 market at which child care providers charge a person for child
 298 care services.

299 (3) The prevailing market rate schedule, at a minimum,
 300 must:

301 (b) Differentiate rates by the type of child care services
 302 provided for children with special needs or risk categories,
 303 infants, toddlers, preschool-age children, preschool-age
 304 children participating in the Voluntary Prekindergarten
 305 Education Program, and school-age children.

306 (5) In order to enable parents to work and be financially
 307 self-sufficient as provided in s. 411.01(4)(a), the Office of
 308 Early Learning shall calculate a payment schedule equal to the
 309 prevailing market rate for each differentiated rate, minus the
 310 affordable parent contribution. The prevailing market rate shall
 311 be considered by an early learning coalition in the adoption of
 312 a payment schedule in accordance with s. 411.01(5)(c)2.

313 Section 3. Subsection (10) is added to section 1002.71,
 314 Florida Statutes, to read:

315 1002.71 Funding; financial and attendance reporting.—

316 (10) A school district that offers the Voluntary
 317 Prekindergarten Education Program pursuant to s. 1002.61 or s.
 318 1002.63 shall adopt procedures that separately account for the
 319 funds received and the expenses incurred for the program.

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320 Section 4. This act shall take effect July 1, 2012.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-14-12

Meeting Date

Topic Early Learning

Bill Number 1758
(if applicable)

Name Anthony McKinney

Amendment Barcode _____
(if applicable)

Job Title Director for Childcare Network

Address 1852 Hunt club st

Phone 850-936-1703

Street

Fort Walton Bch FL 32547

City

State

Zip

E-mail CN1151@CN1KIDS.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Childcare Network

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/14/12

Meeting Date

Topic Early Learning SB 1758

Bill Number 1758
(if applicable)

Name Cathy Powers

Amendment Barcode _____
(if applicable)

Job Title Retired Teacher & Administrator

Address 11749 S.W. Apple Blossom Trail

Phone 954-298-5094

Street

Parr St Lucie

FL

34987

City

State

Zip

E-mail Cathy@powersnetwork.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Florida Association for the Education of Young Children

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
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 1522

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

SUBJECT: Accountability in Public Schools

DATE: February 15, 2012

REVISED: _____

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

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	☒	Statement of Substantial Changes
B. AMENDMENTS.....	☐	Technical amendments were recommended
	☐	Amendments were recommended
	☐	Significant amendments were recommended

I. Summary:

In an effort to provide more clarity while maintaining effective school accountability, the proposed changes in the bill would align Florida's Differentiated Accountably (DA) system with the state's school grading system. The proposed changes to the system would more strategically target struggling schools in need of additional support and increase support to school districts in closing the achievement gaps for all subgroups of students.

The bill establishes the same DA requirements for charter schools and traditional public schools.

The bill would change the requirements for determining high-performing status for a charter school system that assumes operation of a school with a grade of "F" or that establish a charter school within a school zone in which the majority of students are enrolled in a turnaround option under DA provisions.

In order to hold schools more accountable for the postsecondary readiness of their students, the bill would change the postsecondary readiness calculation in the high school grades model to

include those students who are on-time graduates.¹ In order for a high school to earn a school grade of “A,” the bill would require a school to demonstrate an increase in the graduation rate of its at-risk students.

Finally, the bill would eliminate duplicative testing for middle school students who participate in high school courses that require an end-of-course (EOC) assessment, therefore limiting the amount of time a student would be tested during the school year.

This bill substantially amends sections 1001.42, 1002.33, 1002.332, 1002.38, 1008.22, 1008.33, 1008.34, 1008.345, 1012.07, 1012.22, and 1012.2315 of the Florida Statutes.

II. Present Situation:

*Differentiated Accountability*²

Section 1008.33, F.S., provides the framework for Florida’s DA system and requires the State Board of Education (SBE) to comply with the federal Elementary and Secondary Education Act (ESEA).³ The ESEA establishes SBE authority to enforce a state system of school improvement and intervention and directs the Department of Education (DOE) to categorize each public school in one of six categories. The six categories are based on statewide assessment components for school grading and the level and rate of change in student performance in reading and mathematics.⁴ The categories established in SBE rule are, from highest to lowest:

- Schools Not Required to Participate in Differentiated Accountability Strategies;
- Prevent I;
- Correct I;
- Prevent II;
- Correct II; and
- Intervene.

Under current law, placement in all but the highest category identifies a school for interventions.⁵ The lowest category, Intervene, includes schools that have received:

¹ Currently, Florida calculates high school graduation rates for schools using the National Governors Association (NGA) graduation rate, which tracks individual students in and out of the system from their entrance into ninth grade through completion four years later.

² The U.S. Department of Education selected Florida to participate in the "Differentiated Accountability Pilot" initiative in 2008. Through Differentiated Accountability, the state is allowed greater flexibility in providing the needed technical assistance and interventions to the schools with greatest need. Florida's DA plan streamlines the federal and state accountability systems and directs increasing schoolwide interventions and school and district accountability based on Adequate Yearly Progress (AYP) and school grades. This program allows the DOE to operate a new tiered approach to working directly with schools to increase student achievement. The support and assistance provided to each school is individualized, depending on the needs of that school. Through DA, schools fall into a matrix of categories based on the level of the school's achievement. The lowest performing schools receive the most support, and under DA, these schools are required to implement the most robust interventions that will help lead to successful school improvement. In order to provide direct support to schools, Florida has created a regional system of support. See: <http://flbsi.org/DA/>.

³ 20 U.S.C. s. 6311 et seq.

⁴ s. 1008.33(3)(b), F.S.

⁵ Rule 6A-1.099811(3)(f), F.A.C.

- A grade of “F” in the most recent school year and in four of the last six years; or
- A grade of “D” or “F” in the most recent school year and meet at least three of the following criteria:
 - The percentage of students who are not proficient in reading has increased when compared to measurements taken five years previously;
 - The percentage of students who are not proficient in mathematics has increased when compared to measurements taken five years previously;
 - At least 65 percent of the school’s students are not proficient in reading; or
 - At least 65 percent of the school’s students are not proficient in mathematics.⁶

The DOE administers interventions for schools in the lowest category (Intervene) and “F” schools in the second lowest category (Correct II). Interventions for all other schools are administered by the school or school district.⁷

For a school identified in the lowest category, the school district must select one of the following school turnaround options:

- Convert the school to a district-managed turnaround school by means that include implementation of a turnaround plan approved by the Commissioner of Education that becomes the school’s improvement plan;
- Reassign students to another school and monitor the progress of the reassigned students;
- Close the school and authorize a sponsor to reopen the school as a charter school or multiple charter schools; or
- Contract with an outside entity to operate the school.

The district must submit a plan to the SBE for implementing the option by the beginning of the second year after such identification, unless the school advances to a higher category or exits the category before such time. Implementation of the selected option requires SBE approval. If a school does not move from the lowest category during the initial year of implementing an option, the school district must submit a plan to the SBE to implement an alternate option. The school district must then implement the option at the beginning of the next school year, unless the SBE determines that the school is likely to move from the lowest category if additional time is provided to implement intervention and support strategies under the previous option.⁸

In order to advance to a higher category, a school must make significant progress by improving its school grade and by increasing student performance in mathematics and reading. Student performance is evaluated and reported for each subgroup.⁹

Charter Schools

Section 1002.33, F.S., requires provisions for charter school accountability to be included within the contract between the charter school and the sponsor, usually the school district. The sponsor

⁶ s. 1008.33(4)(b), F.S.

⁷ s. 1008.33(2)(b) and (4), F.S.

⁸ s. 1008.33(5)(b), F.S.

⁹ Subgroups include economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency. See the federal Elementary and Secondary Education Act, 20 U.S.C. s. 6311(b)(2)(C)(v)(II).

has the authority to close a charter school if the school fails to meet the student performance outcomes agreed upon in the charter, fails to meet generally accepted standards of fiscal management, violates the law, or shows other good cause.¹⁰

Charter schools are evaluated and assigned a school grade using the same standards and criteria currently established for traditional public schools. The DOE is required to annually provide an analysis and comparison of the overall performance of charter school students to traditional public school students, based on the statewide assessment program and information reported by the charter school to the school district.¹¹

High Performing Charter School Systems

A high-performing charter school system is currently defined as a charter school system that:

- Operates at least three high-performing charter schools;
- Is one in which at least fifty percent of the schools within the charter school system have received at least two school grades of “A” and no school grade below “B” during the previous three school years; and
- Has no charter school that has received a grade of “D” or “F.”¹²

When a charter-school system assumes operation of a low performing public school that has received a “D” or “F,” the school’s grade is not considered in determining high-performing charter school system status for a period of three-years. Additionally, when a charter school established by a high-performing charter school system that serves a student population, the majority of which resides in a school zone served by a public school that is identified as lowest performing, the school grade will not be considered in determining high-performing charter school system status. However, this provision is contingent upon the school attaining and maintaining a school grade that is higher than that of the public school serving that school zone. This provision must be met within three years after establishment of the charter school.¹³

Student Assessment

Students enrolled in a high school course that requires an EOC assessment must take all the statewide comprehensive assessments required for that grade level. Middle school students who participate in a high school mathematics course with an associated EOC are required to take both the required EOC assessment and the corresponding comprehensive statewide assessment.

III. Effect of Proposed Changes:

Last fall, the U.S. Department of Education offered states the opportunity to request flexibility from certain requirements of the 1965 Elementary and Secondary Education Act (ESEA),¹⁴ as amended by the No Child Left Behind Act of 2001, and the associated regulatory, administrative, and reporting requirements in exchange for rigorous and comprehensive state-developed plans. The stated purpose of the waiver is to improve educational outcomes for all students, close

¹⁰ http://www.floridaschoolchoice.org/information/charter_schools/faqs.asp.

¹¹ *Id.*

¹² s. 1002.332, F.S.

¹³ *Id.*

¹⁴ See the federal Elementary and Secondary Education Act, 20 U.S.C. s. 6311(b)(2)(C)(v)(II).

achievement gaps, increase equity, and improve the quality of instruction.¹⁵ In response to this initiative, Florida requested¹⁶ and was granted a waiver of 11 specific federal school accountability provisions.¹⁷ The waiver establishes an enhanced school grades accountability system to focus all accountability resources and attention on one system and attain college- and career-ready standards for all students.¹⁸

The changes in the bill would align Florida's differentiated accountability system with the state's school grading system and conform to provisions included in the federal waiver. According to the DOE, these changes would eliminate the duplication and confusion caused by having two separate accountability systems, one federal and one state. The changes would more strategically target struggling schools in need of additional support and increase support to school districts in closing the achievement gaps for all subgroups of students. Additionally, a uniform system of accountability could provide more clarity on the options available to the parents of students who attend schools designated as having a school grade of "D" or "F" and that are required to implement a DA turnaround option.¹⁹

Under the bill, beginning with 2011-12 school year, the DOE would annually identify each public school in need of intervention and support to improve student academic performance. Identification would be based on the school's earning a grade of "D" or "F," pursuant to current school grading provisions.²⁰ The SBE would be required to apply the most intense intervention and support strategies to schools earning a grade of "F." When a school initially receives a grade of "F," the district would be required to select one of five turnaround options and submit a plan for implementation to DOE for approval by the SBE. Schools that earn three consecutive grades of "D" would also be required to implement a school turnaround option.

The bill would increase the school turnaround options available to schools initially identified as having a grade of "F," to include an option of a hybrid model of the four options currently listed in SBE rule.²¹ The DOE estimates that the priority/intervene schools category would include 112 schools, reflecting six percent of all Title I schools in the state's current accountability system.²²

The bill requires the SBE to establish by rule a differentiated matrix of intervention and support strategies to assist identified schools, including identified charter schools.²³

The school turnaround options established in the bill are:

¹⁵ U.S. Department of Education, *ESEA Flexibility Review Guidance*, February 10, 2012. See <http://www.ed.gov/category/keyword/esea-flexibility>.

¹⁶ *Florida's Approved Flexibility Request*, January 31, 2012, See <http://www2.ed.gov/policy/eseaflex/approved-requests/fl.pdf>.

¹⁷ Correspondence to Florida Commissioner of Education Gerard Robinson from Secretary Arne Duncan, U.S. DOE, February 9, 2012. See <http://www.fldoe.org/esea/pdf/WaiverApprovalLetter.pdf>.

¹⁸ *Id.* Florida was granted a waiver on February 9, 2012.

¹⁹ s. 1002.38(3)(a)2., F.S.

²⁰ s. 1008.34, F.S.

²¹ Rule 6A-1.099811, F.A.C.

²² *Florida's Approved Flexibility Request*, January 31, 2012, See <http://www2.ed.gov/policy/eseaflex/approved-requests/fl.pdf>.

²³ The rule must also define the intervention and support strategies for school improvement and the respective roles of the district and DOE.

1. Convert a school to a district-managed turnaround school;
2. Reassign students to another school;
3. Close and reopen the school as one or more charter schools with a governing board that has a demonstrated record of effectiveness;
4. Contract with an outside entity that has a demonstrated record of effectiveness; or
5. Implement a hybrid of existing turnaround options or other turnaround models that have demonstrated a record of effectiveness.

A school would be given two full school years after receiving a grade of “F” to fully implement the turnaround option. In the event a school improves by at least one letter grade, implementation of the turnaround option would no longer be required. However, a school that improves must continue to implement strategies identified in its school improvement plan and the DOE must annually review implementation of the school improvement plan to ensure continued improvement.

In the event a school that earns a grade of “F” does not improve by at least one letter grade after two full years of implementing the turnaround option, the school district would be required to select a different turnaround option and submit another implementation plan to DOE for approval by the SBE. Implementation of the new plan would begin in the following school year unless the SBE determines that the school is likely to improve a letter grade if additional time is provided to implement the existing option.

A school that receives a grade of “F” within two years of raising its grade from an “F” or that receives an “F” within two years of exiting the lowest performing category established under current DA law, must implement one of the turnaround options other than the district managed turnaround option.

A school classified in lowest performing categories under current state DA law prior to July 1, 2012, would not be required to continue implementing any turnaround options, unless the school receives a grade of “F” for the 2011-12 school year. A school receiving a grade of “F” for the 2011-12 school year must continue to meet the current requirements in law.

Under the bill, the SBE would develop rules, in consultation with education stakeholders, to include timelines for submission of implementation plans, approval criteria for plans, and timelines for implementing intervention and support strategies.

The bill would authorize the Commissioner of Education to prescribe the design and content of the annual report required under s. 1008.34, F.S. to include the percentage of students performing at or above grade level and of those making a year’s progress in a year’s time for reading.²⁴

The bill requires that in order for a high school to earn a grade of “A,” the school must demonstrate that the school’s at-risk students are making adequate progress. The bill defines at-

²⁴ Section 1008.34, F.S. requires the Commissioner of Education to prepare an annual report of the results of the statewide assessment program which describes student achievement in the state, each district, and each school.

risk students as those students scoring at Level 1 or Level 2 on grade 8 FCAT mathematics and reading.

The bill provides flexibility to the school district as to how the school report card is to be communicated to parents. This provision would allow for multiple methods of delivery, including electronic and online versions.

The bill also includes provisions that are required in the federal waiver related to school improvement plans. These provisions require the SBE to adopt in rule thresholds for determining compliance with the requirement to decrease significant student achievement and graduation gaps. Schools that do not significantly decrease the percentage of students scoring below satisfactory on statewide assessments or those schools that do not significantly lower graduation rates for a subgroup when compared to the state's graduation rate, must include within the school's improvement plan strategies for improving these conditions.

Charter Schools

A charter school that earns a grade of "D" or "F" would be required to present to the charter sponsor information regarding achievement deficiencies. Under the bill, the sponsor would require the charter school governing board to submit a school improvement plan and upon approval by the sponsor, immediately implement the plan. The bill requires DOE to offer technical assistance. In the event a charter school earns a grade of "F" or three consecutive grades of "D" and does not improve by at least one letter grade, the charter school must:

- Contract for educational services for the charter school;
- Reorganize the school under new director or principal; or
- Voluntarily close.

In the event the charter school improves by at least one letter grade, the charter school would no longer be required to implement the plan. However, the charter school must continue to implement corrective strategies and the sponsor must annually review the school improvement plan for compliance. If the charter school does not improve by at least one letter grade after two full years, the school must select a different corrective action and implement that action the following year, unless the sponsor determines that the charter school is likely to improve.

High Performing Charter School Systems

The bill would change the requirements for determining high-performing status for a charter school system. Under the bill, a charter school system would not be considered high performing if one of the schools in the system has a school grade of "D" or "F," unless:

- A high-performing charter school system, as a result of an implemented turnaround model, has assumed operation of a public school, which has been identified as having a school grade of "F." The public school's grade would not be considered in the determination of a high-performing charter school system status for a period of three years.
- The charter school system establishes a new charter school that serves a student population the majority of which resides in a school zone served by a public school that is identified as having a school grade of "F" or that is required to implement a school turnaround plan.

Assessment and School Grades

The bill would eliminate duplicative testing for middle school students who participate in high school courses that require an EOC assessment. For example, a middle school student who takes the Algebra I EOC would no longer be required to also take the grade 8 FCAT Mathematics, therefore limiting the amount of time a student would be tested during the school year.

In order to hold schools more accountable for the postsecondary readiness of their students, the bill would change the postsecondary readiness calculation in the high school grades model to include those students who graduate on time.²⁵ Under the bill, the Postsecondary Education Readiness Test (PERT)²⁶ is included as an acceptable method of determining readiness.

Additionally, the bill would allow for Achievement Level standards for the EOC assessments to be established in rule, prior to the assessments being used in the calculation of school grades.

The bill includes technical provisions related to the Opportunity Scholarship Program, critical teacher shortage areas, and assignment of teachers to conform to the DA changes made under the bill.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

According to the Florida Association of District School Superintendents, the provisions to include charter schools under the new DA requirements would result in an additional

²⁵ Florida calculates on-time high school graduates as students who matriculate in and out of the system from their entrance into ninth grade through completion four years later. See “Compact Rate” established by the National Governors Association, available at: <http://www.nga.org/cms/home.html>.

²⁶ See www.fldoe.org/cc/pert.asp.

workload for school districts that operate as a charter school sponsor.²⁷ The associated costs are indeterminate.

The bill removes the requirement for students who are enrolled in high school courses requiring EOC assessments to also take the corresponding statewide comprehensive assessments. School districts may incur cost savings in testing material resources necessary to administer examinations. The cost savings is indeterminate.

C. Government Sector Impact:

There may be additional costs to the DOE to provide technical support for charter schools under the new DA provisions. The costs are indeterminate.

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 Education Pre-K – 12 on February 14, 2012:

The committee substitute:

- Includes provisions from the recently granted ESEA federal waiver for the SBE to determine thresholds for improved compliance with requirements to improve achievement gaps and graduation rates for student subgroups;
- Requires schools that earn an “F” or three consecutive “D”s to implement a school turnaround option;
- Clarifies that “F” schools will have two full school years to implement the turnaround option;
- Establishes the same DA requirements for charter schools and traditional public schools; and
- Provides that schools currently identified as lowest performing must continue to meet the current requirements in law if the school receives a grade of “F” in the 2011-12 school year.

B. Amendments:

None.

²⁷ E-mail, Florida Association of District School Superintendents, February 15, 2012. On file with the Committee on Education Pre-K - 12.

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/16/2012	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (3) of section 1008.22, Florida
Statutes, is amended to read:

1008.22 Student assessment program for public schools.—

(3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
design and implement a statewide program of educational
assessment that provides information for the improvement of the
operation and management of the public schools, including
schools operating for the purpose of providing educational



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services to youth in Department of Juvenile Justice programs. The commissioner may enter into contracts for the continued administration of the assessment, ~~testing, and evaluation~~ programs authorized and funded by the Legislature. Contracts may be initiated in 1 fiscal year and continue into the next and may be paid from the appropriations of either or both fiscal years. The commissioner is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed pursuant to law. Pursuant to the statewide assessment program, the commissioner shall:

(a) Submit proposed Next Generation Sunshine State Standards to the State Board of Education for adoption and periodic review and revision under s. 1003.41.

(b) Develop and implement a uniform system of indicators to describe the performance of public school students and the characteristics of the public school districts and the public schools. These indicators must include, ~~without limitation,~~ information gathered by the comprehensive management information system created pursuant to s. 1008.385 and student achievement information obtained pursuant to this section.

(c) Develop and implement a student achievement assessment ~~testing~~ program as follows:

1. The Florida Comprehensive Assessment Test (FCAT) measures a student's content knowledge and skills in reading, writing, science, and mathematics. The content knowledge and skills assessed by the FCAT must be aligned to the core curricular content established in the Next Generation Sunshine State Standards. FCAT ~~Other content areas may be included as directed by the commissioner. Comprehensive assessments of~~



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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. Students enrolled in an Algebra I, Geometry, or Biology I course or an equivalent course with a statewide, standardized end-of-course assessment are not required to take the corresponding grade-level FCAT assessment.

~~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



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Algebra I or an equivalent, each student's performance on the 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-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.



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b. During the 2012-2013 school year, an end-of-course assessment in civics education shall be administered as a field test at the middle school level. During the 2013-2014 school year, each student's performance on the statewide, standardized end-of-course assessment in civics education shall constitute 30 percent of the student's final course grade. Beginning with the 2014-2015 school year, a student must earn a passing score on the end-of-course assessment in civics education in order to pass the course and be promoted from the middle grades. The school principal of a middle school shall determine, in accordance with State Board of Education rule, whether a student who transfers to the middle school and who has successfully completed a civics education course at the student's previous school must take an end-of-course assessment in civics education.

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



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Project in the adoption or development of rigorous end-of-course assessments that are aligned to the Next Generation Sunshine State Standards.

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

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



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testing program from state educators, assistive technology 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) or s. 1003.43(11)(b), students must earn a



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passing score on grade 10 FCAT Reading and grade 10 FCAT Mathematics or attain concordant scores as described in subsection (10) in order to qualify for a standard 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



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education programs and for students who have limited English proficiency. Accommodations that negate the validity of a statewide assessment are not allowable in the administration of the FCAT or an end-of-course assessment. However, instructional accommodations are allowable in the classroom if included in a student's individual education plan. Students using instructional accommodations in the classroom that are not allowable as accommodations on the FCAT or an end-of-course assessment may have the FCAT or an end-of-course assessment requirement waived pursuant to the requirements of s. 1003.428(8)(b) or s. 1003.43(11)(b).

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

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



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11. District school boards must provide opportunities for students to demonstrate an acceptable performance level on an alternative standardized assessment approved by the State Board of Education following enrollment in summer academies.

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

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

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

a. There is the latest possible administration of statewide assessments and the earliest possible reporting to the school districts of student test results which is feasible within



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available technology and specific appropriations; however, test results for the FCAT must be made available no later than the week of June 8. Student results for end-of-course assessments must be provided no later than 1 week after the school district completes testing for each course. The commissioner may extend the reporting schedule under exigent circumstances.

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

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

The commissioner may, based on collaboration and input from school districts, design and implement student testing programs, for any grade level and subject area, necessary to effectively monitor educational achievement in the state, including the measurement of educational achievement of the Next Generation Sunshine State Standards for students with disabilities. Development and refinement of assessments shall include universal design principles and accessibility standards that



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will prevent any unintended obstacles for students with disabilities while ensuring the validity and reliability of the test. These principles should be applicable to all technology platforms and assistive devices available for the assessments. The field testing process and psychometric analyses for the statewide assessment program must include an appropriate percentage of students with disabilities and an evaluation or determination of the effect of test items on such students.

(d) Conduct ongoing research to develop improved methods of assessing student performance, including, without limitation, the use of technology to administer tests, score, or report the results of, the use of electronic transfer of data, the development of work-product assessments, and the development of process assessments.

(e) Conduct ongoing research and analysis of student achievement data, including, without limitation, monitoring trends in student achievement by grade level and overall student achievement, identifying school programs that are successful, and analyzing correlates of school achievement.

(f) Provide technical assistance to school districts in the implementation of state and district testing programs and the use of the data produced pursuant to such programs.

(g) Beginning with the 2014-2015 school year, all statewide end-of-course assessments shall be administered online.

Section 2. Section 1008.33, Florida Statutes, is amended to read:

1008.33 Authority to enforce public school improvement.—

(1) The State Board of Education shall comply with the federal Elementary and Secondary Education Act (ESEA), 20 U.S.C.



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ss. 6301 et seq., ~~and its implementing regulations,~~ and the ESEA flexibility waiver approved for Florida by the United States Secretary of Education. The state board may ~~State Board of Education is authorized to~~ adopt rules ~~in compliance with the ESEA and, after evaluating and determining that the ESEA and its implementing regulations are consistent with the statements of purpose set forth in the ESEA (2002), may adopt rules to~~ maintain compliance with the ESEA and the ESEA flexibility waiver.

(2)(a) Pursuant to subsection (1) and ss. 1008.34, 1008.345, and 1008.385, the State Board of Education shall hold all school districts and public schools accountable for student performance. The state board is responsible for a state system of school improvement and education accountability that assesses student performance by school, identifies schools in which students are not making adequate progress toward state standards, and institutes appropriate measures for enforcing improvement.

(b) The state system of school improvement and education accountability must provide for uniform accountability standards, provide assistance of escalating intensity to low-performing schools, direct support to schools in order to improve and sustain performance, focus on the performance of student subgroups, and enhance student performance.

(c) School districts must be held accountable for improving the academic achievement of all students and for identifying and turning around low-performing schools.

(3)(a) The academic performance of all students has a significant effect on the state school system. Pursuant to Art.



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IX of the State Constitution, which prescribes the duty of the State Board of Education to supervise Florida's public school system, the state board of Education shall equitably enforce the accountability requirements of the state school system and may impose state requirements on school districts in order to improve the academic performance of all districts, schools, and students based upon the provisions of the Florida K-20 Education Code, chapters 1000-1013; ~~and the federal ESEA Elementary and Secondary Education Act, 20 U.S.C. ss. 6301 et seq., and its implementing regulations; and the ESEA flexibility waiver approved for Florida by the United States Secretary of Education.~~

(b) ~~For the purpose of determining whether a public school requires action to achieve a sufficient level of school improvement,~~ Beginning with the 2011-2012 ~~2010-2011~~ school year, the Department of Education shall annually identify each ~~categorize a public school in need of intervention and support to improve student academic performance. A school earning a grade of "D" or "F" pursuant to s. 1008.34 is a school in need of intervention and support in one of six categories based on the following:~~

1. ~~A school's grade based upon statewide assessments administered pursuant to s. 1008.22; and~~

2. ~~The level and rate of change in student performance in the areas of reading and mathematics, disaggregated into student subgroups as described in the federal Elementary and Secondary Education Act, 20 U.S.C. s. 6311(b)(2)(C)(v)(II).~~

(c) The state board shall establish by rule a differentiated matrix of intervention and support strategies for



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390 assisting traditional public schools identified under paragraph
391 (b) and charter schools as provided under s. 1002.33(9)(n).
392 ~~Appropriate intervention and support strategies shall be applied~~
393 ~~to schools that require action to achieve a sufficient level of~~
394 ~~improvement as described in paragraph (b).~~ The intervention and
395 support strategies must address student performance and may
396 include, including, but not limited to, improvement planning,
397 leadership quality improvement, educator quality improvement,
398 professional development, curriculum alignment and pacing, ~~and~~
399 the use of continuous improvement, and monitoring plans and
400 processes, and, for schools that have a grade of "F" or three
401 consecutive grades of "D," school turnaround options. In
402 addition, the state board ~~State Board of Education~~ may prescribe
403 reporting requirements to review and monitor the progress of the
404 schools. The rule that the state board establishes must define
405 the intervention and support strategies for school improvement
406 for schools earning a grade of "D" or "F" and the roles for the
407 district and department. The rule must differentiate among
408 schools earning consecutive grades of "D" or "F," or a
409 combination thereof, and provide more intense monitoring,
410 intervention, and support strategies for these schools.

411 ~~(4) The Department of Education shall create a matrix that~~
412 ~~reflects intervention and support strategies to address the~~
413 ~~particular needs of schools in each category.~~

414 ~~(a) Intervention and support strategies shall be applied to~~
415 ~~schools based upon the school categorization pursuant to~~
416 ~~paragraph (3)(b). The Department of Education shall apply the~~
417 ~~most intense intervention strategies to the lowest performing~~
418 ~~schools. For all but the lowest category and "F" schools in the~~



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~~second lowest category, the intervention and support strategies shall be administered solely by the districts and the schools.~~

~~(b) The lowest performing schools are schools that are categorized pursuant to paragraph (3) (b) and have received:~~

~~1. A grade of "F" in the most recent school year and in 4 of the last 6 years; or~~

~~2. A grade of "D" or "F" in the most recent school year and meet at least three of the following criteria:~~

~~a. The percentage of students who are not proficient in reading has increased when compared to measurements taken 5 years previously;~~

~~b. The percentage of students who are not proficient in mathematics has increased when compared to measurements taken 5 years previously;~~

~~c. At least 65 percent of the school's students are not proficient in reading; or~~

~~d. At least 65 percent of the school's students are not proficient in mathematics.~~

(4) (5) (a) The state board shall apply the most intense intervention and support strategies to schools earning a grade of "F." In the first full school year after a school is initially earns a grade of "F," identified as a school in the lowest performing category, the school district must implement intervention and support strategies prescribed by rule under paragraph (3) (c), select a turnaround option from those provided in subparagraphs (b) 1.-5., and submit a plan for implementing the turnaround option to the department for approval by the state board. Upon approval by the state board, the turnaround option must be implemented in the following school year.



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448 (b) Except as provided in subsection (5), the turnaround
449 options that a school district must select from to address a
450 school that earns a grade of "F" are as follows ~~a plan, which is~~
451 ~~subject to approval by the State Board of Education, for~~
452 ~~implementing one of the following options at the beginning of~~
453 ~~the next school year. The plan must be implemented unless the~~
454 ~~school moves from the lowest performing category:~~

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

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

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

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

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

469 (c) A school earning a grade of "F" will have 2 full school
470 years after the full school year of planning to fully implement
471 the turnaround option. Implementation of the turnaround option
472 is no longer required if the school improves by at least one
473 letter grade, except as provided in paragraph (d).

474 (d) A school earning a grade of "F" which improves its
475 letter grade shall continue to implement strategies identified
476 in its school improvement plan pursuant to s. 1001.42(18)(a).



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The department shall annually review implementation of the school improvement plan to ensure the school's continued improvement.

~~(e)(b)~~ If a school earning a grade of "F" does not improve by at least one letter grade after two full school years of implementing the turnaround option selected by the school district under ~~move from the lowest-performing category during the initial year of implementing one of the options in paragraph (b) (a)~~, the school district must select a different turnaround option and submit the new turnaround option implementation plan to the department for a plan, which is subject to approval by the state board of Education. Implementation of the approved turnaround option must begin in the, ~~for implementing a different option in paragraph (a) at the beginning of the next school year following the implementation period of the existing turnaround option~~, unless the state board of Education determines that the school is likely to improve a letter grade ~~move from the lowest-performing category~~ if additional time is provided to implement the existing turnaround option ~~intervention and support strategies. The State Board of Education shall determine whether a school district may continue to implement an option beyond 1 year while a school remains in the lowest-performing category.~~

~~(6)~~ ~~In order to advance to a higher category, a school must make significant progress by improving its school grade and by increasing student performance in mathematics and reading. Student performance must be evaluated for each student subgroup as set forth in paragraph (3) (b).~~

(5)(7) A school that earns a grade of "F" within 2 years



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after raising its grade from a grade of "F" or that earns a grade of "F" within 2 years after exiting the lowest performing category under s. 3, chapter 2009-144, Laws of Florida, must implement one of the turnaround options in subparagraphs (4)(b)2.-5. ~~Beginning July 1, 2009, the Department of Education shall commence its duties under this section.~~

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

(7) A school classified in the lowest performing category under s. 3, chapter 2009-144, Laws of Florida, before July 1, 2012, is not required to continue implementing any turnaround option, unless the school earns a grade of "F" or a third consecutive "D" for the 2011-2012 school year. A school earning a grade of "F" or a third consecutive "D" for the 2011-2012 school year is not entitled to restart the number of years it has been low performing by virtue of the 2012 amendments to this section.

(8) ~~By July 1, 2010, The state board of Education shall~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section. The rules must include timelines for submission of implementation plans, approval criteria for implementation plans, and timelines for implementing intervention and support strategies. The state board shall consult with education stakeholders in developing the rules.

Section 3. Section 1008.34, Florida Statutes, is amended to read:



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1008.34 School grading system; school report cards;
district grade.—

(1) ANNUAL REPORTS.—The Commissioner of Education shall prepare annual reports of the results of the statewide assessment program which describe student achievement in the state, each district, and each school. The commissioner shall prescribe the design and content of these reports, which must include, ~~without limitation,~~ descriptions of the performance of all schools participating in the assessment program and all of their major student populations as determined by the Commissioner. The report of Education, and must also include the percent of students performing at or above grade level and making a year's learning growth in a year's time for reading and mathematics ~~the median scores of all eligible students who scored at or in the lowest 25th percentile of the state in the previous school year; provided, however, that the provisions of~~ s. 1002.22 pertaining to student records apply to this section.

(2) SCHOOL GRADES.—The annual report shall identify schools as having one of the following grades, defined according to rules of the State Board of Education:

- (a) "A," schools making excellent progress.
- (b) "B," schools making above average progress.
- (c) "C," schools making satisfactory progress.
- (d) "D," schools making less than satisfactory progress.
- (e) "F," schools failing to make adequate progress.

Each school that earns ~~designated with~~ a grade of "A", ~~making excellent progress,~~ or improves ~~having improved~~ at least two letter grades ~~grade levels,~~ shall have greater authority over



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the allocation of the school's total budget generated from the FEFP, state categoricals, lottery funds, grants, and local funds, as specified in state board rule. The rule must provide that the increased budget authority shall remain in effect until the school's grade declines.

(3) DESIGNATION OF SCHOOL GRADES.—

(a) Each school that has students who are tested and included in the school grading system shall receive a school grade, except as follows:

1. A school shall not receive a school grade if the number of its students tested and included in the school grading system is less than the minimum sample size necessary, based on accepted professional practice, for statistical reliability and prevention of the unlawful release of personally identifiable student data under s. 1002.22 or 20 U.S.C. s. 1232g.

2. An alternative school may choose to receive a school grade under this section or a school improvement rating under s. 1008.341. For charter schools that meet the definition of an alternative school pursuant to State Board of Education rule, the decision to receive a school grade is the decision of the charter school governing board.

3. A school that serves any combination of students in kindergarten through grade 3 which does not receive a school grade because its students are not tested and included in the school grading system shall receive the school grade designation of a K-3 feeder pattern school identified by the Department of Education and verified by the school district. A school feeder pattern exists if at least 60 percent of the students in the school serving a combination of students in kindergarten through



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grade 3 are scheduled to be assigned to the graded school.

(b)1. A school's grade shall be based on a combination of:

a. Student achievement scores, including achievement as measured by ~~on all FCAT assessments administered~~ under s. 1008.22(3)(c)1., and statewide, standardized end-of-course assessments ~~administered~~ under s. 1008.22(3)(c)2.a. and b., and achievement scores for students seeking a special diploma.

b. Student learning gains in reading and mathematics as measured by FCAT and statewide, standardized end-of-course assessments, as described in s. 1008.22(3)(c)1. and 2.a., including learning gains for students seeking a special diploma, as measured by an alternate assessment ~~tool, shall be included not later than the 2009-2010 school year.~~

c. Improvement of the lowest 25th percentile of students in the school in reading and mathematics on the FCAT or end-of-course assessments described in s. 1008.22(3)(c)2.a., unless these students are exhibiting satisfactory performance.

2. Beginning with the 2011-2012 school year, for schools comprised of middle school grades 6 through 8 or grades 7 and 8, the school's grade shall include the performance and participation of its students enrolled in high school level courses with end-of-course assessments administered under s. 1008.22(3)(c)2.a. Performance and participation must be weighted equally. As valid data becomes available, the school grades shall include the students' attainment of national industry certification identified in the Industry Certification Funding List pursuant to rules adopted by the state board ~~of Education.~~

3. Beginning with the 2009-2010 school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10,



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11, and 12, 50 percent of the school grade shall be based on a combination of the factors listed in sub-subparagraphs 1.a.-c. and the remaining 50 percent on the following factors:

a. The high school graduation rate of the school;

b. As valid data becomes available, the performance and participation of the school's students in College Board Advanced Placement courses, International Baccalaureate courses, dual enrollment courses, and Advanced International Certificate of Education courses; and the students' achievement of national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the state board ~~State Board of Education~~;

c. Postsecondary readiness of all of the school's on time graduates ~~students~~ as measured by the SAT, ACT, Postsecondary Education Readiness Test, or the common placement test;

d. The high school graduation rate of at-risk students who are students scoring ~~scored~~ at Level 1 or Level 2 ~~or lower~~ on ~~the~~ grade 8 FCAT Reading and FCAT Mathematics ~~examinations~~;

e. As valid data becomes available, the performance of the school's students on statewide, standardized end-of-course assessments administered under s. 1008.22(3)(c)2.c. and d.; and

f. The growth or decline in the components listed in sub-subparagraphs a.-e. from year to year.

(c) Student assessment data used in determining school grades shall include:

1. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT and statewide, standardized end-of-course assessments in courses required for high school graduation, including, beginning with the 2011-2012



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2010-2011 school year, the end-of-course assessment in Algebra I; and beginning with the 2012-2013 ~~2011-2012~~ school year, the end-of-course assessments in Geometry and Biology; and beginning with the 2014-2015 ~~2013-2014~~ school year, on the statewide, standardized end-of-course assessment in Civics ~~civics~~ education at the middle school level.

2. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT and statewide, standardized end-of-course assessments as described in s. 1008.22(3)(c)2.a., and who have scored at or in the lowest 25th percentile of students in the school in reading and mathematics, unless these students are exhibiting satisfactory performance.

3. The achievement scores and learning gains of eligible students attending alternative schools that provide dropout prevention and academic intervention services pursuant to s. 1003.53. The term "eligible students" in this subparagraph does not include students attending an alternative school who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice. The student performance data for eligible students identified in this subparagraph shall be included in the calculation of the home school's grade. As used in this subparagraph and s. 1008.341, the term "home school" means the school to which the student would be assigned if the student were not assigned to an alternative school. If an alternative school chooses to be graded under this section, student performance data for eligible students identified in



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this subparagraph shall not be included in the home school's grade but shall be included only in the calculation of the alternative school's grade. A school district that fails to assign the FCAT and statewide, standardized end-of-course assessment as described in s. 1008.22(3)(c)2.a. scores of each of its students to his or her home school or to the alternative school that receives a grade shall forfeit Florida School Recognition Program funds for 1 fiscal year. School districts must require collaboration between the home school and the alternative school in order to promote student success. This collaboration must include an annual discussion between the principal of the alternative school and the principal of each student's home school concerning the most appropriate school assignment of the student.

4. The achievement scores and learning gains of students designated as hospital- or homebound. Student assessment data for students designated as hospital- or homebound shall be assigned to their home school for the purposes of school grades. As used in this subparagraph, the term "home school" means the school to which a student would be assigned if the student were not assigned to a hospital- or homebound program.

5. For schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the data listed in subparagraphs 1.-3. and the following data as the Department of Education determines such data are valid and available:

a. The high school graduation rate of the school as calculated by the department ~~of Education;~~

b. The participation rate of all eligible students enrolled in the school and enrolled in College Board Advanced Placement



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courses; International Baccalaureate courses; dual enrollment courses; Advanced International Certificate of Education courses; and courses or sequences of courses leading to national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education;

c. The aggregate scores of all eligible students enrolled in the school in College Board Advanced Placement courses, International Baccalaureate courses, and Advanced International Certificate of Education courses;

d. Earning of college credit by all eligible students enrolled in the school in dual enrollment programs under s. 1007.271;

e. Earning of a national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education;

f. The aggregate scores of all eligible students enrolled in the school in reading, mathematics, and other subjects as measured by the SAT, the ACT, and the common placement test for postsecondary readiness;

g. The high school graduation rate of all eligible at-risk students enrolled in the school who scored at Level 2 or lower on ~~the~~ grade 8 FCAT Reading and FCAT Mathematics ~~examinations~~;

h. The performance of the school's students on statewide, standardized end-of-course assessments administered under s. 1008.22(3)(c)2.c. and d.; and

i. The growth or decline in the data components listed in sub-subparagraphs a.-h. from year to year.



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The State Board of Education shall adopt appropriate criteria for each school grade. The criteria must also give added weight to student achievement in reading. Schools designated with a grade of "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students in the school who are in the lowest 25th percentile in reading and mathematics on the FCAT and end-of-course assessments as described in s. 1008.22(3)(c)2.a., unless these students are exhibiting satisfactory performance. ~~Beginning with the 2009-2010 school year~~ For schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the criteria for school grades must also give added weight to the graduation rate of all eligible at-risk students, ~~as defined in this paragraph. Beginning in the 2009-2010 school year,~~ In order for a high school to earn ~~be designated as having~~ a grade of "A," ~~making excellent progress,~~ the school must demonstrate that its at-risk students, as defined in this paragraph, ~~in the school~~ are making adequate progress.

(4) SCHOOL IMPROVEMENT RATINGS.—The annual report shall identify each school's performance as having improved, remained the same, or declined. This school improvement rating shall be based on a comparison of the current year's and previous year's student and school performance data. Schools that improve their rating by at least one ~~grade~~ level are eligible for school recognition awards pursuant to s. 1008.36.

(5) SCHOOL REPORT CARD.—The Department of Education shall annually develop, in collaboration with the school districts, a school report card to be communicated by the school district ~~delivered~~ to parents throughout each school district. The report



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card shall include the school's grade, information regarding school improvement, an explanation of school performance as evaluated by the federal Elementary and Secondary Education Act (ESEA), 20 U.S.C. ss. 6301 et seq. ~~No Child Left Behind Act of 2001~~, and indicators of return on investment. Each school's report card shall be published annually by the department on its website, ~~and the school district shall provide the school report card to each parent.~~

(7) DISTRICT GRADE.—The annual report required by subsection (1) shall include district grades, which shall consist of weighted district average grades, by level, for all elementary schools, middle schools, and high schools in the district. A district's weighted average grade shall be calculated by weighting individual school grades determined pursuant to subsection (2) by school enrollment.

Section 4. Paragraph (a) of subsection (18) and subsection (20) of section 1001.42, Florida Statutes, are amended to read:
1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—Maintain a state system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 1008.385, 1010.01, and 1011.01. This system of school improvement and education accountability shall comply with the provisions of ss. 1008.33,



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1008.34, 1008.345, and 1008.385 and include the following:

(a) *School improvement plans.*—The district school board shall annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district. If a school has a significant gap in achievement on statewide assessments under s. 1008.34(3)(b) by one or more student subgroups, as described in the federal Elementary and Secondary Education Act, 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not significantly decreased the percentage of students scoring below satisfactory on statewide assessments; or has significantly lower graduation rates for a subgroup when compared to the state's graduation rate, that school's improvement plan must include strategies for improving these conditions. The state board shall adopt rules establishing thresholds for determining compliance with this paragraph.

(20) OPPORTUNITY SCHOLARSHIPS.—Adopt policies allowing students attending schools that have earned ~~have been designated with~~ a grade of "D" or "F" pursuant to s. 1008.34 and are required to implement a school turnaround option ~~that are in one of the two lowest-performing categories~~ pursuant to s. 1008.33 to attend a higher-performing school in the district or any other district in the state, in conformance with s. 1002.38 and State Board of Education rule.

Section 5. Paragraphs (n), (o), and (p) of subsection (9) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(9) CHARTER SCHOOL REQUIREMENTS.—

(n)1. The director and a representative of the governing board ~~body~~ of a charter school that has earned ~~received~~ a school



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grade of "D" or "F" under s. 1008.34(2) shall appear before the sponsor ~~or the sponsor's staff at least once a year~~ to present information concerning each contract component having noted deficiencies. ~~The sponsor shall communicate at the meeting, and in writing to the director, the services provided to the school to help the school address its deficiencies.~~

~~(e) Upon notification that a charter school receives a school grade of "D" for 2 consecutive years or a school grade of "F" under s. 1008.34(2),~~ The charter school sponsor ~~or the sponsor's staff~~ shall require the director and a representative of the governing board body to submit to the sponsor for approval a school improvement plan to raise student achievement ~~and to implement the plan.~~ Upon approval by the sponsor, the charter school shall begin implementation of the ~~has the authority to approve a school improvement plan that the charter school will implement in the following school year. The sponsor may also consider the State Board of Education's recommended action pursuant to s. 1008.33(1) as part of the school improvement plan.~~ The department of Education shall offer technical assistance and training to the charter school and its governing board body and establish guidelines for developing, submitting, and approving such plans.

~~2.1. If a the charter school earning a grade of "F" does not fails to improve by at least one letter grade in its student performance from the year following immediately prior to the~~ implementation of the school improvement plan, the sponsor ~~shall place the charter school on probation and~~ shall require the charter school governing board to choose ~~body to take~~ one of the following corrective actions:



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a. Contract for the educational services of the charter school;

b. Reorganize the school ~~at the end of the school year~~ under a new director or principal who is authorized to hire new staff ~~and implement a plan that addresses the causes of inadequate progress;~~ or

c. Voluntarily close ~~Reconstitute~~ the charter school.

3.2. A charter school is no longer required to implement that is placed on probation shall continue the corrective actions required under subparagraph 2. if it 1. until the charter school improves by at least one letter grade its student performance from the year prior to the implementation of the school improvement plan. However, the charter school must continue to implement strategies identified in the school improvement plan. The sponsor must annually review implementation of the school improvement plan for compliance with the plan and for addressing deficiencies in the school's continued improvement.

4. If a charter school earns a grade of "D" for 3 consecutive years, the sponsor shall require the charter school governing board to choose one of the corrective actions in subparagraph 2.

5. Any charter school implementing a corrective action provided in subparagraph 2. which does not improve by at least one letter grade after 2 full school years after implementing the corrective action must select a different corrective action. Implementation of the new corrective action must begin in the school year following the implementation period of the existing corrective action, unless the sponsor determines that the



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883 charter school is likely to improve a letter grade if additional
884 time is provided to implement the existing corrective action.

885 ~~6.3-~~ Notwithstanding any provision of this paragraph, the
886 sponsor may terminate the charter at any time pursuant to
887 subsection (8).

888 ~~7.(p)~~ The director and a representative of the governing
889 board body of a graded charter school that has implemented
890 ~~submitted~~ a school improvement plan ~~or has been placed on~~
891 ~~probation~~ under this paragraph ~~(o)~~ shall appear before the
892 sponsor ~~or the sponsor's staff~~ at least once a year to present
893 information regarding the progress of ~~corrective~~ strategies ~~that~~
894 ~~are being~~ implemented by the school pursuant to the school
895 improvement plan. The sponsor shall communicate at the meeting,
896 and in writing to the director, the services provided to the
897 school to help the school address its deficiencies.

898 Section 6. Subsection (1) of section 1002.332, Florida
899 Statutes, is amended to read:

900 1002.332 High-performing charter school system.—

901 (1) For purposes of this section, the term:

902 (a) "Entity" means a municipality or other public entity
903 that is authorized by law to operate a charter school; a
904 private, nonprofit corporation with tax-exempt status under s.
905 501(c)(3) of the Internal Revenue Code; or a private, for-profit
906 education management corporation.

907 (b) "High-performing charter school system" means an entity
908 that:

909 1. Operates at least three high-performing charter schools
910 in the state;

911 2. Operates a system of charter schools in which at least



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50 percent of the charter schools are high-performing charter schools pursuant to s. 1002.331 and no charter school earned ~~received~~ a school grade of "D" or "F" pursuant to s. 1008.34, except that:

a. If the entity has assumed operation of a public school pursuant to s. 1008.33 (4) (b) (5) (a) ~~(4) (b) (5) (a)~~ 3. with a school grade of ~~"D"~~ ~~or "F,"~~ that school's grade may ~~shall~~ not be considered in determining high-performing charter school system status for a period of 3 years.

b. If the entity establishes a new charter school that serves a student population the majority of which resides in a school zone served by a public school that is required to implement a school turnaround option pursuant to ~~identified as lowest performing under~~ s. 1008.33 ~~(4) (b)~~, that charter school's grade may ~~shall~~ not be considered in determining high-performing charter school system status if it attains and maintains a school grade that is higher than that of the public school serving that school zone within 3 years after establishment; and

3. Has not received a financial audit that revealed one or more of the financial emergency conditions set forth in s. 218.503(1) for any charter school assumed or established by the entity.

Section 7. Subsection (2) of section 1002.38, Florida Statutes, is amended to read:

1002.38 Opportunity Scholarship Program.—

(2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.—

(a) ~~For purposes of this section, a school's grade shall be based upon statewide assessments administered pursuant to s. 1008.22.~~ A public school student's parent may request and



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receive an opportunity scholarship for the student to enroll in and attend a public school in accordance with the provisions of this section if:

1. By assigned school attendance area or by special assignment, the student has spent the prior school year in attendance at a public school that has earned a grade of ~~been designated as performance grade category~~ "D" or "F" pursuant to s. 1008.34 and that is required to implement a school turnaround option that is in one of the two lowest-performing categories pursuant to s. 1008.33, and the student's attendance occurred during a school year in which such designation was in effect;

2. The student has been in attendance elsewhere in the public school system and has been assigned to such school for the next school year; or

3. The student has been notified that he or she has been assigned to such school for the next school year.

(b) This section does not apply to a student who is enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs. For purposes of continuity of educational choice, the opportunity scholarship shall remain in force until the student graduates from high school.

Section 8. Paragraph (d) of subsection (6) of section 1008.345, Florida Statutes, is amended to read:

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

(6)

(d) The commissioner shall assign a community assessment team to each school district or governing board with a school



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graded "F" or a school that is required to implement a school turnaround option in the lowest-performing category pursuant to s. 1008.33 to review the school performance data and determine causes for the low performance, including the role of school, area, and district administrative personnel. The community assessment team shall review a high school's graduation rate calculated without GED tests for the past 3 years, disaggregated by student ethnicity. The team shall make recommendations to the school board or the governing board and to the State Board of Education which address the causes of the school's low performance and may be incorporated into the school improvement plan. The assessment team shall include, but not be limited to, a department representative, parents, business representatives, educators, representatives of local governments, and community activists, and shall represent the demographics of the community from which they are appointed.

Section 9. Section 1012.07, Florida Statutes, is amended to read:

1012.07 Identification of critical teacher shortage areas.— The term "critical teacher shortage area" means high-need content areas and high-priority location areas identified by the State Board of Education. The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to annually identify critical teacher shortage areas. The state board must consider current and emerging educational requirements and workforce demands in determining critical teacher shortage areas. School grade levels may also be designated critical teacher shortage areas. Individual district school boards may identify and submit other critical teacher



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shortage areas. Such submissions must be aligned to current and emerging educational requirements and workforce demands in order to be approved by the State Board of Education. High-priority location areas shall be in high-density, low-economic urban schools; low-density, low-economic rural schools; and schools that are required to implement school turnaround options pursuant to ~~identified as lowest performing under~~ s. 1008.33 ~~(4)(b)~~.

Section 10. Paragraph (c) of subsection (1) of section 1012.22, Florida Statutes, is amended to read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(c) *Compensation and salary schedules.*—

1. Definitions.—As used in this paragraph:

a. "Adjustment" means an addition to the base salary schedule that is not a bonus and becomes part of the employee's permanent base salary and shall be considered compensation under s. 121.021(22).

b. "Grandfathered salary schedule" means the salary schedule or schedules adopted by a district school board before July 1, 2014, pursuant to subparagraph 4.

c. "Instructional personnel" means instructional personnel as defined in s. 1012.01(2)(a)-(d), excluding substitute teachers.



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d. "Performance salary schedule" means the salary schedule or schedules adopted by a district school board pursuant to subparagraph 5.

e. "Salary schedule" means the schedule or schedules used to provide the base salary for district school board personnel.

f. "School administrator" means a school administrator as defined in s. 1012.01(3)(c).

g. "Supplement" means an annual addition to the base salary for the term of the negotiated supplement as long as the employee continues his or her employment for the purpose of the supplement. A supplement does not become part of the employee's continuing base salary but shall be considered compensation under s. 121.021(22).

2. Cost-of-living adjustment.—A district school board may provide a cost-of-living salary adjustment if the adjustment:

a. Does not discriminate among comparable classes of employees based upon the salary schedule under which they are compensated.

b. Does not exceed 50 percent of the annual adjustment provided to instructional personnel rated as effective.

3. Advanced degrees.—A district school board may not use advanced degrees in setting a salary schedule for instructional personnel or school administrators hired on or after July 1, 2011, unless the advanced degree is held in the individual's area of certification and is only a salary supplement.

4. Grandfathered salary schedule.—

a. The district school board shall adopt a salary schedule or salary schedules to be used as the basis for paying all school employees hired before July 1, 2014. Instructional



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personnel on annual contract as of July 1, 2014, shall be placed on the performance salary schedule adopted under subparagraph 5. Instructional personnel on continuing contract or professional service contract may opt into the performance salary schedule if the employee relinquishes such contract and agrees to be employed on an annual contract under s. 1012.335. Such an employee shall be placed on the performance salary schedule and may not return to continuing contract or professional service contract status. Any employee who opts into the performance salary schedule may not return to the grandfathered salary schedule.

b. In determining the grandfathered salary schedule for instructional personnel, a district school board must base a portion of each employee's compensation upon performance demonstrated under s. 1012.34 and shall provide differentiated pay for both instructional personnel and school administrators based upon district-determined factors, including, but not limited to, additional responsibilities, school demographics, critical shortage areas, and level of job performance difficulties.

5. Performance salary schedule.—By July 1, 2014, the district school board shall adopt a performance salary schedule that provides annual salary adjustments for instructional personnel and school administrators based upon performance determined under s. 1012.34. Employees hired on or after July 1, 2014, or employees who choose to move from the grandfathered salary schedule to the performance salary schedule shall be compensated pursuant to the performance salary schedule once they have received the appropriate performance evaluation for



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this purpose. However, a classroom teacher whose performance evaluation utilizes student learning growth measures established under s. 1012.34(7)(e) shall remain under the grandfathered salary schedule until his or her teaching assignment changes to a subject for which there is an assessment or the school district establishes equally appropriate measures of student learning growth as defined under s. 1012.34 and rules of the State Board of Education.

a. Base salary.—The base salary shall be established as follows:

(I) The base salary for instructional personnel or school administrators who opt into the performance salary schedule shall be the salary paid in the prior year, including adjustments only.

(II) Beginning July 1, 2014, instructional personnel or school administrators new to the district, returning to the district after a break in service without an authorized leave of absence, or appointed for the first time to a position in the district in the capacity of instructional personnel or school administrator shall be placed on the performance salary schedule.

b. Salary adjustments.—Salary adjustments for highly effective or effective performance shall be established as follows:

(I) The annual salary adjustment under the performance salary schedule for an employee rated as highly effective must be greater than the highest annual salary adjustment available to an employee of the same classification through any other salary schedule adopted by the district.



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(II) The annual salary adjustment under the performance salary schedule for an employee rated as effective must be equal to at least 50 percent and no more than 75 percent of the annual adjustment provided for a highly effective employee of the same classification.

(III) The performance salary schedule shall not provide an annual salary adjustment for an employee who receives a rating other than highly effective or effective for the year.

c. Salary supplements.—In addition to the salary adjustments, each district school board shall provide for salary supplements for activities that must include, but are not limited to:

(I) Assignment to a Title I eligible school.

(II) Assignment to a school that is required to implement a school turnaround option pursuant to ~~in the bottom two categories of the school improvement system under~~ s. 1008.33 such that the supplement remains in force for at least 1 year following improved performance in that school.

(III) Certification and teaching in critical teacher shortage areas. Statewide critical teacher shortage areas shall be identified by the State Board of Education under s. 1012.07. However, the district school board may identify other areas of critical shortage within the school district for purposes of this sub-sub-subparagraph and may remove areas identified by the state board which do not apply within the school district.

(IV) Assignment of additional academic responsibilities.

If budget constraints in any given year limit a district school board's ability to fully fund all adopted salary schedules, the



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performance salary schedule shall not be reduced on the basis of total cost or the value of individual awards in a manner that is proportionally greater than reductions to any other salary schedules adopted by the district.

Section 11. Subsection (2) of section 1012.2315, Florida Statutes, is amended to read:

1012.2315 Assignment of teachers.—

(2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F" ~~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 graded "D" or "F" pursuant to s. 1008.34 ~~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.

Section 12. 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 school improvement and
accountability; amending s. 1008.22, F.S.; revising



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the duties of the Commissioner of Education which relate to the statewide assessment program; revising provisions relating to the development and implementation of a student achievement assessment program; amending s. 1008.33, F.S.; requiring that the State Board of Education comply with the federal Elementary and Secondary Education Act flexibility waiver approved by the United States Secretary of Education; requiring that the Department of Education annually identify each public school in need of intervention and support to improve student academic performance; requiring that the State Board of Education establish by rule a matrix of intervention and support strategies for assisting public schools and charter schools; deleting provisions requiring the Department of Education to create a matrix reflecting intervention and support strategies for the lowest-performing schools; requiring that the state board apply the most intense intervention and support strategies to schools earning a grade of "F"; providing turnaround options for school districts to address such schools; providing exceptions for schools classified in the lowest-performing category; requiring that the state board adopt rules that include timelines for submitting implementation plans; amending s. 1008.34, F.S.; revising provisions relating to the school grading system; requiring that the annual report of the results of the statewide assessment program prepared by the Commissioner of



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1202 Education include the percentage of students
1203 performing at or above grade level; revising
1204 provisions relating to the criteria for the
1205 designation of school grades; requiring that a school
1206 district communicate a school report card to parents
1207 throughout the school district; amending s. 1001.42,
1208 F.S.; revising the powers and duties of district
1209 school boards relating to school improvement plans and
1210 opportunity scholarships; amending s. 1002.33, F.S.;
1211 revising provisions relating to charter school
1212 requirements to conform to changes made by the act;
1213 amending s. 1002.332, F.S.; conforming cross-
1214 references and provisions to changes made by the act;
1215 amending s. 1002.38, F.S.; revising provisions
1216 relating to the eligibility for opportunity
1217 scholarships to conform to changes made by the act;
1218 amending ss. 1008.345, 1012.07, 1012.22, and
1219 1012.2315, F.S.; conforming provisions to changes made
1220 by the act; providing an effective date.

By Senator Montford

6-01222-12

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1 A bill to be entitled
 2 An act relating to accountability in public schools;
 3 amending s. 1002.332, F.S., relating to the high-
 4 performing charter school system; conforming
 5 provisions and cross-references to changes made by the
 6 act; amending s. 1008.22, F.S.; providing that
 7 students who are enrolled in high school courses
 8 requiring end-of-course assessments are not required
 9 to take the corresponding statewide comprehensive
 10 assessments; deleting an obsolete date; amending s.
 11 1008.33, F.S.; requiring that the State Board of
 12 Education comply with the federal Elementary and
 13 Secondary Education Act, including any waivers
 14 approved under that act; requiring that the Department
 15 of Education annually identify a public school based
 16 on the school's grade designated pursuant to s.
 17 1008.34, F.S., for the purpose of determining whether
 18 the school requires intervention and support
 19 strategies for improvement; requiring that the
 20 department apply the most intense intervention
 21 strategies to schools that are identified as having a
 22 grade of "F" or schools that are consistently
 23 performing below the acceptable standards; requiring
 24 that a school district implement the district-managed
 25 turnaround plan and meet the plan's requirements if
 26 the school district has a school identified as having
 27 a grade of "D" for 3 consecutive years; deleting
 28 provisions categorizing the lowest-performing schools;
 29 requiring that a school district select a turnaround

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

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30 plan option and submit a plan for approval by the
 31 State Board of Education; requiring that the school
 32 district implement the approved plan within 2 school
 33 years after the school has been identified as having a
 34 grade of "F"; providing that a school district may
 35 implement a combination of the available options or
 36 select another turnaround plan that has a demonstrated
 37 record of effectiveness; requiring that a school
 38 district submit another plan if a school does not
 39 improve and achieve a grade of "C" or does not meet
 40 the performance targets adopted by the State Board of
 41 Education; requiring that the plan be implemented at
 42 the beginning of the next school year after the
 43 implementation period of the previous option;
 44 providing exceptions; providing that implementation of
 45 the turnaround option is no longer required when a
 46 school achieves a grade of "C" and meets the
 47 performance targets; requiring that the State Board of
 48 Education establish and adopt performance targets in
 49 reading and mathematics; authorizing a school district
 50 to submit a request to the Department of Education for
 51 a hold status to implement a turnaround plan option in
 52 a school beyond the 2-year implementation period;
 53 requiring that the department grant the request if
 54 certain conditions are met; prohibiting a school from
 55 remaining in a hold status for more than 2 years;
 56 requiring that a school identified as having a grade
 57 of "F" before July 1, 2012, continue to implement the
 58 turnaround option; amending s. 1008.34, F.S.; revising

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provisions relating to the designation of school grades; deleting obsolete dates for including the learning gains of students seeking special diplomas; extending dates relating to student assessment data; requiring that a high school demonstrate that the graduation rate of its at-risk students is increasing in order to be designated as having a grade of "A"; requiring that district grades be calculated based on the student achievement and learning gains data used for calculating school grades, including students who are enrolled for a full school year in each school district and who meet other criteria for purposes of designating school grades; amending ss. 1012.07 and 1012.2315, F.S.; conforming provisions and cross-references to changes made by the act; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section 1002.332, Florida Statutes, is amended to read:

1002.332 High-performing charter school system.—

(1) For purposes of this section, the term:

(b) "High-performing charter school system" means an entity that:

1. Operates at least three high-performing charter schools in the state;

2. Operates a system of charter schools in which at least 50 percent of the charter schools are high-performing charter

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schools pursuant to s. 1002.331 and in which none have been designated as having ~~no charter school received~~ a school grade of "D" or "F" pursuant to s. 1008.34, except that:

a. If the entity has assumed operation of a public school pursuant to s. 1008.33(5)(b)3. which has been identified as having ~~1008.33(5)(a)3. with~~ a school grade of "D" or "F," the public ~~that~~ school's grade may ~~shall~~ not be considered in determining high-performing charter school system status for a period of 3 years.

b. If the entity establishes a new charter school that serves a student population the majority of which resides in a school zone served by a public school that is identified as having a grade of "F" or is consistently performing below the acceptable standards as provided in ~~lowest performing under~~ s. 1008.33(4) ~~1008.33(4)(b)~~, that charter school's grade may ~~shall~~ not be considered in determining high-performing charter school system status if it attains and maintains a school grade that is higher than that of the public school serving that school zone within 3 years after establishment; and

3. Has not received a financial audit that revealed one or more of the financial emergency conditions set forth in s. 218.503(1) for any charter school assumed or established by the entity.

Section 2. Paragraph (c) of subsection (3) of section 1008.22, Florida Statutes, is amended to read:

1008.22 Student assessment program for public schools.—

(3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall design and implement a statewide program of educational assessment that provides information for the improvement of the

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operation and management of the public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. The commissioner may enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may be initiated in 1 fiscal year and continue into the next and may be paid from the appropriations of either or both fiscal years. The commissioner is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed pursuant to law. Pursuant to the statewide assessment program, the commissioner shall:

(c) Develop and implement a student achievement testing program as follows:

1. The Florida Comprehensive Assessment Test (FCAT) measures a student's content knowledge and skills in reading, writing, science, and mathematics. The content knowledge and skills assessed by the FCAT must be aligned to the core curricular content established in the Next Generation Sunshine 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

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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. However, students who are enrolled in high school courses requiring end-of-course assessments are not required to take the corresponding statewide comprehensive assessments. 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 course, each student's performance on the 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 course 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

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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-sub-paragraph. 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 assessment in civics education shall be administered as a field test at the middle school level. During the 2013-2014 school year, each student's performance on the statewide, standardized end-of-course assessment in civics education shall constitute 30 percent of the student's final course grade. Beginning with the 2014-2015 school year, a student must earn a passing score on the end-of-course assessment in civics education in order to

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pass the course and be promoted from the middle grades. The school principal of a middle school shall determine, in accordance with State Board of Education rule, whether a student who transfers to the middle school and who has successfully completed a civics education course at the student's previous school must take an end-of-course assessment in civics education.

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

d. Contingent upon funding provided in the General Appropriations Act, including the appropriation of funds received through federal grants, the Commissioner of Education shall establish an implementation schedule for the development and administration of additional statewide, standardized end-of-

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course assessments in English/Language Arts II, Algebra II, chemistry, physics, earth/space science, United States history, and world history. Priority shall be given to the development of end-of-course assessments in English/Language Arts II. The Commissioner of Education shall evaluate the feasibility and effect of transitioning from the grade 9 and grade 10 FCAT Reading and high school level FCAT Writing to an end-of-course assessment in English/Language Arts II. The commissioner shall report the results of the evaluation to the President of the Senate and the Speaker of the House of Representatives ~~no later than July 1, 2011.~~

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

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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) or s. 1003.43(11)(b), students must earn a passing score on grade 10 FCAT Reading and grade 10 FCAT Mathematics or attain concordant scores as described in subsection (10) in order to qualify for a standard 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

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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 proficiency. Accommodations that negate the validity of a statewide assessment are not allowable in the administration of the FCAT or an end-of-course assessment. However, instructional accommodations are allowable in the classroom if included in a student's individual education plan. Students using instructional accommodations in the classroom which ~~that~~ are not allowable as accommodations on the FCAT or an end-of-course

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assessment may have the FCAT or an end-of-course assessment requirement waived pursuant to the requirements of s. 1003.428(8)(b) or s. 1003.43(11)(b).

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

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

11. District school boards must provide opportunities for students to demonstrate an acceptable performance level on an alternative standardized assessment approved by the State Board of Education following enrollment in summer academies.

12. The Department of Education must develop, or select, and implement a common battery of assessment tools that will be used in all juvenile justice programs in the state. These tools must accurately measure the core curricular content established

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in the Next Generation Sunshine State Standards.

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

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

a. There is the latest possible administration of statewide assessments and the earliest possible reporting to the school districts of student test results which is feasible within available technology and specific appropriations; however, test results for the FCAT must be made available no later than the week of June 8. Student results for end-of-course assessments must be provided no later than 1 week after the school district completes testing for each course. The commissioner may extend the reporting schedule under exigent circumstances.

b. FCAT Writing may not be administered earlier than the week of March 1, and a comprehensive statewide assessment of any

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other subject may not be administered earlier than the week of April 15.

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

The commissioner may, based on collaboration and input from school districts, design and implement student testing programs, for any grade level and subject area, necessary to effectively monitor educational achievement in the state, including the measurement of educational achievement of the Next Generation Sunshine State Standards for students with disabilities. Development and refinement of assessments shall include universal design principles and accessibility standards that will prevent any unintended obstacles for students with disabilities while ensuring the validity and reliability of the test. These principles shall ~~should~~ be applicable to all technology platforms and assistive devices available for the assessments. The field testing process and psychometric analyses for the statewide assessment program must include an appropriate percentage of students with disabilities and an evaluation or determination of the effect of test items on such students.

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407 Section 3. Section 1008.33, Florida Statutes, is amended to
408 read:

409 1008.33 Authority to enforce public school improvement.—

410 (1) The State Board of Education shall comply with the
411 federal Elementary and Secondary Education Act (ESEA), 20 U.S.C.
412 ss. 6301 et seq., including any waivers approved under the act,
413 and its implementing regulations. The State Board of Education
414 is authorized to adopt rules in compliance with the ESEA and,
415 after evaluating and determining that the ESEA and its
416 implementing regulations are consistent with the statements of
417 purpose set forth in the ESEA (2002), may adopt rules to
418 maintain compliance with the ESEA, including any waivers
419 approved under the act.

420 (2) (a) Pursuant to subsection (1) and ss. 1008.34,
421 1008.345, and 1008.385, the State Board of Education shall hold
422 all school districts and public schools accountable for student
423 performance. The state board is responsible for a state system
424 of school improvement and education accountability that assesses
425 student performance by school, identifies schools in which
426 students are not making adequate progress toward state
427 standards, and institutes appropriate measures for enforcing
428 improvement.

429 (b) The state system of school improvement and education
430 accountability must provide for uniform accountability
431 standards, provide assistance of escalating intensity to low-
432 performing schools, direct support to schools in order to
433 improve and sustain performance, focus on the performance of
434 student subgroups, and enhance student performance.

435 (c) School districts must be held accountable for improving

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436 the academic achievement of all students and for identifying and
437 turning around low-performing schools.

438 (3) (a) The academic performance of all students has a
439 significant effect on the state school system. Pursuant to Art.
440 IX of the State Constitution, which prescribes the duty of the
441 State Board of Education to supervise Florida's public school
442 system, the State Board of Education shall equitably enforce the
443 accountability requirements of the state school system and may
444 impose state requirements on school districts in order to
445 improve the academic performance of all districts, schools, and
446 students based upon the provisions of the Florida K-20 Education
447 Code, chapters 1000-1013, and the federal Elementary and
448 Secondary Education Act, 20 U.S.C. ss. 6301 et seq., including
449 any waivers approved under the act, and its implementing
450 regulations.

451 (b) For the purpose of determining whether a public school
452 requires action to achieve a sufficient level of school
453 improvement, beginning with the 2012-2013 ~~2010-2011~~ school year,
454 the Department of Education shall annually identify ~~categorize~~ a
455 public school ~~in one of six categories~~ based on the following:

456 ~~1. a school's grade based upon statewide assessments~~
457 ~~administered pursuant to s. 1008.34 1008.22, and~~

458 ~~2. The level and rate of change in student performance in~~
459 ~~the areas of reading and mathematics, disaggregated into student~~
460 ~~subgroups as described in the federal Elementary and Secondary~~
461 ~~Education Act, 20 U.S.C. s. 6311(b) (2) (C) (v) (II).~~

462 (c) Appropriate intervention and support strategies shall
463 be applied to schools that require action to achieve a
464 sufficient level of improvement ~~as described in paragraph (b).~~

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The intervention and support strategies must address student performance, including, but not limited to, improvement planning, leadership quality improvement, educator quality improvement, professional development, curriculum alignment and pacing, and the use of continuous improvement and monitoring plans and processes. The State Board of Education may prescribe reporting requirements to review and monitor the progress of the schools.

(4) The Department of Education shall create a matrix that reflects intervention and support strategies to address the particular needs of each school ~~schools in each category~~.

~~(a)~~ Intervention and support strategies shall be applied to a school ~~schools~~ based upon the school's grade ~~school categorization~~ pursuant to s. 1008.34 paragraph (3) (b). The Department of Education shall apply the most intense intervention strategies to the lowest-performing schools that are identified as having a grade of "F" and are consistently performing below the acceptable standards. A school district that has a school identified as having a grade of "D" for 3 consecutive years must implement the district-managed turnaround plan and must meet all of the plan's requirements pursuant to a timeline prescribed by rule. For all but the lowest category and "F" schools in the second lowest category, the intervention and support strategies shall be administered solely by the districts and the schools.

~~(b) The lowest-performing schools are schools that are categorized pursuant to paragraph (3) (b) and have received:~~

1. A grade of "F" in the most recent school year and in 4 of the last 6 years; or

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~~2. A grade of "D" or "F" in the most recent school year and meet at least three of the following criteria:~~

~~a. The percentage of students who are not proficient in reading has increased when compared to measurements taken 5 years previously;~~

~~b. The percentage of students who are not proficient in mathematics has increased when compared to measurements taken 5 years previously;~~

~~c. At least 65 percent of the school's students are not proficient in reading; or~~

~~d. At least 65 percent of the school's students are not proficient in mathematics.~~

(5) (a) If in the school year after a school is initially identified as having a grade of "F" a school in the lowest-performing category, the school district must select one of the options in paragraph (b) and submit a plan, which is subject to approval by the State Board of Education, pursuant to a timeline prescribed by rule for implementing one of the following options at the beginning of the next school year. The school district shall implement the approved plan in the school within 2 school years after being identified as having a grade of "F." The plan must be implemented unless the school moves from the lowest-performing category.

(b) A school district shall select one of the following options to address a school identified as having a grade of "F":

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;

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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; or

5. Implement a combination of the options in subparagraphs 1.-4. or another turnaround plan that has a demonstrated record of effectiveness.

(c) (b) If a school does not improve so that it is identified as having a grade of "C" and does not meet the performance targets in reading and mathematics adopted by the State Board of Education during the implementation of the turnaround plan ~~move from the lowest-performing category during the initial year of implementing one of the options in paragraph (a),~~ the school district must submit another a plan, which is subject to approval by the State Board of Education, for implementing a different option in paragraph (b) (a). The approved plan must be implemented at the beginning of the next school year after the implementation period of the previous option, unless the school qualifies for a hold status pursuant to subsection (7) or the State Board of Education determines that the school is likely to improve so that it is identified as having a grade of "C" and will meet the performance targets in reading and mathematics adopted by the State Board of Education ~~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~~

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~~district may continue to implement an option beyond 1 year while a school remains in the lowest-performing category.~~

(6) (a) Implementation of a turnaround plan option as provided in paragraph (5) (b) is no longer required when a school identified as having a grade of "F" achieves a grade of "C" and meets the performance targets in reading and mathematics. In order to advance to a higher category, a school must make significant progress by improving its school grade and by increasing student performance in mathematics and reading. Student performance must be evaluated for each student subgroup as set forth in paragraph (3) (b).

(b) The State Board of Education shall establish and adopt performance targets in reading and mathematics which a school must meet in order to achieve a higher grade.

(c) The performance targets in reading and mathematics shall be established and adopted in the year during which a school is identified as having a grade of "F." The performance targets may not change until the school is identified as having a grade of "C" and meets the performance targets.

(7) (a) A school district may submit a request to the Department of Education for a hold status authorizing the school district to implement a turnaround plan option in a school beyond the 2-year implementation period.

(b) The department shall grant a school district's request for a hold status when:

1. The school improves a letter grade; or

2. The performance targets in reading and mathematics are met.

(c) A school may not remain in a hold status for more than

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 2 school years. The school district must implement the approved plan in the school at the beginning of the school year after the expiration of the hold status, unless the State Board of Education determines that the school is likely to improve so that it is identified as having a grade of "C" and will meet the performance targets in reading and mathematics adopted by the State Board of Education if additional time is provided to implement intervention and support strategies.

(8) A school identified as having a grade of "F" before July 1, 2012, shall continue to implement a turnaround plan option provided in paragraph (5)(b), unless the school improves so that it is identified as having a grade of "C" and meets the performance targets in reading and mathematics adopted for the 2012 school year or it meets the exit criteria previously set forth in administrative rule.

(9)(7) Beginning July 1, 2009, the Department of Education shall commence its duties under this section.

(10)(8) By July 1, 2010, The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section. The state board shall consult with education stakeholders in developing the rules.

Section 4. Paragraphs (b) and (c) of subsection (3) and subsection (7) of section 1008.34, Florida Statutes, are amended to read:

1008.34 School grading system; school report cards; district grade.—

(3) DESIGNATION OF SCHOOL GRADES.—

(b)1. A school's grade shall be based on a combination of:

a. Student achievement scores, including achievement on all

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 FCAT assessments administered under s. 1008.22(3)(c)1., end-of-course assessments administered under s. 1008.22(3)(c)2.a., and achievement scores for students seeking a special diploma.

b. Student learning gains in reading and mathematics as measured by FCAT and end-of-course assessments, as described in s. 1008.22(3)(c)1. and 2.a. The learning gains for students seeking a special ~~diplomas~~ diploma, as measured by an alternate assessment tool, shall be included ~~not later than the 2009-2010 school year.~~

c. Improvement of the lowest 25th percentile of students in the school in reading and mathematics on the FCAT or end-of-course assessments described in s. 1008.22(3)(c)2.a., unless these students are exhibiting satisfactory performance.

2. Beginning with the 2011-2012 school year, for schools comprised of middle school grades 6 through 8 or grades 7 and 8, the school's grade shall include the performance and participation of its students enrolled in high school level courses with end-of-course assessments administered under s. 1008.22(3)(c)2.a. Performance and participation must be weighted equally. As valid data becomes available, the school grades shall include the students' attainment of national industry certification identified in the Industry Certification Funding List pursuant to rules adopted by the State Board of Education.

3. Beginning with the 2009-2010 school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, 50 percent of the school grade shall be based on a combination of the factors listed in sub-subparagraphs 1.a.-c. and the remaining 50 percent on the following factors:

a. The high school graduation rate of the school;

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b. As valid data becomes available, the performance and participation of the school's students in College Board Advanced Placement courses, International Baccalaureate courses, dual enrollment courses, and Advanced International Certificate of Education courses; and the students' achievement of national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education;

c. The postsecondary readiness of the school's students who graduate on time as measured by the SAT, ACT, or the common placement test;

d. The high school graduation rate of at-risk students who scored at Level 2 or lower on the grade 8 FCAT Reading and Mathematics examinations;

e. As valid data becomes available, the performance of the school's students on statewide standardized end-of-course assessments administered under s. 1008.22(3)(c)2.c. and d.; and

f. The growth or decline in the components listed in sub-paragraphs a.-e. from year to year.

(c) Student assessment data used in determining school grades shall include:

1. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT and statewide, standardized end-of-course assessments in courses required for high school graduation, including, beginning with the 2011-2012 ~~2010-2011~~ school year, the end-of-course assessment in Algebra I; and beginning with the 2012-2013 ~~2011-2012~~ school year, the end-of-course assessments in geometry and Biology; and beginning with the 2014-2015 ~~2013-2014~~ school year, on the statewide,

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standardized end-of-course assessment in civics education at the middle school level.

2. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT and end-of-course assessments as described in s. 1008.22(3)(c)2.a., and who have scored at or in the lowest 25th percentile of students in the school in reading and mathematics, unless these students are exhibiting satisfactory performance.

3. The achievement scores and learning gains of eligible students attending alternative schools that provide dropout prevention and academic intervention services pursuant to s. 1003.53. The term "eligible students" in this subparagraph does not include students attending an alternative school who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice. The student performance data for eligible students identified in this subparagraph shall be included in the calculation of the home school's grade. As used in this subparagraph and s. 1008.341, the term "home school" means the school to which the student would be assigned if the student were not assigned to an alternative school. If an alternative school chooses to be graded under this section, student performance data for eligible students identified in this subparagraph shall not be included in the home school's grade but shall be included only in the calculation of the alternative school's grade. A school district that fails to assign the FCAT and end-of-course assessment as described in s.

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 1008.22(3)(c)2.a. scores of each of its students to his or her home school or to the alternative school that receives a grade shall forfeit Florida School Recognition Program funds for 1 fiscal year. School districts must require collaboration between the home school and the alternative school in order to promote student success. This collaboration must include an annual discussion between the principal of the alternative school and the principal of each student's home school concerning the most appropriate school assignment of the student.

4. The achievement scores and learning gains of students designated as hospital- or homebound. Student assessment data for students designated as hospital- or homebound shall be assigned to their home school for the purposes of school grades. As used in this subparagraph, the term "home school" means the school to which a student would be assigned if the student were not assigned to a hospital- or homebound program.

5. For schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the data listed in subparagraphs 1.-3. and the following data as the Department of Education determines such data are valid and available:

a. The high school graduation rate of the school as calculated by the Department of Education;

b. The participation rate of all eligible students enrolled in the school and enrolled in College Board Advanced Placement courses; International Baccalaureate courses; dual enrollment courses; Advanced International Certificate of Education courses; and courses or sequences of courses leading to national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of

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 Education;

c. The aggregate scores of all eligible students enrolled in the school in College Board Advanced Placement courses, International Baccalaureate courses, and Advanced International Certificate of Education courses;

d. Earning of college credit by all eligible students enrolled in the school in dual enrollment programs under s. 1007.271;

e. Earning of a national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education;

f. The aggregate scores of all eligible students enrolled in the school in reading, mathematics, and other subjects as measured by the SAT, the ACT, and the common placement test for postsecondary readiness;

g. The high school graduation rate of all eligible at-risk students enrolled in the school who scored at Level 2 or lower on the grade 8 FCAT Reading and Mathematics examinations;

h. The performance of the school's students on statewide standardized end-of-course assessments administered under s. 1008.22(3)(c)2.c. and d.; and

i. The growth or decline in the data components listed in sub-subparagraphs a.-h. from year to year.

The State Board of Education shall adopt appropriate criteria for each school grade. The criteria must also give added weight to student achievement in reading. Schools designated with a grade of "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students in

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 the school who are in the lowest 25th percentile in reading and mathematics on the FCAT and end-of-course assessments as described in s. 1008.22(3)(c)2.a., unless these students are exhibiting satisfactory performance. Beginning with the 2009-2010 school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the criteria for school grades must also give added weight to the graduation rate of all eligible at-risk students, as defined in rule this paragraph. Beginning in the 2009-2010 school year, In order for a high school to be designated as having a grade of "A," making excellent progress, the school must demonstrate that the graduation rate of its at-risk students, as defined in rule this paragraph, is increasing in the school are making adequate progress.

(7) DISTRICT GRADE.—The annual report required by subsection (1) shall include district grades that, which shall be calculated based on the student achievement and learning gains data used for calculating school grades, including students who are enrolled for a full school year in each school district and who meet other criteria for purposes of designating school grades ~~consist of weighted district average grades, by level, for all elementary schools, middle schools, and high schools in the district. A district's weighted average grade shall be calculated by weighting individual school grades determined pursuant to subsection (2) by school enrollment.~~

Section 5. Section 1012.07, Florida Statutes, is amended to read:

1012.07 Identification of critical teacher shortage areas.—
 The term "critical teacher shortage area" means high-need

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 content areas and high-priority location areas identified by the State Board of Education. The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to annually identify critical teacher shortage areas. The state board must consider current and emerging educational requirements and workforce demands in determining critical teacher shortage areas. School grade levels may also be designated critical teacher shortage areas. Individual district school boards may identify and submit other critical teacher shortage areas. Such submissions must be aligned to current and emerging educational requirements and workforce demands in order to be approved by the State Board of Education. High-priority location areas shall be in high-density, low-economic urban schools; low-density, low-economic rural schools; and schools identified as having a grade of "F" or schools that are consistently performing below the acceptable standards ~~lowest performing~~ under s. 1008.33(4) ~~1008.33(4)(b)~~.

Section 6. Subsection (2) of section 1012.2315, Florida Statutes, is amended to read:

1012.2315 Assignment of teachers.—

(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 based upon the schools' grades designated pursuant to in one of the three lowest performing categories ~~under s. 1008.34 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

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813 school district is not in compliance with this subsection, the
814 State Board of Education shall be notified and shall take action
815 pursuant to s. 1008.32 in the next regularly scheduled meeting
816 to require compliance.

817 Section 7. This act shall take effect upon becoming a law.

THE FLORIDA SENATE
APPEARANCE RECORD

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

Spoke

2/14/12
Meeting Date

Topic Bill 152 Revised Bill for DA

Bill Number 1522
(if applicable)

Name Fred Heid

Amendment Barcode _____
(if applicable)

Job Title Bureau Chief School Improvement

Address 325 W Gaines Street
Street

Phone 856-245-0857

Tallahassee FL 32311
City State Zip

E-mail Frederick.Heid@fldoe.org

Speaking: ☐ For ☐ Against ☒ Information

Representing FLDOE

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)

Wang 15

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-14-12

Meeting Date

Topic Public School Accountability

Bill Number 1522
(if applicable)

Name Patricia Levesque

Amendment Barcode _____
(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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

Waive

2) K4112
~~SB 1522~~
Meeting Date

Topic SB 1522

Bill Number 1522
(if applicable)

Name Joy Frank

Amendment Barcode _____
(if applicable)

Job Title General Counsel

Address 208 S. Monroe St
Street
Tallahassee, FL 32301
City State Zip

Phone 850-577-5784

E-mail jfranka@fapss.org

Speaking: ☒ For ☐ Against ☐ Information

Representing Fl. Assoc. of District School Superintendents

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

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)

2/14/12

Meeting Date

Topic Differentiated Accountability

Bill Number 1522
(if applicable)

Name Gerard Robinson

Amendment Barcode _____
(if applicable)

Job Title Commissioner of Education

Address 325 W. Gaines St

Phone 850-245-7830

Tallahassee FL 32399
City State Zip

E-mail Gerard.Robinson@FLDOE.org

Speaking: ☒ For ☐ Against ☐ Information

Representing Department of Education

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

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 1348

INTRODUCER: Committee on Education Pre-K - 12 and Senator Wise

SUBJECT: Eminent Domain

DATE: February 14, 2012

REVISED: _____

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

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	☒	Statement of Substantial Changes
B. AMENDMENTS.....	☐	Technical amendments were recommended
	☐	Amendments were recommended
	☐	Significant amendments were recommended

I. Summary:

This bill grants the Board of Trustees of the Florida School for the Deaf and the Blind (FSDB) the authority to use eminent domain, upon approval by the Administration Commission.

This bill substantially amends section 1002.36 of the Florida Statutes.

II. Present Situation:

Florida School for the Deaf and the Blind (FSDB)

The FSDB is a state-supported residential public school that serves hearing- and visually-impaired students from preschool through grade 12.¹ A seven-member Board of Trustees (board) governs the FSDB and maintains complete jurisdiction over school management.² Board members must have lived in the state for at least ten years. Of the membership, at least one appointee must be blind, and one appointee must be deaf. The Governor appoints the board,

¹s. 1002.36(1), F.S.

² s. 1002.36(4)(a) and (d), F.S.

subject to Senate confirmation, to four-year terms of office. A chair is elected annually by the board.³

The board is authorized to adopt rules, subject to approval by the State Board of Education, and filing with the Department of State. The board is considered to be a body corporate and has a corporate seal.

The board is granted statutory authority to do the following:

- Enter into contracts;
- Sue and be sued;
- Procure legal and professional services;
- Appoint a president, faculty and other employees;
- Determine student eligibility and an admissions process;
- Sell or convey real or personal property that is received as a gift, donation or bequest;
- Administer personnel programs; and
- Approve an annual operating budget.

Title to gifts, donations and bequests vests in the board.⁴

The board is required to adopt a master plan, which contains the FSDB's mission and objectives. Items for inclusion in the master plan are procedures for measuring the FSDB's progress in meeting its objectives, analyzing changes in student population, and adapting school programs and services to accommodate the changes.⁵

For purposes of teacher certification and the protection of health, safety and welfare of its students, the FSDB is considered a school district.⁶ The FSDB is subject to audits by the Auditor General and investigations by the DOE's Inspector General.⁷

Florida law authorizes the FSDB to establish a direct-support organization as a state not-for-profit corporation, created for the sole purpose of receiving, holding, investing and administering property, and making expenditures to the FSDB or the board.⁸

Eminent Domain

Eminent domain, inherent to the long-standing notion of sovereignty, is the right of the state to take property for public use in exchange for just compensation.⁹ The Fifth Amendment to the federal constitution specifically provides, through Fourteenth Amendment application to the states:

³ s. 1002.36(4)(a) and (b), F.S.

⁴ s. 1002.36(4), F.S.

⁵ s. 1002.36(4)(f)9., F.S.

⁶ s. 1002.36(7)(f) and (g), F.S.

⁷ s. 1002.36(3), F.S.

⁸ s. 1002.361(1), F.S.

⁹ Norman J. Singer and J.D. Shambie Singer, 3 Sutherland Statutory Construction s. 64:6 (7th ed. December 2011).

No person shall...be deprived of...property without due process or law; nor shall private property be taken for public use, without just compensation.

Considered to be a dormant grant to the states, eminent domain requires affirmative activation at the state level through a constitutional provision or statutory authority.¹⁰ Legislatures have liberal discretion regarding how they delegate eminent domain, as follows:

In the absence of a constitutional restriction, the legislature may delegate the power to a municipality, a private corporation, a transportation company, or an individual, provided the property, when condemned, is to be put to a public use, and may deny the right to, or withhold it from, whomsoever it pleases.¹¹

Grants of condemnation are strictly interpreted against the condemning party, and in favor of the property owner, due to the sacrosanct value placed on private property rights.¹²

Article X, Section 6, of the Florida Constitution provides:

No private property shall be taken except for a public purpose and with full compensation therefor paid to each owner....¹³

Full compensation is more expansive than the federal requirement of just compensation, and as such, embodies the concept of making the property owner whole.¹⁴ It includes mandatory payment of attorney's fees in Florida.¹⁵ It also has been applied to include reimbursement on the cost of obtaining expert witnesses.¹⁶ Full compensation requires fair market value as payment, with the value to be fixed at the time of the taking.¹⁷ Property owners subject to a taking have the right to a jury trial, with preference in scheduling given over other civil actions.¹⁸

Grounds for an inverse condemnation lawsuit accrue when a governmental entity commits a taking of private property without first initiating formal legal action.¹⁹

The Florida Statutes provide express authority for many entities regarding the exercise of eminent domain. Accordingly, eminent domain is made available to district school boards (s. 1013.24, F.S.); counties (s. 127.01, F.S.); municipalities (s. 166.401, F.S.), state

¹⁰ William Meade Fletcher, *Fletcher-Cyc* s. 2905 (Ch. 35).

¹¹ Fletcher, *supra* note 10.

¹² Singer, *supra* note 9.

¹³ s. 6, art. X, Fla. Const.

¹⁴ *Lee County v. Pierpont*, 693 So.2d 994, 996 (Fla. 2nd DCA 1997).

¹⁵ *Bradshear v. Florida Department of Highway Safety And Motor Vehicles*, 20 So.3d 915, 928-929 (Fla. 1st DCA 2009); *Schick v. Florida Department of Agriculture and Consumer Services*, 586 So.2d 452, 453 (Fla. 1st DCA 1991).

¹⁶ *Department of Transportation v. Jack's Quick Cash*, 748 So.2d 1049, 1052 (5th DCA 2000); Section 73.091, F.S., specifically requires payment of attorney's fees and all reasonable costs, including expert witness fees.

¹⁷ "Fair market value is generally defined as what a willing buyer would pay to a willing seller, neither party being obligated to act." *Department of Agriculture and Consumer Services v. Polk*, 568 So.2d 35, 41 (S.Ct. 1990).

¹⁸ s. 73.071, F.S.

¹⁹ *Pinellas County v. Baldwin*, 2012 WL 163912, 3 (Fla. App. 2 Dist.)

universities and Florida College System institutions (FCSI) (s. 1013.25, F.S.); the Division of Forestry (s. 589.27, F.S.); various state agencies, such as the Department of Transportation (s. 479.24, F.S.) and the Department of Health (s. 381.0013, F.S.); public housing authorities (s. 421.12, F.S.); a mosquito control district board of commissioners (s. 388.191, F.S.); water management control districts (s. 373.139, F.S.); and corporations organized by the laws of this state, such as railroad companies (s. 361.025, F.S.), coal pipeline companies (s. 361.08, F.S.), sewer and wastewater management companies (s. 361.07, F.S.), petroleum products pipeline companies (s. 361.06, F.S.), natural gas companies (s. 361.05, F.S.), and waterworks companies (s. 361.04, F.S.)

In an Attorney General opinion from 2003, in response to whether the FSDB has eminent domain authority, the Attorney General unequivocally determined that it does not, in that statutory authority does not expressly grant the FSDB this power:

Condemnation is not a common-law action and the method by which the power of eminent domain is to be exercised is dependent upon the constitutional or statutory provisions involved.²⁰

Local Government Use of Property

The Administration Commission is composed of the Governor and Cabinet, with the Governor serving as Chair.²¹ The Administration Commission maintains a decision-making role in local government land and property planning.²² Universities and FCSI Boards of Trustees are specifically required to secure approval from the Administration Commission before initiating eminent domain.²³

III. Effect of Proposed Changes:

Consistent with the grant of eminent domain to state universities and FCSI, this bill extends this authority to the FSDB, subject to approval by the Administration Commission. District school boards also have eminent domain authority. As the FSDB is a public school, such a grant would appear to provide parity between the FSDB and other public education entities that are similarly situated.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

²⁰ AGO 2003-02 (January 3, 2003).

²¹ s. 14.202, F.S.

²² s. 163.3164(2), F.S.

²³ s. 1013.25, F.S.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

Regarding property already earmarked for eminent domain, given the current devalued property situation that pervades much of the state, and the setting of fair market value at the time of the taking, private homeowners subject to eminent domain in the near future could be adversely affected. This would be due to being subjected to, in essence, a forced sale during a recession.

C. Government Sector Impact:

The FSDB could incur a positive financial impact by attempting takings relatively quickly after passage of the bill, due to the favorable property-buying climate currently in the state because of the recession, and basis for compensation on fair market value (i.e., what a buyer is willing to pay.)

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 Education Pre-K – 12 on February 14, 2012:

This bill:

- Grants the power of eminent domain to the FSDB, provided that the Administration Commission approves specific requests;
- Restores current law regarding the interlocal agreement process available for use by public education boards and local governments, and a requirement that interlocal agreements be provided by the FSDB to the state land planning agency and the Office of Educational Facilities;
- Deletes language which would have required the FSDB to comply with federal fair housing laws and the Americans with Disabilities Act; and

- Deletes language which would have grandfathered-in, for vesting purposes, FSDB school facilities in existence as of a certain date.

B. Amendments:

None.

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



196934

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/14/2012	.	
	.	
	.	
	.	

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

Senate Amendment (with directory and title amendments)

Delete lines 89 - 800.

===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

And the directory clause is amended as follows:

Delete lines 30 - 31

and insert:

Section 1. Paragraph (e) of subsection (4) of section
1002.36, Florida Statutes, is amended to read:

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



196934

13 And the title is amended as follows:

14 Delete lines 2 - 25

15 and insert:

16 An act relating to eminent domain; amending s.
17 1002.36, F.S.; authorizing the Board of Trustees of
18 the Florida School for the Deaf and the Blind to
19 exercise the power of eminent domain after receiving
20 approval from the Administration Commission; providing
21 an

By Senator Wise

5-01290-12

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A bill to be entitled

An act relating to coordination between schools and local governments; amending s. 1002.36, F.S.; authorizing the Board of Trustees of the Florida School for the Deaf and the Blind to exercise the power of eminent domain after receiving approval from the Administration Commission; requiring the board of trustees to provide student housing in compliance with specified law; amending s. 1013.33, F.S.; revising and deleting requirements for an interlocal agreement between a district school board and local governments to conform to related requirements in s. 163.31777, F.S.; amending s. 1013.35, F.S.; conforming cross-references to changes made by the act; amending s. 1013.351, F.S.; deleting a requirement that the Florida School for the Deaf and the Blind and the local government submit an interlocal agreement to the state land planning agency and the Office of Educational Facilities for review; providing for the vesting of the Florida School for the Deaf and the Blind facilities; requiring local government cooperation in the restoration of school facilities; requiring school facilities to comply with specified law; amending s. 1013.36, F.S.; conforming cross-references to changes made by the act; providing an effective date.

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

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

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Section 1. Paragraphs (e) and (f) of subsection (4) of section 1002.36, Florida Statutes, are amended to read:

1002.36 Florida School for the Deaf and the Blind.—

(4) BOARD OF TRUSTEES.—

(e) The board of trustees is invested with full power and authority to:

1. Appoint a president, faculty, teachers, and other employees and remove the same as in its judgment may be best and fix their compensation.

2. Procure professional services, such as medical, mental health, architectural, and engineering.

3. Procure legal services without the prior written approval of the Attorney General.

4. Determine eligibility of students and procedure for admission.

5. Provide for the students of the school necessary bedding, clothing, food, and medical attendance and such other things as may be proper for the health and comfort of the students without cost to their parents, except that the board of trustees may set tuition and other fees for nonresidents.

6. Provide for the proper keeping of accounts and records and for budgeting of funds.

7. Enter into contracts.

8. Sue and be sued.

9. Secure public liability insurance.

10. Do and perform every other matter or thing requisite to the proper management, maintenance, support, and control of the school at the highest efficiency economically possible, the board of trustees taking into consideration the purposes of the

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

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59 establishment.

60 11. Receive gifts, donations, and bequests of money or
61 property, real or personal, tangible or intangible, from any
62 person, firm, corporation, or other legal entity. However, the
63 board of trustees may not obligate the state to any expenditure
64 or policy that is not specifically authorized by law. If the
65 bill of sale, will, trust indenture, deed, or other legal
66 conveyance specifies terms and conditions concerning the use of
67 such money or property, the board of trustees shall observe such
68 terms and conditions.

69 12. Deposit outside the State Treasury such moneys as are
70 received as gifts, donations, or bequests and may disburse and
71 expend such moneys, upon its own warrant, for the use and
72 benefit of the Florida School for the Deaf and the Blind and its
73 students, as the board of trustees deems to be in the best
74 interest of the school and its students. Such money or property
75 does shall not constitute and may not ~~or~~ be considered a part of
76 any legislative appropriation.

77 13. Sell or convey by bill of sale, deed, or other legal
78 instrument any property, real or personal, received as a gift,
79 donation, or bequest, upon such terms and conditions as the
80 board of trustees deems to be in the best interest of the school
81 and its students.

82 14. Invest such moneys in securities enumerated under s.
83 215.47(1), (2)(c), (3), (4), and (10), and in The Common Fund,
84 an Investment Management Fund exclusively for nonprofit
85 educational institutions.

86 15. After receiving approval from the Administration
87 Commission, exercise the power of eminent domain in the manner

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88 provided in chapter 73 or chapter 74.

89 (f) The board of trustees shall:

90 1. Prepare and submit legislative budget requests for
91 operations and fixed capital outlay, in accordance with chapter
92 216 and ss. 1011.56 and 1013.60, to the Department of Education
93 for review and approval. The department must ~~analyze the amount~~
94 ~~requested for fixed capital outlay to~~ determine if the requested
95 amount for fixed capital outlay request is consistent with the
96 school's campus master plan, educational plant survey, and
97 facilities master plan. Projections of facility space needs may
98 exceed the norm space and occupant design criteria established
99 in the State Requirements for Educational Facilities.

100 2. Approve and administer an annual operating budget in
101 accordance with ss. 1011.56 and 1011.57.

102 3. Require all funds received other than gifts, donations,
103 bequests, funds raised by or belonging to student clubs or
104 student organizations, and funds held for specific students or
105 in accounts for individual students to be deposited in the State
106 Treasury and expended as authorized in the General
107 Appropriations Act.

108 4. Require all purchases to be in accordance with the
109 provisions of chapter 287 except for purchases made with funds
110 received as gifts, donations, or bequests; funds raised by or
111 belonging to student clubs or student organizations; or funds
112 held for specific students or in accounts for individual
113 students.

114 5. Administer and maintain personnel programs for all
115 employees of the board of trustees and the Florida School for
116 the Deaf and the Blind who shall be state employees, including

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the personnel classification and pay plan established in accordance with ss. 110.205(2)(d) and 216.251(2)(a)2. for academic and academic administrative personnel, the provisions of chapter 110, and the provisions of law that grant authority to the Department of Management Services over such programs for state employees.

6. Give preference in appointment and retention in positions of employment as provided within s. 295.07(1).

~~7. Ensure that the Florida School for the Deaf and the Blind complies with s. 1013.351 concerning the coordination of planning between the Florida School for the Deaf and the Blind and local governing bodies.~~

~~7.8. Comply~~ Ensure that the Florida School for the Deaf and the Blind complies with s. 112.061 concerning per diem and travel expenses of public officers, employees, and authorized persons with respect to all funds other than funds received as gifts, donations, or bequests; funds raised by or belonging to student clubs or student organizations; or funds held for specific students or in accounts for individual students.

~~8.9. Adopt~~ a master plan which specifies the mission and objectives of the Florida School for the Deaf and the Blind. The plan shall include, but not be limited to, procedures for systematically measuring the school's progress toward meeting its objectives, analyzing changes in the student population, and modifying school programs and services to respond to such changes. The plan shall be for a period of 5 years and shall be reviewed for needed modifications every 2 years. The board of trustees shall submit the initial plan and subsequent modifications to the Speaker of the House of Representatives and

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the President of the Senate.

~~9.10. Designate~~ a portion of the school as "The Verle Allyn Pope Complex for the Deaf," in tribute to the late Senator Verle Allyn Pope.

10. Provide safe and appropriate housing for all residential students at the Florida School for the Deaf and the Blind, in compliance with the state Fair Housing Act, the federal Fair Housing Act, and the Americans with Disabilities Act of 1990.

Section 2. Section 1013.33, Florida Statutes, is amended to read:

1013.33 Coordination of planning with local governing bodies.—

(1) It is the policy of this state to require the coordination of planning between boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services. Such planning shall include the integration of the educational facilities plan and applicable policies and procedures of a board with the local comprehensive plan and land development regulations of local governments. The planning must include the consideration of allowing students to attend the school located nearest their homes when a new housing development is constructed near a county boundary and it is more feasible to transport the students a short distance to an existing facility in an adjacent county than to construct a new facility or transport students longer distances in their county of residence. The planning must

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also consider the effects of the location of public education facilities, including the feasibility of keeping central city facilities viable, in order to encourage central city redevelopment and the efficient use of infrastructure and to discourage uncontrolled urban sprawl. In addition, all parties to the planning process must consult with state and local road departments to assist in implementing the Safe Paths to Schools program administered by the Department of Transportation.

(2)(a) The school board, county, and nonexempt municipalities located within the geographic area of a school district shall enter into an interlocal agreement according to s. 163.31777 which that jointly establishes the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated. ~~The interlocal agreements shall be submitted to the state land planning agency and the Office of Educational Facilities in accordance with a schedule published by the state land planning agency.~~

~~(b) The schedule must establish staggered due dates for submission of interlocal agreements that are executed by both the local government and district school board, commencing on March 1, 2003, and concluding by December 1, 2004, and must set the same date for all governmental entities within a school district. However, if the county where the school district is located contains more than 20 municipalities, the state land planning agency may establish staggered due dates for the submission of interlocal agreements by these municipalities. The schedule must begin with those areas where both the number of districtwide capital-outlay full-time-equivalent students equals 80 percent or more of the current year's school capacity and the~~

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~~projected 5-year student growth rate is 1,000 or greater, or where the projected 5-year student growth rate is 10 percent or greater.~~

~~(e) If the student population has declined over the 5-year period preceding the due date for submittal of an interlocal agreement by the local government and the district school board, the local government and district school board may petition the state land planning agency for a waiver of one or more of the requirements of subsection (3). The waiver must be granted if the procedures called for in subsection (3) are unnecessary because of the school district's declining school age population, considering the district's 5-year work program prepared pursuant to s. 1013.35. The state land planning agency may modify or revoke the waiver upon a finding that the conditions upon which the waiver was granted no longer exist. The district school board and local governments must submit an interlocal agreement within 1 year after notification by the state land planning agency that the conditions for a waiver no longer exist.~~

~~(d) Interlocal agreements between local governments and district school boards adopted pursuant to s. 163.3177 before the effective date of subsections (2)-(7) must be updated and executed pursuant to the requirements of subsections (2)-(7), if necessary. Amendments to interlocal agreements adopted pursuant to subsections (2)-(7) must be submitted to the state land planning agency within 30 days after execution by the parties for review consistent with subsections (3) and (4). Local governments and the district school board in each school district are encouraged to adopt a single interlocal agreement~~

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in which all join as parties. The state land planning agency shall assemble and make available model interlocal agreements meeting the requirements of subsections (2)-(7) and shall notify local governments and, jointly with the Department of Education, the district school boards of the requirements of subsections (2)-(7), the dates for compliance, and the sanctions for noncompliance. The state land planning agency shall be available to informally review proposed interlocal agreements. If the state land planning agency has not received a proposed interlocal agreement for informal review, the state land planning agency shall, at least 60 days before the deadline for submission of the executed agreement, renotify the local government and the district school board of the upcoming deadline and the potential for sanctions.

(3) At a minimum, the interlocal agreement must address interlocal agreement requirements in s. 163.31777 and, if applicable, s. 163.3180(6), and must address the following issues:

(a) A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.

(b) A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.

(c) Participation by affected local governments with the

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district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.

(d) A process for determining the need for and timing of onsite and offsite improvements to support new construction, proposed expansion, or redevelopment of existing schools. The process shall address identification of the party or parties responsible for the improvements.

(e) A process for the school board to inform the local government regarding the effect of comprehensive plan amendments on school capacity. The capacity reporting must be consistent with laws and rules regarding measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.

(f) Participation of the local governments in the preparation of the annual update to the school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35.

(g) A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.

(h) A procedure for the resolution of disputes between the

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~~district school board and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.~~

~~(i) An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.~~

~~(4)(a) The Office of Educational Facilities shall submit any comments or concerns regarding the executed interlocal agreement to the state land planning agency within 30 days after receipt of the executed interlocal agreement. The state land planning agency shall review the executed interlocal agreement to determine whether it is consistent with the requirements of subsection (3), the adopted local government comprehensive plan, and other requirements of law. Within 60 days after receipt of an executed interlocal agreement, the state land planning agency shall publish a notice of intent in the Florida Administrative Weekly and shall post a copy of the notice on the agency's Internet site. The notice of intent must state that the interlocal agreement is consistent or inconsistent with the requirements of subsection (3) and this subsection as appropriate.~~

~~(b) The state land planning agency's notice is subject to challenge under chapter 120; however, an affected person, as defined in s. 163.3184(1)(a), has standing to initiate the administrative proceeding, and this proceeding is the sole means available to challenge the consistency of an interlocal agreement required by this section with the criteria contained in subsection (3) and this subsection. In order to have standing, each person must have submitted oral or written~~

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~~comments, recommendations, or objections to the local government or the school board before the adoption of the interlocal agreement by the district school board and local government. The district school board and local governments are parties to any such proceeding. In this proceeding, when the state land planning agency finds the interlocal agreement to be consistent with the criteria in subsection (3) and this subsection, the interlocal agreement must be determined to be consistent with subsection (3) and this subsection if the local government's and school board's determination of consistency is fairly debatable. When the state land planning agency finds the interlocal agreement to be inconsistent with the requirements of subsection (3) and this subsection, the local government's and school board's determination of consistency shall be sustained unless it is shown by a preponderance of the evidence that the interlocal agreement is inconsistent.~~

~~(c) If the state land planning agency enters a final order that finds that the interlocal agreement is inconsistent with the requirements of subsection (3) or this subsection, the state land planning agency shall forward it to the Administration Commission, which may impose sanctions against the local government pursuant to s. 163.3184(1) and may impose sanctions against the district school board by directing the Department of Education to withhold an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.~~

~~(5) If an executed interlocal agreement is not timely submitted to the state land planning agency for review, the state land planning agency shall, within 15 working days after~~

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the deadline for submittal, issue to the local government and the district school board a notice to show cause why sanctions should not be imposed for failure to submit an executed interlocal agreement by the deadline established by the agency. The agency shall forward the notice and the responses to the Administration Commission, which may enter a final order citing the failure to comply and imposing sanctions against the local government and district school board by directing the appropriate agencies to withhold at least 5 percent of state funds pursuant to s. 163.3184(11) and by directing the Department of Education to withhold from the district school board at least 5 percent of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.

(6) Any local government transmitting a public school element to implement school concurrency pursuant to the requirements of s. 163.3180 before the effective date of this section is not required to amend the element or any interlocal agreement to conform with the provisions of subsections (2)-(6) if the element is adopted prior to or within 1 year after the effective date of subsections (2)-(6) and remains in effect.

(7) A board and the local governing body must share and coordinate information related to existing and planned school facilities; proposals for development, redevelopment, or additional development; and infrastructure required to support the school facilities, concurrent with proposed development. A school board shall use information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136 when preparing the district educational facilities plan

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pursuant to s. 1013.35, as modified and agreed to by the local governments, when provided by interlocal agreement, and the Office of Educational Facilities, in consideration of local governments' population projections, to ensure that the district educational facilities plan not only reflects enrollment projections but also considers applicable municipal and county growth and development projections. The projections must be apportioned geographically with assistance from the local governments using local government trend data and the school district student enrollment data. A school board is precluded from siting a new school in a jurisdiction where the school board has failed to provide the annual educational facilities plan for the prior year required pursuant to s. 1013.35 unless the failure is corrected.

(8) The location of educational facilities shall be consistent with the comprehensive plan of the appropriate local governing body developed under part II of chapter 163 and consistent with the plan's implementing land development regulations.

(9) To improve coordination relative to potential educational facility sites, a board shall provide written notice to the local government that has regulatory authority over the use of the land consistent with an interlocal agreement entered pursuant to subsections (2)-(6) at least 60 days prior to acquiring or leasing property that may be used for a new public educational facility. The local government, upon receipt of this notice, shall notify the board within 45 days if the site proposed for acquisition or lease is consistent with the land use categories and policies of the local government's

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comprehensive plan. This preliminary notice does not constitute the local government's determination of consistency pursuant to subsection (10).

~~(10) As early in the design phase as feasible and consistent with an interlocal agreement entered pursuant to subsections (2)-(6), but no later than 90 days before commencing construction, the district school board shall in writing request a determination of consistency with the local government's comprehensive plan. The local governing body that regulates the use of land shall determine, in writing within 45 days after receiving the necessary information and a school board's request for a determination, whether a proposed educational facility is consistent with the local comprehensive plan and consistent with local land development regulations. If the determination is affirmative, school construction may commence and further local government approvals are not required, except as provided in this section. Failure of the local governing body to make a determination in writing within 90 days after a district school board's request for a determination of consistency shall be considered an approval of the district school board's application. Campus master plans and development agreements must comply with the provisions of s. 1013.30.~~

~~(11) A local governing body may not deny the site applicant based on adequacy of the site plan as it relates solely to the needs of the school. If the site is consistent with the comprehensive plan's land use policies and categories in which public schools are identified as allowable uses, the local government may not deny the application but it may impose reasonable development standards and conditions in accordance~~

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with s. 1013.51(1) and consider the site plan and its adequacy as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property. Standards and conditions may not be imposed which conflict with those established in this chapter or the Florida Building Code, unless mutually agreed and consistent with the interlocal agreement required by subsections (2)-(6).

~~(12) This section does not prohibit a local governing body and district school board from agreeing and establishing an alternative process for reviewing a proposed educational facility and site plan, and offsite impacts, pursuant to an interlocal agreement adopted in accordance with subsections (2)-(6).~~

~~(13) Existing schools shall be considered consistent with the applicable local government comprehensive plan adopted under part II of chapter 163. If a board submits an application to expand an existing school site, the local governing body may impose reasonable development standards and conditions on the expansion only, and in a manner consistent with s. 1013.51(1). Standards and conditions may not be imposed which conflict with those established in this chapter or the Florida Building Code, unless mutually agreed. Local government review or approval is not required for:~~

~~(a) The placement of temporary or portable classroom facilities; or~~

~~(b) Proposed renovation or construction on existing school sites, with the exception of construction that changes the primary use of a facility, includes stadiums, or results in a greater than 5 percent increase in student capacity, or as~~

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465 ~~mutually agreed upon, pursuant to an interlocal agreement~~
 466 ~~adopted in accordance with subsections (2) - (6).~~

467 Section 3. Paragraph (b) of subsection (2) and subsection
 468 (3) of section 1013.35, Florida Statutes, are amended to read:
 469 1013.35 School district educational facilities plan;
 470 definitions; preparation, adoption, and amendment; long-term
 471 work programs.—

472 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
 473 FACILITIES PLAN.—

474 (b) The plan must also include a financially feasible
 475 district facilities work program for a 5-year period. The work
 476 program must include:

477 1. A schedule of major repair and renovation projects
 478 necessary to maintain the educational facilities and ancillary
 479 facilities of the district.

480 2. A schedule of capital outlay projects necessary to
 481 ensure the availability of satisfactory student stations for the
 482 projected student enrollment in K-12 programs. This schedule
 483 shall consider:

484 a. The locations, capacities, and planned utilization rates
 485 of current educational facilities of the district. The capacity
 486 of existing satisfactory facilities, as reported in the Florida
 487 Inventory of School Houses must be compared to the capital
 488 outlay full-time-equivalent student enrollment as determined by
 489 the department, including all enrollment used in the calculation
 490 of the distribution formula in s. 1013.64.

491 b. The proposed locations of planned facilities, whether
 492 those locations are consistent with the comprehensive plans of
 493 all affected local governments, and recommendations for

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494 infrastructure and other improvements to land adjacent to
 495 existing facilities. The provisions of s. 1013.36 ~~ss-~~
 496 ~~1013.33(10), (11), and (12)~~ and 1013.36 must be addressed for
 497 new facilities planned within the first 3 years of the work
 498 plan, as appropriate.

499 c. Plans for the use and location of relocatable
 500 facilities, leased facilities, and charter school facilities.

501 d. Plans for multitrack scheduling, grade level
 502 organization, block scheduling, or other alternatives that
 503 reduce the need for additional permanent student stations.

504 e. Information concerning average class size and
 505 utilization rate by grade level within the district which will
 506 result if the tentative district facilities work program is
 507 fully implemented.

508 f. The number and percentage of district students planned
 509 to be educated in relocatable facilities during each year of the
 510 tentative district facilities work program. For determining
 511 future needs, student capacity may not be assigned to any
 512 relocatable classroom that is scheduled for elimination or
 513 replacement with a permanent educational facility in the current
 514 year of the adopted district educational facilities plan and in
 515 the district facilities work program adopted under this section.
 516 Those relocatable classrooms clearly identified and scheduled
 517 for replacement in a school-board-adopted, financially feasible,
 518 5-year district facilities work program shall be counted at zero
 519 capacity at the time the work program is adopted and approved by
 520 the school board. However, if the district facilities work
 521 program is changed and the relocatable classrooms are not
 522 replaced as scheduled in the work program, the classrooms must

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be reentered into the system and be counted at actual capacity. Relocatable classrooms may not be perpetually added to the work program or continually extended for purposes of circumventing this section. All relocatable classrooms not identified and scheduled for replacement, including those owned, lease-purchased, or leased by the school district, must be counted at actual student capacity. The district educational facilities plan must identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement.

g. Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.

h. Projects for which capital outlay and debt service funds accruing under s. 9(d), Art. XII of the State Constitution are to be used shall be identified separately in priority order on a project priority list within the district facilities work program.

3. The projected cost for each project identified in the district facilities work program. For proposed projects for new student stations, a schedule shall be prepared comparing the planned cost and square footage for each new student station, by elementary, middle, and high school levels, to the low, average, and high cost of facilities constructed throughout the state during the most recent fiscal year for which data is available from the Department of Education.

4. A schedule of estimated capital outlay revenues from each currently approved source which is estimated to be available for expenditure on the projects included in the

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district facilities work program.

5. A schedule indicating which projects included in the district facilities work program will be funded from current revenues projected in subparagraph 4.

6. A schedule of options for the generation of additional revenues by the district for expenditure on projects identified in the district facilities work program which are not funded under subparagraph 5. Additional anticipated revenues may include effort index grants, SIT Program awards, and Classrooms First funds.

(3) SUBMITTAL OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES PLAN TO LOCAL GOVERNMENT.—The district school board shall submit a copy of its tentative district educational facilities plan to all affected local governments prior to adoption by the board. The affected local governments shall review the tentative district educational facilities plan and comment to the district school board on the consistency of the plan with the local comprehensive plan, whether a comprehensive plan amendment will be necessary for any proposed educational facility, and whether the local government supports a necessary comprehensive plan amendment. If the local government does not support a comprehensive plan amendment for a proposed educational facility, the matter shall be resolved pursuant to the interlocal agreement when required by ss. 163.3177(6)(h) and 163.31777, ~~and 1013.33(2)~~. The process for the submittal and review shall be detailed in the interlocal agreement when required pursuant to ss. 163.3177(6)(h) and 163.31777, ~~and 1013.33(2)~~.

Section 4. Section 1013.351, Florida Statutes, is amended

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581 to read:

582 1013.351 Coordination of planning between the Florida
583 School for the Deaf and the Blind and local governing bodies.—

584 (1) As used in this section, the term:

585 (a) "Board of Trustees" means the Board of Trustees of the
586 Florida School for the Deaf and the Blind.

587 (b) "Local government" means the municipality or county in
588 which the school is located.

589 (c) "School" means the Florida School for the Deaf and the
590 Blind.

591 (2) It is the policy of this state to require the board of
592 trustees to coordinate planning for new facilities with local
593 governments to ensure that plans for site acquisition,
594 construction, and opening of new facilities of the school are
595 facilitated, concurrent with other necessary services. The
596 planning shall include the integration of the educational plant
597 survey for the school and applicable policies and procedures of
598 the board of trustees with the local comprehensive plan and land
599 development regulations of the local governments. The planning
600 must consider the effect of the location of new facilities to be
601 located on property acquired on or after January 1, 1998,
602 including the efficient use of local infrastructure, the
603 proximity of the proposed new facilities to the school's
604 existing campus, and the effect and impact of any property
605 proposed to be acquired by the school after the effective date
606 of this act. In addition, all parties to the planning process
607 must consult with state and local road departments to assist in
608 implementing the Safe Paths to Schools Program administered by
609 the Department of Transportation.

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610 (3) The board of trustees and the municipality in which the
611 school is located may enter into an interlocal agreement to
612 establish the specific ways in which the plans and processes of
613 the board of trustees and the local government are to be
614 coordinated. ~~If the school and local government enter into an~~
615 ~~interlocal agreement, the agreement must be submitted to the~~
616 ~~state land planning agency and the Office of Educational~~
617 ~~Facilities.~~

618 (4) At a minimum, an interlocal agreement must address the
619 following issues:

620 (a) The process by which each local government and the
621 board of trustees will agree and base their plans on consistent
622 projections of the growth and needs of the school's student
623 enrollment.

624 (b) A process to coordinate and share information relating
625 to planned expansions of the school's facilities.

626 (c) Participation by affected local governments when the
627 board of trustees is evaluating potential land acquisitions
628 before the land acquisition occurs and when the board of
629 trustees proposes uses for property acquired by the board of
630 trustees on or after January 1, 1998. The local governments
631 shall advise the board of trustees as to the consistency of any
632 future land acquisitions and the uses proposed by the school for
633 lands acquired on or after January 1, 1998, including
634 appropriate circumstances and criteria under which the board of
635 trustees may request an amendment to the comprehensive plan for
636 the expansion of the school's campus or for school facilities to
637 be located on property acquired by the board of trustees on or
638 after January 1, 1998.

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(d) A process for determining the need for and timing of onsite and offsite improvements to support new facilities that are to be located on property acquired by the board of trustees on or after January 1, 1998, except new facilities for which a construction contract was entered on or before the effective date of this act. The process shall address identification of the party or parties responsible for the improvements.

(e) A process for the board of trustees to inform local governments of the school's enrollment demographics and its capacity to meet it. The capacity reporting must identify how the board of trustees will meet the demands for enrollment at the school, based on the educational plant survey required by s. 1013.31.

(f) A process for determining where and how joint use of the school or local government facilities can be shared for mutual benefit and efficiency.

(g) A procedure for resolving disputes between the board of trustees and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

The board of trustees and the local governments may choose not to include a provision meeting the requirements of paragraph

(e). However, this decision may be made only after a public hearing on the proposed decision, which may include the public hearing at which the board of trustees or the local governments adopt the interlocal agreements. An interlocal agreement entered into under this section must be consistent with the adopted comprehensive plan and land development regulations of the local governments.

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~~(5) (a) The Office of Educational Facilities shall submit any comments or concerns regarding the executed interlocal agreements to the state land planning agency no later than 30 days after receipt of the executed interlocal agreements. The state land planning agency shall review the executed interlocal agreements to determine whether they are consistent with the requirements of subsection (4), the adopted local government comprehensive plans, and other requirements of law. Not later than 60 days after receipt of an executed interlocal agreement, the state land planning agency shall publish a notice of intent in the Florida Administrative Weekly. The notice of intent must state that the interlocal agreement is consistent or inconsistent with the requirements of subsection (4) and this subsection as appropriate.~~

~~(b) 1. The state land planning agency's notice is subject to challenge under chapter 120. However, an affected person, as defined in s. 163.3184, has standing to initiate the administrative proceeding, and this proceeding is the sole means available to challenge the consistency of an interlocal agreement with the criteria contained in subsection (4) and this subsection. In order to have standing, a person must have submitted oral or written comments, recommendations, or objections to the appropriate local government or the board of trustees before the adoption of the interlocal agreement by the board of trustees and local government. The board of trustees and the appropriate local government are parties to any such proceeding.~~

~~2. In the administrative proceeding, if the state land planning agency finds the interlocal agreement to be consistent~~

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with the criteria in subsection (4) and this subsection, the interlocal agreement must be determined to be consistent with subsection (4) and this subsection if the local government and board of trustees is fairly debatable.

3. If the state land planning agency finds the interlocal agreement to be inconsistent with the requirements of subsection (4) and this subsection, the determination of consistency by the local government and board of trustees shall be sustained unless it is shown by a preponderance of the evidence that the interlocal agreement is inconsistent.

(c) If the state land planning agency enters a final order that finds that the interlocal agreement is inconsistent with the requirements of subsection (4) or this subsection, the state land planning agency shall identify the issues in dispute and submit the matter to the Administration Commission for final action. The report to the Administration Commission must list each issue in dispute, describe the nature and basis for each dispute, identify alternative resolutions of each dispute, and make recommendations. After receiving the report from the state land planning agency, the Administration Commission shall take action to resolve the issues. In deciding upon a proper resolution, the Administration Commission shall consider the nature of the issues in dispute, the compliance of the parties with this section, the extent of the conflict between the parties, the comparative hardships, and the public interest involved. In resolving the matter, the Administration Commission may prescribe, by order, the contents of the interlocal agreement which shall be executed by the board of trustees and the local government.

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(5)(6) An interlocal agreement may be amended under subsections (2)-(4) ~~(2)-(5)~~:

(a) In conjunction with updates to the school's educational plant survey prepared under s. 1013.31; or

(b) If either party delays by more than 12 months the construction of a capital improvement identified in the agreement.

(6)(7) This section does not prohibit a local governing body and the board of trustees from agreeing and establishing an alternative process for reviewing proposed expansions to the school's campus and offsite impacts, under the interlocal agreement adopted in accordance with subsections (2)-(5) ~~(2)-(6)~~.

(7)(8) School facilities within the geographic area or the campus of the school as it existed on or before January 1, 1998, are consistent with the local government's comprehensive plan developed under part II of chapter 163 and consistent with the plan's implementing land development regulations. School facilities, and all uses, structures, fences, enclosures, and walls that exist on school facilities as of July 1, 2012, are vested. The local government shall cooperate with the school to allow for restoration of school facilities, and all uses, structures, fences, enclosures, and walls that exist on school facilities. School facilities, and all uses, structures, fences, enclosures, and walls that exist on school facilities, shall comply with the state Fair Housing Act, the federal Fair Housing Act, and the Americans with Disabilities Act of 1990.

(8)(9) To improve coordination relative to potential educational facility sites, the board of trustees shall provide

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written notice to the local governments consistent with the interlocal agreements entered under subsections (2)-(5) ~~(2)-(6)~~ at least 60 days before the board of trustees acquires any additional property. The local government shall notify the board of trustees no later than 45 days after receipt of this notice if the site proposed for acquisition is consistent with the land use categories and policies of the local government's comprehensive plan. This preliminary notice does not constitute the local government's determination of consistency under subsection (9) ~~(10)~~.

(9) ~~(10)~~ As early in the design phase as feasible, but no later than 90 days before commencing construction, the board of trustees shall request in writing a determination of consistency with the local government's comprehensive plan and local development regulations for the proposed use of any property acquired by the board of trustees on or after January 1, 1998. The local governing body that regulates the use of land shall determine, in writing, no later than 45 days after receiving the necessary information and a school board's request for a determination, whether a proposed use of the property is consistent with the local comprehensive plan and consistent with local land development regulations. If the local governing body determines the proposed use is consistent, construction may commence and additional local government approvals are not required, except as provided in this section. Failure of the local governing body to make a determination in writing within 90 days after receiving the board of trustees' request for a determination of consistency shall be considered an approval of the board of trustees' application. This subsection does not

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apply to facilities to be located on the property if a contract for construction of the facilities was entered on or before the effective date of this act.

~~(10)-(11)~~ Disputes that arise in the implementation of an executed interlocal agreement or in the determinations required pursuant to subsection (8) ~~(9)~~ or subsection (9) ~~(10)~~ must be resolved in accordance with chapter 164.

Section 5. Subsection (6) of section 1013.36, Florida Statutes, is amended to read:

1013.36 Site planning and selection.—

(6) If the school board and local government have entered into an interlocal agreement pursuant to ~~s. 1013.33(2) and either s. 163.3177(6)(h)4. or s. 163.3177~~ or have developed a process to ensure consistency between the local government comprehensive plan and the school district educational facilities plan, site planning and selection must be consistent with the interlocal agreements and the plans.

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

DRAFT COMMITTEE AMENDMENT

The Florida Senate

1398

Bill No.

The Committee on Education Re-12 (Billard)

Senator

recommended the following amendment*:

*or	amendment to amend
	amendment to amend
	amendment to substitute amendment
	substitute for amendment to House amendment
	amend. to Senate amend. to House amendment
Barcode	

SENATE AMENDMENT (with directory and title amendments)

On page 4, line 88, delete

after the period

and insert:

The Florida School for the Deaf and the Blind is prohibited from exercising the power of eminent domain on any land contained within the City of St. Augustine.

DIRECTORY CLAUSE AMENDMENT

On page , line , delete

and insert:

TITLE AMENDMENT

On page 7, line , delete

after the semicolon

and insert:

providing an exemption for the City of St. Augustine!

DRAFT COMMITTEE AMENDMENT

The Florida Senate

1348

Bill No.

The Committee on Education Re-12

Sponsor

Rogers

*or	amendment to amend
	amendment to amend
	amendment to amend
	amendment to amend
	amendment to amend
Barcode	

SENATE AMENDMENT (with directory and title amendments)

On page 4, line 88, delete

after the period

and insert:

The Florida School for the Deaf and the Blind is prohibited from exercising the power of eminent domain on any land contained within the City of St. Augustine as designated within the City of St. Augustine that is

designated within

DIRECTORY CLAUSE AMENDMENT

On page , line , delete

and insert:

TITLE AMENDMENT

On page 1, line , delete

after the semicolon

and insert:

providing an exemption for the City of St. Augustine!

THE FLORIDA SENATE
APPEARANCE RECORD

SP

FEB 14, 2012

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

Meeting Date

Topic EMINENT DOMAIN

Bill Number 1348
(if applicable)

Name MELINDA RAKONCAY

Amendment Barcode _____
(if applicable)

Job Title PRESIDENT

Address 86 MAGNOLIA AVE

Phone (904) 824-4524

ST. AUGUSTINE, FL 32084
City State Zip

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing NELMAR TERRACE NEIGHBORHOOD ASSN

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

FEB 14, 2012

Meeting Date

SP

Topic Emminent Domain

Bill Number 1348

(if applicable)

Name JOHN REGAN

Amendment Barcode

(if applicable)

Job Title CITY MANAGER of ST. AUGUSTINE

Address 75 King St.

Street

St. Augustine Fl. 32080⁵

City

State

Zip

Phone 944 825-1006

E-mail jregan@citystaug.ca

Speaking: ☐ For ☒ Against ☐ Information

Representing City of St. Augustine

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

SP

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

2/14/12
Meeting Date

Topic ~~SB 1348~~ Eminent Domain Bill Number SB 1348
(if applicable)

Name George Gardner Amendment Barcode _____
(if applicable)

Job Title Resident

Address 57 Fullerwood Drive Phone 904-669-1348
Street

St Augustine FL 32084 E-mail gardner@ang.com
City State Zip

Speaking: ☐ For ☒ Against ☐ Information

Representing Neighborhood

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)

501

2/14/2012

Meeting Date

Topic FSDB Eminent Domain Bill Threatens Our Neighborhoods Bill Number SB 1348
(if applicable)

Name Judith Seraphin (Ed Slavin) Amendment Barcode _____
(if applicable)

Job Title CEO (CIO)

Address 218B Rlberia Stree Phone 904-829-0808
Street
St. Augustine Florida 32084 E-mail ed@globalwrap.com
City State Zip

Speaking: ☐ For ☒ Against ☐ Information

Representing Global Wrap LLC

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

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SP-

Meeting Date

Topic Emergent Document

Bill Number
(if applicable)

Name Rep W R Pruster

Amendment Barcode
(if applicable)

Job Title

Address 325 Marchis Dr. N
Street

Phone 904 481 7696

St. Augustine, Fla 32085
City State Zip

E-mail

Speaking: ☐ For ☐ Against ☐ Information

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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SP

2/14/12
Meeting Date

Topic Eminent Domain Bill Number 1348
Name Danny Hutto Amendment Barcode _____ (if applicable)
Job Title President - FL School Deaf/Blind
Address 207 San Marco Phone (904) 827-2210
Street
City St Augustine, FL State FL Zip 32084 E-mail huttoL@fsdb.k12.fl.us

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida School for the Deaf & the Blind

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

Meeting Date _____

Topic eminent domain Bill Number 1348 (if applicable)

Name Beth Segers Amendment Barcode _____ (if applicable)

Job Title _____

Address 36 Beacon St Phone _____

St Aug FL 32084 E-mail Bethsegers@yahoo

City State Zip

Speaking: ☐ For ☒ Against ☐ Information

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/20/11)

I just found this form.

On Feb 12, 2012, at 4:09 PM, Jim Carr wrote:

THE FLORIDA SENATE
APPEARANCE RECORD

Ward. - oppo.

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

Feb. 14, 2012
Meeting Date

Topic Eminent Domain / Interlocal Agreement

Bill Number ~~3413~~ 1348
(if applicable)

Name MILLS, DIANE

Amendment Barcode _____
(if applicable)

Job Title Retired Teacher / Business owner

Address PO Box 3767

Phone 904 829-3400

St. Augustine FL 32085
City State Zip

E-mail Ladydu.1@comcast.net

Speaking: ☐ For ☒ Against ☐ Information

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

Wayn - 4700

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

2/14/12
Meeting Date

Topic EMINENT DOMAIN

Bill Number 1348
(if applicable)

Name DAVID RAMBA

Amendment Barcode _____
(if applicable)

Job Title _____

Address 120 S. MONROE ST.
Street

Phone 727-7087

TALLAHASSEE, FL 32301
City State Zip

E-mail david@rambaconsulting.com

Speaking: ☒ For ^{AMEND.} ☒ Against ^{more} ☐ Information

Representing ST. AUGUSTINE

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
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.fl DOE.org/ese/pdf/hs_options_ese.pdf.

⁶ See <http://www.fl DOE.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



680596

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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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 an electronic personal education plan that must be signed by the student; the student's instructor, guidance counselor, or academic advisor; and the student's parent. The Department of Education shall develop course 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 course or courses. The Commissioner of Education shall collect longitudinal high school course enrollment data by student ethnicity in order to analyze course-taking patterns.

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

1003.4287 Requirements for the career technical high school diploma.—

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

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

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

(a) Core curriculum credits:

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

2. 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. 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 as approved by the State Board of Education. The end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I) must be met in order for a student to earn the required credits in Algebra I and geometry. In addition to the Algebra I and geometry credit requirements, one of the four credits in mathematics must be an applied Algebra II or a series of courses equivalent to applied Algebra II as approved by the State Board of Education. The applied Algebra II course shall be aligned 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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Funding List pursuant to rules adopted by the State Board of Education. The program must be in compliance with ss. 1003.491, 1003.492, and 1003.493 which relate to industry-certified career education programs. A student must receive at least a "C" average in each course to earn the required credit.

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

(d) One credit in an elective.

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

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

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

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

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

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

2. Assignment of the exceptional student to a basic education class for instruction that is modified to accommodate 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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proficiency. Accommodations that negate the validity of a statewide assessment are not allowable in the administration of the FCAT or an end-of-course assessment. However, instructional accommodations are allowable in the classroom if included in a student's individual education plan. Students using instructional accommodations in the classroom that are not allowable as accommodations on the FCAT or an end-of-course assessment may have the FCAT or an end-of-course assessment requirement waived pursuant to the requirements of s.

1003.428(8)(b), s. 1003.4287(8)(b), or s. 1003.43(11)(b).

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

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

11. District school boards must provide opportunities for

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

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

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

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

a. There is the latest possible administration of statewide assessments and the earliest possible reporting to the school districts of student test results which is feasible within 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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

Not Considered

2/14/12

Meeting Date

Topic _____

Bill Number 756
(if applicable)

Name AARON Giorgi

Amendment Barcode _____
(if applicable)

Job Title Teacher/ Graduate Assistant

Address 1710 NW 2nd Ave #25

Phone _____

Street

Gainesville

FL

32603

City

State

Zip

E-mail Agiorgi@ufl.edu

Speaking: ☐ For ☐ Against ☐ Information

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date

Topic Career Educational

Bill Number 756
(if applicable)

Name FRANK FULLER

Amendment Barcode _____
(if applicable)

Job Title Senate Staff

Address _____
Street

Phone _____

City

State

Zip

E-mail _____

Speaking: ☐ For ☐ Against ☒ Information

Representing _____

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date

Topic Career Education

Bill Number 756
(if applicable)

Name Rubie H RAZZOUK

Amendment Barcode _____
(if applicable)

Job Title Research

Address FSU / LSI
Street

Phone _____

City

State

Zip

E-mail _____

Speaking: ☐ For ☐ Against ☒ Information

Representing FSU

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

Tallahassee, Florida 32399-1100

COMMITTEES:

Budget, *Chair*
Rules, *Vice Chair*
Agriculture
Banking and Insurance
Budget - Subcommittee on Finance and Tax
Budget - Subcommittee on Transportation, Tourism,
and Economic Development Appropriations
Education Pre-K - 12
Rules - Subcommittee on Ethics and Elections

JOINT COMMITTEE:

Legislative Budget Commission, *Chair*

SENATOR JD ALEXANDER

17th District

February 14, 2012

Senator Stephen R. Wise, Chair
Committee on Education Pre-K-12
410 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399

Dear Senator Wise,

I respectfully request permission to be absent from the Committee on Education Pre-K-12, today, February 14, 2012. I will not be able to attend this meeting.

Thank you for your approval in this request.

Sincerely,

A handwritten signature in black ink, appearing to read "JD Alexander".

JD Alexander
Senator, District 17

Xc: Lynda DeMarsh-Mathues

A handwritten signature in black ink, appearing to read "Stephen R. Wise".

REPLY TO:

- ☐ 201 Central Avenue West, Suite 115, City Hall Complex, Lake Wales, Florida 33853 (883) 679-4847
- ☐ 412 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5044

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore