

Tab 1	SB 16 by Joyner (CO-INTRODUCERS) Smith; (Similar to H 3513) Relief of Dennis Darling, Sr., and Wendy Smith by the State of Florida						
Tab 2	SB 50 by Flores; (Identical to H 3537) Relief of Altavious Carter by the Palm Beach County School Board						
Tab 3	CS/SB 58 by JU, Abruzzo; (Similar to CS/1ST ENG/H 3515) Relief of Q.B. by the Palm Beach County School Board						
675932	A	S	RCS	AED, Bullard	Delete L.79 - 90:	02/24 02:37 PM	
Tab 4	SB 824 by Stargel; (Compare to CS/1ST ENG/H 0835) Dual Enrollment Program						
545308	A	S	L RCS	AED, Stargel	Before L.50:	02/24 03:22 PM	
711080	A	S	L RCS	AED, Stargel	Delete L.135 - 145:	02/24 03:22 PM	
Tab 5	CS/SB 830 by ED, Stargel; (Similar to CS/CS/1ST ENG/H 7029) School Choice						
Tab 6	SB 1068 by Legg; (Similar to CS/CS/H 7021) Education						
554958	D	S	L RCS	AED, Legg	Delete everything after	02/24 03:23 PM	
Tab 7	SB 1078 by Legg; Education						
Tab 8	CS/SB 1088 by ED, Stargel (CO-INTRODUCERS) Garcia; (Similar to CS/H 0837) Education Programs for Individuals with Disabilities						
Tab 9	SB 1356 by Brandes (CO-INTRODUCERS) Stargel; (Compare to CS/H 1003) Employment After Retirement of School District Personnel						
127046	D	S	RS	AED, Stargel	Delete everything after	02/24 02:04 PM	
926712	SD	S	L RCS	AED, Stargel	Delete everything after	02/24 02:04 PM	
Tab 10	CS/SB 1462 by ED, Latvala; (Similar to CS/1ST ENG/H 1147) Character-development Instruction						

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Senator Gaetz, Chair
Senator Montford, Vice Chair

MEETING DATE: Wednesday, February 24, 2016

TIME: 1:30—3:30 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Gaetz, Chair; Senator Montford, Vice Chair; Senators Bullard, Galvano, Legg, Ring, Simmons, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 16 Joyner (Similar H 3513)	Relief of Dennis Darling, Sr., and Wendy Smith by the State of Florida ; Providing for the relief of Dennis Darling, Sr., and Wendy Smith, parents of Devaughn Darling, deceased; providing an appropriation from the General Revenue Fund to compensate the parents for the loss of their son, Devaughn Darling, whose death occurred while he was engaged in football preseason training on the Florida State University campus; providing a limitation on the payment of fees and costs, etc. SM JU 02/09/2016 Favorable AED 02/24/2016 Favorable AP	Favorable Yeas 6 Nays 0
2	SB 50 Flores (Identical H 3537)	Relief of Altavious Carter by the Palm Beach County School Board; Providing for the relief of Altavious Carter by the Palm Beach County School Board; providing for an appropriation to compensate Mr. Carter for injuries sustained as a result of the negligence of a bus driver of the Palm Beach County School District; providing a limitation on the payment of fees and costs, etc. SM JU 01/26/2016 Temporarily Postponed JU 02/08/2016 Favorable AED 02/24/2016 Favorable AP	Favorable Yeas 6 Nays 0
3	CS/SB 58 Judiciary / Abruzzo (Similar CS/H 3515)	Relief of Q.B. by the Palm Beach County School Board; Providing for the relief of Q.B. by the Palm Beach County School Board; providing for an appropriation to compensate Q.B. for injuries sustained as a result of the negligence of employees of the Palm Beach County School District; providing a limitation on the payment of fees and costs; providing that the appropriation settles all present and future claims related to the negligent act, etc. SM JU 01/20/2016 Fav/CS AED 02/24/2016 Fav/CS AP	Fav/CS Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Education

Wednesday, February 24, 2016, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 824 Stargel (Compare CS/H 835)	Dual Enrollment Program; Exempting dual enrollment students from paying technology fees; requiring a home education secondary student to be responsible for his or her own instructional materials and transportation in order to participate in the dual enrollment program unless the articulation agreement provides otherwise; authorizing certain instructional materials to be made available free of charge to dual enrollment students in home education programs and private schools if provided for in the articulation agreement; requiring a postsecondary institution eligible to participate in the dual enrollment program to enter into an articulation agreement with certain eligible private schools, etc. ED 02/02/2016 Favorable AED 02/24/2016 Fav/CS AP	Fav/CS Yeas 5 Nays 1
5	CS/SB 830 Education Pre-K - 12 / Stargel (Similar CS/CS/H 7029, Compare CS/CS/CS/H 669, CS/H 4013, S 424, S 470, S 834, S 886, CS/S 1076, S 1136)	School Choice; Specifying that a sponsor may not require a charter school to adopt the sponsor's reading plan and that charter schools are eligible for the research-based reading allocation if certain criteria are met; providing an exemption from the replication limitations for a high-performing charter school; authorizing a charter school to develop and operate a professional development certification and education competency program, etc. ED 02/02/2016 Fav/CS AED 02/24/2016 Favorable AP	Favorable Yeas 4 Nays 1
6	SB 1068 Legg (Similar CS/CS/H 7021)	Education; Revising the duties of the Just Read, Florida! Office; revising requirements for school improvement plans and early warning systems; revising core curricula requirements for certain teacher preparation programs to include certain reading instruction and interventions; requiring candidates for an educator certificate in certain areas to demonstrate competence in specified areas, etc. ED 01/27/2016 Favorable AED 02/11/2016 Temporarily Postponed AED 02/24/2016 Fav/CS AP	Fav/CS Yeas 6 Nays 0
7	SB 1078 Legg	Education; Revising the exams each public high school is required to administer to all enrolled 10th grade students to include ACT Aspire, etc. ED 01/27/2016 Favorable AED 02/24/2016 Favorable AP	Favorable Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Education

Wednesday, February 24, 2016, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	CS/SB 1088 Education Pre-K - 12 / Stargel (Similar CS/H 837, Compare H 5003, S 2502)	Education Programs for Individuals with Disabilities; Exempting a foster child from specified eligibility provisions; providing that a student enrolled in a transition-to-work program is eligible for a John M. McKay Scholarship; creating a transition-to-work program for specific students enrolled in the John M. McKay Scholarships for Students with Disabilities Program; changing the name of the program to the "Adults with Disabilities Workforce Education Program"; exempting a John M. McKay Scholarship award from a specified funding calculation for purposes of the Florida Education Finance Program, etc. ED 01/27/2016 Fav/CS AED 02/24/2016 Favorable AP	Favorable Yeas 5 Nays 0
9	SB 1356 Brandes (Compare CS/H 1003)	Employment After Retirement of School District Personnel; Revising provisions relating to reemployment of retirees as instructional personnel on a contract basis; providing legislative intent and findings to clarify authorization to award contracts; providing requirements for a judgment in certain civil actions or administrative proceedings, etc. GO 01/26/2016 Favorable AED 02/17/2016 Temporarily Postponed AED 02/24/2016 Fav/CS AP	Fav/CS Yeas 5 Nays 2
10	CS/SB 1462 Education Pre-K - 12 / Latvala (Similar CS/H 1147)	Character-development Instruction; Requiring character education programs to provide certain instruction to students in grades 9-12, etc. ED 02/02/2016 Fav/CS AED 02/17/2016 Temporarily Postponed AED 02/24/2016 Favorable AP	Favorable Yeas 6 Nays 0
11	Discussion on Current K-12 Assessment Contracts		Discussed
Other Related Meeting Documents			



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location

302 Senate Office Building

Mailing Address

404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5237

DATE	COMM	ACTION
01/13/16	SM	Favorable
02/08/16	JU	Favorable
02/24/16	AED	Recommend: Favorable
	AP	

January 13, 2016

The Honorable Andy Gardiner
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **SB 16** – Senator Arthenia Joyner
HB 3513 – Representative Mia Jones
Relief of Dennis Darling and Wendy Darling by the State of Florida

SPECIAL MASTER'S FINAL REPORT

THIS IS A UNOPPOSED CLAIM BILL BY DENNIS DARLING AND WENDY DARLING, AS REPRESENTATIVES OF THE ESTATE OF THEIR SON, DEVAUGHN DARLING, FOR \$1.8 MILLION, BASED ON A FINAL JUDGMENT SUPPORTED BY A SETTLEMENT AGREEMENT BETWEEN THE DARLINGS AND THE BOARD OF TRUSTEES OF FLORIDA STATE UNIVERSITY (FSU) AS COMPENSATION FOR THE DEATH OF DEVAUGHN WHICH OCCURRED DURING PRESEASON FOOTBALL DRILLS IN 2001.

Current Status:

CURRENT STATUS: A claim bill for these Claimants was first filed in the 2007 Session, but was withdrawn at the request of Claimants before a hearing was held. A claim bill was filed again in the 2008 Session and a joint Senate/House claim bill hearing was held in 2007.

On February 16, 2009, an administrative law judge from the Division of Administrative Hearings, serving as a Senate Special Master, held a de novo hearing on a previous version of this bill, SB 32 (2008). After the hearing, the judge issued a report containing findings of fact and conclusions of law and recommended that the bill be reported FAVORABLY.

It should be noted that the report issued by the Senate Special Master for SB 38 (2015) was amended to reflect \$1.8 million as the correct amount of funds due Dennis Darling and Wendy Darling and SB 32 is the correct claim bill number sponsored by Senator Lawson in 2008 and reported favorably by the Special Master. The claim bill filed for the 2016 session (SB16) is for the correct amount of \$1.8 million.

Due to the passage of time since the hearing, the Senate President reassigned the claim to me, Barbara M. Crosier. My responsibilities were to review the records relating to the claim bill, be available for questions from Senators, and determine whether any changes have occurred since the hearing before Judge Canter, which if known at the hearing, might have significantly altered the findings or recommendation in the report.

According to counsel for the parties, there have been no substantial changes in the facts and circumstances for the underlying claim. Accordingly, I find no cause to alter the findings and recommendations of the original report.

For the reasons set forth above the undersigned recommends that Senate Bill 16 (2016) be reported favorably.

Respectfully submitted,

Barbara M. Crosier
Senate Special Master

cc: Debbie Brown, Secretary of the Senate

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THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location

402 Senate Office Building

Mailing Address

404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5237

DATE	COMM	ACTION
02/16/09	SM	Favorable

February 16, 2009

The Honorable Jeff Atwater
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **SB 26 (2008)** Senator Al Lawson
Relief of Dennis Darling and Wendy Darling

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNOPPOSED CLAIM BY DENNIS DARLING AND WENDY DARLING, AS REPRESENTATIVES OF THE ESTATE OF THEIR SON, DEVAUGHN DARLING, FOR \$1.2 MILLION, BASED ON A FINAL JUDGMENT SUPPORTED BY A SETTLEMENT AGREEMENT BETWEEN THE DARLINGS AND THE BOARD OF TRUSTEES OF FLORIDA STATE UNIVERSITY (FSU) AS COMPENSATION FOR THE DEATH OF DEVAUGHN WHICH OCCURRED DURING PRESEASON FOOTBALL DRILLS IN 2001.

FINDINGS OF FACT:

On February 26, 2001, while participating in "mat drills" in the Moore Athletic Center at Florida State University (FSU), DeV Vaughn Darling collapsed and died. Two autopsies were performed, but found "no definite morphologic cause of death." The autopsies, however, did find evidence of distended blood vessels "engorged" with sickled blood cells in several organs of his body.

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It was determined months before, during DeVaughn's initial physical examination upon entering FSU as a freshman, that he had sickle cell trait. Sickle cell trait is the inheritance of one gene of sickle hemoglobin and one for normal hemoglobin. In contrast, sickle cell anemia is caused by the inheritance of two sickle cell genes and is a much more serious condition with many adverse health consequences. In both the trait and the anemia, blood cells can distort (changing from a round shape to a crescent shape) and become less flexible. The cells are then less efficient at transporting oxygen to the muscles and organs of the body. The distortion and inflexibility of the blood cells impairs their ability to pass easily through the smaller blood vessels. The proportion of cells that distort and the degree of their distortion is greater in the case of sickle cell anemia.

Sickle cell trait occurs most commonly in persons of African descent and occurs in approximately 8% of African-Americans. It occurs in persons of other ancestry as well, but much less frequently.

Sickle cell trait is not treatable, but usually does not compromise the health of the individual with the trait. However, sickle cell trait has been linked to the deaths of 13 high school and college football players and a larger number of U.S. Army recruits. In all cases, the deaths occurred during extreme exertion while the individual was training. The sickling of blood cells during extreme exertion is brought on by four forces: (1) deficiency in the concentration of oxygen in arterial blood, (2) increase in body acids, (3) hyperthermia in muscles, and (4) red cell dehydration. It was established before 2001 that sickle cell trait is a factor that, when combined with other stress factors such as high temperature and dehydration, can result in "sickle cell collapse" and death during extreme exertion.

The medical issues related to athletes with sickle cell trait caused the National Collegiate Athletic Association (NCAA) to adopt guidelines regarding athletes with sickle cell trait. The 1998 guidelines contain a statement that, "There is controversy in the medical literature concerning whether sickle cell trait increases the risk of exercise-associated sudden death," but recommended that all athletes (1) avoid dehydration and acclimatize gradually to heat and humidity,

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(2) condition gradually for several weeks before engaging in exhaustive exercise regimens, and (3) refrain from extreme exertion during acute illness, especially one involving fever.

Mat drills are the name given to the pre-season conditioning drills for FSU football players conducted in February of each year. They consist of three different physical activities conducted at separate “stations” which the players rotate through. There is a station which mostly involves running sprints, an “agility station” which involves running through ropes and around cones, and a station which involves drills on a large wrestling mat. The stations are run simultaneously, beginning and ending at same time. The football players are divided into three groups according to their size. As soon as the players in a group finish the drills at one station, they move together to another station. The entire exercise takes about 90 minutes to complete.

FSU football coaches are assigned to a single station for the entire 90-minute period. Trainers are also divided between stations. The coaches and trainers watch the players closely at all times. The coaches grade the players’ performances in the drills, record the grades, and discuss the grades with the players at a meeting of all of the players after all the drills have been completed.

The mat drills had a reputation for being extremely challenging because of the physical exertion required. Devard Darling, Devaughn’s twin brother and also a FSU football player, said the older players teased the freshmen about what they had in store for them when February came around and the mat drills started. The players were awakened at 5:30 a.m. and started the mat drills soon after getting up. Trash cans were set out for the specific purpose of providing receptacles for the players to vomit into.

At the mat drill station, the players formed in groups of four abreast at one end of the mat. There would usually be three or four lines with four players in each line. The seniors and starters formed the first lines; freshmen formed the back lines. At the oral commands or hand signals of the coaches, the players would throw themselves onto the mat on their chests and stomachs, spin quickly to the left and right, jump onto their feet, move laterally, sprint forward to the middle of the mat,

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run in place, sprint to the end of the mat, run in place, and then sprint forward to a matted wall. The number of times the players performed any single maneuver on the mat and the sequence of maneuvers would vary. For example, the coaches might make the players dive forward onto the mat once or they might make them do it several times. After completing the drill, the four players would return to the end of the formation to await their turn to go again.

If a player did not perform a drill correctly, or “fell out” during a mat drill, all four players would be sent back to redo the drill. They redid the drill immediately while the other lines of players waited. Because of the inexperience of the freshmen, they would usually have to do more “go backs” than the other players.

The room where the mat drill took place was relatively small, about by 120 feet by 49 feet. Devard Darling said the room was always hot and muggy. In his statement to a police investigator, the head trainer said Devaughn was taken from the mat room to the training room after he collapsed because the mat room was “very hot.”

The parties disputed whether the players were given reasonable access to water. The head trainer said the players were told to drink water before the mat drills began and there were water fountains in the hallways not far from the mat area. The players, however, said it was impossible to get a drink of water during the drills and nearly impossible to get water in the short time when the players moved to a new station. No “water break” was provided during the 90-minute mat drills. Furthermore, a high-pressure, hurry-up atmosphere was created that discouraged and impeded the players from going for water. I am persuaded by the evidence presented to me that, because of the way in which the mat drills were run, it was difficult for the players to get water, many of the players did not get water, and the players that managed to get water got less than they wanted.

On February 26, 2001, the mat drill was the last station for DeVaughn. Four coaches and seven trainers (including the student trainers) were present. The written statements provided by FSU's coaches and non-student trainers were identical in stating that they saw nothing “out of the ordinary”

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in DeVaughn's level of fatigue or behavior leading up to his collapse at the conclusion of the mat drill. However, the statements of several players and a couple of the student trainers were quite different. Some players said DeVaughn told them he couldn't see, that they saw him clutching his chest, and that he was having trouble getting up off the mat and sometimes could not get up without help from other players. One student trainer said that, instead of diving forward onto the mat like the others, DeVaughn would just fall forward "like a board." Another student trainer said DeVaughn would sometimes attempt to stand, but would fall back down.

DeVaughn's line of four players was made to go back more than once and was the last to finish the drill. Some players reported that DeVaughn was not able to get into position fast enough to go back with his line and finished the drill by himself. He was the last player to finish the last station.

When DeVaughn finished the mat drill, he fell to his knees with his head resting against the wall. The head trainer and one of the players carried DeVaughn to the edge of the mat. His pulse was irregular and his breathing was shallow and erratic. DeVaughn was then carried downstairs to the training room where he was given oxygen and surrounded with ice packs to reduce his body temperature. Soon thereafter, however, DeVaughn stopped breathing. At that point, the training staff called 911. Policemen arrived first and brought a defibrillator which was used on DeVaughn in an attempt to get his pulse going again. When the ambulance arrived, DeVaughn was taken to the hospital where he was pronounced dead.

Beginning in 2002, FSU changed the way it conducted the mat drills. Now, a water break and short rest are provided to the players when they are between stations and an emergency medical crew and ambulance are standing by to render medical assistance to a player if needed.

LITIGATION HISTORY:

Claimants sued FSU in the circuit court for Leon County in 2002. The case was successfully mediated and the parties entered into a Stipulated Settlement Agreement which called for payment to Dennis and Wendy Darling, as representatives of the estate of DeVaughn Darling, the sovereign immunity limit of \$200,000 and for FSU to support the passage of a claim bill for an additional \$1.8 Million. The agreement does

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not contain a denial of liability by FSU. The circuit court entered a Final Judgment approving the settlement agreement on June 28, 2004.

CLAIMANTS' POSITION:

The Department is liable for the negligence of its coaches and trainers for 1) failing to provide DeVaughn access to water, 2) failing to provide sufficient rest periods, 3) failing to recognize DeVaughn's physical distress, 4) failing to provide adequate access to emergency medical personnel and a defibrillator, and 5) failing to maintain an adequate emergency plan.

FSU'S POSITION:

- FSU denies liability for negligence, but believes the settlement is fair and reasonable under the circumstances.
- FSU complied with all applicable standards of care.
- DeVaughn exhibited no unusual signs of exhaustion that put any coach or trainer on notice of his critical condition.
- No FSU employee was negligent in failing to provide assistance to DeVaughn.
- DeVaughn had a cold that could have contributed to his physical distress.

CONCLUSIONS OF LAW:

The claim bill hearing was a *de novo* proceeding for the purpose of determining, based on the evidence presented to the Special Master, whether FSU is liable in negligence for the death of DeVaughn Darling and, if so, whether the amount of the claim is reasonable.

FSU had a duty to conduct its football training activities in a manner that did not unreasonably endanger the health of the players beyond the dangers that are inherent in the game of football. FSU breached that duty when its employees, both coaches and trainers, created a situation with the mat drills that was unreasonably dangerous for all players, but especially for a player with sickle cell trait. The situation was unreasonably dangerous because it involved extreme physical exertion in high temperature without reasonable access to water and without adequate opportunity to rest. The situation was more dangerous for players with sickle cell trait because the trait reduces the ability of the blood to transport

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oxygen and, therefore, increases the risk of exercise-associated sudden death.

DeVaughn's death was foreseeable because FSU knew that DeVaughn had sickle cell trait, knew that sickle cell trait was linked the deaths of football players during preseason training, and was aware of the sports medicine literature and NCAA guidelines about extreme exertion, heat, dehydration, and lack of adequate pre-conditioning as factors that contribute to incidents of exercise-associated sudden death.

Furthermore, I am not persuaded by the statements of the coaches and trainers that DeVaughn's fatigue was "not out of the ordinary." No coach or trainer alleged that other players were grasping their chests, falling over "like boards," and unable to stand without help. The evidence shows that DeVaughn was showing signs of more intense physical exhaustion than other players and was probably suffering from sickle cell collapse during the course of the mat drill. However, only his final collapse at the end of the mat drill was considered by the training staff to be significant enough to warrant their intervention and assistance. It was negligent for the coaches and trainers not to intervene and render assistance to DeVaughn earlier than they did. Instead, the coaches worsened his physical distress by making him repeat the drill without a moment to rest or to get water.

The sickling of blood cells in a person with sickle cell trait begins quickly with extreme exertion, but is relieved quickly by rest. Providing water (or sports drinks) and short periods of rest during the mat drills, both of which are provided to players during a football game, is all that was needed to avoid the tragedy of DeVaughn Darling's death.

The amount of the claim is fair and reasonable.

ATTORNEY'S FEES AND
LOBBYIST'S FEES:

Claimant's attorneys agree to limit their fees to 25 percent of any amount awarded by the Legislature as required by s. 768.28(8), F.S. They also agree to pay the lobbyist's fee out of the attorney's fees. They have not acknowledged their awareness of the provision of the bill that also requires costs to be included in the 25 percent figure.

SPECIAL MASTER'S FINAL REPORT – SB 26 (2008) Senator Al Lawson

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LEGISLATIVE HISTORY:

A claim bill for these Claimants was first filed in the 2007 Session, but was withdrawn at the request of Claimants before a hearing was held. A claim bill was filed again in the 2008 Session and a joint Senate/House claim bill hearing was held in 2007.

RECOMMENDATIONS:

For the reasons set forth above, I recommend that Senate Bill 34 (2008) be reported FAVORABLY.

Respectfully submitted,

Bram D. E. Canter
Senate Special Master

cc: Senator Al Lawson
Counsel of Record

THE FLORIDA SENATE
APPEARANCE RECORD

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

2 12/1/2016

Meeting Date

Topic _____

Bill Number 16
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
Street

Phone 727-897-9291

SAINT PETERSBURG FLORIDA 33705
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☒ For ☐ Against ☒ Information

Representing JUSTICE-2-JESUS

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

SPECIAL MASTER ON CLAIM BILLS

Location
302 Capitol

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5237

DATE	COMM	ACTION
12/17/15	SM	Favorable
01/22/16	JU	Favorable
02/24/16	AED	Recommend: Favorable
	AP	

December 17, 2015

The Honorable Andy Gardiner
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **SB 50** – Senator Flores
HB 3537 – Representative Jose Felix Diaz
Relief of Altavious Carter by the Palm Beach County School Board

SPECIAL MASTER'S FINAL REPORT

THIS IS A CONTESTED CLAIM FOR \$944,034.30 BASED ON A JURY AWARD FOR ALTAVIOUS CARTER (CLAIMANT) AGAINST THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA, TO COMPENSATE CLAIMANT FOR DAMAGES HE SUSTAINED WHEN A SCHOOL BUS CRASHED INTO THE REAR END OF A VAN IN WHICH HE WAS A PASSENGER.

CURRENT STATUS:

On February 3, 2011, an administrative law judge from the Division of Administrative Hearings, serving as a Senate special master, held a de novo hearing on a previous version of this bill, SB 26 (2012). After the hearing, the judge issued a report containing findings of fact and conclusions of law and recommended that the bill be reported favorably with an amendment. That report is attached as an addendum to this report.

Due to the passage of time since the hearing, the Senate President reassigned the claim to me, Jason Hand. My responsibilities were to review the records relating to the claim bill, be available for questions from the members, and determine whether any changes have occurred since the

hearing, which if known at the hearing, might have significantly altered the findings or recommendation in the previous report.

According to counsel for the parties, there have been no substantial changes in the facts and circumstances for the underlying claim. Accordingly, I find no cause to alter the findings and recommendations of the original report, including the recommendation in the “Other Issues” section of the original report, which recommended that the claim bill be amended to add the August 4, 2010, Final Cost Judgment costs of \$50,394.52 (in response to Plaintiff’s Motion to Tax Costs). This addition would raise the total amount of the claim bill from \$994,034.30 to \$1,044,428.82. However, given that this recommendation has not been included in the claim bills for this issue (such bills are identified below), I recommend SB 50 favorably.

Additionally, the prior claim bills, SB 26 (2012)(died in Special Master on Claims Bills), SB 30 (2013)(died in Judiciary Committee), SB 38 (2014)(withdrawn), and SB 72 (2015)(died in Appropriations Committee) are effectively identical to claim bill filed for the 2016 Legislative Session.

Respectfully submitted,

Jason Hand
Senate Special Master

cc: Debbie Brown, Secretary of the Senate



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
402 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5237

DATE	COMM	ACTION
12/02/11	SM	Fav/1 amendment

December 2, 2011

The Honorable Mike Haridopolos
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **SB 26 (2012)** – Senator Ellyn Setnor Bogdanoff
Relief of Altavious Carter

SPECIAL MASTER'S FINAL REPORT

THIS IS A CONTESTED CLAIM FOR \$944,034.30 BASED ON A JURY AWARD FOR ALTAVIOUS CARTER (CLAIMANT) AGAINST THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA, TO COMPENSATE CLAIMANT FOR DAMAGES HE SUSTAINED WHEN A SCHOOL BUS CRASHED INTO THE REAR END OF A VAN IN WHICH HE WAS A PASSENGER.

FINDINGS OF FACT:

Following a four-day trial in the Palm Beach County Circuit Court a jury found that Claimant had sustained a permanent injury in an accident that occurred December 15, 2005, and awarded him the following damages with the amount of the award in parentheses: past medical expenses (\$96,475.64); future medical expenses (\$175,892.00); past pain and suffering (\$478,333.33); and future pain and suffering (\$343,333.33). The award of damages totaled \$1,094,034.30. The verdict was dated February 12, 2010.

On February 25, 2010, Judge Thomas H. Barkdull entered final judgment for Claimant as follows: "Pursuant to the Jury Verdict rendered in this action, IT IS ADJUDGED: That [Claimant] recover from [the School Board] the sum of [\$1,094,034.30] that shall bear interest annually at the

statutory rate and for which let execution issue for the first One Hundred Thousand Dollars (\$100,000.00) of this judgment and that portion of the judgment that exceeds [\$100,000] may be reported to the legislature, but may not be paid in part or in whole except by further act of the legislature further [sic] to 768.28."

The court retained jurisdiction to determine taxable costs as well as to determine set offs, if any. On August 4, 2010, Judge Barkdull entered a "Final Cost Judgment" in the amount of \$50,394.52 with interest at the statutory rate with the following provision: "but for which execution shall not issue, but this judgment may be reported to the legislature, but may not be paid in part or in whole except by further act of the legislature pursuant to 768.28."

On April 14, 2010, the School Board paid to Claimant the sum of \$100,000.00 in partial satisfaction of the Final Judgment.

At the trial and in this claims proceeding, the School Board stipulated that it is liable for Claimant's damages.

In this claims proceeding, the School Board does not contest the award for Claimant's past medical expenses or the award for Claimant's past pain and suffering. The School Board asserts that the awards for future medical expenses and future pain and suffering are excessive.

Claimant, a male, born September 7, 1991, is a basketball player who currently plays for Santa Fe College. On December 15, 2005, Claimant was being transported from basketball practice to his home in a van being driven by Vincent Merriweather, a volunteer coach for Claimant's team. Mr. Merriweather served as a mentor to Claimant.

On that date Mr. Merriweather's van was stopped at a red light in a westbound lane at the intersection of Forest Hills Boulevard and Olympia Boulevard in Palm Beach County when a school bus owned and operated by the Palm Beach County School District rear-ended the van. It was estimated that the bus was traveling in excess of 45 MPH when it hit the van, and there was no credible evidence that the driver applied his brakes at any point before the accident.

The negligence of the school bus driver was the cause of the accident and was the proximate cause of the damages suffered by Claimant.

Mr. Merriweather was also injured in the accident and suffered damages in excess of \$100,000.00. Mr. Merriweather was granted compensation for his excess damages by Chapter 2009-247, Laws of Florida.

Claimant was wearing a seat belt at the time of the crash. Claimant's seat failed as a result to the force of the impact, and he was thrown into the back of the van and briefly lost consciousness. When he regained consciousness, he began yelling for Mr. Merriweather, who was unable to respond. Claimant was able to exit the van, but he immediately experienced pain in his neck. An unidentified person assisted Claimant by helping him to lie down on the pavement. A person identified as a school nurse told Claimant to be still until emergency services arrived and advised him to stay still.

Emergency responders arrived on the scene in a timely fashion, stabilized Claimant's head and neck, and transported him to Wellington Regional Hospital.

Diagnostic testing at Wellington Regional Hospital reflected that Claimant had suffered a cervical fracture in the region of the neck referred to as C6-C7. The cervical area of the neck, consisting of seven vertebrae, is immediately above the thoracic region. The designation C6-7 (or C6-C7) indicates the area where the sixth cervical vertebrae and the seventh cervical vertebrae are located. Between the two vertebrae is a disc, which serves several purposes, including acting as a shock absorber between the two vertebrae. The spinal cord runs through the vertebrae of the cervical and thoracic regions.

Due to the severity of the injury, which included a risk of paralysis, Wellington Regional Hospital transferred Claimant to the trauma center at St. Mary's Hospital.

At St. Mary's, Claimant was placed in cervical traction consisting of immobilizing hardware being screwed into his skull and being strapped to a bed where he was unable to move.

Dr. Bret Baynham, a certified pediatric orthopedic surgeon, performed the following procedures on Claimant: Open Reduction C6-7 Fracture-Dislocation; Anterior Cervical Discectomy C6-7; Anterior Cervical Decompression, C6-7; Anterior Cervical Interbody Fusion Device C6-7; and Anterior Cervical Fusion C6-7.

In layman's terms, Dr. Baynham fused Claimant's C6-C7 vertebrae. He removed the disc between C6-C7. In the area from which the disc had been removed, he inserted a hollowed metallic dowel, referred to as a cage, filled with particles of bones that were designed to allow the two vertebrae to eventually grow together. He then affixed a metal plate to stabilize C6-C7 using special bone screws. The metal plate is intended to be permanent.

Dr. Baynham provided Claimant excellent care.

Post-surgery, Claimant underwent a grueling rehabilitation. Claimant worked hard during rehabilitation and cooperated fully with his therapists and other treatment providers.

Dr. Baynham continued to follow Claimant's recovery post-surgery. On July 27, 2006, Dr. Baynham found Claimant to be pain free and gradually returning to normal activities. Dr. Baynham's office notes reflect the following recommendation: "At this point we are going to allow [Claimant] to return to full activity. Based on his clinical and radiographic findings he is found to have a stable healed injury without any evidence of any residual instability or neurologic compromise. If he should have any problems as we move forward he is to refrain from activity and contact us immediately. This would include pain recurrence or any signs or symptoms associated with spinal cord or nerve root irritation. Otherwise if he remains well we would like to have him follow up in six months for re-evaluation including radiographs if indicated."

After July 27, 2006, Claimant resumed playing basketball and became a star high school player and a full-scholarship player at Santa Fe College in Gainesville. Claimant has been cleared to play basketball without any medical restrictions attributable to the injuries he received in the 2005 accident.

At present, Claimant experiences periodic neck pain.

Adjacent disc disease (also referred to in the record as "adjacent segment disease") can be a consequence of fusing two vertebrae. When two discs are fused, greater mechanical loading or stress is placed on the vertebrae above or below the fused discs, which may or may not cause disc degeneration and require further intervention. While adjacent disc disease may be discernable by a MRI relatively soon after the fusion, symptoms from the disease typically come later in life, but may not come at all.

Claimant was seen by Dr. Baynham on follow-up on November 27, 2007. His impression was that Claimant was stable with no residual neurologic impairment, no pain in the neck, and no functional loss of motion. His recommendation was that "Based on the clinical and radiographic findings [Claimant] is found to have a stable healed injury without evidence of any residual instability or neurologic compromise. No further treatment is indicated at this time. No restrictions to athletic participation. Follow up prn."

Claimant experienced neck and back pain in 2009 and returned to Dr. Baynham in January and June of that year. In June 2009, Dr. Baynham ordered an MRI for Claimant. Dr. Baynham observed changes in C7-T1 (T1 is the first thoracic vertebrae). Dr. Baynham testified that the changes could be the delayed manifestation of injuries from the initial injury. He also testified that the changes could be the result of adjacent segment disease phenomenon. Dr. Baynham testified that the changes "are certainly consistent with not only the zone of initial injury, but also some additional changes that are probably the result of this adjacent segment disease phenomenon, as best we know."

Dr. Baynham further testified that "based on his young age and his life expectancy and based on the current state of understanding of this phenomenon of the adjacent level disc disease, I think it is probable, most probable that he will continue to experience changes there. And it will, in time, probably rise to the level of becoming clinically significant, meaning a source of pain and potentially a source requiring additional treatment."

Dr. Craig H. Lichtblau is a physiatrist who specializes in physical medicine, rehabilitation, and evaluation. Dr. Lichtblau was retained by Claimant to conduct a Comprehensive Rehabilitation Evaluation of Claimant, give an impairment rating of Claimant, and provide a Continuation of Care plan for Claimant.

Dr. Lichtblau assigned Claimant a 4 percent permanent partial impairment of the whole person.

Dr. Lichtblau's Continuation of Care plan included the services that Dr. Lichtblau believed Claimant would or may need in the future. Dr. Lichtblau's plan included future epidural steroid injections and surgical intervention. Dr. Baynham testified that including epidural steroid injections is reasonable. Dr. Baynham also testified that Claimant is at an increased risk of future surgical intervention.

Bernard E. Pettingill, Jr., Ph.D. is a consulting economist who, on February 12, 2009, prepared an analysis entitled "The Present Value Analysis of the Future Medical Care Costs of [Claimant]". At the time of the analysis, Claimant's life expectancy was projected to be 53.6 years beyond the date of the report.

Claimant represented in his "Summary of Case" that the parties stipulated that Claimant's past medical expenses for purposes of trial were \$96,475.64.

Dr. Pettingill used Dr. Lichtblau's Continuation of Care plan to compute the present value of Claimant's "Total Economic Loss, Period II, Future Loss, After Trial Date". Claimant presented evidence to the jury that the correct total economic loss for the post-trial period, as computed by Dr. Pettingill, was \$363,487.00.

Claimant was examined by Dr. Jordan Grabel, a neurological surgeon, on July 17, 2008, at the request of the School Board. Dr. Grabel reviewed Claimant's medical records and took histories from Claimant and Claimant's mother. Dr. Grabel found that Claimant's surgery had healed and that there were no other abnormalities that could be associated with the accident. Dr. Grabel opined that there was a 50-50

chance that the onset of adjacent segment disease will be discernable by X-ray in future years. He further opined that there is no way to determine whether Claimant will become symptomatic or need future surgical treatment. Dr. Grabel was of the opinion that the Continuation of Care plan prepared by Dr. Lichtblau included non-invasive follow-up treatment that was unnecessary.

The School Board did not have a consulting economist estimate the present value of Claimant's future economic loss based on the services Dr. Grabel believed Claimant would need.

Dr. Mark Rubenstein conducted a compulsory medical examination of Claimant on August 11, 2008. Dr. Rubenstein's evaluation included a physical examination and a review of Claimant's medical records. Dr. Rubenstein's report reflects his opinion that Claimant's future medical care will be limited to physician visits on an as-needed basis and that Claimant will require future MRI studies and X-rays. Although he acknowledged the possibility of adjacent disc disease, he did not believe that intervention was medically probable. Dr. Rubenstein's report reflects the opinion that Claimant's future pain management will be limited to the use of anti-inflammatory medications.

In its position statement, the School Board represents that Dr. Rubenstein is a physiatrist retained by the School Board and that he believed that Claimant's future care not including surgery for adjacent segment disease would be approximately \$25,000.00. The undersigned did not find that figure in Dr. Rubenstein's report.

CLAIMANT'S POSITION:

1. The negligence of the school bus driver was the sole and proximate cause of the injuries and damages sustained by Claimant.
2. Claimant's future damages are not speculative, and the jury's verdict is supported by the evidence.

SCHOOL BOARD'S POSITION:

1. School Board stipulated that it is liable for Claimant's damages.
2. School Board does not dispute the jury award for past medical expenses or for past pain and suffering.

3. School Board asserts that Claimant has healed and has become a star basketball player.
4. School Board contends that awards for future medical expenses and future pain and suffering are excessive and speculative.
5. School Board argues that \$25,000.00 would suffice for future medical expenses and that \$50,000.00 would suffice for future pain and suffering.
6. School Board is self-insured and is experiencing a bleak fiscal year with expected shortfalls of over \$54,000,000.00.

CONCLUSIONS OF LAW:

The bus driver had a duty to exercise reasonable care in the operation of the bus. See generally s. 316.183(1), Fla. Stat. He breached this duty by crashing into the back of Mr. Merriweather's stopped van. See Eppler v. Tarmac America, Inc., 752 So. 2d 592 (Fla. 2000) (rear driver is presumed to be negligent in rear-end collision case absent evidence of a sudden and unexpected stop by the front driver).

The school bus driver was an employee of the School Board acting within the course and scope of his employment at the time of the accident. As a result, the driver's negligence is attributable to the School Board.

Consistent with the School Board's stipulation as to its liability, it is concluded that the bus driver's negligence was the sole and proximate cause of the injuries and damages sustained by Claimant, and that the driver's negligence is attributable to the School Board.

The jury based its verdict on competent, substantial evidence.

LEGISLATIVE HISTORY:

This is the second year that this claim has been presented to the Legislature.

ATTORNEYS FEES:

Claimant's attorney filed an affidavit stating that attorney's fees will be capped at 25 percent in accordance with s. 768.28(8), Florida Statutes. Lobbyist fees are incorporated into the attorney's fees cap.

The Legislature is free to limit those amounts as it sees fit. See Gamble v. Wells, 450 So. 2d 850 (Fla. 1984); Noel v. Schlesinger, 984 So. 2d 1265 (Fla. 4th DCA 2008). The bill provides that the total amount paid for attorney's fees, lobbying fees, costs, and other similar expenses relating to this claim may not exceed 25 percent of the total amount awarded under this act.

FISCAL IMPACT:

The School Board is self-insured and has no liability insurance applicable to this claim. The School Board expects to face a substantial budgetary shortfall and the passage of this claim bill will add to its budgetary difficulties.

OTHER ISSUES:

The bill, as filed, does not include the sum of \$50,394.52, which is the amount of the "Final Cost Judgment" entered by Judge Barkdull on August 4, 2010. The bill should be amended to add costs in the sum of \$50,394.52, so that the total amount of the award will be increased from the sum of \$994,034.30 to the sum of \$1,044,428.82.

RECOMMENDATIONS:

Based upon the foregoing, I recommend that Senate Bill 26 be reported FAVORABLY, as amended.

Respectfully submitted,



Claude B. Arrington
Senate Special Master

cc: Senator Ellyn Setnor Bogdanoff
Debbie Brown, Interim Secretary of the Senate
Counsel of Record



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location

302 Senate Office Building

Mailing Address

404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5237

DATE	COMM	ACTION
12/17/15	SM	Fav/1 amendment
01/20/16	JU	Fav/CS
02/18/16	AED	Pre-meeting
	AP	

December 17, 2015

The Honorable Andy Gardiner
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **CS/SB 58** – Judiciary Committee and Senator Abruzzo
HB 3515 – Representative Heather Fitzenhagen
Relief of Q.B. by the Palm Beach County School Board

SPECIAL MASTER'S FINAL REPORT

THIS IS A SETTLEMENT CLAIM FOR \$600,000 OF LOCAL MONEY BASED ON A JURY AWARD AGAINST THE PALM BEACH COUNTY SCHOOL BOARD TO COMPENSATE Q.B. FOR THE INJURIES SHE SUFFERED FROM MOLESTATION BY ANOTHER STUDENT ON A PALM BEACH COUNTY SCHOOL BUS.

FINDINGS OF FACT:

Generally

In 2006, QB, a three and a half year old girl, had virtually no speech capability and had been determined to have a delayed development of speech and language for which she could receive assistance from Glade View Elementary. The school near her home, Pahokee Elementary, did not have such a program. In addition, QB's family circumstances required that she ride a school bus to get to and from the new school.

Video of the Bus Ride

On January 16, 2007, QB boarded the special needs bus to ride home from school. She sat alone in the second seat behind the bus driver, Ms. Lavern Sellers, on the bus driver side. At a subsequent stop, another student, JC, boarded the

bus and sat immediately behind the bus driver in the seat he was assigned. He sat alone in his seat. At the time, JC was a 15 year old high school student who had been diagnosed with severe emotional and behavioral disorders. In addition to the bus driver, an attendant, Ms. Grenisha Williams, was also on the bus to assist the driver and the students and maintain order. She sat at the rear of the bus.

The school bus was equipped with a video camera with a minutes elapsed indicator that continuously recorded the comings and goings on the bus, as well as while the bus was in transit. The video camera captured the following incident.

Moments after JC sat down in his seat, he looked around, then moved to the next seat behind him that was occupied by QB. Over the course of the next approximately 13 minutes, JC could be observed leaning over QB, moving and positioning her, and two to three times making what could be described as a “humping” motion. During these 13 minutes, JC would occasionally sit up, look around, and then continue leaning over QB.

After about 13 minutes, the bus assistant got up from her seat at the back of the bus and walked up the aisle. She could be seen talking to JC who, at that point, sits up in the seat. The attendant then walks a few feet back down the aisle, stands there for a while, and finally returns to her seat. JC sits in the same seat with QB for the next approximately 18 minutes. He looks around, talks to QB, and then finally gets off the bus. The attendant is then seen walking from the rear of the bus, stopping to talk to QB for a short time, then walking to the front to talk to the bus driver about what happened.

After the bus driver delivered the last student, she and the attendant reported the incident to their supervisor, which was referred to the Palm Beach County School District Police. An officer visited QB's parents to inform them of what had happened on the bus.

Physical Examination of QB

According to the investigative report of the Palm Beach County School District Police, the next day after the incident, QB's mother took her to her physician to be examined. The examination was done by the Physician's Assistant who told

the investigator, according to his report, that “an examination such as those conducted with regards to a sexual battery and as done at the request of law enforcement in conjunction with the Child Protective Team had not been performed.” The report continues that the PA did advise the investigator that she had examined the vaginal area of QB and found no evidence of trauma. The report states that PA further advised the investigator that the examination did not necessarily indicate that penetration had not been made.

Interview with Bus Attendant, Grenisha Williams

On January 26, 2007, Investigator Mintus of the Palm Beach County School District Police met with and obtained a sworn statement from Ms. Grenisha Williams, the bus attendant. Ms. Williams explained that it is her job to function to assist with students on the school bus and to ensure their safety while riding the school bus. Ms. Williams explained that she had not witnessed [suspect] get up and move from his assigned seat to sit beside [victim].

The investigation report states:

It was for some unknown reason that Ms. Williams states, “something in her head told her to get up and check” the area where [victim] had been seated. It was while checking this area the Ms. Williams’ stated she discovered [suspect] down on his knees and in the kneeling position bent over directly facing [victim]. Ms. Williams stated that she witnessed [suspect] with his mouth in an open position, and kissing the right side portion of [victim’s] neck. According to Ms. Williams, [victim] was sitting in the upright position with her back up against the back portion of the school bus seat, while [suspect] was down on both knees knelt directly in front of [victim] with his two hands wrapped around her waist.

The investigation report continues:

After having witnessed [suspect] kissing the neck of [victim], Ms. Williams’s states she questioned the [suspect] asking him, “what are you doing to that little girl?” However, [suspect] refused to respond to her questions, and eventually grabbed his jacket and repositioned himself in the seat alongside [victim]. At this time Ms. Williams states, she looked down the face of [victim] and could see

tears flowing from her eyes. Ms. Williams states that she was shocked with what she had just discovered.

After [suspect] had refused to get up and move to his assigned seat, Ms. Williams states she then returned to the back portion of the school bus where she maintained a close vigilance on [suspect]. When asked why she had left [victim] in such an exploitable position, Ms. Williams states that she “just panicked” not knowing what to do.

Interview with Assailant, JC

On January 27, 2007, detectives from Palm Beach County School District Police interviewed JC who was identified from the school bus video. During the interview, JC stated that he touched QB, unzipped his pants, and had sex with her.

Conclusion of the Investigation Report

In the investigation report of the Palm Beach County School District Police, Investigator A. Goven concluded:

This investigation finds based upon the witness statement of Ms. Williams, the digital video recording from the school bus cameras, and the confession of the [suspect], evidence exists in support of probable cause that [suspect] did commit the crime of sexual battery of a child under the Age of 12 . . . , in violation of [s. 794.011(2)(a), F.S]. This investigation further finds that Ms. Grenisha Williams, entrusted to provide [victim] with care and supervision, did fail to make a reasonable effort to protect [victim] from being sexually exploited by [suspect] while riding a school bus on 01/16/2007, the criminal violation of Neglect of a Child[, s. 827.03(3)(a)2.c., F.S]. (sic)

QB's disabilities

In the fall of 2006, QB was diagnosed with a significant language and speech disorder. Meeting the eligibility requirements for language and speech impairment programs, QB was placed in Belle Glade Elementary School to participate in their programs. A psychoeducational evaluation in June 2009 reports QB as having a full scale IQ of 77. QB follows an ESE plan in the Palm Beach County school system.

QB was evaluated by various psychological experts who all concluded she had a language and speech impairment. These experts diagnosed her with various other impairments such as ADHD and autism, but over time, those conditions have not continued to manifest.

Dr. Harley V. Stock, Ph.D., ABPP, expert for the defendant, opined that the event that occurred to QB has not had any long lasting or permanent effect on her because of her tender age at the time of the event, her cognitive impairment, and lack of memory processing abilities.

Dr. Michael Hughes, M.D. (Psychiatry), expert for the claimant, concluded that:

QB was the victim of physical and sexual assault. That this affected her adversely, aggravating preexisting conditions, complicating ongoing stressors and creating additional adversities and handicaps for her. The psychological injuries she suffered from the physical and sexual assault currently affect her adversely and will be reasonably expected to continue to affect her for her future life.

In support of his conclusion, Dr. Hughes stated in his deposition that “I believe that [QB] has no conscious memory of the incident that she can put into words. She did not have any speech and her language was very limited at the time, but she clearly has a memory of the events.” He continued, “the younger they are, the more difficult it is for them to cope with a traumatic event because they have less ability to understand it, to talk it over with somebody, to put it in perspective, to put into words.” “[T]hings that happened in the early years are enormously important and they are remembered in very basic ways, even though the person may have no cognitive memory of it.”

Having the benefit of hindsight in this case, the diagnoses and predictions of Dr. Hughes appear most correct.

LEGAL PROCEEDINGS:

The incident occurred on January 16, 2007. A trial was held in the fifteenth judicial circuit court, in and for Palm Beach County, Florida. The jury returned its verdict on February 6, 2013, finding for the plaintiff. The jury awarded \$300,000 in total damages sustained by QB for care and treatment to be incurred in the future. The jury awarded \$150,000 for past damages and \$1,250,000 for future damages for pain and

suffering, disability, physical impairment, mental anguish, inconvenience, aggravation of a disease or physical defect or loss of capacity for the enjoyment of life. The total award was \$1,700,000.

The circuit judge issued an order on February 7, 2013, reducing the verdict to a final judgment. The School Board paid \$100,000, their sovereign immunity limit. A cost judgment was entered in the amount of \$77,950.41. The total unsatisfied judgment balance is \$1,677,950.41.

CONCLUSIONS OF LAW:

Section 1006.22, F.S., relating to safety and health of students being transported, states:

Maximum regard for safety and adequate protection of health are primary requirements that must be observed by district school boards in routing buses, appointing drivers, and providing and operating equipment, in accordance with all requirements of law and rules of the State Board of Education in providing transportation pursuant to s. 1006.21[, F.S].

The School District of Palm Beach County had a duty to provide safe transport of QB to and from her home and with adequate protection. The School District of Palm Beach County breached that duty when it scheduled high school students to ride the bus with preschool students and when the attendant and bus driver failed to supervise the students that were on the bus. The failure to adequately supervise the students it allowed on the bus resulted in the injury of QB.

As provided in s. 768.26, F.S. (2007), sovereign immunity shields the school Board against tort liability in excess of \$100,000 per occurrence. Under the doctrine of *respondeat superior*, the School Board is vicariously liable for the negligent acts of its agents and employees, when such acts are within the course and scope of the agency or employment. See *Roessler v. Novak*, 858 So. 2d 1158, 1161 (Fla 2d DCA 2003). School bus attendant Williams, and bus driver Laverne Sellers were acting within the course and scope of their employment when they negligently failed to oversee the movement and activities of the students on the school bus.

LEGISLATIVE HISTORY:

This is the first year that this claim has been presented to the Florida Legislature.

SPECIAL MASTER'S FINAL REPORT – CS/SB 58

December 17, 2015

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ATTORNEYS FEES:

The bill provides that all fees and related costs are to be capped at 25 percent. The Claimant's attorneys have agreed to limit their fees to 25 percent of any amount awarded by the Legislature in compliance with s. 768.28(8), F.S. Lobbyist's fees are included with the attorney's fees.

SPECIAL ISSUES:

At the hearing by the Special Master on November 10, 2015, the parties announced a full and final settlement against the School Board of Palm Beach County in the amount of \$600,000 had been reached. Parties are awaiting the final approval of the School Board. This amount is reasonable and responsible

RECOMMENDATIONS:

Based upon the foregoing, the undersigned recommends that SB 58 be amended to reflect the settlement amount of \$600,000 payable to the special needs trust established for the benefit of QB. Otherwise, the undersigned recommends that Senate Bill 58 (2016) be reported FAVORABLY.

Respectfully submitted,

Diana Caldwell
Senate Special Master

cc: Secretary of the Senate

CS by Judiciary:

The committee substitute reduces the amount awarded in the claim bill to \$600,000 from \$1,677,950 and provides for the payment of the claim in two annual installments of \$300,000. Additionally, these funds must be placed into a special needs trust.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/24/2016	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Bullard) recommended the following:

Senate Amendment (with title amendment)

Delete lines 79 - 90
and insert:

Section 2. The Palm Beach County School Board is authorized and directed to:

(1) Appropriate from funds of the school board not otherwise appropriated and to draw a warrant in the sum of \$600,000, payable in two annual installments of \$300,000, which, after payment of fees, costs, and expenses as provided in



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section 3, shall be placed in a special needs trust for the
exclusive use and benefit of Q.B. to compensate her for injuries
and damages she sustained as a result of the negligence of
employees of the Palm Beach County School District; and

(2) Purchase an annuity for Q.B.'s benefit. The annuity
shall provide annual disbursements to Q.B. beginning on June 23,
2024. Each annual payment shall be at least \$14,850. The annuity
shall guarantee such annual payments for a minimum of 40 years,
for a total guaranteed benefit of \$594,000.

Section 3. The total amount paid for attorney fees,
lobbying fees, costs, and other similar expenses relating to
this claim may not exceed 25 percent of the amount awarded under
this act. Attorney or lobbyist fees may not be assessed against
the value of the annuity.

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

And the title is amended as follows:

Delete lines 3 - 73

and insert:

School Board; providing for an appropriation and an
annuity to compensate Q.B. for injuries sustained as a
result of the negligence of employees of the Palm
Beach County School District; providing a limitation
on the payment of fees and costs; providing that the
appropriation settles all present and future claims
related to the negligent act; providing an effective
date.

WHEREAS, in January 2007, Q.B. was a 3-year-old exceptional



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student education (ESE) student at Glade View Elementary School in the Palm Beach County School District, and

WHEREAS, at that time, Q.B.'s speech and language capabilities were developmentally delayed, and Q.B. had virtually no capacity for speech, and

WHEREAS, on January 16, 2007, a school bus owned by the Palm Beach County School District was being driven by a bus driver employed by the district with a bus aide, also employed by the district, riding as a passenger, to transport Q.B. to her home from Glade View Elementary School, and

WHEREAS, at the same time, a 15-year-old male high school student who had emotional and behavioral disabilities and who was considered severely emotionally disturbed by the Palm Beach County School District was also a passenger on the school bus, and

WHEREAS, the 15-year-old male high school student left his assigned bus seat, approached Q.B., and proceeded to sexually assault Q.B. for approximately 15 minutes before the sexual assault was discovered and stopped by the bus aide, and

WHEREAS, neither the bus driver nor the bus aide made any effort to require the 15-year-old male high school student to return to his assigned seat in the wake of the sexual assault, but allowed him to remain sitting next to Q.B. for the remainder of the bus ride, and

WHEREAS, the duties of the bus driver and the bus aide included supervising the students on the bus, ensuring that all students were in compliance with bus safety rules, and ensuring the safety of all students on the bus, and

WHEREAS, the bus driver and the bus aide failed to properly



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69 supervise the 15-year-old male high school student, failed to
70 properly supervise Q.B., and failed to ensure the safety of
71 Q.B., and, as a direct result of the breach of such duties, the
72 15-year-old male high school student was able to sexually
73 assault Q.B., and

74 WHEREAS, the sexual assault was captured on video by a
75 camera installed on the school bus, and the sexual assault
76 resulted in physical, emotional, and psychological trauma to
77 Q.B. and further diminished the quality of her life, and

78 WHEREAS, the Palm Beach County School Board is vicariously
79 liable for the negligence of the bus driver and the bus aide
80 under the doctrine of respondeat superior, s. 768.28(9)(a),
81 Florida Statutes, and

82 WHEREAS, on January 6, 2010, the parents of Q.B. filed a
83 negligence action against the Palm Beach County School Board in
84 Palm Beach County Circuit Court, styled *T.B. and S.W., as*
85 *Parents and Natural Guardians of Q.B., a minor, Plaintiff v. The*
86 *School Board of Palm Beach County, Defendant*, Case No.
87 502010CA000194MBAA, to recover damages for the injuries
88 sustained by Q.B. due to the sexual assault, and

89 WHEREAS, 6 years after the sexual assault and 2 weeks
90 before the commencement of trial, the Palm Beach County School
91 Board admitted liability for negligence, and the case proceeded
92 to trial only on the issue of damages, and

93 WHEREAS, on February 6, 2013, the jury returned a verdict
94 of \$1,777,950 to compensate Q.B. for her injuries and provide
95 for her future care and treatment, and

96 WHEREAS, the Palm Beach County School Board has paid
97 \$100,000 of the judgment pursuant to the statutory limits of



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liability under s. 768.28, Florida Statutes, and

WHEREAS, the parties agreed to and approved a settlement on December 16, 2015, which, among other things, requires the Palm Beach County School Board to provide employment coaching and education services to Q.B., and

WHEREAS, the settlement agreement also requires the Palm Beach County School Board to compensate Q.B. in the amount of \$600,000 and to purchase an annuity for Q.B.'s benefit, NOW, THEREFORE,

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/24/2016

Meeting Date

Topic _____

Bill Number 58
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG

FLORIDA

33705

City

State

Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☒ For ☐ Against ☒ Information

Representing JUSTICE-2-JESUS

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 Appropriations Subcommittee on Education

BILL: SB 824

INTRODUCER: Senator Stargel

SUBJECT: Dual Enrollment Program

DATE: February 18, 2016

REVISED: _____

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

I. Summary:

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

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

The bill has an indeterminate fiscal impact in terms of a loss of revenue for postsecondary institutions. The requirement for all eligible postsecondary institutions to enter into dual enrollment articulation agreements home education program students and each private school in its geographic service area seeking to offer dual enrollment courses to its students will result in a loss of revenue for the state's postsecondary institutions. However, due to the uncertainty in the number of eligible students, the potential loss of revenue is not known at this time.

Dual enrollment students will be exempt from technology fees for dual enrollment courses. In 2015-2016, the average technology fee is \$5.23 per credit hour at state universities and \$3.96 per credit hour at Florida College System institutions.

The bill takes effect July 1, 2016.

II. Present Situation:

Each year, more than 50,000 students participate in Florida's dual enrollment program and participation is continuing to grow.¹ Dual enrollment is an acceleration mechanism that allows a student, who is enrolled in grades 6 through 12 in a Florida public school or in a Florida private school² or who is a home education³ student, to enroll in a postsecondary course that is creditable toward high school completion and a career certificate, an associate degree, or a baccalaureate degree.⁴ A student who is enrolled in postsecondary instruction that is not creditable toward a high school diploma must not be classified as a dual enrollment student.⁵ Eligible students are authorized to enroll in dual enrollment courses conducted during school hours, after school hours, and during the summer term.⁶ However, a student who is projected to graduate from high school before the scheduled completion date for a postsecondary course must not register for that course through dual enrollment.⁷

Student Eligibility Requirements

To enroll in a postsecondary course through dual enrollment, a student must demonstrate readiness to perform college-level work.⁸ To demonstrate readiness for college-credit dual enrollment courses, students must attain a 3.0 unweighted high school grade point average

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

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

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

⁴ Section 1007.271(1)-(2), F.S.

⁵ Section 1007.271(1), F.S.

⁶ Section 1007.271(2), F.S.

⁷ *Id.*

⁸ Section 1007.271(3), F.S.

(GPA) and the minimum required score on a common placement test⁹ adopted by the State Board of Education.¹⁰ To enroll in a career dual enrollment course, students must attain a 2.0 unweighted high school GPA.¹¹ Florida College System (FCS) institution boards of trustees may establish additional initial student eligibility requirements which must be specified in dual enrollment articulation agreements.¹² However, such requirements must not “arbitrarily prohibit students who have demonstrated the ability to master advanced courses from participating in dual enrollment courses.”¹³

Dual Enrollment Articulation Agreements

Dual enrollment articulation agreements (articulation agreement) are locally-developed agreements between a school district, a home education parent, or a private school and an eligible postsecondary institution¹⁴ regarding participation in dual enrollment courses.¹⁵ The articulation agreement between each school district and public postsecondary institution are mandatory and must be submitted to the Florida Department of Education (DOE or department) annually by August 1.¹⁶ However, articulation agreements between postsecondary institutions and private secondary schools are optional and not submitted to the department.¹⁷ In addition, articulation agreements between a home education parent and the partnering postsecondary institution are not required to be submitted to the department.¹⁸ Consequently, DOE does not annually collect information on articulation agreements for private schools and home education program students.

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

Tuition, Fees, and Other Costs

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

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

¹⁰ Section 1007.271(3), F.S.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ An eligible postsecondary institution is a state university, a Florida College System (FCS) institution, or “an independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools, and confers degrees as defined in s. 1005.02” Sections 1007.271 and 1011.62(1)(i), F.S.

¹⁵ Section 1007.271, F.S.; Florida Department of Education, *Dual Enrollment FAQs* (Revised July 26, 2015), available at <http://www.fldoe.org/core/fileparse.php/5423/urlt/DualEnrollmentFAQ.pdf>, at 3.

¹⁶ Section 1007.271(21), F.S.

¹⁷ Section 1007.271(24), F.S.

¹⁸ Section 1007.271(13), F.S.

¹⁹ Email, Board of Governors (Jan. 28, 2016); Email, Florida Department of Education (Jan. 28, 2016), on file with the Committee on Education Pre-K – 12 staff; see also Florida Department of Education, *2014-15 Dual Enrollment Agreements*, <http://www.fldoe.org/policy/articulation/1415dual-enrollment-agreements.shtml> (last visited Jan. 28, 2016).

²⁰ Section 1007.271(2), F.S.

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

III. Effect of Proposed Changes:

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

Dual Enrollment Articulation Agreements

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

- An agreement between an eligible postsecondary institution²⁴ and home education program student seeking enrollment in a dual enrollment course, and his or her parent.
- An agreement between an eligible postsecondary institution and a private school, in the postsecondary institution's geographic service area, seeking to offer dual enrollment courses to students in the private school.
- An agreement between a district school board or Florida College System (FCS) institution and a state university or an eligible private college or university.

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

Home Education Program Students

The bill:

- Modifies an existing provision to clarify that each postsecondary institution that is eligible to receive funding for participation in dual enrollment,²⁵ must enter into a home education articulation agreement with each home education program student seeking enrollment in a dual enrollment course, and his or her parent.

²¹ Section 1007.271(17), F.S.

²² *Id.*

²³ *Id.*

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

²⁵ *Id.*

- Adds a requirement that the home education articulation agreements include a provision expressing whether the postsecondary institution or the student is responsible for providing instructional materials and transportation.

Private Schools

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

- Requires each eligible postsecondary institution to enter into an articulation agreement with each private school, in the postsecondary institution's geographic service area, seeking to offer dual enrollment courses to its students.
- Establishes provisions that must be included in the articulation agreements with private schools, which includes provisions similar to the information that must be included in the home education articulation agreements (e.g., delineation of available courses and programs, and initial and continued student eligibility requirements which must not exceed the requirements for other dual enrollment students) and additional provisions that:
 - Clarify that the private school will award appropriate credit toward high school completion for the postsecondary course taken through dual enrollment.
 - Express that costs associated with taking dual enrollment courses will not be passed along to the private school students who enroll in such courses.
 - State whether the private school will compensate the postsecondary institution for the standard tuition rate per credit hour for the dual enrollment courses taken by students enrolled in the private school, or the postsecondary institution will seek compensation from appropriations in the General Appropriations Act (GAA), as specified.

Electronic Submission System for Dual Enrollment Articulation Agreements

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

Compliance Review

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

Tuition, Fees, and Other Costs

The bill requires that, in addition to registration, tuition, and laboratory fees, all dual enrollment students will also be exempt from technology fees. In 2015-2016, the average technology fee

was \$5.23 per credit hour at state universities²⁶ and \$3.96 per credit hour at Florida College System institutions.²⁷

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

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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:

Under SB 824, dual enrollment students will be exempt from technology fees for dual enrollment courses. In 2015-2016, the average technology fee is \$5.23 per credit hour at state universities and \$3.96 per credit hour at Florida College System institutions.

C. Government Sector Impact:

The bill has an indeterminate fiscal impact in terms of a loss of revenue for postsecondary institutions. The requirement for all eligible postsecondary institutions to enter into dual enrollment articulation agreements home education program students and each private school in its geographic service area seeking to offer dual enrollment courses to its students will result in a loss of revenue for the state's postsecondary institutions. However, due to the uncertainty in the number of eligible students, the potential loss of revenue is not known at this time.

²⁶ Email, Board of Governors for the State University System of Florida (Jan. 28, 2016).

²⁷ Email, Florida Department of Education, Division of Florida Colleges (Jan. 28, 2016).

The bill requires electronic submission of dual enrollment articulation agreements for home education program and private schools to the Department of Education and requires the department to review each agreement for compliance. According to the department, this will require modifications to the existing electronic submission system and additional staff to review each of these agreements at a cost of approximately \$100,000.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.20, 1007.271, and 1011.62.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.



545308

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/24/2016	.	
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	.	

Appropriations Subcommittee on Education (Stargel) recommended the following:

Senate Amendment (with title amendment)

Before line 50
insert:

Section 1. Subsection (9) of section 1002.41, Florida Statutes, is amended, and subsections (10) is added to that section, to read:

1002.41 Home education programs.—

(9) ~~Home education program students may receive~~ Testing and evaluation services at diagnostic and resource centers shall be



545308

11 available to home education program students, in accordance with
12 the provisions of s. 1006.03.

13 (10) A school district may provide exceptional student
14 education-related services, as defined in State Board of
15 Education rule, to a home education program student with a
16 disability who is eligible for the services and who enrolls in a
17 public school solely for the purpose of receiving those related
18 services. The school district providing the services shall
19 report each student as a full-time equivalent student in the
20 class and in a manner prescribed by the Department of Education,
21 and funding shall be provided through the Florida Education
22 Finance Program pursuant to s. 1011.62.

23
24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 Between lines 2 and 3
27 insert:

28 amending s. 1002.41, F.S.; authorizing a school
29 district to provide exceptional student education-
30 related services to certain home education program
31 students; requiring reporting and funding through the
32 Florida Education Finance Program;



711080

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/24/2016	.	
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	.	
	.	

Appropriations Subcommittee on Education (Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete lines 135 - 145
and insert:
institution. Any course or program limitations may not exceed the limitations for other dually enrolled students within a district.

2. The initial and continued eligibility requirements for home education student participation, not to exceed those required of other dual enrollment ~~dually-enrolled~~ students. A



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high school grade point average may not be required for home education students who meet the minimum score on a common placement test adopted by the State Board of Education which indicates that the student is ready for college-level coursework; however, home education student eligibility requirements for continued enrollment in college credit dual enrollment courses must include the maintenance of the minimum postsecondary grade point average established by the postsecondary institution.

3. A provision expressing whether the postsecondary institution or the student is responsible ~~The student's responsibilities~~ for providing ~~his or her own~~ instructional materials and transportation.

4. A copy of the statement on transfer guarantees developed by the Department of Education under subsection (15).

(16) A public school, a private school, or a home education program student ~~Students~~ who meets ~~meet~~ the eligibility

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

And the title is amended as follows:

Between lines 8 and 9
insert:

prohibiting dual enrollment course and program limitations for home education students from exceeding limitations for other students; providing an exemption from the grade point average requirement for initial enrollment in a dual enrollment program for certain home education students;

By Senator Stargel

15-00901A-16

2016824__

1 A bill to be entitled
 2 An act relating to the dual enrollment program;
 3 amending s. 1007.271, F.S.; exempting dual enrollment
 4 students from paying technology fees; requiring a home
 5 education secondary student to be responsible for his
 6 or her own instructional materials and transportation
 7 in order to participate in the dual enrollment program
 8 unless the articulation agreement provides otherwise;
 9 requiring a postsecondary institution eligible to
 10 participate in the dual enrollment program to enter
 11 into a home education articulation agreement;
 12 requiring the postsecondary institution to annually
 13 complete and submit the agreement to the Department of
 14 Education by a specified date; conforming provisions
 15 to changes made by the act; authorizing certain
 16 instructional materials to be made available free of
 17 charge to dual enrollment students in home education
 18 programs and private schools if provided for in the
 19 articulation agreement; requiring the department to
 20 review dual enrollment articulation agreements
 21 submitted for certain students, including home
 22 education students and private school students, to
 23 participate in a dual enrollment program; requiring
 24 the Commissioner of Education to notify the district
 25 school board superintendent and the president of the
 26 postsecondary institution if the dual enrollment
 27 articulation agreement does not comply with statutory
 28 requirements; requiring a district school board and a
 29 Florida College System institution to annually

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

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30 complete and submit to the department by a specified
 31 date a dual enrollment articulation agreement with a
 32 state university or an eligible independent college or
 33 university, as applicable; providing requirements for
 34 a private school student to participate in a dual
 35 enrollment program; requiring a postsecondary
 36 institution eligible to participate in the dual
 37 enrollment program to enter into an articulation
 38 agreement with certain eligible private schools;
 39 requiring the postsecondary institution to annually
 40 complete and submit the articulation agreement to the
 41 department by a specified date; providing requirements
 42 for the articulation agreement; providing for funding
 43 for each dual enrollment course taken by certain
 44 students; amending ss. 1002.20 and 1011.62, F.S.;
 45 conforming provisions to changes made by the act;
 46 providing an effective date.

47
 48 Be It Enacted by the Legislature of the State of Florida:

49
 50 Section 1. Subsections (2), (10), (11), (13), (16), (17),
 51 (22), (23), and (24) of section 1007.271, Florida Statutes, are
 52 amended, and subsection (25) is added to that section, to read:
 53 1007.271 Dual enrollment programs.—

54 (2) For the purpose of this section, an eligible secondary
 55 student is a student who is enrolled in any of grades 6 through
 56 12 in a Florida public school or in a Florida private school
 57 that is in compliance with s. 1002.42(2) and provides a
 58 secondary curriculum pursuant to s. 1003.4282. A student

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

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Students who is ~~are~~ eligible for dual enrollment pursuant to this section may enroll in dual enrollment courses conducted during school hours, after school hours, and during the summer term. However, if the student is projected to graduate from high school before the scheduled completion date of a postsecondary course, the student may not register for that course through dual enrollment. The student may apply to the postsecondary institution and pay the required registration, tuition, and fees if the student meets the postsecondary institution's admissions requirements under s. 1007.263. Instructional time for dual enrollment may vary from 900 hours; however, the full-time equivalent student membership value is ~~shall be~~ subject to the ~~provisions in~~ s. 1011.61(4). A student enrolled as a dual enrollment student is exempt from the payment of registration, tuition, technology, and laboratory fees. Applied academics for adult education instruction, developmental education, and other forms of precollegiate instruction, as well as physical education courses that focus on the physical execution of a skill, rather than the intellectual attributes of the activity, are ineligible for inclusion in the dual enrollment program. Recreation and leisure studies courses shall be evaluated individually in the same manner as physical education courses for potential inclusion in the program.

(10) Early admission is a form of dual enrollment through which an eligible secondary student enrolls ~~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. A student must enroll in a minimum of 12 college credit hours per semester or the equivalent to

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participate in the early admission program; however, a student may not be required to enroll in more than 15 college credit hours per semester or the equivalent. A student ~~Students~~ enrolled pursuant to this subsection is ~~are~~ exempt from the payment of registration, tuition, technology, and laboratory fees.

(11) Career early admission is a form of career dual enrollment through which an eligible secondary student enrolls ~~students enroll~~ full time in a career center or a Florida College System institution in postsecondary programs leading to industry certifications, as listed in the CAPE Postsecondary Industry Certification Funding List pursuant to s. 1008.44, which are creditable toward the high school diploma and the certificate or associate degree. Participation in the career early admission program is limited to students who have completed a minimum of 4 semesters of full-time secondary enrollment, including studies undertaken in ~~the ninth~~ grade 9. A student ~~Students~~ enrolled pursuant to this section is ~~are~~ exempt from the payment of registration, tuition, technology, and laboratory fees.

(13) (a) The dual enrollment program for a home education student ~~students~~ consists of the enrollment of an eligible home education secondary student in a postsecondary course creditable toward an associate degree, a career certificate, or a baccalaureate degree. To participate in the dual enrollment program, an eligible home education secondary student must:

1. Provide proof of enrollment in a home education program pursuant to s. 1002.41.
2. Be responsible for his or her own instructional

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materials and transportation unless provided for in the articulation agreement otherwise.

3. Sign a home education articulation agreement pursuant to paragraph (b).

(b) Each postsecondary institution eligible to participate in the dual enrollment program pursuant to s. 1011.62(1)(i) must ~~shall~~ enter into a home education articulation agreement with each home education student seeking enrollment in a dual enrollment course and the student's parent. By August 1 of each year, the eligible postsecondary institution shall complete and submit the home education articulation agreement to the Department of Education. The home education articulation agreement must ~~shall~~ include, at a minimum:

1. A delineation of courses and programs available to a dually-enrolled home education student who participates in a dual enrollment program ~~students. The postsecondary institution may add, revise, or delete courses and programs may be added, revised, or deleted at any time by the postsecondary institution.~~

2. The initial and continued eligibility requirements for home education student participation, not to exceed those required of other dual enrollment ~~dually-enrolled~~ students.

3. A provision expressing whether the postsecondary institution or the student is responsible ~~The student's responsibilities for providing his or her own instructional materials and transportation.~~

4. A copy of the statement on transfer guarantees developed by the Department of Education under subsection (15).

(16) A student ~~Students~~ who meets ~~meet~~ the eligibility

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requirements of this section and who chooses ~~chose~~ to participate in dual enrollment programs is ~~are~~ exempt from the payment of registration, tuition, technology, and laboratory fees.

(17) Instructional materials assigned for use in ~~within~~ dual enrollment courses shall be made available to dual enrollment students from Florida public high schools free of charge. This subsection does not prohibit a postsecondary ~~Florida College System~~ institution from providing instructional materials at no cost to a home education student or student from a private school, if provided for in the articulation agreement. Instructional materials purchased by a district school board or Florida College System institution board of trustees on behalf of dual enrollment students are ~~shall be~~ the property of the board against which the purchase is charged.

(22) The Department of Education shall develop an electronic submission system for dual enrollment articulation agreements and shall review, for compliance, each dual enrollment articulation agreement submitted pursuant to subsections (13), subsection (21), and (24). The Commissioner of Education shall notify the district school superintendent and the president of the postsecondary institution that is eligible to participate in the dual enrollment program pursuant to s. 1011.62(1)(i) ~~Florida College System institution president~~ if the dual enrollment articulation agreement does not comply with statutory requirements and shall submit any dual enrollment articulation agreement with unresolved issues of noncompliance to the State Board of Education.

(23) A district school board ~~boards~~ and a Florida College

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System ~~institution institutions~~ may enter into an additional dual enrollment articulation ~~agreement agreements~~ with a state university ~~universities~~ for the purposes of this section. A school ~~district districts~~ may also enter into a dual enrollment articulation ~~agreement agreements~~ with an eligible independent college or university ~~colleges and universities~~ pursuant to s. 1011.62(1)(i). By August 1 of each year, the district school board and the Florida College System institution shall complete and submit the dual enrollment articulation agreement with the state university or an eligible independent college or university, as applicable, to the Department of Education.

(24)(a) The dual enrollment program for a private school student consists of the enrollment of an eligible private school student in a postsecondary course creditable toward an associate degree, a career certificate, or a baccalaureate degree. In addition, the private school in which the student is enrolled must award credit toward high school completion for the postsecondary course under the dual enrollment program. To participate in the dual enrollment program, an eligible private school student must:

1. Provide proof of enrollment in a private school pursuant to subsection (2).

2. Be responsible for his or her own instructional materials and transportation unless provided for in the articulation agreement.

3. Sign a private school articulation agreement pursuant to paragraph (b).

(b) Each postsecondary institution eligible to participate in the dual enrollment program pursuant to s. 1011.62(1)(i) must

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enter into a private school articulation agreement with each eligible private school in its geographic service area seeking to offer dual enrollment courses to its students. By August 1 of each year, the eligible postsecondary institution shall complete and submit the private school articulation agreement to the Department of Education. The articulation agreement must include, at a minimum:

1. A delineation of courses and programs available to the private school. The postsecondary institution may add, revise, or delete courses and programs at any time.

2. The initial and continued eligibility requirements for private school student participation, not to exceed those required of other dual enrollment students.

3. A provision expressing whether the private school, the postsecondary institution, or the student is responsible for providing instructional materials and transportation.

4. A provision clarifying that the private school will award appropriate credit toward high school completion for the postsecondary course under the dual enrollment program.

5. A provision expressing that costs associated with tuition and fees, including technology, registration, and laboratory fees, will not be passed along to the student.

6. A provision stating whether the private school will compensate the postsecondary institution for the standard tuition rate per credit hour for each dual enrollment course taken by its students or the postsecondary institution will seek compensation pursuant to subsection (25).

7. A copy of the statement on transfer guarantees developed by the Department of Education under subsection (15)

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~~Postsecondary institutions may enter into dual enrollment articulation agreements with private secondary schools pursuant to subsection (2).~~

(25) Subject to annual appropriation in the General Appropriations Act, a public postsecondary institution shall receive an amount of funding equivalent to the standard tuition rate per credit hour for each dual enrollment course taken by a private school student pursuant to subsection (24) during the prior academic year, except for any students for whom the postsecondary institution is otherwise compensated at the standard tuition rate per credit hour.

Section 2. Paragraph (d) of subsection (19) of section 1002.20, Florida Statutes, is amended to read:

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

(19) INSTRUCTIONAL MATERIALS.—

(d) *Dual enrollment students.*—Instructional materials purchased by a district school board or Florida College System institution board of trustees on behalf of ~~public school~~ dual enrollment students shall be made available free of charge to the dual enrollment students ~~free of charge~~, in accordance with s. 1007.271(17).

Section 3. Paragraph (i) of subsection (1) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual

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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:

(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 full-time equivalent student membership value shall be subject to the provisions 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

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

313 Section 4. This act shall take effect July 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-24-16

Meeting Date

SB 824

Bill Number (if applicable)

545308

Amendment Barcode (if applicable)

Topic Dual ENROLLMENT PROGRAM

Name BRENDA DICKINSON

Job Title PRESIDENT

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TALLAHASSEE

City

FL

State

32317

Zip

Phone 850-264-2184

Email CONSULTINGBrenda@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing The Home Education Foundation

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-24-16

Meeting Date

SB 824

Bill Number (if applicable)

Topic Dual ENROLLMENT Program

Amendment Barcode (if applicable)

Name BRENDA DICKINSON

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Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FLORIDA Council of Independent Schools

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2.24.16

Meeting Date

824

Bill Number (if applicable)

Topic Dual Enrollment

Amendment Barcode (if applicable)

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State

Zip

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Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Foundation for Florida's Future

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/24/2016

Meeting Date

Topic _____

Bill Number 824
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

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Phone 727-897-9291

SAINT PETERSBURG FLORIDA 33705
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☐ Against ☒ Information

Representing JUSTICE-2-JESUS

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)

2/24/2016
Meeting Date

824
Bill Number (if applicable)

Topic Dual Enrollment Program

Amendment Barcode (if applicable)

Name James Herzog

Job Title Associate Director for Education

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Tallahassee FL 32301
City State Zip

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Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
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 Appropriations Subcommittee on Education

BILL: CS/SB 830

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

SUBJECT: School Choice

DATE: February 24, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	Fav/CS
2.	Sikes	Elwell	AED	Recommend: Favorable
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 830 expands choice and virtual instruction accountability and flexibility, revises full-time equivalent funding provisions, and removes certain adjustments and segmented funding.

More specifically, the bill:

- Revises charter school application, oversight, reading, student eligibility, operations, cooperatives, professional development, equitable treatment, and funding requirements.
- Enables High-Performing charter schools expansion, codifies appeals timelines, strengthens contract negotiation processes, and streamlines initial and continued designation requirements.
- Creates a High-Impact Charter Network designation, enables operation in critical needs areas, requires review of student demographic, academic and financial performance data, and provides a preference with competitive grants.
- Revises virtual instruction student eligibility, online instruction locations, and termination of virtual instruction provider contracts.
- Removes funding adjustments for end-of-course assessments, and revises minimum term school and funding requirements.
- Adds Advanced Placement examinations to the Credit Acceleration Program and authorizes home education students to use the program.

In addition, the bill removes the statutory eligibility requirements for enrollment in public K-12 virtual education, which currently limit virtual education options available to certain students who did not attend public school in the previous school year.

The estimated fiscal impact on the Florida Education Finance Program (FEFP) to fund the expansion of student eligibility for public virtual education is \$2,541,780 in the 2016-2017 fiscal year.¹ This additional cost has not been funded in SB 2500, the Senate 2016-2017 General Appropriations Bill.

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

II. Present Situation:

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

III. Effect of Proposed Changes:

CS/SB 830 expands choice and virtual instruction accountability and flexibility, creates a High-Impact Charter School Network, revises specified full-time equivalent funding, and removes end-of-course funding adjustments from law.

Charter Schools

Overview

Present Situation

Charter schools are nonsectarian, public schools that operate under a performance contract with a sponsor, which is typically a school district.² Charter schools are exempt from many laws and regulations applicable to traditional public schools to encourage the use of innovative learning methods.³ One of the guiding principles of charter schools is to “meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state’s public school system.”⁴ The terms and conditions for the operation of the school are set forth in a performance contract or “charter.”⁵

Effect of Proposed Changes

The bill modifies charter school requirements related to the application processes, sponsor oversight, reading requirements, student eligibility, administrative operations, cooperative

¹ Based on the Office of Economic and Demographic Research (EDR), *PreK-12 Education Impact Conference (March 12, 2015)*. The impact conference estimated 486 additional FTE for the 2016-2017 academic year based on the repeal of s. 1002.455, F.S., which establishes the eligibility requirements for a student to enroll in a virtual education program. SB 2500 establishes the Virtual Education Contribution (VEC) for the 2016-2017 fiscal year at \$5,230. 486 FTE X \$5,230 VEC = \$2,541,780.

² Section 1002.33(5)(a), (6)(h), (7) and (9)(a), F.S.

³ Section 1002.33(2)(b)3, and (16), F.S.

⁴ Section 1002.33(2)(a)1, F.S.

⁵ Section 1002.33(6)(h), F.S.

organizations, professional development, equitable treatment, administrative fees, capital outlay funding, distribution of funds, and unrestricted assets.

Application Process

Present Situation

The law establishes an application process for establishing a new charter school.⁶ An applicant must submit a charter school application to the sponsor.⁷ The sponsor must review and approve or deny the application.⁸ The law requires sponsors and applicants to use a standard charter school application and application evaluation instrument.⁹ The standard application is designed to enable the sponsor to evaluate the applicant's educational plan, organizational plan, financial viability, and business plan.¹⁰

In order to facilitate greater collaboration in the application process, an applicant may submit a draft charter school application by May 1 with an application fee of \$500.¹¹ Otherwise, a sponsor is prohibited from charging an applicant any fee for the processing or consideration of an application.¹²

Charter school sponsors evaluate a variety of factors when considering an application to open a charter school.¹³ The standard application requires the applicant to:¹⁴

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

A charter schools may become a virtual charter school by amending its charter, or submitting a new application.

Effect of Proposed Changes

The bill requires the charter school application to disclose the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by the applicant, each governing board member, and each proposed education services provider that has closed and reasons for closure; and the academic and financial history of such charter schools. The sponsor must consider this information in deciding whether to approve or deny the application; thus increasing the transparency of such information.

⁶ Section 1002.33(6)(a), F.S.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ Section 1002.33(6)(b), F.S. The deadline for applications is August 1, although sponsors may receive applications later if it so chooses. *Id.*

¹² *Id.*

¹³ Section 1002.33(6)(a), (7), (8), (9), F.S.

¹⁴ *Id.*

Except as provided for a draft application, a sponsor may not charge an applicant any fee for the processing or consideration of an application; thus clarifying fees a sponsor may or may not charge.

An existing charter school that is seeking to become a virtual charter school must amend its application to become a virtual charter school. In effect, the bill clarifies that the law does not require every charter school to become a virtual charter school.

Sponsor Oversight

Present Situation

Florida law tasks sponsors (typically school boards) with authorizing new charter schools and providing continuing oversight of each charter school in the school district.¹⁵ The law establishes several processes designed to enable the sponsor to perform these roles, including:

- Authority to review and approve or deny charter school applications.¹⁶
- Authority to enforce the terms and conditions of the charter agreement.¹⁷
- Annual reporting of student achievement and financial information, such as a monthly financial statement, by each charter school to the sponsor.¹⁸
- Sponsor monitoring of annual financial audits¹⁹ and monthly financial statements submitted by charter schools in the school district.²⁰
- Interventions for remedying unsatisfactory academic performance and financial instability.²¹
- Authority to close charter schools for academic or financial failure; poor management; violations of law; or child health, safety, and welfare violations.²²

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

- The school was established to turn around the performance of district public school.
- The charter school serves a student population the majority of which resides in a school zone served by a district public school that earned a grade of “F” in the year before the charter school opened, and the charter school earns at least a grade of “D” in its third year of operation.
- The State Board of Education (SBE) grants the charter school a 1-year, one-time waiver of termination, if the charter school that has been in operation for less than 5 years demonstrates that the learning gains of its students on statewide assessments are comparable to or better than the learning gains of similarly situated students enrolled in nearby district public schools.

¹⁵ Section 1002.33(6), F.S.

¹⁶ Section 1002.33(6), F.S.

¹⁷ Section 1002.33(6)(h) and (7), F.S.

¹⁸ Section 1002.33(9)(k), F.S.

¹⁹ Sections 218.39(1)(e) and (f), 1002.33(9)(j)1. and 2., F.S.

²⁰ Section 1002.33(9)(g), F.S.

²¹ Section 1002.33(9)(n), F.S.

²² Section 1002.33(8), F.S.

Effect of Proposed Changes

The bill provides that, upon approval of the charter contract, the charter school must begin to provide the required monthly statements to the sponsor. The sponsor is required to review each statement for deteriorating financial conditions or financial emergencies. In effect, the information may assist districts monitoring of financially struggling charter schools, even ones that have not yet started operating, to quickly identify decrease potential losses of public funds.

A charter school's charter is automatically terminated if the school earns two consecutive grades of "F" after all school grades are final.²³ The sponsor is required to notify in writing the charter school's governing board, the charter school principal, and the department when the charter is automatically terminated. The sponsor's letter of termination is a final order subject to appeal pursuant to s. 120.68, F.S.²⁴ In effect, school districts will be required to immediately close "FF" charter schools, bypassing the possibility for the charter school to remain open throughout the duration of the traditional charter contract termination process.

Charter schools will continue to be governed by existing dissolution procedures and prohibitions on expenditures when the charter is automatically terminated pursuant to this provision.

Reading**Present Situation**

One of the guiding principles of charter schools is to provide parents with sufficient information on whether their child is reading at grade level.²⁵ Additionally, one of the purposes charter schools must fulfill is to increase opportunities for all students, with special emphasis on reading.²⁶

A charter school application must describe the reading curriculum and differentiated strategies used for students reading at grade level or higher, and a separate curriculum for students who are reading below grade level.²⁷ A sponsor must deny an application that does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.²⁸

The charter agreement must 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.²⁹ The curriculum and instructional strategies for reading must be consistent with the Next Generation Sunshine State Standards.³⁰

²³ The bill retains the current exceptions in law.

²⁴ Section 120.68, F.S., specifies the provisions in the Administrative Procedures Act for appellate review of final agency action.

²⁵ Section 1002.33(2)(a)3., F.S.

²⁶ Section 1002.33(2)(b)2., F.S.

²⁷ Section 1002.33(6)(a)4., F.S.

²⁸ *Id.*

²⁹ Section 1002.33(7)(a)2.a., F.S.

³⁰ *Id.*

Charter schools whose students or programs meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program (FEFP).³¹ Current law specifically includes transportation and the Florida digital classroom allocation as examples of these categorical program funds.³²

Effect of Proposed Changes

The bill revises the application and charter requirements to require the reading curriculum to be evidence-based and include explicit, systematic, and multisensory reading instruction strategies. The sponsor is prohibited from requiring the charter school to implement the school district's reading plan. In effect, the reading curriculum shifts from a scientifically-based approach to an evidence-based approach, with specified strategies.

A charter school must notify the parent of a student who exhibits a substantial deficiency in reading, as determined by the charter school, of the deficiency, the intensive interventions and supports used, and the student's grade progression in accordance with existing law. Thus, parents should be more informed, and thus more involved, regarding their children's reading proficiency.

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

Student Eligibility

Present Situation

A charter school must be open to any student covered in an interdistrict agreement or residing in the school district in which the charter school is located.³³ The charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building.³⁴ In such case, all applicants shall have an equal chance of being admitted through a random selection process.³⁵

A charter school may give enrollment preference to populations of students who:³⁶

- Are siblings of a student enrolled in the charter school.
- Are the children of a:
 - Member of the governing board of the charter school.
 - Employee of the charter school.
 - Employee of the business partner of a charter school-in-the-workplace or a resident of the municipality in which such charter school is located.
 - Resident of a municipality that operates a charter school-in-a-municipality.

³¹ Section 1002.33(17)(b), F.S.

³² *Id.*

³³ Section 1002.33(10)(a), F.S.

³⁴ Section 1002.33(10)(b), F.S.

³⁵ *Id.* A charter school may also limit the enrollment process only to target specified populations. Section 1002.33(10)(e), F.S.

³⁶ Section 1002.33(10)(d), F.S.

- Have successfully completed a voluntary prekindergarten education program provided by the charter school or the charter school's governing board in the previous year.
- Are the children of an active member of any branch of the United States Armed Forces.

Effect of Proposed Changes

The bill provides that a charter school that has not reached capacity, as determined by the charter school's governing board, may be open for enrollment to any student in Florida. However, the bill does not define "capacity," reconcile the charter school's determination of capacity with the charter school's permitted occupancy or the enrollment limits per the charter agreement, or indicate to what extent this provision authorizes virtual schools to define their own capacity. In effect, a charter school has some degree of discretion to accept any Florida student that resides outside the school district in which the charter school is located.

Charter schools may not base admission or dismissal on a student's academic performance. In effect, the provision explicitly prohibits a charter school from considering academic performance when determining student enrollment.

Enrollment preferences for charter schools are expanded to include the following new categories:

- Students who attended or are assigned to certain failing schools.³⁷ In effect, charter schools may give enrollment preferences to students that qualify for the Opportunity Scholarship Program.
- Students who are the children of a resident of a municipality that allows a charter school to use a school facility or a portion of the land owned by the municipality for the operation of the charter school. In effect, charter schools may give enrollment preferences to students who live in a city that allows the school to operate on city property.

Administrative Operations

Present Situation

The application process specifies that the charter school must be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and sponsor.³⁸

Upon approval of a charter application, the initial startup commences with the beginning of the district's public school calendar, unless waived by the sponsor for good cause.³⁹

Certain information, such as contact information for the governing board's representative, must be posted on the charter schools website, if the school maintains a website.⁴⁰

³⁷ By assigned school attendance area or by special assignment, the student has spent the prior school year in attendance at public school that has earned a grade of "F" or three consecutive grades of "D" pursuant to s. 1008.34 and the student's attendance occurred during a school year in which such designation was in effect; the student has been in attendance elsewhere in the public school system and has been assigned to such school for the next year; or the student has been notified that he or she has been assigned to such school for the next year. Section 1002.38(2)(a), F.S.

³⁸ Section 1002.33(6)(b), F.S.

³⁹ Section 1002.33(6)(b)5., F.S.

⁴⁰ Section 1002.33(7)(d), F.S.

A charter school governing board is required to hold at least two public meetings per year in the district where the charter school is located.⁴¹ The appointed representative and charter school principal or director, or designee, must be physically present at each meeting.⁴²

Current law contains provisions for a sponsor to non-renew or terminate a charter.⁴³ These provisions include procedures for the dissolution and reversion of public funds.⁴⁴ However, these provisions do not specifically address the applicability of these procedures if a charter school voluntarily closes.

Effect of Proposed Changes

The bill authorizes a sponsor to defer the opening of the school's operations for up to 2 years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the sponsor and the parents of the enrolled students at least 30 calendar days before the first day of school. In effect, the charter school no longer needs the sponsor's permission to delay opening if additional time is needed for facility planning.

The bill removes the good cause exception that would allow initial charter schools to start on a date different from the district's public school calendar is removed. In effect, the initial charter school startup date will be based on the school start date on the district's calendar.

Charter schools must maintain a website; thus providing greater transparency to the public by all charter schools posting specified information on their websites.

Charter school governing board members may attend board meetings - in person or by means of communications media technology in accordance with rules adopted by the Administration Commission.⁴⁵ In effect, clarification is provided so that members may participate in board meetings pursuant to existing state rules.

The charter school governing board may voluntarily close and terminate the charter. The decision must be made at a public meeting, with written notification provided to parents and the sponsor both before and after the meeting, and to the Department of Education (DOE) after the meeting. If the board decides to close, the post-meeting notice must identify the reasons for closure, and must contain agreement from the governing board to follow existing procedures for dissolution and reversion of public funds. In effect, a charter school that voluntarily closes must provide advance notice to the public, the reasons for closure, and is subject to the same accountability provisions for closure as if the school had been terminated by the sponsor.

⁴¹ *Id.*

⁴² *Id.*

⁴³ Section 1002.33(8), F.S.

⁴⁴ Sections 1002.33(8)(e)-(g) and (9)(o), F.S.

⁴⁵ See, Chapter 28-109, F.A.C. "Communications media technology" means the electronic transmission of printed matter, audio, full-motion video, freeze frame video, compressed video, and digital video by any method available. Rule 28-109.002(3), F.A.C.

Cooperative Organizations

Present Situation

Charter schools are authorized to enter into cooperative agreements to form charter school cooperative organizations that may provide the following services:⁴⁶

- Charter school planning and development.
- Direct instructional services.
- Contracts with charter school governing to provide personnel administrative services, payroll services, human resource management, evaluation and assessment services, teacher preparation, and professional development.

Effect of Proposed Changes

The bill expands categories of service areas to provide that cooperatives may provide services to further educational, operational, and administrative initiatives in which the participating charter schools share common interests. In effect, the bill expands the types of services that cooperatives may provide.

Professional Development

Present Situation

Each school district must, and a state supported public school or private school may, develop and maintain a system by which members of the instructional staff may demonstrate mastery of professional preparation and education competence as required by law.⁴⁷ The program must be based on classroom application of the Florida Educator Accomplished Practices and instruction performance, and for public schools must be aligned with the district's evaluation system approved under s. 1012.34, F.S.

Effect of Proposed Changes

The bill specifically adds charter schools to those schools authorized to develop and maintain a system by which members of the instructional staff may demonstrate mastery of professional preparation and education competence. The respective programs must be aligned with the applicable district or school's evaluation system established under s. 1012.34, F.S.

Equitable Treatment

Present Situation

Local governing authorities are prohibited from adopting or imposing any local building requirements or site-development restrictions, such as parking and site-size criteria, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code (SREF).⁴⁸

⁴⁶ Section 1002.33(13), F.S.

⁴⁷ Section 1012.56(8)(b)1., F.S.

⁴⁸ Section 1002.33(18)(a), F.S. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use is the local municipality, or if in an unincorporated area, the county governing authority. *Id.*

Local governing authorities are required to treat charter schools equitably in comparison to similar requirements, restrictions, and processes imposed upon public schools that are not charter schools.⁴⁹

Effect of Proposed Changes

The bill adds site planning to the requirements for equitable treatment, and provides that if an official or employee of the local governing authority refuses to comply with these equitable treatment requirements, the aggrieved school or entity has an immediate right to bring action in circuit court to enforce its rights by injunction. An aggrieved party that receives injunctive relief may be awarded attorney fees and court costs. In effect, a charter school may seek immediate injunctive relief to prevent local governments from imposing regulatory burdens that are not imposed upon public schools.

Administrative Fees

Present Situation

A sponsor is required to provide certain administrative and education services to charter schools.⁵⁰ These services include contract management; full-time equivalent (FTE) and data reporting; exceptional student education; federal lunch program; test administration; processing of teacher certificate data; and information services.⁵¹

Generally, a total administrative fee for the provision of these services is calculated based upon up to 5 percent of the available funds for all students.⁵² A sponsor may only withhold up the 5 percent administrative fee for enrollment up to 250 students.⁵³ However, a sponsor may withhold the 5 percent administrative fee for enrollment up to 500 students within a system of charter schools that meet specified criteria.⁵⁴

Effect of Proposed Changes

The bill reduces the administrative fee for charter schools that operate in a critical need area⁵⁵ to no more than 3 percent for enrollment up to 250 students. In effect, these charter schools would pay less for the same administrative services provided by the district.

⁴⁹ *Id.*

⁵⁰ Section 1002.33(20), F.S.

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id. Compare*, high performing charter schools may have withheld a total administrative fee up to 2% for enrollment up to 250 students; and a high performing charter school system that meets specified criteria may have withheld a total administrative fee up to 2% for enrollment up to 500 students per system. *Id.*

⁵⁵ The bill defines critical need area via the newly created s. 1002.331 to mean an area that is served by one or more nonalternative, traditional public schools that received a school grade of “D” or “F” pursuant to s. 1008.34 in 4 of the most recent 5 years.

Capital Outlay Funding

Present Situation

To be eligible for a capital funding allocation, and charter school must:⁵⁶

- Meet one of the following criteria:
 - Have been in operation for 3 or more years;
 - Be governed by a governing board established in the state for 3 or more years which operates both charter schools and conversion charter schools within the state;
 - Be an expanded feeder pattern chain of a charter school within the same school district that is currently receiving capital outlay funds;
 - Have been accredited by the Commission on Schools of the Southern Association of Colleges and Schools (SACS); or
 - Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace.
- Have financial stability for future operation as a charter school.
- Have satisfactory student achievement based on state accountability standards applicable to the charter school.
- Serve students in facilities that are not provided by the charter school's sponsor.

Effect of Proposed Changes

The bill revises the financial stability criteria to require the charter school to have an annual audit that does not reveal one or more of the financial emergency conditions specified in law⁵⁷ for the most recent fiscal year for which such an audit is available. In effect, the bill provides a clearer, uniform, definition for evaluating the financial stability of a charter school when determining eligibility to receive capital outlay funds.

Distribution of Funds

Present Situation

District school boards are required to make timely and efficient payment and reimbursement to charter schools.⁵⁸ The payment is to be issued no later than 10 working days after the district school board receives a distribution of funds.⁵⁹

The district school board may distribute funds to charter schools for up to 3 months based on the projected full-time equivalent student membership of the charter school. ⁶⁰ Thereafter, the results of the full-time equivalent student membership surveys must be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year.⁶¹

⁵⁶ Section 1013.62(1), F.S.

⁵⁷ Section 218.503(1), F.S.

⁵⁸ Section 1002.33(17)(e), F.S.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

Effect of Proposed Changes

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

The bill specifies that district school boards must distribute funds to charter schools as follows:

- For the first 2 years of a charter school's operation, if at least 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the district school board must distribute funds for July, August, September, and October, based upon the projected full time equivalent student membership of the charter school, as submitted in the approved application.
- If less than 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the sponsor must base payments on the actual number of student enrollment entered into the sponsor's student information system.

Additionally, any unrestricted surplus or unrestricted net assets identified in the charter school's annual audit are authorized to be used for K-12 educational purposes for charter schools within the district that are operated by the not-for-profit or municipal entity operating the charter school with the surplus. In effect, an entity that operates multiple charter schools in a district may shift certain surplus unrestricted funds among the charter schools for K-12 educational purposes.

Surplus operating funds must continue be used in accordance with s. 1011.62, F.S., and that surplus capital outlay funds must be used in accordance with s. 1013.2(2), F.S.⁶²

High-Performing Charter Schools***Overview*****Present Situation**

A charter school is a high-performing charter school if it:⁶³

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

In exchange for accomplishing specified academic achievement and financial performance standards, high-performing charter schools are granted specified flexibilities with student

⁶² These statutes relate to funds for operation of schools and charter school capital outlay funding, respectively.

⁶³ Section 1002.331(1), F.S.

enrollment, grade level expansion, periodic financial reporting, consolidation, and contract term provisions.⁶⁴

Effect of Proposed Changes

The bill modifies replication and expansion, appeal process, contract term and negotiations, and loss of high-performing status provisions.

Replication and Expansion

Present Situation

A high-performing charter school may submit an application in any school district in the state to establish and operate a new charter school that will substantially replicate its educational program.⁶⁵ A high-performing charter school may not establish more than one charter school pursuant to this provision in any year.⁶⁶ Subsequent applications may not be submitted unless each charter school established in the manner achieves high-performing status.⁶⁷

A high-performing charter school is authorized, in part, to:⁶⁸

- Increase its student enrollment once per school year to more than the capacity identified in the charter, but student enrollment may not exceed the current facility capacity.
- Expand grade levels within kindergarten through grade 12 to add grade levels not already served if any annual enrollment increase resulting from grade level expansion is within the limit established its contract.

However, a high-performing charter school may not increase enrollment or expand grade levels following any school year in which it receives a school grade of “C” or below.⁶⁹

Effect of Proposed Changes

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

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

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

⁶⁴ Section 1002.331(2), F.S.

⁶⁵ Section 1002.331(3)(a), F.S.

⁶⁶ Section 1002.331(b), F.S.

⁶⁷ *Id.*

⁶⁸ Section 1002.331(2), F.S.

⁶⁹ Section 1002.331(4), F.S.

Appeal Process

Present Situation

If the sponsor denies an application for a high-performing charter school, the applicant may appeal the denial directly to the SBE.⁷⁰ Timeframes concerning the appeal process are not specified in statute, but do exist in rule.⁷¹

For high-performing charter schools, a sponsor may withhold a total administrative fee of up to 2 percent for enrollment up to and including 250 students per school.⁷²

Effect of Proposed Changes

The bill codifies existing timeframes in the SBE rule⁷³ for high-performing charter school appeals, and requires the applicant to provide a copy of the appeal to the sponsor. In effect, the appeal timeframes for high-performing charter school appeals and regular charter school appeals will be consistent with each other and specified in statute.⁷⁴

The bill provides that a charter school whose application is submitted under the replication provisions of s. 1002.331, F.S., and is denied by the district school board, is exempt from having to pay an administrative fee. In effect, if the SBE overturns the sponsor's denial of a high-performing replication application, the charter school will not have to pay the sponsor any administrative fees; thus, sponsors are given additional incentives to refrain from unjustifiably denying these applications.

Contract Term and Negotiations

Present Situation

A high-performing charter school is authorized to receive modification of its charter to a term of 15 years or a 15-year charter renewal.⁷⁵

Effect of Proposed Changes

The bill provides that the ability of a high-performing charter school to receive a modification of its charter term, means an additional 15 years to the term. In effect, the existing term is extended 15 years.

Timeframes are provided for charter contract renegotiations when a charter school receives its high-performing designation, and for disputes to be appealed to an administrative law judge. Specifically, the:

- Sponsor must provide the charter school with renewal documents within 30 days of designation.

⁷⁰ Section 1002.33(6)(b)3.c., F.S.

⁷¹ Rule 6A-6.0781(3), F.A.C. In general, the applicant has 30 days from denial to file an appeal, the sponsor has 30 days to respond to the appeal, and the SBE has 90 days after the appeal is filed to approve or deny the appeal. *Id.*

⁷² Section 1002.33(20)(a)3., F.S.

⁷³ Rule 6A-6.0781, F.A.C.

⁷⁴ See Rule 6A-6.0781(1)(a), F.A.C., which requires the applicant to send a copy of the appeal to the district school board via the superintendent.

⁷⁵ Section 1002.331(2)(e), F.S.

- Charter school and sponsor have 20 days to negotiate and provide notice of the charter contract for final approval by the sponsor.
- Sponsor must provide the proposed charter contract to the charter school at least 7 days before the meeting at which the charter is scheduled for final approval by the sponsor.

In effect, the length of contract negotiations should be minimized, thus enabling a high-performing charter school to enjoy the benefits of its designation in a timely manner.

Loss of High-Performing Status

Present Situation

If the charter school receives a school grade of “C” or below in any 2 years during the term of the charter, the term of the charter may be modified by the sponsor and the charter school loses its high-performing status.⁷⁶ Additionally, a high-performing charter school maintains its high-performing status until the Commissioner of Education (Commissioner) determines that the school no longer meets the eligibility criteria.⁷⁷ These two provisions have been interpreted by the judicial branch to mean that the Commissioner’s determination applies only to initial eligibility requirements, while grade of “C” or below in any two years provision applies to the ability to retain high-performing status.⁷⁸

The Commissioner must send a letter providing notification of the school’s loss of status as a high-performing charter school.

Effect of Proposed Changes

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

The bill clarifies that the Commissioner must notify both the sponsor and charter school upon loss of high-performing status.

High-Impact Charter Network

Present Situation

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

Effect of Proposed Changes

The bill creates High-Impact Charter Networks.

⁷⁶ *Id.*

⁷⁷ *Id.* The Commissioner is required to annually determine whether a high-performing charter school continues to meet the eligibility criteria. Section 1002.331(5), F.S. This provision was added to statute, effective July 1, 2013, via ch. 2013-250, L.O.F.

⁷⁸ *Department of Education v. Educational Charter Foundation of Florida, Inc., d/b/a Imagine Schools at South Lake*, 177 So.3d 1036 (1st DCA, 2015).

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

The application process must include the SBE's review of student demographic, academic, and financial performance data. The process:

- Must include a review of all schools currently or previously operated by the entity, including schoolwide and subgroup performance on all statewide, standardized assessments for the most recent three years as compared to all other students at the same grade level, as compared with other schools serving similar demographics of students, and school-level financial performance.
- May include performance on nationally norm-referenced assessments, student attendance and retention rates, graduation rates, college attendance rates, college persistence rates, and other outcome measures as determined by the SBE.

An entity that is designated as a High-Impact Charter Network may apply to district school boards to establish and operate charter schools in critical need areas. Critical need means an area that is served by one or more nonalternative, traditional public schools that received a school grade of "D" or "F" in four of the preceding five years.⁷⁹

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

A charter school operated by a High-Impact Charter Network in a critical need area:

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

The DOE must give priority to charter schools operated by a High-Impact Charter Network in Public Charter School Grant Program competitions, but only for new charter schools that will operate in a critical need area.

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

⁷⁹ The bill provides that for purposes of determining critical need areas, school grades issued for the 2014-2015 school year may not be considered.

Virtual Instruction

Overview

Present Situation

Florida offers more virtual options for their students than any other state.⁸⁰ Florida students at all grade levels have both full-time (virtual school) and part-time (virtual course) options.⁸¹ The options include virtual schools and courses offered by the Florida Virtual School (FLVS), and by all 67 school districts.⁸² Schools may offer their own virtual schools or enter into agreements with other school districts, a DOE approved private provider or virtual charter schools to provide virtual options for their students.⁸³

Effect of Proposed Changes

The bill modifies student eligibility, online instruction in a classroom setting, virtual instruction provider, and FLVS funding provisions.

Student Eligibility

Present Situation

A student is eligible to participate in virtual instruction if the student:⁸⁴

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

These virtual instruction options for which this eligibility applies include:⁸⁵

- School district operated part-time or full-time K-12 virtual instruction programs under s. 1002.45(1), F.S., for students enrolled in the school district.
- Full-time virtual charter school instruction authorized under s. 1002.33, F.S.

⁸⁰ Florida Department of Education, *Information on Virtual School Choice Options for Florida Students* (2015) available at <http://www.fldoe.org/core/fileparse.php/7509/urlt/school-choice-memo-virtual-school.pdf>.

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ Section 1002.455(2), F.S.

⁸⁵ Section 1002.455(3), F.S.

- Virtual courses offered in the course code directory to students within the school district or to students in other school districts throughout the state pursuant to s. 1003.498, F.S.
- Part-time instruction in kindergarten through grade 5.⁸⁶

Effect of Proposed Changes

The bill repeals student eligibility requirements for K-12 virtual instruction.⁸⁷ In effect, students in grades K-12 do not have any eligibility requirements, including prior school year attendance in a public school, for the virtual instruction options identified above.⁸⁸

Online Instruction in a Classroom Setting

Present Situation

In charter schools and school districts, students in a blended learning course must be full-time students⁸⁹ and receive the online instruction in a classroom setting at the charter school.⁹⁰

Effect of Proposed Changes

The bill removes the requirement for online instruction in a classroom setting for charter school and school district students in a blended learning course and for school district virtual courses. In effect, full-time charter school and school district students in blended learning courses may receive online instruction outside of the classroom.

Virtual Instruction Providers

Present Situation

A virtual instruction program is a program of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both.⁹¹ The FLVS, school district FLVS franchises, and Florida College System institutions are approved providers.⁹² The DOE may approve other virtual instruction providers, if certain criteria are met.⁹³

Virtual instruction providers must align curriculum and course content to Florida's standards, offer instruction designed for the student to gain proficiency, provide each student with all necessary instructional materials, not require tuition or other registration fees, and provide certain students with all equipment necessary to participate in the virtual instruction program.⁹⁴ Each contract with an approved provider must contain, at a minimum, a detailed curriculum plan, methods for determining each student has met state graduation requirements, methods for resolving conflicts, contract termination provisions, and responsibility for existing debts.⁹⁵ Each

⁸⁶ Section 1002.37(8)(a), F.S.

⁸⁷ Section 1002.455, F.S.

⁸⁸ Unless otherwise specified in the programs' respective authorizing statute.

⁸⁹ The term "full-time student" is defined in s. 1011.61(1)(a)1., F.S.

⁹⁰ Section 1002.33(7)(a)2.b., F.S.

⁹¹ Section 1002.45(1)(a)2., F.S.

⁹² Section 1002.45(1)(a), F.S.

⁹³ Section 1002.45(2), F.S.

⁹⁴ Section 1002.45(3), F.S.

⁹⁵ *Id.*

approved provider must participate in the statewide assessment program and receive a school grade or school improvement rating, as applicable.⁹⁶

A DOE-approved virtual instruction provider's contract must be terminated if the provider earns a school grade of "D" or "F" or a school improvement rating of "Declining" in any two years of a consecutive four year period.⁹⁷ In such cases, the provider must be removed from the approved provider list for at least one year. The provider may be placed back on the list after DOE determines that the provider meets the eligibility requirements and has corrected the academic performance deficiencies.⁹⁸

Effect of Proposed Changes

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

The provisions requiring termination of an approved provider's contract are modified to require automatic termination if the provider earns two consecutive school grades of "F" or school improvement ratings of "unsatisfactory." In effect, termination provisions are changed from two D, F, or unsatisfactory ratings in any four year period (e.g, school grades of D, A, B, D over four years) to two consecutive F or unsatisfactory ratings (e.g., school grades of F, F in consecutive years).

Florida Virtual School Funding

Present Situation

FLVS funding is generally based on students who successfully complete six full-credit courses that count to the minimum number of credits required for high school graduation.⁹⁹ A student who completes fewer than six full-credit courses is a fraction of a FTE.¹⁰⁰ Half-credit course completions are included in determining full-time equivalent (FTE) students for students in grades 9-12.¹⁰¹

Effect of Proposed Changes

The bill deletes specified language pertaining to existing FTE funding mechanisms for FLVS, however, leaves in place the calculation of a FTE student as prescribed in s. 1011.61(1)(c)1.b.(V), F.S., and s. 1011.64(4), F.S.

⁹⁶ Section 1002.45(8)(a), F.S.

⁹⁷ Section 1002.45(8)(d), F.S. The school improvement rating system is based on the following ratings: Commendable (meaning a significant percentage of students attending the school are making learning gains); Maintaining (meaning a sufficient percentage of the students attending the school are making learning gains); and Unsatisfactory (meaning an insufficient percentage of students attending the school are making learning gains). Section 1008.341(a), F.S.

⁹⁸ *Id.*

⁹⁹ Section 1002.37(3)(a), F.S.

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

End Of Course Funding Adjustments

Present Situation

The definition of a FTE student, in part, means students in grades K-12 in a full-time virtual instruction program, virtual charter school, or a part-time virtual instruction program, a FLVS FTE student, or for courses requiring passage of an end-of-course (EOC) assessment.¹⁰²

For these students, and beginning the 2016-2017 year, the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an EOC assessment to earn a standard high school diploma must be adjusted if the student does not pass the EOC assessment.¹⁰³ However, no adjustment may be made for a student who enrolled in a segmented remedial course delivered online.¹⁰⁴

Effect of Proposed Changes

The bill deletes the provisions pertaining to the EOC adjustment scheduled to begin in the 2016-2017 school year.

Minimum Term Funding

Overview

Present Situation

Minimum school term requirements and associated funding for a FTE generally focus on the student receiving 900 instructional hours (e.g., for grades 4-12).¹⁰⁵ Typically, students who receive less than 900 instructional hours are funded proportional share of hours of instruction.¹⁰⁶ However, exceptions exist to allow double-session schools, schools operating on an experimental calendar, and schools under emergency situations to operate for more than 810 but less than 900 hours, yet receive full 1.0 FTE, rather than proportional, funding.

Effect of Proposed Changes

The bill modifies traditional public school, double-session school, experimental calendar school, and emergency condition provisions relating to minimum school term and associated funding requirements.

¹⁰² Sections 1011.61(1)(c)1.b.(III), (IV), (V), and (VI) and 1002.37(3)(a)3., F.S.

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ Section 1011.1(1), F.S.

¹⁰⁶ E-mail, Department of Education, January 23, 2016.

Traditional Public Schools

Present Situation

Each school district is required to annually operate all schools for a term of 180 actual teaching days or the equivalent on an hourly basis as specified in SBE rules.¹⁰⁷ The SBE has provided that the hourly equivalent to the 180-day school year is determined as prescribed below:¹⁰⁸

- Grades 4 through 12: Not less than 900 net instructional hours.
- Kindergarten through grade 3 or in an authorized prekindergarten exceptional program: Not less than 720 net instructional hours.

For FEFP purposes, a FTE in each district program is defined in terms of full-time students and part time students, as follows:¹⁰⁹

- A full-time student is one student on the membership roll of one school program or a combination of school programs for the school year or the equivalent for instruction in a standard school comprising no less than the hourly equivalent prescribed by the SBE.¹¹⁰
- A part-time student is a student on the active membership roll of a school program or combination of school program who is less than a full time student. Part time students are funded based on their proportional share of hours of instruction.¹¹¹

Effect of Proposed Changes

The bill clarifies that a “part time student,” generates FTE proportional to the amount of instructional hours provided by the school divided by the minimum term requirements. In effect, a student who attends a school that operates for less than the minimum term will continue to generate proportionally fewer FTE,¹¹² and the school will continue to receive proportionally less funding.

Double-Session Schools

Present Situation

Double-session schools are not defined in statute or rule.¹¹³ Schools operating on a double-session calendar must operate for a term of 180 actual teaching days, or the hourly equivalent as prescribed below:¹¹⁴

- Grades 4 through 12: Not less than 810 net instructional hours.

¹⁰⁷ Section 1011.60(2), F.S.

¹⁰⁸ Rule 6A-1.045111(1), F.A.C.

¹⁰⁹ Section 1011.61(1), F.S.

¹¹⁰ See the previous paragraph. Exceptions exist for double-session schools or a school utilizing an experimental calendar approved by the DOE (discussed further herein) and for students who moved with their parents for the purpose of engaging in the farm labor or fish industries. *Id.*

¹¹¹ E-mail, Department of Education, January 23, 2016.

¹¹² Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

¹¹³ Differing interpretations of “double-session schools” may exist. *Compare*, a DOE statement that in Florida, double-session schools have historically existed in instances where districts held two sessions per day at one school location due to school construction delay or storm damage. *Id.*; *But see*, Statutory maximum class size implementation options direct district school boards to consider operating more than one session of school during the day in order to meet constitutional class size requirements. Section 1003.03(3)(i), F.S.

¹¹⁴ Section 1011.61(1)(a)2., F.S.; Rule 6A-1.045111(2), F.A.C. The DOE is not required to approve double-session schools. Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

- Kindergarten through grade 3: Not less than 630 net instructional hours.

For the purposes of the FEFP, students in double-sessions schools that meet the hourly equivalent are considered full-time students¹¹⁵ Thus, a student in grade 9 at a double-session school who is provided 810 instructional hours generates 1.0 FTE ($810/810=1.0$).¹¹⁶

There are currently 13 double-session schools operating in Florida in the 2015-2016 fiscal year.¹¹⁷ Several charter schools are operating with double-session or multiple sessions for which 810 instructional hours are provided.¹¹⁸

Effect of Proposed Changes

The bill eliminates the ability for a student at a double-session school to meet the definition of a “full-time student” if the student receives instruction that comprises:

- Less than 900 but more than 810 net hours in grades 4 through 12, or
- Less than 720 but more than 630 net hours in kindergarten through grade 3.

In effect, instead of generating 1.0 FTE while operating for less than 900 hours but for more than 810 hours, the school will generate FTE proportional to the amount of instructional hours divided by the minimum term requirement of 900 hours.¹¹⁹ Under the bill, a student receiving 810 instructional hours would now generate 0.9 FTE ($810/900=0.9$),¹²⁰ and the school would receive proportionally less funding.

Schools Operating on an Experimental Calendar

Present Situation

Schools utilizing an experimental calendar that is approved by the DOE must operate for a term of 180 actual teaching days or the hourly equivalent as prescribed below:¹²¹

- Grades 4 through 12: Not less than 810 net instructional hours.
- Kindergarten through grade 3: Not less than 630 net instructional hours.

For the purposes of the FEFP, students at a school utilizing an experimental school calendar approved by the DOE are considered full-time students if the instruction meets the minimum term requirements.¹²² Thus, a student in grade 9 at such a school who is provided 810 instructional hours generates 1.0 FTE ($810/810=1.0$).¹²³

¹¹⁵ Section 1011.61(1)(a)2., F.S.

¹¹⁶ Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ Section 1011.61(1)(a)2., F.S.; Rule 6A-1.045111(2), F.A.C.

¹²² Section 1011.61(1)(a)2., F.S.

¹²³ Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

Additionally, the DOE is required to determine and implement an equitable method of equivalent funding for experimental schools which have been approved by the DOE to operate for less than the minimum school day.¹²⁴

Effect of Proposed Changes

The bill eliminates the ability for a student at a school utilizing an experimental school calendar to meet the definition of a “full-time student” if the student receives instruction that comprises:

- Less than 900 but more than 810 net hours in grades 4 through 12, or
- Less than 720 but more than 630 net hours in kindergarten through grade 3.

Statutory language requiring the DOE to determine and implement an equitable method of equivalent funding for experimental schools which have been approved by the DOE to operate for less than the minimum school day is deleted.¹²⁵

In effect, a student who attends a school operating on an experimental calendar that operates for less than the minimum term will generate proportionally fewer FTE.¹²⁶ Thus, instead of generating 1.0 FTE while operating for less than 900 hours but for more than 810 hours, the school will generate FTE proportional to the amount of instructional hours divided by the minimum term requirement of 900 hours.¹²⁷ Under the bill, a student receiving 810 instructional hours would now generate 0.9 FTE ($810/900=0.9$),¹²⁸ and the school would receive proportionally less funding.

Statutory language requiring the DOE to approve experimental school calendars is deleted. In effect, the bill treats schools operating on an experimental calendar in the same manner as double-session schools are currently treated (i.e., no DOE approval is required).

Emergency Conditions

Present Situation

Upon written application, the SBE is authorized to alter the 180 day minimum term requirement during a national, state, or local emergency if the SBE determines that is not feasible to make up lost days or hours.¹²⁹

At the discretion of the Commissioner, and if the SBE determines that the reduction of school days or hours is caused by the existence of a bona fide emergency, the apportionment may be reduced for such district or districts in proportion to the decrease in the length of term in any such school or schools.¹³⁰

¹²⁴ Section 1011.61(1), F.S. (Flush left provisions)

¹²⁵ Section 1011.61(1), F.S. (Flush left provisions)

¹²⁶ Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ Section 1011.60(2), F.S. The SBE is authorized to prescribe procedures for altering this requirement. *Id.*

¹³⁰ Section 1011.60(2), F.S. A strike, as defined in s. 447.203(6), by employees of the school district may not be considered an emergency. *Id.*

The DOE is required to determine and implement an equitable method of equivalent funding for schools operating under emergency conditions, which have been approved by the DOE to operate for less than the minimum school day.¹³¹

Effect of Proposed Changes

The bill clarifies schools approved by the DOE to operate for less than the minimum school day means the minimum term as provided in s. 1011.60, F.S.¹³²

Credit Acceleration Program

Present Situation

In 2010, the Florida Legislature established the Credit Acceleration Program (CAP) to allow a student to earn high school credit in Algebra I, Algebra II, geometry, United States history, or biology if the student attains a passing score on the corresponding statewide, standardized assessment without enrolling in or completing the course.¹³³

Effect of Proposed Changes

The bill add Advanced Placement (AP) examinations as an option and authorized home education students to utilize CAP.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹³¹ Section 1011.61(1), F.S. (Flush left provisions)

¹³² Section 1011.61(1), F.S. (Flush left provisions) This section identifies minimum requirements of the FEFP. *Id.*

¹³³ Section 5, ch. 2010-22, L.O.F., *codified at* s. 1003.4295(3), F.S.

B. Private Sector Impact:

Not determined.

C. Government Sector Impact:

The estimated fiscal impact on the Florida Education Finance Program (FEFP) to fund the expansion of student eligibility for public virtual education is \$2,541,780 in the 2016-2017 fiscal year. This additional cost has not been funded in SB 2500, the Senate 2016-2017 General Appropriations Bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.33, 1002.331, 1002.37, 1002.45, 1003.4295, 1003.498, 1011.61, 1011.62, 1012.56, 1013.62.

This bill creates section 1002.333 of the Florida Statutes.

This bill repeals section 1002.455 of the Florida Statutes.

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

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

CS by Education Pre-K – 12 on February 2, 2016:

The committee substitute retains the substance of the original bill and made the following modifications:

- Charter Schools
 - Requires additional information relating to current and historical charter school operations that must be provided as part of the application process, including reasons for closure and academic and financial history.
 - Streamlines language prohibiting student admission or dismissal from being based on academic performance.
 - Expands preferences for student enrollment to include students that qualify for the Opportunity Scholarship Program, and children of a resident of a municipality that allows a charter school to be on municipality property.
 - Provides flexibility for specified adjustments of monthly payments to charter schools.
- High-Impact Charter School Network
 - Expands application information to include student demographic data.

- Removes schools that had fewer than 25% of students passing the most recent English Language Arts assessment from the definition of a “critical need area.”

The committee substitute adds the following language to SB 830:

- Charter Schools
 - Prohibits a sponsor from charging application fees, except as specified in statute.
 - Authorizes a charter school to defer opening for up to 2 years to provide for adequate facility planning, and requires the initial charter school startup to commence with the public school calendar.
 - Requires a charter school application to propose evidence-based reading instruction strategies, and prohibits a sponsor from requiring the charter school to use the sponsor’s reading plan; requires parent notification of student’s progress.
 - Codifies rules to authorize charter school governing board members to attend meetings via communications media technology.
 - Creates provisions specifying actions to be taken when a charter school governing board voluntarily closes the charter school.
 - Authorizes a charter school that has not reached capacity, as determined by the charter school governing board, to be open for enrollment to any student in the state.
 - Requires existing summary financial reports to be provided to the sponsor begging upon approval of the charter contract, and requires sponsor review; reduces the administrative fee for charter schools that operate in a critical need area; revises district payments to charter schools based on actual and projected enrollment; and authorizes an entity operating a charter school with specified assets to move to its other charter schools in the district for K-12 educational purposes.
 - Expands services charter school cooperatives may provide, authorizes charter schools to develop a system for instruction to demonstrate mastery of professional and education competence, and requires local governments to treat charter school site planning equitably.
- High Performing Charter Schools
 - Specifies timeframes for appeals, and exempts a school from administrative fees if the sponsor denies the application.
 - Provides that the ability to modify the term of a charter means that an additional 15 years may be added to the term, and specifies timeline and process for renegotiating the charter agreement.
- Requires the DOE to give priority in competitive grants to new schools operated in a critical need area by a High Impact Charter School Network.
- Deletes from law virtual instruction student eligibility requirements; the requirement for online instruction in a classroom setting for charter schools in blended learning courses and in school district virtual courses; and specified funding adjustments for EOC assessments.
- Revises FLVS funding provisions, minimum term school requirements and associated funding requirements.
- Adds Advanced Placement (AP) examinations to the Credit Acceleration Program and authorizes home education students to use CAP.

B. Amendments:

None.

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

By the Committee on Education Pre-K - 12; and Senator Stargel

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1 A bill to be entitled
 2 An act relating to school choice; amending s. 1002.33,
 3 F.S.; making technical changes relating to
 4 requirements for the creation of a virtual charter
 5 school; conforming cross-references; specifying that a
 6 sponsor may not require a charter school to adopt the
 7 sponsor's reading plan and that charter schools are
 8 eligible for the research-based reading allocation if
 9 certain criteria are met; revising required contents
 10 of charter school applications; conforming provisions
 11 regarding the appeal process for denial of a high-
 12 performing charter school application; requiring an
 13 applicant to provide the sponsor with a copy of an
 14 appeal to an application denial; authorizing a charter
 15 school to defer the opening of its operations for up
 16 to a specified time; requiring the charter school to
 17 provide written notice to certain entities by a
 18 specified date; revising provisions relating to long-
 19 term charters and charter terminations; specifying
 20 notice requirements for voluntary closure of a charter
 21 school; deleting a requirement that students in a
 22 blended learning course receive certain instruction in
 23 a classroom setting; providing that a student may not
 24 be dismissed from a charter school based on his or her
 25 academic performance; requiring a charter school
 26 applicant to provide monthly financial statements
 27 before opening; requiring a sponsor to review each
 28 financial statement of a charter school to identify
 29 the existence of certain conditions; providing for the
 30 automatic termination of a charter contract if certain
 31 conditions are met; requiring a sponsor to notify
 32 certain parties when a charter contract is terminated

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33 for specific reasons; authorizing governing board
 34 members to hold a certain number of public meetings
 35 and participate in such meetings in person or through
 36 communications media technology; revising charter
 37 school student eligibility requirements; revising
 38 requirements for payments to charter schools; allowing
 39 for the use of certain surpluses and assets by
 40 specific entities for certain educational purposes;
 41 providing for an injunction under certain
 42 circumstances; establishing the administrative fee
 43 that a sponsor may withhold for charter schools
 44 operating in a critical need area; providing an
 45 exemption from certain administrative fees; amending
 46 s. 1002.331, F.S.; providing an exemption from the
 47 replication limitations for a high-performing charter
 48 school; conforming a cross-reference; deleting
 49 obsolete provisions; providing deadlines for a high-
 50 performing charter contract renewal; providing for an
 51 appeal to an administrative law judge under certain
 52 circumstances; creating s. 1002.333, F.S.; providing
 53 definitions; establishing a High Impact Charter
 54 Network status for charter school operators serving
 55 educationally disadvantaged students; defining
 56 eligibility criteria; authorizing charter operators
 57 holding the High Impact Charter Network status to
 58 submit applications for charter schools in certain
 59 areas; exempting certain charter schools from
 60 specified fees; requiring the department to give
 61 priority to certain charter schools applying for

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62 specified grants; prohibiting the use of certain
 63 school grades when determining areas of critical need;
 64 providing for rulemaking; amending s. 1002.37, F.S.;
 65 revising the calculation of "full-time equivalent
 66 student"; conforming a cross-reference; amending s.
 67 1002.45, F.S.; conforming a cross-reference; deleting
 68 a provision related to educational funding for
 69 students enrolled in certain virtual education
 70 courses; revising conditions for termination of a
 71 virtual instruction provider's contract; repealing s.
 72 1002.455, F.S., relating to student eligibility for K-
 73 12 virtual instruction; amending s. 1003.4295, F.S.;
 74 revising the purpose of the Credit Acceleration
 75 Program; requiring students to earn passing scores on
 76 specified assessments and examinations to earn course
 77 credit; amending s. 1003.498, F.S.; deleting a
 78 requirement that students in a blended learning course
 79 must receive certain instruction in a classroom
 80 setting; conforming a cross-reference; amending s.
 81 1011.61, F.S.; revising the definition of "full-time
 82 equivalent student"; amending s. 1011.62, F.S.;
 83 conforming a cross-reference; amending s. 1012.56,
 84 F.S.; authorizing a charter school to develop and
 85 operate a professional development certification and
 86 education competency program; amending s. 1013.62,
 87 F.S.; revising eligibility requirements for charter
 88 school capital outlay funding; revising charter school
 89 funding allocations; providing an effective date.
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91 Be It Enacted by the Legislature of the State of Florida:

92
 93 Section 1. Subsection (1), paragraph (a) of subsection (2),
 94 paragraphs (a) and (b) of subsection (6), paragraphs (a) and (d)
 95 of subsection (7), paragraphs (g), (n), and (p) of subsection
 96 (9), paragraphs (a) and (d) of subsection (10), subsection (13),
 97 paragraphs (b) and (e) of subsection (17), paragraph (a) of
 98 subsection (18), and paragraph (a) of subsection (20) of section
 99 1002.33, Florida Statutes, are amended to read:

100 1002.33 Charter schools.—

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

117 (2) GUIDING PRINCIPLES; PURPOSE.—

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

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

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

3. Provide parents with sufficient information on whether their child is reading at grade level and whether the child gains at least a year's worth of learning for every year spent in the charter school. For a student who exhibits a substantial deficiency in reading, as determined by the charter school, the school shall notify the parent of the deficiency, the intensive interventions and supports used, and the student's progress in accordance with s. 1008.25(5).

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

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

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

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

3. Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated,

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and the specific results to be attained through instruction.

4. Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. A sponsor shall deny an application ~~a charter~~ if the school does not propose a reading curriculum that is evidence-based and includes explicit, systematic, and multisensory reading instructional strategies; however, a sponsor may not require the charter school to implement the reading plan adopted by the school district pursuant to s. 1011.62(9) consistent with effective teaching strategies that are grounded in scientifically based reading research.

5. Contains an annual financial plan for each year requested by the charter for operation of the school for up to 5 years. This plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends.

6. Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor shall consider in deciding whether to approve or deny the application.

~~7.6.~~ Contains additional information a sponsor may require, which shall be attached as an addendum to the charter school

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application described in this paragraph.

~~8.7-~~ For the establishment of a virtual charter school, documents that the applicant has contracted with a provider of virtual instruction services pursuant to s. 1002.45(1)(d).

(b) A sponsor shall receive and review all applications for a charter school using the ~~a~~ evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an application submitted later than August 1 if it chooses. In order to facilitate greater collaboration in the application process, an applicant may submit a draft charter school application on or before May 1 with an application fee of \$500. If a draft application is timely submitted, the sponsor shall review and provide feedback as to material deficiencies in the application by July 1. The applicant shall then have until August 1 to resubmit a revised and final application. The sponsor may approve the draft application. Except as provided for a draft application, a sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment of any kind. Before approving or denying any final application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make

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technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

1. In order to facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. In order to ensure fiscal responsibility, an application for a charter school shall include a full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes full accounting of the costs of operation, including start-up costs.

3.a. A sponsor shall by a majority vote approve or deny an application no later than 60 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application. If the sponsor fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c). If an application is

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denied, the sponsor shall, within 10 calendar days after such denial, articulate in writing the specific reasons, based upon good cause, supporting its denial of the ~~charter~~ application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education.

b. An application submitted by a high-performing charter school identified pursuant to s. 1002.331 may be denied by the sponsor only if the sponsor demonstrates by clear and convincing evidence that:

(I) The application does not materially comply with the requirements in paragraph (a);

(II) The charter school proposed in the application does not materially comply with the requirements in paragraphs (9) (a) - (f);

(III) The proposed charter school's educational program does not substantially replicate that of the applicant or one of the applicant's high-performing charter schools;

(IV) The applicant has made a material misrepresentation or false statement or concealed an essential or material fact during the application process; or

(V) The proposed charter school's educational program and financial management practices do not materially comply with the requirements of this section.

Material noncompliance is a failure to follow requirements or a violation of prohibitions applicable to charter school applications, which failure is quantitatively or qualitatively significant either individually or when aggregated with other noncompliance. An applicant is considered to be replicating a

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high-performing charter school if the proposed school is substantially similar to at least one of the applicant's high-performing charter schools and the organization or individuals involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools.

c. If the sponsor denies an application submitted by a high-performing charter school, the sponsor must, within 10 calendar days after such denial, state in writing the specific reasons, based upon the criteria in sub-subparagraph b., supporting its denial of the application and must provide the letter of denial and supporting documentation to the applicant and to the Department of Education. The applicant may appeal the sponsor's denial of the application directly to the State Board of Education and, if an appeal is filed, must provide a copy of the appeal to the sponsor pursuant to paragraph (c) ~~sub-~~ subparagraph (e)3.b.

4. For budget projection purposes, the sponsor shall report to the Department of Education the approval or denial of an a ~~charter~~ application within 10 calendar days after such approval or denial. In the event of approval, the report to the Department of Education shall include the final projected FTE for the approved charter school.

5. Upon approval of an a ~~charter~~ application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted. A charter school may defer the opening of the school's operations for up to 2 years to provide time for adequate facility planning. The charter school must provide written notice of such

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294 intent to the sponsor and the parents of enrolled students at
 295 least 30 calendar days before the first day of school unless the
 296 ~~sponsor allows a waiver of this subparagraph for good cause.~~

297 (7) CHARTER.—The major issues involving the operation of a
 298 charter school shall be considered in advance and written into
 299 the charter. The charter shall be signed by the governing board
 300 of the charter school and the sponsor, following a public
 301 hearing to ensure community input.

302 (a) The charter shall address and criteria for approval of
 303 the charter shall be based on:

304 1. The school's mission, the students to be served, and the
 305 ages and grades to be included.

306 2. The focus of the curriculum, the instructional methods
 307 to be used, any distinctive instructional techniques to be
 308 employed, and identification and acquisition of appropriate
 309 technologies needed to improve educational and administrative
 310 performance which include a means for promoting safe, ethical,
 311 and appropriate uses of technology which comply with legal and
 312 professional standards.

313 a. The charter shall ensure that reading is a primary focus
 314 of the curriculum and that resources are provided to identify
 315 and provide specialized instruction for students who are reading
 316 below grade level. The curriculum and instructional strategies
 317 for reading must be consistent with the Next Generation Sunshine
 318 State Standards and evidence-based ~~grounded in scientifically~~
 319 ~~based reading research.~~

320 b. In order to provide students with access to diverse
 321 instructional delivery models, to facilitate the integration of
 322 technology within traditional classroom instruction, and to

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323 provide students with the skills they need to compete in the
 324 21st century economy, the Legislature encourages instructional
 325 methods for blended learning courses consisting of both
 326 traditional classroom and online instructional techniques.
 327 Charter schools may implement blended learning courses which
 328 combine traditional classroom instruction and virtual
 329 instruction. Students in a blended learning course must be full-
 330 time students of the charter school pursuant to s.
 331 1011.61(1)(a)1. ~~and receive the online instruction in a~~
 332 ~~classroom setting at the charter school.~~ Instructional personnel
 333 certified pursuant to s. 1012.55 who provide virtual instruction
 334 for blended learning courses may be employees of the charter
 335 school or may be under contract to provide instructional
 336 services to charter school students. At a minimum, such
 337 instructional personnel must hold an active state or school
 338 district adjunct certification under s. 1012.57 for the subject
 339 area of the blended learning course. The funding and performance
 340 accountability requirements for blended learning courses are the
 341 same as those for traditional courses.

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

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

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

351 c. To the extent possible, how these rates of progress will

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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 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. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

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. Admission or dismissal must not be based on a student's academic performance.

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.

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9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.

10. The asset and liability projections required in the application which are incorporated into the charter and shall be compared with information provided in the annual report of the charter school.

11. A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a

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410 charter shall be for 4 or 5 years. In order to facilitate access
 411 to long-term financial resources for charter school
 412 construction, charter schools that are operated by a
 413 municipality or other public entity as provided by law are
 414 eligible for up to a 15-year charter, subject to approval by the
 415 district school board. A charter lab school is eligible for a
 416 charter for a term of up to 15 years. In addition, to facilitate
 417 access to long-term financial resources for charter school
 418 construction, charter schools that are operated by a private,
 419 not-for-profit, s. 501(c)(3) status corporation are eligible for
 420 up to a 15-year charter, subject to approval by the district
 421 school board. Such long-term charters remain subject to annual
 422 review and may be terminated during the term of the charter, but
 423 only according to the provisions set forth in subsection (8).

424 13. The facilities to be used and their location. The
 425 sponsor may not require a charter school to have a certificate
 426 of occupancy or a temporary certificate of occupancy for such a
 427 facility earlier than 15 calendar days before the first day of
 428 school.

429 14. The qualifications to be required of the teachers and
 430 the potential strategies used to recruit, hire, train, and
 431 retain qualified staff to achieve best value.

432 15. The governance structure of the school, including the
 433 status of the charter school as a public or private employer as
 434 required in paragraph (12)(i).

435 16. A timetable for implementing the charter which
 436 addresses the implementation of each element thereof and the
 437 date by which the charter shall be awarded in order to meet this
 438 timetable.

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439 17. In the case of an existing public school that is being
 440 converted to charter status, alternative arrangements for
 441 current students who choose not to attend the charter school and
 442 for current teachers who choose not to teach in the charter
 443 school after conversion in accordance with the existing
 444 collective bargaining agreement or district school board rule in
 445 the absence of a collective bargaining agreement. However,
 446 alternative arrangements shall not be required for current
 447 teachers who choose not to teach in a charter lab school, except
 448 as authorized by the employment policies of the state university
 449 which grants the charter to the lab school.

450 18. Full disclosure of the identity of all relatives
 451 employed by the charter school who are related to the charter
 452 school owner, president, chairperson of the governing board of
 453 directors, superintendent, governing board member, principal,
 454 assistant principal, or any other person employed by the charter
 455 school who has equivalent decisionmaking authority. For the
 456 purpose of this subparagraph, the term "relative" means father,
 457 mother, son, daughter, brother, sister, uncle, aunt, first
 458 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
 459 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
 460 stepfather, stepmother, stepson, stepdaughter, stepbrother,
 461 stepsister, half brother, or half sister.

462 19. Implementation of the activities authorized under s.
 463 1002.331 by the charter school when it satisfies the eligibility
 464 requirements for a high-performing charter school. A high-
 465 performing charter school shall notify its sponsor in writing by
 466 March 1 if it intends to increase enrollment or expand grade
 467 levels the following school year. The written notice shall

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specify the amount of the enrollment increase and the grade levels that will be added, as applicable.

(d) ~~1-~~ A charter may be terminated by a charter school's governing board through voluntary closure. The decision to cease operations must be determined at a public meeting. The governing board shall notify the parents and sponsor of the public meeting in writing before the public meeting. The governing board must notify the sponsor, parents of enrolled students, and the department in writing within 24 hours after the public meeting of its determination. The notice shall state the charter school's intent to continue operations or the reason for the closure and acknowledge that the governing board agrees to follow the procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(e)-(g) and (9)(o). ~~Each charter school's governing board must appoint a representative to facilitate parental involvement, provide access to information, assist parents and others with questions and concerns, and resolve disputes. The representative must reside in the school district in which the charter school is located and may be a governing board member, charter school employee, or individual contracted to represent the governing board. If the governing board oversees multiple charter schools in the same school district, the governing board must appoint a separate individual representative for each charter school in the district. The representative's contact information must be provided annually in writing to parents and posted prominently on the charter school's website if a website is maintained by the school. The sponsor may not require that governing board members reside in the school district in which the charter school is located if~~

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~~the charter school complies with this paragraph.~~

~~2. Each charter school's governing board must hold at least two public meetings per school year in the school district. The meetings must be noticed, open, and accessible to the public, and attendees must be provided an opportunity to receive information and provide input regarding the charter school's operations. The appointed representative and charter school principal or director, or his or her equivalent, must be physically present at each meeting.~~

(9) CHARTER SCHOOL REQUIREMENTS.-

(g) 1. In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records that constitute their accounting system:

a. In accordance with the accounts and codes prescribed in the most recent issuance of the publication titled "Financial and Program Cost Accounting and Reporting for Florida Schools"; or

b. At the discretion of the charter school's governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to this paragraph.

2. Charter schools shall provide annual financial report and program cost report information in the state-required formats for inclusion in district reporting in compliance with s. 1011.60(1). Charter schools that are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality

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or the parent but must reformat this information for reporting according to this paragraph.

3. A charter school shall, upon approval of the charter contract, provide the sponsor with a concise, uniform, monthly financial statement summary sheet that contains a balance sheet and a statement of revenue, expenditures, and changes in fund balance. The balance sheet and the statement of revenue, expenditures, and changes in fund balance shall be in the governmental funds format prescribed by the Governmental Accounting Standards Board. A high-performing charter school pursuant to s. 1002.331 may provide a quarterly financial statement in the same format and requirements as the uniform monthly financial statement summary sheet. The sponsor shall review each monthly or quarterly financial statement to identify the existence of any conditions identified in s. 1002.345(1)(a).

4. A charter school shall maintain and provide financial information as required in this paragraph. The financial statement required in subparagraph 3. must be in a form prescribed by the Department of Education.

(n)1. The director and a representative of the governing board of a charter school that has earned a grade of "D" or "F" pursuant to s. 1008.34 shall appear before the sponsor to present information concerning each contract component having noted deficiencies. The director and a representative of the governing board shall submit to the sponsor for approval a school improvement plan to raise student performance. Upon approval by the sponsor, the charter school shall begin implementation of the school improvement plan. The department shall offer technical assistance and training to the charter

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school and its governing board and establish guidelines for developing, submitting, and approving such plans.

2.a. If a charter school earns three consecutive grades of "D," two consecutive grades of "D" followed by a grade of "F," or two nonconsecutive grades of "F" within a 3-year period, the charter school governing board shall choose one of the following corrective actions:

(I) Contract for educational services to be provided directly to students, instructional personnel, and school administrators, as prescribed in state board rule;

(II) Contract with an outside entity that has a demonstrated record of effectiveness to operate the school;

(III) Reorganize the school under a new director or principal who is authorized to hire new staff; or

(IV) Voluntarily close the charter school.

b. The charter school must implement the corrective action in the school year following receipt of a third consecutive grade of "D," a grade of "F" following two consecutive grades of "D," or a second nonconsecutive grade of "F" within a 3-year period.

c. The sponsor may annually waive a corrective action if it determines that the charter school is likely to improve a letter grade if additional time is provided to implement the intervention and support strategies prescribed by the school improvement plan. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" is subject to subparagraph 4.

d. A charter school is no longer required to implement a corrective action if it improves by at least one letter grade.

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584 However, the charter school must continue to implement
 585 strategies identified in the school improvement plan. The
 586 sponsor must annually review implementation of the school
 587 improvement plan to monitor the school's continued improvement
 588 pursuant to subparagraph 5.

589 e. A charter school implementing a corrective action that
 590 does not improve by at least one letter grade after 2 full
 591 school years of implementing the corrective action must select a
 592 different corrective action. Implementation of the new
 593 corrective action must begin in the school year following the
 594 implementation period of the existing corrective action, unless
 595 the sponsor determines that the charter school is likely to
 596 improve a letter grade if additional time is provided to
 597 implement the existing corrective action. Notwithstanding this
 598 sub-subparagraph, a charter school that earns a second
 599 consecutive grade of "F" while implementing a corrective action
 600 is subject to subparagraph 4.

601 3. A charter school with a grade of "D" or "F" that
 602 improves by at least one letter grade must continue to implement
 603 the strategies identified in the school improvement plan. The
 604 sponsor must annually review implementation of the school
 605 improvement plan to monitor the school's continued improvement
 606 pursuant to subparagraph 5.

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

612 a. The charter school is established to turn around the

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613 performance of a district public school pursuant to s.
 614 1008.33(4)(b)3. Such charter schools shall be governed by s.
 615 1008.33;

616 b. The charter school serves a student population the
 617 majority of which resides in a school zone served by a district
 618 public school that earned a grade of "F" in the year before the
 619 charter school opened and the charter school earns at least a
 620 grade of "D" in its third year of operation. The exception
 621 provided under this sub-subparagraph does not apply to a charter
 622 school in its fourth year of operation and thereafter; or

623 c. The state board grants the charter school a waiver of
 624 termination. The charter school must request the waiver within
 625 15 days after the department's official release of school
 626 grades. The state board may waive termination if the charter
 627 school demonstrates that the Learning Gains of its students on
 628 statewide assessments are comparable to or better than the
 629 Learning Gains of similarly situated students enrolled in nearby
 630 district public schools. The waiver is valid for 1 year and may
 631 only be granted once. Charter schools that have been in
 632 operation for more than 5 years are not eligible for a waiver
 633 under this sub-subparagraph.

634 The sponsor shall notify the charter school's governing board,
 635 the charter school principal, and the department in writing when
 636 a charter contract is terminated under this subparagraph. The
 637 letter of termination must meet the requirements of paragraph
 638 (8)(c). A charter terminated under this subparagraph must follow
 639 the procedures for dissolution and reversion of public funds
 640 pursuant to paragraphs (8)(e)-(g) and (9)(o).

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5. The director and a representative of the governing board of a graded charter school that has implemented a school improvement plan under this paragraph shall appear before the sponsor at least once a year to present information regarding the progress of intervention and support strategies implemented by the school pursuant to the school improvement plan and corrective actions, if applicable. 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.

6. Notwithstanding any provision of this paragraph except sub-subparagraphs 4.a.-c., the sponsor may terminate the charter at any time pursuant to subsection (8).

(p)1. Each charter school shall maintain a website that enables the public to obtain information regarding the school; the school's academic performance; the names of the governing board members; the programs at the school; any management companies, service providers, or education management corporations associated with the school; the school's annual budget and its annual independent fiscal audit; the school's grade pursuant to s. 1008.34; and, on a quarterly basis, the minutes of governing board meetings.

2. Each charter school's governing board must appoint a representative to facilitate parental involvement, provide access to information, assist parents and others with questions and concerns, and resolve disputes. The representative must reside in the school district in which the charter school is located and may be a governing board member, a charter school employee, or an individual contracted to represent the governing

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board. If the governing board oversees multiple charter schools in the same school district, the governing board must appoint a separate representative for each charter school in the district. The representative's contact information must be provided annually in writing to parents and posted prominently on the charter school's website. The sponsor may not require governing board members to reside in the school district in which the charter school is located if the charter school complies with this subparagraph.

3. Each charter school's governing board must hold at least two public meetings per school year in the school district where the charter school is located. The meetings must be noticed, open, and accessible to the public, and attendees must be provided an opportunity to receive information and provide input regarding the charter school's operations. The appointed representative and charter school principal or director, or his or her designee, must be physically present at each meeting. Members of the governing board may attend in person or by means of communications media technology used in accordance with rules adopted by the Administration Commission under s. 120.54(5).

(10) ELIGIBLE STUDENTS.—

(a) A charter school shall be open to any student covered in an interdistrict agreement or residing in the school district in which the charter school is located; however, in the case of a charter lab school, the charter lab school shall be open to any student eligible to attend the lab school as provided in s. 1002.32 or who resides in the school district in which the charter lab school is located. Any eligible student shall be allowed interdistrict transfer to attend a charter school when

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based on good cause. Good cause shall include, but is not limited to, geographic proximity to a charter school in a neighboring school district. A charter school that has not reached capacity, as determined by the charter school's governing board, may be open for enrollment to any student in the state.

(d) A charter school may give enrollment preference to the following student populations:

1. Students who are siblings of a student enrolled in the charter school.

2. Students who are the children of a member of the governing board of the charter school.

3. Students who are the children of an employee of the charter school.

4. Students who are the children of:

a. An employee of the business partner of a charter school-in-the-workplace established under paragraph (15)(b) or a resident of the municipality in which such charter school is located; or

b. A resident of a municipality that operates a charter school-in-a-municipality pursuant to paragraph (15)(c) or allows a charter school to use a school facility or portion of land owned by the municipality for the operation of the charter school.

5. Students who have successfully completed a voluntary prekindergarten education program under ss. 1002.51-1002.79 provided by the charter school or the charter school's governing board during the previous year.

6. Students who are the children of an active duty member

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of any branch of the United States Armed Forces.

7. Students who attended or are assigned to failing schools pursuant to s. 1002.38(2).

(13) CHARTER SCHOOL COOPERATIVES.—Charter schools may enter into cooperative agreements to form charter school cooperative organizations that may provide ~~the following services to further educational, operational, and administrative initiatives in which the participating charter schools share common interests+~~ charter school planning and development, direct instructional services, and contracts with charter school governing boards to provide personnel administrative services, payroll services, human resource management, evaluation and assessment services, teacher preparation, and professional development.

(17) FUNDING.—Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district. Funding for a charter lab school shall be as provided in s. 1002.32.

(b) The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district's operating funds from the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law are entitled to their

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proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation, the research-based reading allocation, and the Florida digital classrooms allocation. Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education. Any unrestricted surplus or unrestricted net assets identified in the charter school's annual audit may be used for K-12 educational purposes for charter schools within the district operated by the not-for-profit or municipal entity operating the charter school with the surplus. Surplus operating funds shall be used in accordance with s. 1011.62, and surplus capital outlay funds shall be used in accordance with s. 1013.62(2).

(e) District school boards shall make timely and efficient payment and reimbursement to charter schools, including processing paperwork required to access special state and federal funding for which they may be eligible. Payments of funds under paragraph (b) shall be made monthly or twice a month, beginning with the start of the district school board's fiscal year. Each payment shall be one-twelfth, or one twenty-fourth, as applicable, of the total state and local funds described in paragraph (b) and adjusted as set forth therein. For the first 2 years of a charter school's operation, if a minimum of 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day

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of the current month, the district school board shall ~~may~~ distribute funds to the a charter school for the up to 3 months of July through October based on the projected full-time equivalent student membership of the charter school as submitted in the approved application. If less than 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the sponsor shall base payments on the actual number of student enrollment entered into the sponsor's student information system. Thereafter, the results of full-time equivalent student membership surveys shall be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payments ~~payment~~ shall be issued no later than 10 working days after the district school board receives a distribution of state or federal funds or the date the payment is due pursuant to this subsection. If a warrant for payment is not issued within 10 working days after receipt of funding by the district school board, the school district shall pay to the charter school, in addition to the amount of the scheduled disbursement, interest at a rate of 1 percent per month calculated on a daily basis on the unpaid balance from the expiration of the 10 working days until such time as the warrant is issued. The district school board may not delay payment to a charter school of any portion of the funds provided in paragraph (b) based on the timing of receipt of local funds by the district school board.

(18) FACILITIES.—

(a) A startup charter school shall utilize facilities which comply with the Florida Building Code pursuant to chapter 553

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816 except for the State Requirements for Educational Facilities.
 817 Conversion charter schools shall utilize facilities that comply
 818 with the State Requirements for Educational Facilities provided
 819 that the school district and the charter school have entered
 820 into a mutual management plan for the reasonable maintenance of
 821 such facilities. The mutual management plan shall contain a
 822 provision by which the district school board agrees to maintain
 823 charter school facilities in the same manner as its other public
 824 schools within the district. Charter schools, with the exception
 825 of conversion charter schools, are not required to comply, but
 826 may choose to comply, with the State Requirements for
 827 Educational Facilities of the Florida Building Code adopted
 828 pursuant to s. 1013.37. The local governing authority shall not
 829 adopt or impose any local building requirements or site-
 830 development restrictions, such as parking and site-size
 831 criteria, that are addressed by and more stringent than those
 832 found in the State Requirements for Educational Facilities of
 833 the Florida Building Code. ~~Beginning July 1, 2011,~~ A local
 834 governing authority must treat charter schools equitably in
 835 comparison to similar requirements, restrictions, and site
 836 planning processes imposed upon public schools that are not
 837 charter schools. The agency having jurisdiction for inspection
 838 of a facility and issuance of a certificate of occupancy or use
 839 shall be the local municipality or, if in an unincorporated
 840 area, the county governing authority. If an official or employee
 841 of the local governing authority refuses to comply with this
 842 paragraph, the aggrieved school or entity has an immediate right
 843 to bring an action in circuit court to enforce its rights by
 844 injunction. An aggrieved party that receives injunctive relief

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845 may be awarded attorney fees and court costs.
 846 (20) SERVICES.—
 847 (a)1. A sponsor shall provide certain administrative and
 848 educational services to charter schools. These services shall
 849 include contract management services; full-time equivalent and
 850 data reporting services; exceptional student education
 851 administration services; services related to eligibility and
 852 reporting duties required to ensure that school lunch services
 853 under the federal lunch program, consistent with the needs of
 854 the charter school, are provided by the school district at the
 855 request of the charter school, that any funds due to the charter
 856 school under the federal lunch program be paid to the charter
 857 school as soon as the charter school begins serving food under
 858 the federal lunch program, and that the charter school is paid
 859 at the same time and in the same manner under the federal lunch
 860 program as other public schools serviced by the sponsor or the
 861 school district; test administration services, including payment
 862 of the costs of state-required or district-required student
 863 assessments; processing of teacher certificate data services;
 864 and information services, including equal access to student
 865 information systems that are used by public schools in the
 866 district in which the charter school is located. Student
 867 performance data for each student in a charter school,
 868 including, but not limited to, FCAT scores, standardized test
 869 scores, previous public school student report cards, and student
 870 performance measures, shall be provided by the sponsor to a
 871 charter school in the same manner provided to other public
 872 schools in the district.
 873 2. A total administrative fee for the provision of such

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services shall be calculated based upon up to 5 percent of the available funds defined in paragraph (17)(b) for all students, except that when 75 percent or more of the students enrolled in the charter school are exceptional students as defined in s. 1003.01(3), the 5 percent of those available funds shall be calculated based on unweighted full-time equivalent students. However, a sponsor may only withhold up to a 5-percent administrative fee for enrollment for up to and including 250 students. For charter schools with a population of 251 or more students, the difference between the total administrative fee calculation and the amount of the administrative fee withheld may only be used for capital outlay purposes specified in s. 1013.62(2).

3. For high-performing charter schools, as defined in s. 1002.331 ~~eh. 2011-232~~, a sponsor may withhold a total administrative fee of up to 2 percent for enrollment up to and including 250 students per school.

4. In addition, a sponsor may withhold only up to a 5-percent administrative fee for enrollment for up to and including 500 students within a system of charter schools which meets all of the following:

- a. Includes both conversion charter schools and nonconversion charter schools;
- b. Has all schools located in the same county;
- c. Has a total enrollment exceeding the total enrollment of at least one school district in the state;
- d. Has the same governing board; and
- e. Does not contract with a for-profit service provider for management of school operations.

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5. The difference between the total administrative fee calculation and the amount of the administrative fee withheld pursuant to subparagraph 4. may be used for instructional and administrative purposes as well as for capital outlay purposes specified in s. 1013.62(2).

6. For a high-performing charter school system that also meets the requirements in subparagraph 4., a sponsor may withhold a 2-percent administrative fee for enrollments up to and including 500 students per system.

7. Sponsors shall not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum 5-percent administrative fee withheld pursuant to this paragraph.

8. The sponsor of a virtual charter school may withhold a fee of up to 5 percent. The funds shall be used to cover the cost of services provided under subparagraph 1. and implementation of the school district's digital classrooms plan pursuant to s. 1011.62.

9. For charter schools that operate in a critical need area, as defined in s. 1002.333, a sponsor may withhold a total administrative fee of up to 3 percent for enrollment up to and including 250 students per school.

10. A charter school whose initial application is submitted under s. 1002.331 and denied by the district school board is exempt from the administrative fee requirements of this paragraph.

Section 2. Paragraph (e) of subsection (2), paragraph (b) of subsection (3), and subsections (4) and (5) of section 1002.331, Florida Statutes, are amended to read:

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932 1002.331 High-performing charter schools.—
 933 (2) A high-performing charter school is authorized to:
 934 (e) Receive a modification of its charter to an additional
 935 ~~a~~ term of 15 years or a 15-year charter renewal. The charter may
 936 be modified or renewed for a shorter term at the option of the
 937 high-performing charter school. The sponsor has 30 days after
 938 the charter school receives its high-performing designation to
 939 provide a charter renewal to the charter school. The charter
 940 school and sponsor have 20 days to negotiate and provide notice
 941 of the charter contract for final approval by the sponsor. The
 942 proposed charter contract must be provided to the charter school
 943 at least 7 days before the date of the meeting at which the
 944 charter is scheduled for final approval by the sponsor. A
 945 dispute may be appealed to an administrative law judge appointed
 946 by the Division of Administrative Hearings pursuant to s.
 947 1002.33(6)(h). The charter must be consistent with s.
 948 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual
 949 review by the sponsor, and may be terminated during its term
 950 pursuant to s. 1002.33(8).
 951
 952 A high-performing charter school shall notify its sponsor in
 953 writing by March 1 if it intends to increase enrollment or
 954 expand grade levels the following school year. The written
 955 notice shall specify the amount of the enrollment increase and
 956 the grade levels that will be added, as applicable. If a charter
 957 school notifies the sponsor of its intent to expand, the sponsor
 958 shall modify the charter within 90 days to include the new
 959 enrollment maximum and may not make any other changes. The
 960 sponsor may deny a request to increase the enrollment of a high-

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961 performing charter school if the commissioner has declassified
 962 the charter school as high-performing. If a high-performing
 963 charter school requests to consolidate multiple charters, the
 964 sponsor ~~has shall have~~ 40 days after receipt of that request to
 965 provide an initial draft charter to the charter school. The
 966 sponsor and charter school ~~has shall have~~ 50 days thereafter to
 967 negotiate and notice the charter contract for final approval by
 968 the sponsor.
 969 (3)
 970 (b) A high-performing charter school may not establish more
 971 than one charter school within the state under paragraph (a) in
 972 any year. A subsequent application to establish a charter school
 973 under paragraph (a) may not be submitted unless each charter
 974 school established in this manner achieves high-performing
 975 charter school status. This paragraph does not apply to charter
 976 schools established by a high-performing charter school in the
 977 attendance zone of a public school that earns a grade of "F" or
 978 three consecutive grades of "D" pursuant to s. 1008.34 or to
 979 meet capacity needs or needs for innovative school choice
 980 options identified by the district school board.
 981 ~~(4) A high-performing charter school may not increase~~
 982 ~~enrollment or expand grade levels following any school year in~~
 983 ~~which it receives a school grade of "C" or below. If the charter~~
 984 ~~school receives a school grade of "C" or below in any 2 years~~
 985 ~~during the term of the charter awarded under subsection (2), the~~
 986 ~~term of the charter may be modified by the sponsor and the~~
 987 ~~charter school loses its high-performing charter school status~~
 988 ~~until it regains that status under subsection (1).~~
 989 (4)(5) The Commissioner of Education, upon request by a

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990 charter school, shall verify that the charter school meets the
 991 criteria in subsection (1) and provide a letter to the charter
 992 school and the sponsor stating that the charter school is a
 993 high-performing charter school pursuant to this section. The
 994 commissioner shall annually determine whether a high-performing
 995 charter school under subsection (1) continues to meet the
 996 criteria in that subsection. Such high-performing charter school
 997 shall maintain its high-performing status unless the
 998 commissioner determines that the charter school no longer meets
 999 the criteria in subsection (1), at which time the commissioner
 1000 shall send a letter to the charter school and its sponsor
 1001 providing notification that the charter school has been
 1002 declassified of its declassification as a high-performing
 1003 charter school.

1004 Section 3. Section 1002.333, Florida Statutes, is created
 1005 to read:

1006 1002.333 High Impact Charter Network.—

1007 (1) As used in this section, the term:

1008 (a) "Critical need area" means an area that is served by
 1009 one or more nonalternative, traditional public schools that
 1010 received a school grade of "D" or "F" pursuant to s. 1008.34 in
 1011 4 of the most recent 5 years.

1012 (b) "Entity" means a nonprofit organization with tax exempt
 1013 status under s. 501(c)(3) of the Internal Revenue Code that is
 1014 authorized by law to operate a public charter school.

1015 (2) An entity that successfully operates a system of
 1016 charter schools that primarily serves educationally
 1017 disadvantaged students, as defined in the Elementary and
 1018 Secondary Education Act, 20 U.S.C. s. 1115(b)(2), may apply to

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1019 the state board for status as a High Impact Charter Network. The
 1020 state board shall adopt rules prescribing a process for
 1021 determining whether the entity meets the requirements of this
 1022 subsection by reviewing student demographic, academic, and
 1023 financial performance data. The process shall include a review
 1024 of all schools currently or previously operated by the entity,
 1025 including schoolwide and subgroup performance on all statewide,
 1026 standardized assessments for the most recent 3 years as compared
 1027 to all students at the same grade level, and as compared with
 1028 other schools serving similar demographics of students, and
 1029 school-level financial performance. The review may also include
 1030 performance on nationally norm-referenced assessments, student
 1031 attendance and retention rates, graduation rates, college
 1032 attendance rates, college persistence rates, and other outcome
 1033 measures as determined by the state board.

1034 (3) An entity that is designated as a High Impact Charter
 1035 Network pursuant to this subsection may submit an application
 1036 pursuant to s. 1002.33 to establish and operate charter schools
 1037 in critical need areas. Notwithstanding s. 1013.62(1)(a), a
 1038 charter school operated by a High Impact Charter Network in a
 1039 critical need area is eligible to receive charter school capital
 1040 outlay.

1041 (4) The administrative fee provided for in s.
 1042 1002.33(20)(a) shall be waived for a charter school established
 1043 by a High Impact Charter Network in a critical need area as long
 1044 as the network maintains its status as a High Impact Charter
 1045 Network.

1046 (5) The department shall give priority to charter schools
 1047 operated by a High Impact Charter Network in the department's

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Public Charter School Grant Program competitions. Priority shall only be provided for new charter schools that will operate in a critical need area.

(6) The initial High Impact Charter Network status is valid for up to 4 years. If an entity seeks renewal of its status, the state board shall review the academic and financial performance of the charter schools established in areas of critical need pursuant to subsection (2).

(7) For purposes of determining areas of critical need, school grades issued for the 2014-2015 school year may not be considered.

(8) The State Board of Education shall adopt rules to administer this section.

Section 4. Paragraph (a) of subsection (3) and paragraph (a) of subsection (8) of section 1002.37, Florida Statutes, are amended to read:

1002.37 The Florida Virtual School.—

(3) Funding for the Florida Virtual School shall be provided as follows:

(a)1. The calculation of "full-time equivalent student" shall be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject to s. 1011.61(4). For a student in grades 9 through 12, a "full-time equivalent student" is one student who has successfully completed six full-credit courses that count toward the minimum number of credits required for high school graduation. A student who completes fewer than six full-credit courses is a fraction of a full-time equivalent student. Half-credit course completions shall be included in determining a full-time equivalent student.

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~~2. For a student in kindergarten through grade 8, a "full-time equivalent student" is one student who has successfully completed six courses or the prescribed level of content that counts toward promotion to the next grade. A student who completes fewer than six courses or the prescribed level of content shall be a fraction of a full-time equivalent student.~~

~~2.3- For a student in a home education program, funding shall be provided in accordance with this subsection upon course completion if the parent verifies, upon enrollment for each course, that the student is registered with the school district as a home education student pursuant to s. 1002.41(1)(a). Beginning in the 2016-2017 fiscal year, the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an end-of-course assessment under s. 1003.4282 to earn a standard high school diploma shall be adjusted if the student does not pass the end-of-course assessment. However, no adjustment shall be made for home education program students who choose not to take an end-of-course assessment or for a student who enrolls in a segmented remedial course delivered online.~~

~~For purposes of this paragraph, the calculation of "full-time equivalent student" shall be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject to the requirements in s. 1011.61(4).~~

~~(8)(a) The Florida Virtual School may provide full-time and part-time instruction for students in kindergarten through grade 12. To receive part-time instruction in kindergarten through grade 5, a student must meet at least one of the eligibility~~

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~~criteria in s. 1002.455(2).~~

Section 5. Subsection (5), paragraph (e) of subsection (7), and paragraphs (c) and (d) of subsection (8) of section 1002.45, Florida Statutes, are amended to read:

1002.45 Virtual instruction programs.—

(5) STUDENT ELIGIBILITY.—Students in kindergarten through grade 12 ~~A student~~ may enroll in a virtual instruction program provided by the school district or by a virtual charter school operated in the district in which he or she resides ~~if the student meets eligibility requirements for virtual instruction pursuant to s. 1002.455.~~

(7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL FUNDING.—

~~(e) Beginning in the 2016-2017 fiscal year, the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an end-of-course assessment under s. 1003.4282 to earn a standard high school diploma shall be adjusted if the student does not pass the end-of-course assessment. However, no adjustment shall be made for a student who enrolls in a segmented remedial course delivered online.~~

(8) ASSESSMENT AND ACCOUNTABILITY.—

(c) An approved provider that receives a school grade of "D" or "F" under s. 1008.34 or a school improvement rating of "Unsatisfactory" ~~"Declining"~~ under s. 1008.341 must file a school improvement plan with the department for consultation to determine the causes for low performance and to develop a plan for correction and improvement.

(d) An approved provider's contract is automatically must

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~~be terminated if the provider earns two consecutive school grades of receives a school grade of "D" or "F" under s. 1008.34 after all school grade appeals are final, receives two consecutive or a school improvement ratings rating of "unsatisfactory" "Declining" under s. 1008.341, for 2 years during any consecutive 4-year period or has violated any qualification requirement pursuant to subsection (2). A provider that has a contract terminated under this paragraph may not be an approved provider for a period of at least 1 year after the date upon which the contract was terminated and until the department determines that the provider is in compliance with subsection (2) and has corrected each cause of the provider's low performance.~~

Section 6. Section 1002.455, Florida Statutes, is repealed.

Section 7. Subsection (3) of section 1003.4295, Florida Statutes, is amended to read:

1003.4295 Acceleration options.—

(3) The Credit Acceleration Program (CAP) is created for the purpose of allowing a student to earn high school credit in courses required for high school graduation through passage of an end-of-course assessment Algebra I, Algebra II, geometry, United States history, or biology if the student passes the statewide, standardized assessment administered under s. 1008.22 ~~or an Advanced Placement Examination.~~ Notwithstanding s. 1003.436, a school district shall award course credit to a student who is not enrolled in the course, or who has not completed the course, if the student attains a passing score on the corresponding end-of-course assessment or Advanced Placement Examination statewide, standardized assessment. The school

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district shall permit a public school or home education student who is not enrolled in the course, or who has not completed the course, to take the assessment or examination during the regular administration of the assessment or examination.

Section 8. Subsections (1) and (2) of section 1003.498, Florida Statutes, are amended to read:

1003.498 School district virtual course offerings.—

(1) School districts may deliver courses in the traditional school setting by personnel certified pursuant to s. 1012.55 who provide direct instruction through virtual instruction or through blended learning courses consisting of both traditional classroom and online instructional techniques. Students in a blended learning course must be full-time students of the school pursuant to s. 1011.61(1)(a)1. and receive the online instruction in a classroom setting at the school. The funding, performance, and accountability requirements for blended learning courses are the same as those for traditional courses. To facilitate the delivery and coding of blended learning courses, the department shall provide identifiers for existing courses to designate that they are being used for blended learning courses for the purpose of ensuring the efficient reporting of such courses. A district may report full-time equivalent student membership for credit earned by a student who is enrolled in a virtual education course provided by the district which is completed after the end of the regular school year if the FTE is reported no later than the deadline for amending the final student membership report for that year.

(2) School districts may offer virtual courses for students enrolled in the school district. These courses must be

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identified in the course code directory. ~~Students who meet the eligibility requirements of s. 1002.455 may participate in these virtual course offerings.~~

(a) Any eligible student who is enrolled in a school district may register and enroll in an online course offered by his or her school district.

(b)1. Any eligible student who is enrolled in a school district may register and enroll in an online course offered by any other school district in the state. The school district in which the student completes the course shall report the student's completion of that course for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and the home school district shall not report the student for funding for that course.

2. The full-time equivalent student membership calculated under this subsection is subject to the requirements in s. 1011.61(4). The Department of Education shall establish procedures to enable interdistrict coordination for the delivery and funding of this online option.

Section 9. Subsection (1) 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 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:

(a) A "full-time student" is one student on the membership roll of one school program or a combination of school programs listed in s. 1011.62(1)(c) for the school year or the equivalent

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1222 for:

1223 1. Instruction in a standard school, comprising not less
1224 than 900 net hours for a student in or at the grade level of 4
1225 through 12, or not less than 720 net hours for a student in or
1226 at the grade level of kindergarten through grade 3 or in an
1227 authorized prekindergarten exceptional program; or

1228 ~~2. Instruction in a double-session school or a school~~
1229 ~~utilizing an experimental school calendar approved by the~~
1230 ~~Department of Education, comprising not less than the equivalent~~
1231 ~~of 810 net hours in grades 4 through 12 or not less than 630 net~~
1232 ~~hours in kindergarten through grade 3; or~~

1233 2.3- Instruction comprising the appropriate number of net
1234 hours set forth in subparagraph 1. ~~or subparagraph 2.~~ for
1235 students who, within the past year, have moved with their
1236 parents for the purpose of engaging in the farm labor or fish
1237 industries, if a plan furnishing such an extended school day or
1238 week, or a combination thereof, has been approved by the
1239 commissioner. Such plan may be approved to accommodate the needs
1240 of migrant students only or may serve all students in schools
1241 having a high percentage of migrant students. The plan described
1242 in this subparagraph is optional for any school district and is
1243 not mandated by the state.

1244 (b) A "part-time student" is a student on the active
1245 membership roll of a school program or combination of school
1246 programs listed in s. 1011.62(1)(c) who is less than a full-time
1247 student. A student who receives instruction in a school that
1248 operates for less than the minimum term shall generate full-time
1249 equivalent student membership proportional to the amount of
1250 instructional hours provided by the school divided by the

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1251 minimum term requirement as provided in s. 1011.60(2).

1252 (c)1. A "full-time equivalent student" is:

1253 a. A full-time student in any one of the programs listed in
1254 s. 1011.62(1)(c); or

1255 b. A combination of full-time or part-time students in any
1256 one of the programs listed in s. 1011.62(1)(c) which is the
1257 equivalent of one full-time student based on the following
1258 calculations:

1259 (I) A full-time student in a combination of programs listed
1260 in s. 1011.62(1)(c) shall be a fraction of a full-time
1261 equivalent membership in each special program equal to the
1262 number of net hours per school year for which he or she is a
1263 member, divided by the appropriate number of hours set forth in
1264 subparagraph (a)1. ~~or subparagraph (a)2.~~ The difference between
1265 that fraction or sum of fractions and the maximum value as set
1266 forth in subsection (4) for each full-time student is presumed
1267 to be the balance of the student's time not spent in a special
1268 program and shall be recorded as time in the appropriate basic
1269 program.

1270 (II) A prekindergarten student with a disability shall meet
1271 the requirements specified for kindergarten students.

1272 (III) A full-time equivalent student for students in
1273 kindergarten through grade 12 in a full-time virtual instruction
1274 program under s. 1002.45 or a virtual charter school under s.
1275 1002.33 shall consist of six full-credit completions or the
1276 prescribed level of content that counts toward promotion to the
1277 next grade in programs listed in s. 1011.62(1)(c). Credit
1278 completions may be a combination of full-credit courses or half-
1279 credit courses. ~~Beginning in the 2016-2017 fiscal year, the~~

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1280 ~~reported full-time equivalent students and associated funding of~~
 1281 ~~students enrolled in courses requiring passage of an end-of-~~
 1282 ~~course assessment under s. 1003.4282 to earn a standard high~~
 1283 ~~school diploma shall be adjusted if the student does not pass~~
 1284 ~~the end of course assessment. However, no adjustment shall be~~
 1285 ~~made for a student who enrolls in a segmented remedial course~~
 1286 ~~delivered online.~~

1287 (IV) A full-time equivalent student for students in
 1288 kindergarten through grade 12 in a part-time virtual instruction
 1289 program under s. 1002.45 shall consist of six full-credit
 1290 completions in programs listed in s. 1011.62(1)(c)1. and 3.
 1291 Credit completions may be a combination of full-credit courses
 1292 or half-credit courses. Beginning in the 2016-2017 fiscal year,
 1293 ~~the reported full-time equivalent students and associated~~
 1294 ~~funding of students enrolled in courses requiring passage of an~~
 1295 ~~end-of-course assessment under s. 1003.4282 to earn a standard~~
 1296 ~~high school diploma shall be adjusted if the student does not~~
 1297 ~~pass the end-of-course assessment. However, no adjustment shall~~
 1298 ~~be made for a student who enrolls in a segmented remedial course~~
 1299 ~~delivered online.~~

1300 (V) A Florida Virtual School full-time equivalent student
 1301 shall consist of six full-credit completions or the prescribed
 1302 level of content that counts toward promotion to the next grade
 1303 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
 1304 participating in kindergarten through grade 12 part-time virtual
 1305 instruction and the programs listed in s. 1011.62(1)(c) for
 1306 students participating in kindergarten through grade 12 full-
 1307 time virtual instruction. Credit completions may be a
 1308 combination of full-credit courses or half-credit courses.

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1309 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~
 1310 ~~equivalent students and associated funding of students enrolled~~
 1311 ~~in courses requiring passage of an end-of-course assessment~~
 1312 ~~under s. 1003.4282 to earn a standard high school diploma shall~~
 1313 ~~be adjusted if the student does not pass the end of course~~
 1314 ~~assessment. However, no adjustment shall be made for a student~~
 1315 ~~who enrolls in a segmented remedial course delivered online.~~

1316 (VI) Each successfully completed full-credit course earned
 1317 through an online course delivered by a district other than the
 1318 one in which the student resides shall be calculated as 1/6 FTE.

1319 (VII) A full-time equivalent student for courses requiring
 1320 passage of a statewide, standardized end-of-course assessment
 1321 under s. 1003.4282 to earn a standard high school diploma shall
 1322 be defined and reported based on the number of instructional
 1323 hours as provided in this subsection until the 2016-2017 fiscal
 1324 year. Beginning in the 2016-2017 fiscal year, the FTE for the
 1325 ~~course shall be assessment-based and shall be equal to 1/6 FTE.~~
 1326 ~~The reported FTE shall be adjusted if the student does not pass~~
 1327 ~~the end-of-course assessment. However, no adjustment shall be~~
 1328 ~~made for a student who enrolls in a segmented remedial course~~
 1329 ~~delivered online.~~

1330 (VIII) For students enrolled in a school district as a
 1331 full-time student, the district may report 1/6 FTE for each
 1332 student who passes a statewide, standardized end-of-course
 1333 assessment without being enrolled in the corresponding course.

1334 2. A student in membership in a program scheduled for more
 1335 or less than 180 school days or the equivalent on an hourly
 1336 basis as specified by rules of the State Board of Education is a
 1337 fraction of a full-time equivalent membership equal to the

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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:

- a. Juvenile justice education programs.
- b. The Florida Virtual School.
- c. Virtual instruction programs and virtual charter schools for the purpose of course completion and credit recovery pursuant to ss. 1002.45 and 1003.498. Course completion applies only to a student who is reported during the second or third membership surveys and who does not complete a virtual education course by the end of the regular school year. The course must be completed no later than the deadline for amending the final student enrollment survey for that year. Credit recovery applies only to a student who has unsuccessfully completed a traditional or virtual education course during the regular school year and must re-take the course in order to be eligible to graduate with the student's class.

The full-time equivalent student enrollment calculated under this subsection is subject to the requirements in subsection (4).

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 term as provided in s. 1011.60(2) school day.

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Section 10. Subsection (11) 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:

(11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may annually provide in the Florida Education Finance Program a virtual education contribution. The amount of the virtual education contribution shall be the difference between the amount per FTE established in the General Appropriations Act for virtual education and the amount per FTE for each district and the Florida Virtual School, which may be calculated by taking the sum of the base FEFP allocation, the discretionary local effort, the state-funded discretionary contribution, the discretionary millage compression supplement, the research-based reading instruction allocation, and the instructional materials allocation, and then dividing by the total unweighted FTE. This difference shall be multiplied by the virtual education unweighted FTE for programs and options identified in ss. 1002.33(1), 1002.45(1)(b), and 1003.498 ~~ss. 1002.455(3)~~ and the Florida Virtual School and its franchises to equal the virtual education contribution and shall be included as a separate allocation in the funding formula.

Section 11. Paragraph (b) of subsection (8) of section 1012.56, Florida Statutes, is amended to read:

1012.56 Educator certification requirements.—

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(8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION COMPETENCY PROGRAM.—

(b)1. Each school district must and a private school or state-supported ~~state-supported~~ public school, including a charter school, or a private school may develop and maintain a system by which members of the instructional staff may demonstrate mastery of professional preparation and education competence as required by law. Each program must be based on classroom application of the Florida Educator Accomplished Practices and instructional performance and, for public schools, must be aligned with the district's or state-supported public school's evaluation system established ~~approved~~ under s. 1012.34, as applicable.

2. The Commissioner of Education shall determine the continued approval of programs implemented under this paragraph, based upon the department's review of performance data. The department shall review the performance data as a part of the periodic review of each school district's professional development system required under s. 1012.98.

Section 12. Paragraph (a) of subsection (1) of section 1013.62, Florida Statutes, is amended to read:

1013.62 Charter schools capital outlay funding.—

(1) In each year in which funds are appropriated for charter school capital outlay purposes, the Commissioner of Education shall allocate the funds among eligible charter schools.

(a) To be eligible for a funding allocation, a charter school must:

1.a. Have been in operation for 3 or more years;

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b. Be governed by a governing board established in the state for 3 or more years which operates both charter schools and conversion charter schools within the state;

c. Be an expanded feeder chain of a charter school within the same school district that is currently receiving charter school capital outlay funds;

d. Have been accredited by the Commission on Schools of the Southern Association of Colleges and Schools; or

e. Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace pursuant to s. 1002.33(15)(b).

2. Have an annual audit that does not reveal any of the financial emergency conditions provided in s. 218.503(1) for the most recent fiscal year for which such audit results are available ~~stability for future operation as a charter school~~.

3. Have satisfactory student achievement based on state accountability standards applicable to the charter school.

4. Have received final approval from its sponsor pursuant to s. 1002.33 for operation during that fiscal year.

5. Serve students in facilities that are not provided by the charter school's sponsor.

Section 13. This act shall take effect July 1, 2016.

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/24

Meeting Date

CS/SB 830

Bill Number (if applicable)

Topic EQ Pre K - 12 School choice

Amendment Barcode (if applicable)

Name Christopher Norwood

Job Title ~~EQ~~

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State

Zip

Phone 786-355-8690

Email ~~Christopher Norwood~~ @ Independent public schools.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Association of Independent Public Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2.24.16

Meeting Date

830

Bill Number (if applicable)

Topic School Choice

Amendment Barcode (if applicable)

Name Debbie Mortham

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State

Zip

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Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Foundation for Florida's Future

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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2.24.16*Meeting Date*830*Bill Number (if applicable)*Topic School Choice*Amendment Barcode (if applicable)*Name Larry Williams

Job Title _____

Address 200 W. College AvePhone 9045578593*Street*TallahasseeFL32301Email larry@larrywilliamsconsulting.com*City**State**Zip*Speaking: ☒ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)Representing Florida Consortium of Public Charter SchoolsAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.****This form is part of the public record for this meeting.***

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

02/24/16

Meeting Date

SB 830

Bill Number (if applicable)

Topic SB 830 - Relating to School Choice

Amendment Barcode (if applicable)

Name Tanya Cooper

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Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Department of Education

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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2/24/2016

SB 830

Meeting Date

Bill Number (if applicable)

Topic School Choice

Amendment Barcode (if applicable)

Name Brittney Hunt

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State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
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2-23-16
Meeting Date

830
Bill Number (if applicable)

Topic School choice

Amendment Barcode (if applicable)

Name Debbie Harrison Rumberger

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Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida League of Women Voters

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/28/2016

Meeting Date

Topic _____

Bill Number 830
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

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Speaking: ☐ For ☐ Against ☒ Information

Representing JUSTICE-2-JESUS

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

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2/24/16

Meeting Date

830

Bill Number (if applicable)

Topic SCHOOL CHOICE

Amendment Barcode (if applicable)

Name DAVID KENNEY

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Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing MYSELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

The Florida Senate
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 Appropriations Subcommittee on Education

BILL: SB 1068

INTRODUCER: Senator Legg

SUBJECT: Education

DATE: February 18, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Scott	Klebacha	ED	Favorable
2.	Sikes	Elwell	AED	Pre-meeting
3.			AP	

I. Summary:

SB 1068 expands public school reading requirements relating to interventions and instructional supports, teacher certification and training, and school improvement and accountability.

Specifically, the bill:

- Expands public school reading provisions by requiring:
 - School districts to implement additional reading interventions, supports, and resources for K-2 students identified as having a substantial reading deficiency;
 - Immediate notification and frequent progress reports to those students' parents;
 - Voluntary Prekindergarten Program providers to provide specialized reading instruction to students who exhibit deficiencies in emergent literacy skills; and
 - The use of data from the statewide kindergarten screening to identify students in need of reading interventions and supports.
- Expands teacher certification and training provisions by requiring:
 - Elementary reading instructors to attain specialized certification or endorsement and receive sufficient training through school district professional development systems; and
 - Educator preparation and certification programs to include, as part of the core curricula, intensive approaches to reading instruction and intervention.
- Expands school improvement and accountability provisions by requiring:
 - Early warning system data to include schools with students in K-5, and specifying a substantial reading deficiency as an early warning indicator;
 - School districts to certify the use of approved core and supplemental intervention reading materials as a condition to receiving instructional materials funds; and
 - The Commissioner of Education to report student reading performance data to the Legislature and State Board of Education.

According to the Department of Education, the Just Read, Florida! Office will need two FTE positions for the additional workload requirements of this bill. The total cost of these positions is

estimated at \$294,848 in recurring general revenue. In addition, there is an estimated need of \$50,000 in nonrecurring funds for OPS research assistants to assist with the development and implementation of additional professional development requirements in the bill.

The bill takes effect upon becoming a law.

II. Present Situation:

The present situation for the relevant portions of SB 1068 is discussed in the Effect of Proposed Changes Section of this analysis.

III. Effect of Proposed Changes:

SB 1068 expands public school reading requirements relating to interventions and instructional supports, teacher certification and training, and school improvement and accountability.

Public School Reading Requirements

Present Situation

In 2006, the Legislature created the Just Read, Florida! Office within the Department of Education (DOE) to oversee implementation of the statewide public school reading requirements.¹ The Just Read, Florida! Office is responsible for, among other things:²

- Providing technical assistance to school districts in the development and implementation of district plans for use of the research-based reading allocation.³
- Reviewing, evaluating, and providing technical assistance to school districts' implementation of the K-12 comprehensive reading plan.
- Working with the Florida Center for Reading Research⁴ to provide information on research-based reading programs and effective reading in the content area strategies.

Florida law requires each school district to establish a comprehensive plan for student progression which provides for a student's progression from one grade to another based on the student's mastery of standards in English Language Arts (ELA), mathematics, science, and social studies.⁵ Student progression plans must include criteria emphasizing student reading proficiency in kindergarten through grade 3 and provide targeted instructional support for

¹ Section 8, ch. 2006-74, L.O.F., *codified as s.* 1001.215, F.S.

² Section 1001.215, F.S.

³ Each school district is required to annually submit a K-12 comprehensive reading plan for the specific use of the research-based reading instruction allocation. The reading plans are submitted to and approved by the Just Read, Florida! Office. Section 1011.62(9)(d), F.S. The requirements for the reading plans are set forth in rule by the State Board of Education. Rule 6A-6.053, F.A.C.

⁴ The Florida Center for Reading Research (FCRR) was created at the Florida State University and includes two outreach centers, one at a Florida College System institution in central Florida and one at a south Florida state university. Section 1004.645, F.S. The FCRR conducts basic research on reading, reading growth, reading assessment, and reading instruction; disseminates information about research-based practices related to literacy instruction and assessment; conducts applied research; and provides technical assistance to Florida's schools and the Just Read, Florida! Office. *See* Florida State University, Florida Center for Reading Instruction, *The Center's Four Part Mission*, <http://www.fcrr.org/> (last visited January 22, 2016).

⁵ Section 1008.25(2), F.S.

students with identified deficiencies in ELA.⁶ District school boards must prioritize allocation of remedial and supplemental instruction resources first to students who are deficient in reading by the end of grade 3, and then to students who fail to meet performance levels required for promotion consistent with the district's student progression plan.⁷

Schools districts must provide intensive reading instruction to any student who exhibits a substantial deficiency in reading based on assessments conducted in kindergarten through grade 3 or through teacher observations.⁸ A student who does not achieve a Level 3 score or above on the statewide, standardized ELA assessment must be evaluated to determine the nature of the student's difficulty, the areas of academic need, and strategies for providing academic supports to improve the student's performance.⁹

A student who has been identified as having a substantial reading deficiency must be monitored and receive continued intensive instruction until the student demonstrates grade level proficiency as determined by the school district.¹⁰ If a student's reading deficiency is not remedied¹¹ by the end of grade 3, the student will not be promoted to grade 4.¹² The parent of any student who exhibits a substantial reading deficiency must receive written notification that includes, among other things, a description of the proposed supplemental instructional services and supports that will be provided to the child.¹³

A student who is retained in grade 3 must be provided a teacher rated "highly effective" and intensive reading interventions to remedy the student's specific reading deficiency, as identified by a valid and reliable diagnostic assessment.¹⁴ The school district must provide the student a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction which includes phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district.¹⁵

Districts must establish at each school, when applicable, an intensive acceleration class for retained grade 3 students who subsequently score Level 1 on the statewide, standardized ELA

⁶ *Id.*

⁷ *Id.* at (3).

⁸ *Id.* at (5)(a).

⁹ *Id.* at (4)(a). Students who do not meet school district or state requirements for satisfactory performance in ELA and mathematics must be covered by a federally required plan such as an individual education plan (IEP), a schoolwide system of progress monitoring, or an individualized progress monitoring plan. *Id.* at (4)(b).

¹⁰ *Id.* at (5)(a). Demonstration of grade level proficiency may include achieving a Level 3 on the statewide, standardized English Language Arts (ELA) assessment. *Id.*

¹¹ *Id.* at (5)(b). To be promoted to grade 4, a student must score a Level 2 or higher on the statewide, standardized ELA assessment. *Id.*

¹² *Id.*

¹³ *Id.* at (5)(c).

¹⁴ *Id.* at (7)(b). This intensive intervention must include effective instructional strategies, participation in the school district's summer reading camp, and appropriate teaching methodologies necessary to assist the student in becoming a successful reader, able to read at or above grade level, and ready for promotion to the next grade. *Id.*

¹⁵ *Id.*

assessment.¹⁶ The class must focus on increasing a child's reading and ELA skill level at least two grade levels in one school year.¹⁷

Each district school board must annually publish on its website and in the local newspaper information relating to student progression and policies and procedures on student retention and promotion, as well as student performance data on the ELA assessment.¹⁸

For students in the Voluntary Prekindergarten (VPK) Program, the Office of Early Learning (OEL) is required to develop and adopt performance standards addressing, among other things, the age-appropriate progress of students in the development of emergent literacy skills.¹⁹ Each school district administers a statewide kindergarten screening to kindergarteners within the first 30 days of the school year.²⁰ The screening must provide objective data concerning each student's readiness for kindergarten and progress based on the VPK program performance standards adopted by the OEL.²¹ Results from the screening are used to inform classroom instruction and to calculate a kindergarten readiness rate for VPK providers.²²

A 2015 study by the Office of Program Policy Analysis and Government Accountability (OPPAGA) identified several barriers to providing instructional interventions and supports to struggling readers.²³ The OPPAGA study found that:²⁴

- Teacher preparation programs do not sufficiently focus on identifying and assisting struggling readers;
- Professional development may not provide the information teachers need to address student reading deficiencies;

¹⁶ *Id.*

¹⁷ *Id.* The class must be provided to a student in grade 3 who scores Level 1 on the statewide, standardized ELA assessment and who was retained in grade 3 the prior year due to scoring Level 1; have a reduced teacher-student ratio; provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the grade 4 academic standards in other core subject areas; use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year; and provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech-language therapist. *Id.*

¹⁸ *Id.* at (8)(b).

¹⁹ Section 1002.67(1), F.S. The OEL must periodically review and revise the performance standards for the statewide kindergarten screening and align the standards to those established by the State Board of Education for student performance on statewide, standardized assessments. *Id.*

²⁰ Section 1002.69, F.S.

²¹ *Id.* See also s. 1002.67(1), F.S. The Florida Kindergarten Readiness Screener-Work Sampling System (FLKRS-WSS) is the screener adopted by the DOE. Florida Department of Education, PMRN for Public Schools, <http://www.fldoe.org/academics/standards/just-read-fl/fair/public-school.stml> (last visited January 22, 2016).

²² Section 1002.69(5)-(7), F.S.

²³ OPPAGA, *Research on Programs and Strategies for Struggling Readers*, presentation before the House K-12 Education Subcommittee (Oct. 20, 2015) available at [http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2855&Session=2016&DocumentType=Meeting Packets&FileName=kts 10-20-15.pdf](http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2855&Session=2016&DocumentType=Meeting%20Packets&FileName=kts%2010-20-15.pdf). Struggling reader is not a statutorily defined term.

²⁴ *Id.* Other studies have shown that teacher knowledge of reading science is crucial to effective reading instruction. See e.g., National Council on Teacher Quality, *What Education Schools Aren't Teaching about Reading and What Elementary Teachers Aren't Learning* (June 2006), available at http://www.nctq.org/nctq/images/nctq_reading_study_exec_summ.pdf; Cunningham & Ryan O'Donnell, *Teacher Knowledge in Early Literacy* (April 2015), at 450, available at [http://www.researchgate.net/publication/275581846 Teachers Knowledge about Beginning Reading Development and Instruction](http://www.researchgate.net/publication/275581846_Teachers_Knowledge_about_Beginning_Reading_Development_and_Instruction).

- The reading endorsement process does not require that teachers demonstrate knowledge of basic aspects of reading such as phonological awareness; and
- Students do not always receive appropriate intervention programs to meet their individual needs.²⁵

Effect of Proposed Changes

The bill requires district school boards to prioritize allocating remedial and supplemental instruction resources to students in kindergarten through grade 3 who have a substantial reading deficiency, which expands existing law that requires district school boards to only include students in grade 3 as a priority when allocating resources.

The bill requires that students in kindergarten through grade 3 who are identified as having a substantial reading deficiency be provided an individualized progress monitoring plan or a federally required student plan, such as an individual education plan, or both, as necessary. The bill removes the requirement that a student be covered by a schoolwide system of progress monitoring plan, which may encourage schools to develop plans that include instructional strategies and supports based on the individual student's needs.

The bill requires the State Board of Education (State Board) to identify in rule guidelines for determining whether a student has a substantial reading deficiency. In effect, these guidelines may assist school districts and schools in better identifying students to begin implementing the necessary interventions and strategies.

The bill expands the requirement that students retained for having a substantial reading deficiency be provided a teacher who is evaluated as highly effective to include, beginning July 1, 2018, a teacher who is certified or endorsed in reading.

The bill expands the intensive acceleration course currently provided to retained grade 3 students to include any student who was previously retained in kindergarten, grade 1, or grade 2, and requires that the course include:

- Uninterrupted reading instruction for the majority of the school contact time each day and opportunity to master the grade 4 Next Generation Sunshine State standards in other core subject areas through content-rich, nonfiction texts.
- Small group instruction.
- Reduced teacher-student ratios.
- The use of explicit, systematic, and multisensory reading interventions, including intensive language and vocabulary instruction and use of a speech-language therapist if necessary, that has proven results in accelerating student reading achievement within the same school year.
- A read-at-home plan.

²⁵ According to the OPPAGA research study, many districts may be using the same interventions for students with specific learning disabilities and general struggling readers. OPPAGA, *Research on Programs and Strategies for Struggling Readers*, presentation before the House K-12 Education Subcommittee (Oct. 20, 2015) available at http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2855&Session=2016&DocumentType=Meeting Packets&FileName=kts_10-20-15.pdf. A specific learning disability includes, but is not limited to, dyslexia, dyscalculia, or developmental aphasia. Section 1003.01(3)(a), F.S.

The bill revises requirements for providing information to parents of a K-3 student who has a substantial reading deficiency. For a K-3 student who is identified as having a substantial reading deficiency, the district must inform the parent of opportunities to observe effective instruction and intervention in the classroom and to receive literacy instruction from the school or through community adult literacy initiatives. The school must also provide the parent opportunities to receive strategies through a read-at-home plan to help the parent provide additional reading instruction at home. Once a parent is notified that his or her child has a substantial reading deficiency, the school must update the parent of the student's progress at least once every two weeks. The updates must be in writing and must explain any additional interventions or supports that will be used to accelerate the student's progress if current strategies are not working.

The bill requires the DOE to develop a handbook that schools must provide to parents if their child is identified as having a substantial reading deficiency. The handbook must be made available online and include the following information:

- An overview of the requirements for interventions and supports that districts must provide to students who do not make adequate academic progress.
- An overview of the procedural requirements for initiating and conducting evaluations to determine eligibility for exceptional education. This must include an explanation that diagnosis of a medical condition, alone, is not sufficient to establish eligibility for exceptional education. However, a diagnosis may be used to document how the condition relates to the student's eligibility determination and may be disclosed in an eligible student's individualized education plan when necessary to inform school personnel responsible for implementing the plan.
- Characteristics of conditions associated with learning disorders, including dyslexia, dysgraphia, dyscalculia, and developmental aphasia.
- A list of resources that support informed parent involvement in decision-making processes for students who have difficulty with learning.

Additionally, the bill requires VPK providers to implement intensive, explicit, and systematic instruction for students who exhibit a deficiency in emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development. Current law does not require that such interventions be provided to students participating in VPK. Furthermore, the bill requires that data from the statewide kindergarten screening, along with other available data, be used to identify students in need of reading intervention and supports.

Educator Certification, Preparation & Training

Present Situation

In order to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, an individual must hold a certificate issued by the DOE.²⁶ The DOE issues three types of educator certificates: professional (Florida's highest type of full-time

²⁶ Sections 1012.55(1) and 1002.33(12)(f), F.S.

educator certification),²⁷ temporary,²⁸ and athletic coaching.²⁹ The professional certificate is valid for 5 years and is renewable.³⁰ An applicant seeking a professional certificate must meet the basic eligibility requirements for certification³¹ and demonstrate mastery of general knowledge,³² subject area knowledge,³³ and professional preparation and education competence.³⁴

The specialization requirements for a K-12 reading certification are a master's or higher degree with a graduate major in reading or a bachelor's or higher degree with 30 semester hours in reading.³⁵ The specialization requirements for a reading endorsement are a bachelor's or higher degree with certification in an academic, degreed vocational, administrative, or specialty class coverage and 15 semester hours in reading coursework, based upon scientifically-based reading research with a focus on both the prevention and remediation of reading difficulties.³⁶

Teacher preparation programs are state-approved programs offered by postsecondary institutions and public school districts through which candidates may attain an educator certificate.³⁷ The State Board is charged with maintaining a system for development and approval of initial teacher preparation programs.³⁸ The DOE is responsible for approving programs based on evidence of a program's capacity to meet the requirements for continued program approval established in law and State Board rule.³⁹

The DOE must approve an educator preparation institute certification program if the institute provides evidence of the institute's capacity to implement a competency-based program that includes, but is not limited to, the areas addressed by the uniform core curricula for initial teacher preparation programs and an educational plan for each participant to meet certification requirements and demonstrate his or her ability to teach the subject area for which the participant is seeking certification.⁴⁰ The uniform core curricula for teacher preparation programs must

²⁷ Rule 6A-4.004(2), F.A.C.

²⁸ Rule 6A-4.004(1)(a)2., F.A.C.; Rule 6A-4.004(1)(a), F.A.C. The DOE also issues a nonrenewable temporary certificate, which is valid for 2 years, in the area of speech-language impairment. Sections 1012.56(7)(c) and 1012.54, F.S.; Rule 6A-4.001(1), F.A.C.

²⁹ Section 1012.55(2), F.S.

³⁰ Section 1012.56(7)(a), F.S.; Rule 6A-4.0051(3)(c), F.A.C. (validity period is expressed as 5 years from July 1 of the school fiscal year). The DOE also issues a nonrenewable 2-year temporary certificate and a nonrenewable 5-year professional certificate that allows an applicant with a bachelor's degree in the area of speech-language impairment to complete a master's degree in speech-language impairment. Section 1012.56(7)(c), F.S.; Rule 6A-4.004(3), F.A.C.

³¹ Section 1012.56(2)(a)-(f), F.S.

³² Section 1012.56(2)(g) and (3), F.S.; Florida Department of Education, *General Knowledge*, http://www.fldoe.org/edcert/mast_gen.asp (last visited January 23, 2016).

³³ Section 1012.56(2)(h) and (5), F.S.

³⁴ Section 1012.56(2)(i) and (6), F.S.; Florida Department of Education, *Professional Preparation and Education Competence*, http://www.fldoe.org/edcert/mast_prof.asp (last visited January 23, 2016).

³⁵ Rule 6A-4.0291, F.A.C.

³⁶ Rule 6A-4.0292, F.A.C.

³⁷ Florida Department of Education, *Professional Development in Florida*, <http://www.fldoe.org/profdev/approval.asp> (last visited January 23, 2016). See Rule 6A-5.066, F.A.C.; ss. 1004.04(3)(a) and 1004.85(1), F.S.

³⁸ Section 1004.04(1), F.S.

³⁹ *Id.* at (3)(a), F.S.; Rule 6A-5.066, F.A.C. The requirements for continued program approval are documentation that each candidate has met the admission requirements, documentation that the program and each program completer have met the curriculum requirements; and evidence of performance in other specified areas. Section 1004.04(4), F.S.

⁴⁰ Section 1004.85(3)(a)4., F.S.

include content in scientifically based reading instruction contained in the reading endorsement competencies adopted by the State Board.⁴¹

Florida law requires a number of entities, including the DOE, public postsecondary educational institutions, public school districts, public schools, state education foundations, consortia, and professional organizations, to work collaboratively to develop a coordinated system of professional development.⁴² The purpose of the system is to increase student achievement, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum, and prepare students for continuing education and the workforce.⁴³ Each school district is required to develop a professional development system in consultation with teachers, teacher-educators of Florida College System institutions and state universities, business and community representatives, and local education foundations, consortia, and professional organizations.⁴⁴

Effect of Proposed Changes

The bill requires, beginning January 1, 2018, a candidate for a reading certificate or endorsement to demonstrate competence in:

- Identifying characteristics of conditions such as dyslexia and other causes of diminished phonological processing skills.
- Using explicit, systematic, and multisensory approaches to reading instruction and intervention that are proven to improve student reading performance.
- Using predictive and other data to make instructional decisions based on individual student needs.

Also, the bill requires the State Board to adopt in rule the minimum instructional requirements that must be provided by teacher preparation programs and school districts to ensure that candidates for certification in reading instruction and intervention meet the criteria for demonstrating competency. The State Board must also identify in rule the certification areas in which a candidate must demonstrate the requisite competency.

The bill requires the DOE to review, at least once every 5 years, the specialization and coverage area certification requirements in elementary, reading, and exceptional student educational areas, and recommend to the State Board any changes to the requirements. Additionally, the bill requires the DOE to recommend to the State Board the consolidation of endorsement areas and requirements to reduce duplication.

The bill adds the requirement that, beginning January 1, 2018 an applicant for renewal of a professional certificate in any area of certification requiring specialized competency in reading instruction and intervention, as identified by the State Board, must earn a minimum of two college credits or the equivalent inservice points⁴⁵ in the use of explicit, systematic, and

⁴¹ Sections 1004.04(2)(b)3. and 1004.85(3)(a)1.c., F.S. See Rules 6A-4.0163 and 6A-5.066(1)(hh)4., F.A.C.

⁴² Section 1012.98(1), F.S.

⁴³ *Id.*

⁴⁴ *Id.* at (4)(b).

⁴⁵ Two college credits is equivalent to 40 inservice points or 40 hours.

multisensory approaches to reading instruction and intervention. The training must be provided by a teacher preparation program or school district professional development system.

The bill requires the curricula for each state-approved teacher preparation program and postsecondary educator preparation institute to include explicit, systematic, and multisensory approaches to reading instruction and intervention that are proven to improve student reading performance. Current law requires the curricula for such programs and institutes to include only scientifically researched reading instruction. Training in reading instruction must occur during course work and in field experiences.

Additionally, the bill requires teacher preparation programs to provide specialized instruction in reading strategies and interventions to receive initial or continued approval. The Just Read, Florida! Office must work with teacher preparation programs and educator preparation institutes to integrate specialized reading instructional and intervention strategies. The Just Read, Florida! Office must also provide such training to teachers, reading coaches, and principals.

The bill adds a requirement that training in emergent literacy for prekindergarten instructors address early identification of and intervention for students experiencing difficulties with emergent literacy skills.

The bill requires school district professional development systems to provide training to all elementary grades instructional personnel without a reading endorsement which is sufficient to allow those personnel to earn the endorsement before attainment or renewal of a professional certificate. The professional development systems must provide training to reading coaches, classroom teachers, and school administrators in effective methods of:

- Identifying characteristics of conditions such as dyslexia and other causes of diminished phonological processing skills;
- Incorporating instructional techniques into the general education setting that are proven to improve reading performance for all students; and
- Using predictive data to make instructional decisions based on individual student needs.

The training may integrate effective approaches to reading instruction and intervention in classrooms having an impact on a greater number of students who are in need of such interventions and strategies.

School Improvement & Accountability

Present Situation

Florida law requires each school that includes any of grades 6, 7, or 8 to implement an early warning system to identify students who are at risk of not graduating from high school.⁴⁶ Early warning systems are used to monitor middle grades students using attendance, behavior, and academic performance indicators shown by research to be reliable indicators of students at risk of dropping out.⁴⁷ The following indicators must be used to monitor middle grades students:⁴⁸

⁴⁶ Section 1001.42(18)(b), F.S.

⁴⁷ *Id.*

⁴⁸ *Id.* Districts may prescribe additional early warning indicators for schools to use. *Id.*

- Attendance below 90 percent.
- Course failure in English language arts or mathematics.
- One or more in-school or out-of-school suspensions.
- Scoring a Level 1 score on the statewide, standardized reading or mathematics assessments.

When a student exhibits two or more early warning indicators, the school must convene the school's child study team,⁴⁹ or a similar team established to implement the school's early warning system, to determine appropriate intervention strategies for the student.⁵⁰ The team may be the student's individual education plan (IEP) team, if applicable, or any other team the school establishes for the purpose of academic intervention.⁵¹ The school must provide the student's parent with at least 10 days' written notice of the meeting.⁵² The notice must indicate the meeting's purpose, time, and location, and the opportunity for the parent to participate in the meeting.⁵³

Each school that includes any of grades 6, 7, or 8 must include annually in its school improvement plan certain information and data on the school's early warning system (*e.g.*, a list of early warning indicators used in the system and the number of students identified as exhibiting two or more indicators).⁵⁴

The DOE is authorized to allocate and distribute to each school district funds, as prescribed by the Legislature, for instructional materials for student membership in basic and special programs in kindergarten through grade 12.⁵⁵ By July 1 each year and before instructional materials funds may be released to the school district, the district's superintendent must certify to the Commissioner of Education (Commissioner) that the district school board has approved a comprehensive staff development plan that supports fidelity of implementation of instructional materials programs.⁵⁶ The report must verify that training was provided and that the materials are being implemented as designed.⁵⁷

The Commissioner is responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability.⁵⁸ The Commissioner must review each district school board's annual feedback report to determine whether adequate progress is being made toward implementing and maintaining a system of school improvement and accountability.⁵⁹ The Commissioner must submit his or her findings to the State Board, and

⁴⁹ School child study teams are convened by school principals to help enforce school attendance requirements pursuant to s. 1003.26, F.S.

⁵⁰ Section 1001.42(18)(b)2., F.S.

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.* at (18)(a)2.

⁵⁵ Section 1011.67(1), F.S.

⁵⁶ *Id.* at (2).

⁵⁷ *Id.*

⁵⁸ Section 1008.345(1), F.S.

⁵⁹ *Id.* at (4).

prepare and implement a corrective action plan if adequate progress is not being made.⁶⁰ The Commissioner must report to the Legislature and recommend necessary changes in state policy.⁶¹

Effect of Proposed Changes

The bill revises requirements relating to early warning systems by extending coverage to include students in kindergarten through grade 5, clarifying that a school-based team must monitor early warning system data, and specifying that a school psychologist may be a part of the team. The bill includes a substantial reading deficiency as an early warning indicator for students in kindergarten through grade 3 and clarifies that course failure constitutes an indicator if the failure occurs during any grading period. Data and information relating to the exhibited indicators must be used to inform any intervention strategies provided to a student identified by the early warning system.

To allow for more efficient use of time and resources, the bill requires the team to convene and determine appropriate intervention strategies for a student exhibiting two or more indicators only if the student is not already being served by an intervention program. The bill eliminates the 10-day parental notice requirement, but requires that parents be consulted in the development of any intervention strategies.

The bill requires the Just Read, Florida! Office to post on its website a list core reading materials and supplemental intervention reading materials for kindergarten through grade 5 that meet criteria relating to specialized approaches and learning strategies in intensive reading instruction. The list may assist school districts in choosing and implementing materials that are uniformly aligned to the new requirements for specialized instruction and intervention strategies in reading.

Also, the bill requires that before the release of instructional materials funds, each school district superintendent certify to the Commissioner that the core reading materials and supplemental intervention reading materials used in kindergarten through grade 5 have been identified by the Just Read, Florida! Office on its list as meeting the specialized requirements. However, school districts are not precluded from purchasing or using other materials to supplement reading instruction and provide additional skills practice. As part of the superintendent's certification, he or she must report the number and percentage of the district's K-5 instructional personnel who have received training to implement the core and supplemental intervention reading materials, as well, as the process and timeline by which the remaining instructional personnel will be provided the training.

The bill requires the Commissioner to annually report and make recommendations to both the State Board and the Legislature regarding the state's policies on school improvement and education accountability. This annual report must include, in addition to information currently required, the reading performance information each district must annually publish on its website and in the local newspaper. The annual report must also include, based upon a review of each

⁶⁰ *Id.*

⁶¹ *Id.* at (5). The report must contain, among other things: for each school district, the percentage of students, by school and grade level, demonstrating learning growth in ELA and mathematics; and intervention and support strategies used by school boards whose students exceed the statewide average learning growth. *Id.*

district's reading plan, intervention and support strategies that were effective in improving the reading performance of students identified as having a substantial reading deficiency.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Education estimates that the Just Read, Florida! Office will need two FTE positions for the additional workload requirements of this bill. The total cost of these positions is estimated at \$294,848 in recurring general revenue. In addition, there is an estimated need of \$50,000 in nonrecurring funds for OPS research assistants to assist with the development and implementation of additional professional development requirements.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends the following sections of the Florida Statutes:

1001.215, 1001.42, 1002.20, 1002.59, 1002.67, 1002.69, 1004.04, 1004.85, 1008.25, 1008.345, 1011.67, 1012.585, 1012.586, and 1012.98.

The bill creates section 1012.567 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/24/2016	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Legg) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 1001.215, Florida Statutes, is amended
to read:

1001.215 Just Read, Florida! Office.—There is created in
the Department of Education the Just Read, Florida! Office. The
office is ~~shall be~~ fully accountable to the Commissioner of
Education and shall:



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(1) Train ~~highly effective~~ reading coaches.

(2) Create multiple designations of effective reading instruction, with accompanying credentials, to enable ~~which encourage~~ all teachers to integrate reading instruction into their content areas.

(3) Provide training to ~~Train~~ K-12 teachers, reading coaches, and school principals on effective content-area-specific reading strategies; the integration of technology tools to improve student reading performance; the integration of content-rich, nonfiction texts from other core subject areas into reading instruction; and evidence-based reading strategies identified in subsection (7). For secondary teachers, emphasis shall be on technical text. These strategies must be developed for all content areas in the K-12 curriculum.

(4) Provide parents with information and strategies for assisting their children in reading, including reading in ~~the~~ content areas ~~area~~.

(5) Provide technical assistance to school districts in the development and implementation of district plans for use of the research-based reading instruction allocation provided in s. 1011.62(9) and annually review and approve such plans.

(6) Review, evaluate, and provide technical assistance to school districts' implementation of the K-12 comprehensive reading plan required in s. 1011.62(9).

(7) Work with the Florida Center for Reading Research to identify effective research-based and evidence-based reading instructional and intervention programs that incorporate explicit, systematic, sequential, and multisensory approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and



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text comprehension and incorporate decodable or phonetic text instructional ~~provide information on research-based reading programs and effective reading in the content area strategies.~~ Reading intervention includes evidence-based strategies frequently used to remediate reading deficiencies and include individual instruction, tutoring, mentoring, or the use of technology that targets specific reading skills and abilities.

(8) Periodically review the Next Generation Sunshine State Standards for English Language Arts to determine their appropriateness at each grade level ~~reading at all grade levels.~~

(9) Periodically review teacher certification requirements and examinations ~~exams~~, to ascertain whether the examinations measure the skills needed for evidence-based ~~research-based~~ reading instruction and instructional strategies for teaching reading, including reading in ~~the~~ content areas.

(10) Work with teacher preparation programs approved pursuant to ss. ~~s.~~ 1004.04 and 1004.85 to integrate effective, research-based, and evidence-based reading instructional and intervention strategies; ~~and reading in the content area instructional strategies;~~ and explicit, systematic, and multisensory reading instructional strategies into teacher preparation programs. Reading intervention strategies may include strategies using technology to improve reading instruction and accelerate student learning gains.

(11) Administer grants and perform other functions as necessary to help ~~meet the goal that all~~ students read at their highest potential ~~grade level.~~

Section 2. Subsection (11) of section 1002.20, Florida



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Statutes, is amended to read:

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

(11) STUDENTS WITH READING DEFICIENCIES.—The parent of any K-3 student who exhibits a substantial reading deficiency shall be immediately notified of the student's deficiency pursuant to s. 1008.25(5) and ~~with a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in reading,~~ shall be consulted in the development of a plan, as described in s. 1008.25(4)(b); ~~and shall be informed that the student will be given intensive reading instruction until the deficiency is corrected. This subsection operates in addition to the remediation and notification provisions contained in s. 1008.25 and in no way reduces the rights of a parent or the responsibilities of a school district under that section.~~

Section 3. Subsection (1) of section 1002.59, Florida Statutes, is amended to read:

1002.59 Emergent literacy and performance standards training courses.—

(1) The office shall adopt minimum standards for one or more training courses in emergent literacy for prekindergarten instructors. Each course must comprise 5 clock hours and provide instruction in explicit, systematic, and multisensory instruction ~~strategies and techniques~~ to address the age-



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appropriate progress of prekindergarten students in developing emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development. Each course must address early identification of and intervention for students experiencing difficulties with emergent literacy skills and ~~also~~ provide resources containing strategies that allow students with disabilities and other special needs to derive maximum benefit from the Voluntary Prekindergarten Education Program. Successful completion of an emergent literacy training course approved under this section satisfies requirements for approved training in early literacy and language development under ss. 402.305(2)(d)5., 402.313(6), and 402.3131(5).

Section 4. Paragraphs (a) and (c) of subsection (3) of section 1002.67, Florida Statutes, are amended, and paragraphs (d), (e), and (f) are added to that subsection, to read:

1002.67 Performance standards; curricula and accountability.—

(3)

(a) Contingent upon legislative appropriation, each private prekindergarten provider and public school in the Voluntary Prekindergarten Education Program must implement any ~~an~~ evidence-based pre- and post-assessment that has been identified and approved by the office ~~rule of the State Board of Education~~. The office shall identify concordant or comparative scores, as applicable, on alternative assessments that are aligned to the performance standards adopted by the office pursuant to subsection (1).

(c) The pre- and post-assessment must be administered by



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127 individuals meeting requirements established by the office rule
128 ~~of the State Board of Education.~~

129 (d) Students who exhibit a deficiency in emergent literacy
130 skills, including oral communication, knowledge of print and
131 letters, phonemic and phonological awareness, and vocabulary and
132 comprehension development, must be provided intensive, explicit,
133 and systematic instruction.

134 (e) The office shall identify by rule guidelines for
135 determining whether a student has exhibited a deficiency in
136 emergent literacy skills.

137 (f) The office shall provide to private prekindergarten
138 providers and public schools examples of appropriate
139 instructional strategies and supports to remediate deficiencies
140 in emergent literacy skills.

141 Section 5. Subsections (1) and (2) of section 1002.69,
142 Florida Statutes, are amended to read:

143 1002.69 Statewide kindergarten screening; kindergarten
144 readiness rates; state-approved prekindergarten enrollment
145 screening; good cause exemption.—

146 (1) The department shall adopt a statewide kindergarten
147 screening that assesses the readiness of each student for
148 kindergarten based upon the performance standards adopted by the
149 office ~~department~~ under s. 1002.67(1) for the Voluntary
150 Prekindergarten Education Program. The department shall require
151 that each school district administer the statewide kindergarten
152 screening to each kindergarten student in the school district
153 within the first 30 school days of each school year. Nonpublic
154 schools may administer the statewide kindergarten screening to
155 each kindergarten student in a nonpublic school who was enrolled



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in the Voluntary Prekindergarten Education Program.

(2) The statewide kindergarten screening shall provide objective data concerning each student's readiness for kindergarten and progress in attaining the performance standards adopted by the office under s. 1002.67(1). Data from the statewide kindergarten screening, along with other available data, must be used to identify students in need of intervention and support pursuant to s. 1008.25(5).

Section 6. Subsection (1) of section 1002.75, Florida Statutes, is amended to read:

1002.75 Office of Early Learning; powers and duties.—

(1) The Office of Early Learning shall adopt by rule a standard statewide provider contract to be used with each Voluntary Prekindergarten Education Program provider, with standardized attachments by provider type. The office shall publish a copy of the standard statewide provider contract on its website. The standard statewide contract shall include, at a minimum, provisions for provider probation, termination for cause, and emergency termination for those actions or inactions of a provider that pose an immediate and serious danger to the health, safety, or welfare of children. The standard statewide contract must ~~shall~~ also include appropriate due process procedures. ~~A During the pendency of an appeal of a termination,~~ the provider may not continue to offer its services during the pendency of an appeal of a termination that is not an emergency termination or a termination for fraud. Any provision imposed upon a provider that is inconsistent with, or prohibited by, law is void and unenforceable.

Section 7. Paragraph (m) of subsection (2) of section



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1002.82, Florida Statutes, is amended to read:

1002.82 Office of Early Learning; powers and duties.—

(2) The office shall:

(m) Adopt by rule a standard statewide provider contract to be used with each school readiness program provider, with standardized attachments by provider type. The office shall publish a copy of the standard statewide provider contract on its website. The standard statewide contract shall include, at a minimum, provisions for provider probation, termination for cause, and emergency termination for those actions or inactions of a provider that pose an immediate and serious danger to the health, safety, or welfare of the children. The standard statewide provider contract must ~~shall~~ also include appropriate due process procedures. ~~A During the pendency of an appeal of a termination, the provider may not continue to offer its services during the pendency of an appeal of a termination that is not an~~ emergency termination or a termination for fraud. Any provision imposed upon a provider that is inconsistent with, or prohibited by, law is void and unenforceable.

Section 8. Section 1003.432, Florida Statutes, is created to read:

1003.432 Florida Seal of Biliteracy Program for high school graduates.—

(1) As used in this section, the term:

(a) "Biliteracy" means attainment of a high level of competency in listening, speaking, reading, and writing in one or more foreign languages in addition to English, which is signified on a high school graduate's diploma and transcript as either a Gold Seal of Biliteracy or a Silver Seal of Biliteracy.



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(b) "Foreign language" means a language other than English and includes American Sign Language, classical languages, and indigenous languages.

(c) "Gold" means the highest level of competency certified by the Florida Seal of Biliteracy Program.

(d) "Silver" means the second-highest level of competency certified by the Florida Seal of Biliteracy Program.

(2) The Florida Seal of Biliteracy Program is established to recognize a high school graduate who has attained a high level of competency in listening, speaking, reading, and writing in one or more foreign languages in addition to English. The Commissioner of Education shall award the Seal of Biliteracy upon graduation to a high school student who meets the qualifications in this section. The seal must differentiate between two levels of competency, designated as Gold and Silver, which must be at least as rigorous as is recommended in the biliteracy seal guidelines established by national organizations supporting foreign languages instruction.

(3) The purpose of the Florida Seal of Biliteracy Program is to:

(a) Encourage students to study foreign languages.

(b) Certify attainment of biliteracy.

(c) Provide employers with a method of identifying an individual with biliteracy skills who is seeking employment.

(d) Provide a postsecondary institution with a method of recognizing an applicant with biliteracy skills who is seeking admission to the postsecondary institution.

(e) Recognize and promote foreign language instruction in public schools.



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(f) Affirm the value of diversity, honor multiple cultures and foreign languages, and strengthen the relationships between multiple cultures in a community.

(4) The Gold Seal of Biliteracy or the Silver Seal of Biliteracy must be awarded to a high school student who has earned a standard high school diploma and who:

(a) Has earned four foreign language course credits in the same foreign language with a cumulative 3.0 grade point average or higher on a 4.0 scale;

(b) Has achieved a qualifying score on a foreign language assessment; or

(c) Has satisfied alternative requirements as determined by the State Board of Education pursuant to subsection (8).

(5) The Commissioner of Education shall:

(a) Prepare and provide to each school district an appropriate insignia to be affixed to the student's diploma indicating that the student has been awarded the Gold Seal of Biliteracy or the Silver Seal of Biliteracy.

(b) Provide information necessary for a school district to successfully implement the program.

(6) Each school district shall:

(a) Maintain appropriate records to identify a student who has met the requirements to receive the Gold Seal of Biliteracy or the Silver Seal of Biliteracy.

(b) Provide the Commissioner of Education with the number of students who have met the requirements to receive the Gold Seal of Biliteracy or the Silver Seal of Biliteracy.

(c) Affix the appropriate insignia to the student's diploma and indicate on the student's transcript that the student has



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272 earned the Gold Seal of Biliteracy or the Silver Seal of
273 Biliteracy.

274 (7) A school district or the Department of Education may
275 not charge a fee for the Gold Seal of Biliteracy or the Silver
276 Seal of Biliteracy.

277 (8) The State Board of Education shall adopt rules to
278 implement this section. Such rules, at a minimum, must include:

279 (a) A process to confirm a student's successful completion
280 of the requirements in subsection (4).

281 (b) The assessments and corresponding passing scores
282 required to earn the Gold Seal of Biliteracy or the Silver Seal
283 of Biliteracy, which may not be lower than the passing scores on
284 at least one of the following:

285 1. An International Baccalaureate examination in the
286 foreign language;

287 2. An Advanced Placement examination in the foreign
288 language;

289 3. An SAT Subject Test examination in the foreign language;
290 or

291 4. An Advanced International Certificate of Education
292 examination in the foreign language.

293 (c) Alternative requirements a student may satisfy to
294 demonstrate equivalent competency in a foreign language,
295 including requirements a student whose native language is not
296 English may satisfy to demonstrate competency in his or her
297 native language to earn the Gold Seal of Biliteracy or the
298 Silver Seal of Biliteracy.

299 (d) A process to award foreign language course credits to a
300 student who was not enrolled in a foreign language course or who



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301 did not complete the course but has demonstrated competency in a
302 foreign language as provided in this subsection.

303 Section 9. Subsection (1) of section 1003.44, Florida
304 Statutes, is amended to read:

305 1003.44 Patriotic programs; rules.—

306 (1) Each district school board may adopt rules to require,
307 in all of the schools of the district, programs of a patriotic
308 nature to encourage greater respect for the government of the
309 United States and its national anthem and flag, subject always
310 to other existing pertinent laws of the United States or of the
311 state. When the national anthem is played, students and all
312 civilians shall stand at attention, men removing the headdress,
313 except when such headdress is worn for religious purposes. The
314 pledge of allegiance to the flag, "I pledge allegiance to the
315 flag of the United States of America and to the republic for
316 which it stands, one nation under God, indivisible, with liberty
317 and justice for all," shall be rendered by students standing
318 with the right hand over the heart. The pledge of allegiance to
319 the flag shall be recited at the beginning of the day in each
320 public elementary, middle, and high school in the state. Each
321 student shall be informed by a written notice published in the
322 student handbook or a similar publication pursuant to s.

323 1006.07(2) ~~posting a notice in a conspicuous place~~ that the
324 student has the right not to participate in reciting the pledge.
325 Upon written request by his or her parent, the student must be
326 excused from reciting the pledge. When the pledge is given,
327 civilians must show full respect to the flag by standing at
328 attention, men removing the headdress, except when such
329 headdress is worn for religious purposes, as provided by Pub. L.



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ch. 77-435, s. 7, approved June 22, 1942, 56 Stat. 377, as amended by Pub. L. ch. 77-806, 56 Stat. 1074, approved December 22, 1942.

Section 10. Paragraphs (b) and (c) of subsection (2) of section 1004.04, Florida Statutes, are amended to read:

1004.04 Public accountability and state approval for teacher preparation programs.—

(2) UNIFORM CORE CURRICULA AND CANDIDATE ASSESSMENT.—

(b) The rules to establish uniform core curricula for each state-approved teacher preparation program must include, but are not limited to, the following:

1. The Florida Educator Accomplished Practices.

2. The state-adopted content standards.

3. Scientifically researched reading instruction, including explicit, systematic, and multisensory approaches to reading instruction and intervention that are proven to improve reading performance for all students.

4. Evidence-based reading instruction strategies that use technology tools.

5.4. Content literacy and mathematics practices.

6.5. Strategies appropriate for the instruction of English language learners.

7.6. Strategies appropriate for the instruction of students with disabilities.

8.7. School safety.

(c) Each candidate must receive instruction and be assessed on the uniform core curricula in the candidate's area or areas of program concentration, including reading instruction under s. 1012.567, as applicable, during course work and field



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experiences.

Section 11. Paragraphs (a) and (b) of subsection (3) of section 1004.85, Florida Statutes, are amended to read:

1004.85 Postsecondary educator preparation institutes.—

(3) Educator preparation institutes approved pursuant to this section may offer competency-based certification programs specifically designed for noneducation major baccalaureate degree holders to enable program participants to meet the educator certification requirements of s. 1012.56. An educator preparation institute choosing to offer a competency-based certification program pursuant to the provisions of this section must implement a program previously approved by the Department of Education for this purpose or a program developed by the institute and approved by the department for this purpose. Approved programs shall be available for use by other approved educator preparation institutes.

(a) Within 90 days after receipt of a request for approval, the Department of Education shall approve a preparation program pursuant to the requirements of this subsection or issue a statement of the deficiencies in the request for approval. The department shall approve a certification program if the institute provides evidence of the institute's capacity to implement a competency-based program that includes each of the following:

1.a. Participant instruction and assessment in the Florida Educator Accomplished Practices.

b. The state-adopted student content standards.

c. Scientifically researched reading instruction, including explicit, systematic, and multisensory approaches to reading



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instruction and intervention that are proven to improve reading performance for all students.

d. Evidence-based reading instruction strategies that use technology tools.

e.~~d.~~ Content literacy and mathematical practices.

f.~~e.~~ Strategies appropriate for instruction of English language learners.

g.~~f.~~ Strategies appropriate for instruction of students with disabilities.

h.~~g.~~ School safety.

2. An educational plan for each participant to meet certification requirements and demonstrate his or her ability to teach the subject area for which the participant is seeking certification, which is based on an assessment of his or her competency in the areas listed in subparagraph 1.

3. Field experiences appropriate to the certification subject area specified in the educational plan with a diverse population of students in a variety of settings under the supervision of qualified educators.

4. A certification ombudsman to facilitate the process and procedures required for participants who complete the program to meet any requirements related to the background screening pursuant to s. 1012.32 and educator professional or temporary certification pursuant to s. 1012.56.

(b) Each program participant must:

1. Meet certification requirements pursuant to s. 1012.56(1) by obtaining a statement of status of eligibility in the certification subject area of the educational plan and meet the requirements of s. 1012.56(2)(a)-(f).



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2. Participate in coursework and field experiences that are appropriate to his or her educational plan prepared under paragraph (a), including reading instruction under s. 1012.567, as applicable.

3. Before completion of the program, fully demonstrate his or her ability to teach the subject area for which he or she is seeking certification by documenting a positive impact on student learning growth in a prekindergarten through grade 12 setting and achieving a passing score on the professional education competency examination, the basic skills examination, and the subject area examination for the subject area certification which is required by state board rule.

Section 12. Subsection (3), paragraph (b) of subsection (4), paragraphs (a) and (c) of subsection (5), paragraph (b) of subsection (6), subsection (7), and paragraph (a) of subsection (8) of section 1008.25, Florida Statutes, are amended, and paragraph (d) is added to subsection (5) of that section, to read:

1008.25 Public school student progression; student support; reporting requirements.—

(3) ALLOCATION OF RESOURCES.—District school boards shall allocate remedial and supplemental instruction resources to students in the following priority:

(a) Students in kindergarten through grade 3 who have a substantial deficiency ~~are deficient~~ in reading as determined in paragraph (5) (a) by the end of grade 3.

(b) Students who fail to meet performance levels required for promotion consistent with the district school board's plan for student progression required in subsection (2) ~~paragraph~~



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~~(2)(b).~~

(4) ASSESSMENT AND SUPPORT.—

(b) A student who has a substantial reading deficiency as determined in paragraph (5)(a) or is not meeting the school district or state requirements for satisfactory performance in English Language Arts and mathematics must be covered by one of the following plans:

1. A federally required student plan, such as an individual education plan;

2. A schoolwide system of progress monitoring for all students, except a student who scores Level 4 or above on the English Language Arts and mathematics assessments may be exempted from participation by the principal; or

3. An individualized progress monitoring plan.

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(a) Any student in kindergarten through grade 3 who exhibits a substantial deficiency in reading, based upon screening, diagnostic, progress monitoring, or assessment data; locally determined or statewide assessments; conducted in kindergarten or grade 1, grade 2, or grade 3, or through teacher observations, must be provided given intensive, explicit, systematic, and multisensory reading interventions instruction immediately following the identification of the reading deficiency. A school may not wait for a student to receive a failing grade at the end of a grading period to identify the student as having a substantial reading deficiency and initiate intensive reading interventions. The student's reading proficiency must be monitored and the intensive interventions instruction must continue until the student demonstrates grade



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level proficiency in a manner determined by the district, which may include achieving a Level 3 on the statewide, standardized English Language Arts assessment. The State Board of Education shall identify by rule guidelines for determining whether a student in kindergarten through grade 3 has a substantial deficiency in reading.

(c) The parent of any student who exhibits a substantial deficiency in reading, as described in paragraph (a), must be notified in writing of the following:

1. That his or her child has been identified as having a substantial deficiency in reading, including a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in reading.

2. A description of the current services that are provided to the child.

3. A description of the proposed intensive interventions ~~supplemental instructional services~~ and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency.

4. That if the child's reading deficiency is not remediated by the end of grade 3, the child must be retained unless he or she is exempt from mandatory retention for good cause.

5. Opportunities to observe effective instruction and intervention strategies in the classroom; receive literacy instruction from the school or through community adult literacy initiatives; and receive strategies, including multisensory strategies, through a read-at-home plan the parent can for ~~parents to use in helping his or her their~~ child succeed in



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reading ~~proficiency~~.

6. That the statewide, standardized English Language Arts assessment is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and the school district in knowing when a child is reading at or above grade level and ready for grade promotion.

7. The district's specific criteria and policies for a portfolio as provided in subparagraph (6)(b)4. and the evidence required for a student to demonstrate mastery of Florida's academic standards for English Language Arts. A parent of a student in grade 3 who is identified anytime during the year as being at risk of retention may request that the school immediately begin collecting evidence for a portfolio.

8. The district's specific criteria and policies for midyear promotion. Midyear promotion means promotion of a retained student at any time during the year of retention once the student has demonstrated ability to read at grade level.

After initial notification, the school shall apprise the parent, at least monthly, of the student's progress toward meeting goals based on the student's grade level.

(6) ELIMINATION OF SOCIAL PROMOTION.—

(b) The district school board may only exempt students from mandatory retention, as provided in paragraph (5)(b), for good cause. A student who is promoted to grade 4 with a good cause exemption shall be provided intensive reading instruction and intervention that include specialized diagnostic information and specific reading strategies to meet the needs of each student so



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promoted. The school district shall assist schools and teachers with the implementation of explicit, systematic, and multisensory reading instruction and intervention strategies for students promoted with a good cause exemption which research has shown to be successful in improving reading among students who have reading difficulties. Good cause exemptions are limited to the following:

1. Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program based on the initial date of entry into a school in the United States.

2. Students with disabilities whose individual education plan indicates that participation in the statewide assessment program is not appropriate, consistent with the requirements of s. 1008.212.

3. Students who demonstrate an acceptable level of performance on an alternative standardized reading or English Language Arts assessment approved by the State Board of Education.

4. A student who demonstrates through a student portfolio that he or she is performing at least at Level 2 on the statewide, standardized English Language Arts assessment.

5. Students with disabilities who take the statewide, standardized English Language Arts assessment and who have an individual education plan or a Section 504 plan that reflects that the student has received intensive instruction in reading or English Language Arts for more than 2 years but still demonstrates a deficiency and was previously retained in kindergarten, grade 1, grade 2, or grade 3.



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6. Students who have received intensive reading intervention for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. A student may not be retained more than once in grade 3.

~~7. Students who have received intensive remediation in reading or English Language Arts for 2 or more years but still demonstrate a deficiency and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. Intensive instruction for students so promoted must include an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student. The district school board shall assist schools and teachers to implement reading strategies that research has shown to be successful in improving reading among low-performing readers.~~

(7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE STUDENTS.—

(a) Students retained under ~~the provisions of~~ paragraph (5)(b) must be provided intensive interventions in reading to ameliorate the student's specific reading deficiency and prepare the student for promotion to the next grade. These ~~interventions, as identified by a valid and reliable diagnostic assessment. This intensive intervention must include:~~

1. Evidence-based, explicit, systematic, and multisensory reading instruction in phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district. ~~effective instructional strategies,~~

2. Participation in the school district's summer reading



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camp, which must incorporate the instructional and intervention strategies under subparagraph 1, ~~and appropriate teaching methodologies necessary to assist those students in becoming successful readers, able to read at or above grade level, and ready for promotion to the next grade.~~

3. A minimum of 90 minutes of daily, uninterrupted reading instruction incorporating the instructional and intervention strategies under subparagraph 1. This instruction may include:

~~(b) Each school district shall:~~

~~1. Provide third grade students who are retained under the provisions of paragraph (5) (b) with intensive instructional services and supports to remediate the identified areas of reading deficiency, including participation in the school district's summer reading camp as required under paragraph (a), and a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction which includes phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district, which may include, but are not limited to:~~

a. Integration of content-rich, nonfiction texts in science and social studies content within the 90-minute block.

b. Small group instruction.

c. Reduced teacher-student ratios.

d. More frequent progress monitoring.

e. Tutoring or mentoring.

f. The use of evidence-based technology tools that improve or accelerate student reading achievement.

~~g.f.~~ Transition classes containing 3rd and 4th grade students.



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~~h.g.~~ Extended school day, week, or year.

(b) Each school district shall:

~~1.2.~~ Provide written notification to the parent of a student who is retained under ~~the provisions of~~ paragraph (5) (b) that his or her child has not met the proficiency level required for promotion and the reasons the child is not eligible for a good cause exemption as provided in paragraph (6) (b). The notification must comply with paragraph (5) (c) ~~the provisions of s. 1002.20(15)~~ and must include a description of proposed interventions and supports that will be provided to the child to remediate the identified areas of reading deficiency.

~~2.3.~~ Implement a policy for the midyear promotion of a student retained under ~~the provisions of~~ paragraph (5) (b) who can demonstrate that he or she is a successful and independent reader and performing at or above grade level in reading or, upon implementation of English Language Arts assessments, performing at or above grade level in English Language Arts. Tools that school districts may use in reevaluating a student retained may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Students promoted during the school year after November 1 must demonstrate proficiency levels in reading equivalent to the level necessary for the beginning of grade 4. The rules adopted by the State Board of Education must include standards that provide a reasonable expectation that the student's progress is sufficient to master appropriate grade 4 level reading skills.

~~3.4.~~ Provide students who are retained under the provisions of paragraph (5) (b), including students participating in the



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school district's summer reading camp under subparagraph (a)2., with a highly effective teacher as determined by the teacher's performance evaluation under s. 1012.34, and, beginning July 1, 2019, the teacher must also be certified or endorsed in reading.

~~4.5. Establish at each school, when applicable, an intensive reading acceleration course ~~Class~~ for any student retained in grade 3 who was previously retained in kindergarten, grade 1, or grade 2 ~~students who subsequently score Level 1 on the required statewide, standardized assessment identified in s. 1008.22. The focus of the Intensive Acceleration Class shall be to increase a child's reading and English Language Arts skill level at least two grade levels in 1 school year.~~ The intensive reading acceleration course must provide the following ~~Class~~ shall:~~

a. Uninterrupted reading instruction for the majority of student contact time each day and opportunities to master the grade 4 Next Generation Sunshine State Standards in other core subject areas through content-rich, nonfiction texts.

b. Small group instruction.

c. Reduced teacher-student ratios.

d. The use of explicit, systematic, and multisensory reading interventions, including intensive language and vocabulary instruction and use of a speech-language therapist if necessary, that have proven results in accelerating student reading achievement within the same school year.

e. A read-at-home plan.

~~a. Be provided to a student in grade 3 who scores Level 1 on the statewide, standardized English Language Arts assessment and who was retained in grade 3 the prior year because of~~



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~~scoring Level 1.~~

~~b. Have a reduced teacher-student ratio.~~

~~c. Provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the grade 4 Next Generation Sunshine State Standards in other core subject areas.~~

~~d. Use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year.~~

~~e. Provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech-language therapist.~~

(8) ANNUAL REPORT.—

(a) In addition to the requirements in paragraph (5) (b), each district school board must annually report to the parent of each student the progress of the student toward achieving state and district expectations for proficiency in English Language Arts, science, social studies, and mathematics. The district school board must report to the parent the student's results on each statewide, standardized assessment. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, response to intensive interventions provided under paragraph (5) (a), and other relevant information. Progress reporting must be provided to the parent in writing in a format adopted by the district school board.

Section 13. Subsection (5) of section 1008.345, Florida Statutes, is amended to read:

1008.345 Implementation of state system of school



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improvement and education accountability.-

(5) The commissioner shall annually report to the State Board of Education and the Legislature and recommend changes in state policy necessary to foster school improvement and education accountability. The report shall include:

(a) For each school district:

1. The percentage of students, by school and grade level, demonstrating learning growth in English Language Arts and mathematics.

2. The percentage of students, by school and grade level, in both the highest and lowest quartiles demonstrating learning growth in English Language Arts and mathematics.

3. The information contained in the school district's annual report required under s. 1008.25(8).

(b) Intervention and support strategies used by school districts ~~boards~~ whose students in both the highest and lowest quartiles exceed the statewide average learning growth for students in those quartiles.

(c) Intervention and support strategies used by school districts ~~boards~~ whose schools provide educational services to youth in Department of Juvenile Justice programs that demonstrate learning growth in English Language Arts and mathematics that exceeds the statewide average learning growth for students in those subjects.

(d) Based upon a review of each school district's reading plan submitted pursuant to s. 1011.62(9), intervention and support strategies used by school districts that were effective in improving the reading performance of students, as indicated by student performance data, who are identified as having a



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substantial reading deficiency pursuant to s. 1008.25(5)(a).

School reports shall be distributed pursuant to this subsection and s. 1001.42(18)(c) and according to rules adopted by the State Board of Education.

Section 14. Section 1012.567, Florida Statutes, is created to read:

1012.567 Certification and endorsement of elementary reading instructors.—

(1) CERTIFICATION.—

(a) Beginning January 1, 2019, an applicant for an educator certificate in an area involving reading instruction or intervention for any students in kindergarten through grade 6 must, as part of the certification process, demonstrate competence in the following:

1. Identifying characteristics of conditions such as dyslexia and other causes of diminished phonological processing skills.

2. Using explicit, systematic, and multisensory approaches to reading instruction and intervention that are proven to improve reading performance for all students.

3. Using predictive and other data to make instructional decisions based on individual student needs.

The State Board of Education shall adopt by rule the minimum requirements for instruction provided by teacher preparation programs and school districts for this purpose and methods for demonstrating competence in accordance with this section.

(b) Documentation of a valid professional standard teaching



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certificate issued by another state is not sufficient to meet the requirements of paragraph (a). The State Board of Education shall establish a procedure by which a candidate who holds a certificate issued by another state may demonstrate competence as required in paragraph (a).

(c) The State Board of Education shall identify by rule certification areas in which candidates must demonstrate competence as provided in paragraph (a) as part of the certification process.

(d) To receive initial or continued approval, a teacher preparation program under s. 1004.04 or s. 1004.85 must provide instruction in the skills and strategies listed in paragraph (a) to candidates for certificates in the areas identified by the state board pursuant to paragraph (c).

(2) ENDORSEMENT.—Beginning with applications for a reading endorsement received on January 1, 2019, and thereafter, the specialization requirements for an endorsement in reading instruction must include at least 3 semester hours of instruction in explicit, systematic, and multisensory approaches to reading instruction and intervention that are proven to improve reading performance for all students. This instruction may be incorporated into semester hour requirements established in State Board of Education rule. Reading endorsement competencies must be aligned with instructional and intervention strategies in accordance with s. 1001.215(7).

(3) REVIEW.—By July 1, 2017, and at least once every 5 years thereafter, the department shall conduct a review of specialization and coverage area requirements in the elementary, reading, and exceptional student educational areas. At the



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conclusion of each review, the department shall recommend to the State Board of Education changes to the specialization and coverage area requirements based upon any identified instructional or intervention strategies proven to improve student reading performance.

(4) STATE BOARD RULES.—The State Board of Education shall adopt rules pursuant to ss. 120.536 and 120.54 as necessary to implement this section.

Section 15. Paragraph (a) of subsection (3) of section 1012.585, Florida Statutes, is amended, and paragraph (f) is added to that subsection, to read:

1012.585 Process for renewal of professional certificates.—

(3) For the renewal of a professional certificate, the following requirements must be met:

(a) The applicant must earn a minimum of 6 college credits or 120 inservice points or a combination thereof. For each area of specialization to be retained on a certificate, the applicant must earn at least 3 of the required credit hours or equivalent inservice points in the specialization area. Education in “clinical educator” training pursuant to s. 1004.04(5)(b) and credits or points that provide training in the area of scientifically researched, knowledge-based reading literacy, including explicit, systematic, and multisensory approaches to reading instruction and intervention; and computational skills acquisition; ~~exceptional student education; normal child development; and the disorders of development~~ may be applied toward any specialization area. Credits or points that provide training in the areas of drug abuse, child abuse and neglect, strategies in teaching students having limited proficiency in



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English, or dropout prevention, or training in areas identified in the educational goals and performance standards adopted pursuant to ss. 1000.03(5) and 1008.345 may be applied toward any specialization area, except specialization areas identified by State Board of Education rule as involving reading instruction or intervention for any students in kindergarten through grade 6 under s. 1012.567(1)(c). Credits or points earned through approved summer institutes may be applied toward the fulfillment of these requirements. Inservice points may also be earned by participation in professional growth components approved by the State Board of Education and specified pursuant to s. 1012.98 in the district's approved master plan for inservice educational training; however, such points may not be used to satisfy the specialization requirements of this paragraph, including, but not limited to, serving as a trainer in an approved teacher training activity, serving on an instructional materials committee or a state board or commission that deals with educational issues, or serving on an advisory council created pursuant to s. 1001.452.

(f) An applicant for renewal of a professional certificate in any area of certification identified by State Board of Education rule pursuant to s. 1012.567(1)(c) with a beginning validity date of July 1, 2019, or thereafter must earn a minimum of 2 college credits or the equivalent inservice points in the use of explicit, systematic, and multisensory approaches to reading instruction and intervention. Such training must be provided by teacher preparation programs under s. 1004.04 or s. 1004.85 or approved school district professional development systems under s. 1012.98. The requirements in this paragraph may



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not add to the total hours required by the department for
continuing education or inservice training.

Section 16. Subsection (1) of section 1012.586, Florida
Statutes, is amended to read:

1012.586 Additions or changes to certificates; duplicate
certificates.—A school district may process via a Department of
Education website certificates for the following applications of
public school employees:

(1) Addition of a subject coverage or endorsement to a
valid Florida certificate on the basis of the completion of the
appropriate subject area testing requirements of s.
1012.56(5) (a) or the completion of the requirements of an
approved school district program or the inservice components for
an endorsement. To reduce duplication, the department may
recommend the consolidation of endorsement areas and
requirements to the State Board of Education.

The employing school district shall charge the employee a fee
not to exceed the amount charged by the Department of Education
for such services. Each district school board shall retain a
portion of the fee as defined in the rules of the State Board of
Education. The portion sent to the department shall be used for
maintenance of the technology system, the web application, and
posting and mailing of the certificate.

Section 17. Paragraph (b) of subsection (4) of section
1012.98, Florida Statutes, is amended to read:

1012.98 School Community Professional Development Act.—

(4) The Department of Education, school districts, schools,
Florida College System institutions, and state universities



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share the responsibilities described in this section. These responsibilities include the following:

(b) Each school district shall develop a professional development system as specified in subsection (3). The system shall be developed in consultation with teachers, teacher-educators of Florida College System institutions and state universities, business and community representatives, and local education foundations, consortia, and professional organizations. The professional development system must:

1. Be approved by the department. All substantial revisions to the system shall be submitted to the department for review for continued approval.

2. Be based on analyses of student achievement data and instructional strategies and methods that support rigorous, relevant, and challenging curricula for all students. Schools and districts, in developing and refining the professional development system, shall also review and monitor school discipline data; school environment surveys; assessments of parental satisfaction; performance appraisal data of teachers, managers, and administrative personnel; and other performance indicators to identify school and student needs that can be met by improved professional performance.

3. Provide inservice activities coupled with followup support appropriate to accomplish district-level and school-level improvement goals and standards. The inservice activities for instructional personnel shall focus on analysis of student achievement data, ongoing formal and informal assessments of student achievement, identification and use of enhanced and differentiated instructional strategies that emphasize rigor,



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relevance, and reading in the content areas, enhancement of subject content expertise, integrated use of classroom technology that enhances teaching and learning, classroom management, parent involvement, and school safety.

4. Include a master plan for inservice activities, pursuant to rules of the State Board of Education, for all district employees from all fund sources. The master plan shall be updated annually by September 1, must be based on input from teachers and district and school instructional leaders, and must use the latest available student achievement data and research to enhance rigor and relevance in the classroom. Each district inservice plan must be aligned to and support the school-based inservice plans and school improvement plans pursuant to s. 1001.42(18). Each district inservice plan must provide a description of the training that middle grades instructional personnel and school administrators receive on the district's code of student conduct adopted pursuant to s. 1006.07; integrated digital instruction and competency-based instruction and CAPE Digital Tool certificates and CAPE industry certifications; classroom management; student behavior and interaction; extended learning opportunities for students; and instructional leadership. District plans must be approved by the district school board annually in order to ensure compliance with subsection (1) and to allow for dissemination of research-based best practices to other districts. District school boards must submit verification of their approval to the Commissioner of Education no later than October 1, annually. Each school principal may establish and maintain an individual professional development plan for each instructional employee assigned to the



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school as a seamless component to the school improvement plans developed pursuant to s. 1001.42(18). An individual professional development plan must be related to specific performance data for the students to whom the teacher is assigned, define the inservice objectives and specific measurable improvements expected in student performance as a result of the inservice activity, and include an evaluation component that determines the effectiveness of the professional development plan.

5. Include inservice activities for school administrative personnel that address updated skills necessary for instructional leadership and effective school management pursuant to s. 1012.986.

6. Provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs.

7. Provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs.

8. Provide for the continuous evaluation of the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and to expand effective ones. Evaluations must consider the impact of such activities on the performance of participating educators and their students' achievement and behavior.

9. For middle grades, emphasize:

a. Interdisciplinary planning, collaboration, and instruction.

b. Alignment of curriculum and instructional materials to the state academic standards adopted pursuant to s. 1003.41.



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c. Use of small learning communities; problem-solving, inquiry-driven research and analytical approaches for students; strategies and tools based on student needs; competency-based instruction; integrated digital instruction; and project-based instruction.

Each school that includes any of grades 6, 7, or 8 must include in its school improvement plan, required under s. 1001.42(18), a description of the specific strategies used by the school to implement each item listed in this subparagraph.

10. Provide training to reading coaches, classroom teachers, and school administrators in effective methods of identifying characteristics of conditions such as dyslexia and other causes of diminished phonological processing skills; incorporating instructional techniques into the general education setting that are proven to improve reading performance for all students; and using predictive and other data to make instructional decisions based on individual student needs. The training must help teachers integrate phonemic awareness; phonics, word study, and spelling; reading fluency; vocabulary, including academic vocabulary; and text comprehension strategies into an explicit, systematic, and multisensory approach to reading instruction and intervention. Each district must provide all elementary grades instructional personnel access to training sufficient to meet the requirements of ss. 1012.567(2) and 1012.585(3) (f) .

Section 18. This act shall take effect upon becoming a law.



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===== 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. 1001.215,
F.S.; revising the duties of the Just Read, Florida!
Office; amending s. 1002.20, F.S.; revising
requirements for notifying a parent of a student with
a substantial reading deficiency; amending s. 1002.59,
F.S.; revising the emergent literacy and performance
standards training course requirements to include
specific reading instruction; amending s. 1002.67,
F.S.; requiring Voluntary Prekindergarten Education
Program providers to implement any pre- and post-
assessments identified and adopted by the Office of
Early Learning; requiring the office to identify
concordant or comparative scores on alternative
assessments aligned to the performance standards
adopted by the office; requiring the office to approve
specific Voluntary Prekindergarten Education Program
assessments and establish requirements for individuals
administering the assessments; requiring certain
prekindergarten students to receive specific reading
instruction; requiring the office to identify certain
guidelines by rule and provide examples of certain
instructional strategies; amending s. 1002.69, F.S.;
conforming provisions; requiring data from the
statewide kindergarten screening to be used to



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1026 identify certain students; amending ss. 1002.75 and
1027 1002.82, F.S.; authorizing a Voluntary Prekindergarten
1028 Education Program provider and a school readiness
1029 program provider to continue to offer services during
1030 certain appeals; creating s. 1003.432, F.S.; defining
1031 terms; establishing the program to recognize a high
1032 school graduate who has attained a high level of
1033 competency in one or more foreign languages; providing
1034 the purpose of the program; specifying criteria to
1035 earn a Gold Seal of Biliteracy or a Silver Seal of
1036 Biliteracy; requiring the Commissioner of Education
1037 and school districts to perform specified duties to
1038 administer the program; prohibiting a school district
1039 or the Department of Education from charging a fee for
1040 the seals; requiring the State Board of Education to
1041 adopt rules; amending s. 1003.44, F.S.; requiring a
1042 written notice of a student's right not to participate
1043 in the pledge of allegiance to be included in a
1044 specific publication; amending s. 1004.04, F.S.;
1045 revising core curricula requirements for certain
1046 teacher preparation programs to include certain
1047 reading instruction and interventions; amending s.
1048 1004.85, F.S.; requiring certain educator preparation
1049 institutes to provide evidence of specified reading
1050 instruction as a condition of program approval;
1051 amending s. 1008.25, F.S.; requiring district school
1052 boards to allocate certain instruction resources to
1053 certain students deficient in reading; revising
1054 criteria and requiring the State Board of Education to



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1055 identify guidelines for determining whether certain
1056 students have a substantial deficiency in reading;
1057 revising the parental notification requirements for
1058 students with a substantial deficiency in reading;
1059 requiring schools to provide certain instruction to
1060 students who received a good cause exemption from
1061 retention; revising intervention requirements for
1062 certain retained students; revising provisions
1063 relating to the Intensive Acceleration Class for
1064 retained students in certain grades; revising student
1065 progress evaluation requirements; amending s.
1066 1008.345, F.S.; revising reporting requirements of the
1067 Commissioner of Education relating to the state system
1068 of school improvement and education accountability;
1069 creating s. 1012.567, F.S.; requiring applicants for
1070 an educator certificate in certain areas to
1071 demonstrate competence in specified areas; providing
1072 that a teacher certification from another state does
1073 not meet competency requirements; requiring the state
1074 board to identify teacher certification areas in which
1075 candidates must demonstrate competence; requiring
1076 certain teacher preparation courses to provide
1077 specific instruction in order to receive approval;
1078 providing requirements for an endorsement in reading
1079 instruction; requiring reading endorsement
1080 competencies to align with specified strategies;
1081 providing for review of specialization and coverage
1082 area requirements for certain education area
1083 certifications; providing for rulemaking; amending s.



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1084 1012.585, F.S.; revising requirements for renewal of
1085 professional teaching certificates; amending s.
1086 1012.586, F.S.; authorizing the department to
1087 recommend consolidation of endorsement areas and
1088 requirements for endorsements for teacher certificate;
1089 amending s. 1012.98, F.S.; revising duties and
1090 requirements for implementation of the School
1091 Community Professional Development Act; providing an
1092 effective date.

By Senator Legg

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1 A bill to be entitled
 2 An act relating to education; amending s. 1001.215,
 3 F.S.; revising the duties of the Just Read, Florida!
 4 Office; amending s. 1001.42, F.S.; revising
 5 requirements for school improvement plans and early
 6 warning systems; authorizing a school-based team to
 7 include a psychologist; amending s. 1002.20, F.S.;
 8 revising requirements for notifying a parent of a
 9 student with a substantial reading deficiency;
 10 amending s. 1002.59, F.S.; revising the emergent
 11 literacy and performance standards training course
 12 requirements; amending s. 1002.67, F.S.; requiring the
 13 Office of Early Learning, rather than the State Board
 14 of Education, to approve specific Voluntary
 15 Prekindergarten Education Program assessments and
 16 establish requirements for individuals administering
 17 the assessments; requiring certain prekindergarten
 18 students to receive specific reading instruction;
 19 amending s. 1002.69, F.S.; conforming provisions to
 20 changes made by the act; requiring data from the
 21 statewide kindergarten screening to be used to
 22 identify certain students; amending s. 1004.04, F.S.;
 23 revising core curricula requirements for certain
 24 teacher preparation programs to include certain
 25 reading instruction and interventions; amending s.
 26 1004.85, F.S.; requiring certain educator preparation
 27 institutes to provide evidence of specified reading
 28 instruction as a condition of program approval;
 29 amending s. 1008.25, F.S.; revising the priority of
 30 the remedial and supplemental instruction resources
 31 allocations; revising the required plans for certain
 32 students deficient in reading; revising criteria and

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

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33 requiring the State Board of Education to identify
 34 guidelines for determining whether certain students
 35 have a substantial deficiency in reading; revising the
 36 parental notification requirements for students with a
 37 substantial deficiency in reading; requiring a school
 38 to provide updates to parents of students who receive
 39 certain services; requiring the Department of
 40 Education to develop a handbook containing specific
 41 information for parents of students with a substantial
 42 reading deficiency; requiring schools to provide
 43 certain instruction and intervention to students who
 44 received a good cause exemption from retention;
 45 revising grounds for such good cause exemption;
 46 revising intervention requirements for certain
 47 retained students; revising requirements relating to
 48 the intensive interventions for retained students in
 49 certain grades; revising a school district's duties;
 50 revising student progress evaluation requirements;
 51 amending s. 1008.345, F.S.; revising reporting
 52 requirements of the Commissioner of Education relating
 53 to the state system of school improvement and
 54 education accountability; amending s. 1011.67, F.S.;
 55 revising the contents of a comprehensive staff
 56 development plan required for each school district;
 57 requiring certain information to be included in a
 58 certification provided by each district school
 59 superintendent to the commissioner; creating s.
 60 1012.567, F.S.; requiring candidates for an educator
 61 certificate in certain areas to demonstrate competence

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

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62 in specified areas; requiring the State Board of
 63 Education to adopt by rule certain requirements;
 64 providing that a teacher certification from another
 65 state does not meet competency requirements; requiring
 66 the state board to identify teacher certification
 67 areas in which candidates must demonstrate competence;
 68 requiring certain teacher preparation courses to
 69 provide specific instruction in order to receive
 70 approval; providing requirements for an endorsement in
 71 reading instruction; providing for review of
 72 specialization and coverage area requirements for
 73 certain education area certifications by a specified
 74 date; providing for rulemaking; amending s. 1012.585,
 75 F.S.; revising requirements for renewal of
 76 professional teaching certificates; amending s.
 77 1012.586, F.S.; authorizing the department to
 78 recommend consolidation of endorsement areas and
 79 requirements for endorsements for teacher
 80 certificates; amending s. 1012.98, F.S.; revising
 81 duties and requirements for implementation of the
 82 School Community Professional Development Act;
 83 providing an effective date.

84

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

86

87 Section 1. Section 1001.215, Florida Statutes, is amended
 88 to read:

89 1001.215 Just Read, Florida! Office.—There is created in
 90 the Department of Education the Just Read, Florida! Office. The

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91 office ~~is shall be~~ fully accountable to the Commissioner of
 92 Education and shall:

93 (1) ~~Train highly effective~~ reading coaches.

94 (2) Create multiple designations of effective reading
 95 instruction, with accompanying credentials, to enable which
 96 ~~encourage~~ all teachers to integrate reading instruction into
 97 their content areas.

98 (3) Provide training to Train K-12 teachers, reading
 99 coaches, and school principals on effective content-area-
 100 specific reading strategies; the integration of content-rich,
 101 nonfiction texts from other core subject areas into reading
 102 instruction; and explicit, systematic, and multisensory
 103 approaches to reading instruction that are proven to improve the
 104 reading performance of all students. For secondary teachers,
 105 emphasis shall be on technical text. These strategies must be
 106 developed for all content areas in the K-12 curriculum.

107 (4) Provide parents with information and strategies for
 108 assisting their children in reading, including reading in the
 109 content areas area.

110 (5) Provide technical assistance to school districts in the
 111 development and implementation of district plans for use of the
 112 research-based reading instruction allocation provided in s.
 113 1011.62(9) and annually review and approve such plans.

114 (6) Review, evaluate, and provide technical assistance to
 115 school districts' implementation of the K-12 comprehensive
 116 reading plan required in s. 1011.62(9).

117 (7) Work with the Florida Center for Reading Research to
 118 identify effective research-based and evidence-based reading
 119 instructional and intervention ~~provide information on research-~~

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~~based reading programs and effective reading in the content area~~
 strategies. Reading intervention strategies are evidence-based
 strategies frequently used to remediate reading deficiencies and
 include individual instruction, tutoring, or mentoring that
 targets specific reading skills and abilities.

(8) Periodically review the Next Generation Sunshine State
Standards for English Language Arts to determine their
appropriateness at each grade level ~~reading at all grade levels.~~

(9) Periodically review teacher certification requirements
and examinations, including alternative certification
requirements and examinations ~~exams~~, to ascertain whether the
 examinations measure the skills needed for evidence-based
~~research-based~~ reading instruction and instructional strategies
 for teaching reading, including reading in the content areas.

(10) Work with teacher preparation programs approved
 pursuant to ss. 1004.04 and 1004.85 ~~ss. 1004.04~~ to integrate
effective research-based and evidence-based reading
instructional and intervention strategies; ~~and~~ reading in the
 content area instructional strategies; and explicit, systematic,
 and multisensory reading instructional strategies into teacher
 preparation programs.

(11) Post on its website a list of core reading materials
and supplemental intervention reading materials for kindergarten
through grade 5 that meet, at a minimum, all of the following
criteria:

(a) Use of an explicit, systematic, sequential, and
multisensory approach to teaching phonemic awareness, phonics,
vocabulary, fluency, and text comprehension.

(b) Incorporation of cooperative learning strategies.

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(c) Incorporation of one-to-one or small group
instructional strategies.

(d) Incorporation of decodable or phonetic text
instructional strategies.

(e) Provision of teacher training on well-specified
teaching methods and instructional processes designed to
implement the materials.

~~(12)-(11)~~ Administer grants and perform other functions as
 necessary to help meet the goal that all students read at their
highest potential grade level.

Section 2. Paragraphs (a) and (b) of subsection (18) 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 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:

(a) School improvement plans.—

1. 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

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178 has a significant gap in achievement on statewide, standardized
 179 assessments administered pursuant to s. 1008.22 by one or more
 180 student subgroups, as defined in the federal Elementary and
 181 Secondary Education Act (ESEA), 20 U.S.C. s.
 182 6311(b)(2)(C)(v)(II); has not significantly increased the
 183 percentage of students passing statewide, standardized
 184 assessments; has not significantly increased the percentage of
 185 students demonstrating Learning Gains, as defined in s. 1008.34
 186 and as calculated under s. 1008.34(3)(b), who passed statewide,
 187 standardized assessments; or has significantly lower graduation
 188 rates for a subgroup when compared to the state's graduation
 189 rate, that school's improvement plan shall include strategies
 190 for improving these results. The state board shall adopt rules
 191 establishing thresholds and for determining compliance with this
 192 subparagraph.

193 2. A school that serves any students in kindergarten
 194 through grade 3 ~~includes any of grades 6, 7, or 8~~ shall include
 195 annually in its school improvement plan information and data on
 196 the school's early warning system required under paragraph (b),
 197 including a list of the early warning indicators used in the
 198 system, the number of students identified by the system as
 199 exhibiting two or more early warning indicators, the number of
 200 students by grade level that exhibit each early warning
 201 indicator, and a description of all intervention strategies
 202 employed by the school to improve the academic performance of
 203 students identified by the early warning system. The plan must
 204 also ~~In addition, a school that includes any of grades 6, 7, or~~
 205 ~~8 shall describe in its school improvement plan the strategies~~
 206 used by the school to implement and evaluate the instructional

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207 practices ~~for middle grades~~ emphasized by the district's
 208 professional development system pursuant to s. 1012.98(4)(b)9.
 209 and 10.

210 (b) *Early warning system.*—

211 1. A school that serves any students in kindergarten
 212 through grade 3 ~~includes any of grades 6, 7, or 8~~ shall implement
 213 an early warning system to identify students in these grades ~~6,~~
 214 ~~7, and 8~~ who need additional support to improve academic
 215 performance and stay engaged in school. The early warning system
 216 must include the following early warning indicators:

217 a. Attendance below 90 percent, regardless of whether
 218 absence is excused or a result of out-of-school suspension.

219 b. One or more suspensions, whether in school or out of
 220 school.

221 c. Course failure in English Language Arts or mathematics
 222 during any grading period.

223 d. A Level 1 score on the statewide, standardized
 224 assessments in English Language Arts or mathematics or, for
 225 students in kindergarten through grade 3, a substantial reading
 226 deficiency as provided in s. 1008.25(5)(a).

227
 228 A school district may identify additional early warning
 229 indicators for use in a school's early warning system.

230 2. A school-based team responsible for implementing the
 231 requirements of this paragraph shall monitor the data from the
 232 early warning system in subparagraph (a)2. The team may include
 233 a school psychologist. When a student exhibits two or more early
 234 warning indicators, the team shall ~~school's child study team~~
 235 ~~under s. 1003.02 or a school-based team formed for the purpose~~

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of implementing the requirements of this paragraph shall convene to determine, in consultation with the student's parent, appropriate intervention strategies for the student unless the student is already being served by an intervention program at the direction of a school-based, multidisciplinary team. Data and information relating to a student's early warning indicators must be used to inform any intervention strategies provided to the student. The school shall provide at least 10 days' written notice of the meeting to the student's parent, indicating the meeting's purpose, time, and location, and provide the parent the opportunity to participate.

Section 3. Subsection (11) of section 1002.20, Florida Statutes, is amended to read:

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

(11) STUDENTS WITH READING DEFICIENCIES.—The parent of any K-3 student who exhibits a substantial reading deficiency shall be immediately notified of the student's deficiency pursuant to s. 1008.25(5) and with a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in reading, shall be consulted in the development of a plan, as described in s. 1008.25(4) (b), and shall be informed that the student will be given intensive reading instruction until the deficiency is corrected. This subsection operates in addition to

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the remediation and notification provisions contained in s. 1008.25 and in no way reduces the rights of a parent or the responsibilities of a school district under that section.

Section 4. Subsection (1) of section 1002.59, Florida Statutes, is amended to read:

1002.59 Emergent literacy and performance standards training courses.—

(1) The office shall adopt minimum standards for one or more training courses in emergent literacy for prekindergarten instructors. Each course must comprise 5 clock hours and provide instruction in explicit, systematic, and multisensory instruction strategies and techniques to address the age-appropriate progress of prekindergarten students in developing emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development. Each course must address early identification of and intervention for students experiencing difficulties with emergent literacy skills and ~~also~~ provide resources containing strategies that allow students with disabilities and other special needs to derive maximum benefit from the Voluntary Prekindergarten Education Program. Successful completion of an emergent literacy training course approved under this section satisfies requirements for approved training in early literacy and language development under ss. 402.305(2)(d)5., 402.313(6), and 402.3131(5).

Section 5. Paragraphs (a) and (c) of subsection (3) of section 1002.67, Florida Statutes, are amended, and paragraph (d) is added to that subsection, to read:

1002.67 Performance standards; curricula and

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accountability.—

(3) (a) Contingent upon legislative appropriation, each private prekindergarten provider and public school in the Voluntary Prekindergarten Education Program must implement an evidence-based pre- and post-assessment that has been approved by the office ~~rule of the State Board of Education~~.

(c) The pre- and post-assessment must be administered by individuals meeting requirements established by the office ~~rule of the State Board of Education~~.

(d) Students who exhibit a deficiency in emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development, must be provided intensive, explicit, and systematic instruction.

Section 6. Subsections (1) and (2) of section 1002.69, Florida Statutes, are amended to read:

1002.69 Statewide kindergarten screening; kindergarten readiness rates; state-approved prekindergarten enrollment screening; good cause exemption.—

(1) The department shall adopt a statewide kindergarten screening that assesses the readiness of each student for kindergarten based upon the performance standards adopted by the ~~office department~~ under s. 1002.67(1) for the Voluntary Prekindergarten Education Program. The department shall require that each school district administer the statewide kindergarten screening to each kindergarten student in the school district within the first 30 school days of each school year. Nonpublic schools may administer the statewide kindergarten screening to each kindergarten student in a nonpublic school who was enrolled

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in the Voluntary Prekindergarten Education Program.

(2) The statewide kindergarten screening shall provide objective data concerning each student's readiness for kindergarten and progress in attaining the performance standards adopted by the office under s. 1002.67(1). Data from the screening, along with other available data, must be used to identify students in need of intervention and support pursuant to s. 1008.25(5).

Section 7. Paragraphs (b) and (c) of subsection (2) of section 1004.04, Florida Statutes, are amended to read:

1004.04 Public accountability and state approval for teacher preparation programs.—

(2) UNIFORM CORE CURRICULA AND CANDIDATE ASSESSMENT.—

(b) The rules to establish uniform core curricula for each state-approved teacher preparation program must include, but are not limited to, the following:

1. The Florida Educator Accomplished Practices.

2. The state-adopted content standards.

3. Scientifically researched reading instruction, including explicit, systematic, and multisensory approaches to reading instruction and intervention that are proven to improve reading performance for all students.

4. Content literacy and mathematics practices.

5. Strategies appropriate for the instruction of English language learners.

6. Strategies appropriate for the instruction of students with disabilities.

7. School safety.

(c) Each candidate must receive instruction and be assessed

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on the uniform core curricula in the candidate's area or areas of program concentration, including reading instruction under s. 1012.567, as applicable, during course work and field experiences.

Section 8. Paragraphs (a) and (b) of subsection (3) of section 1004.85, Florida Statutes, are amended to read:

1004.85 Postsecondary educator preparation institutes.—

(3) Educator preparation institutes approved pursuant to this section may offer competency-based certification programs specifically designed for noneducation major baccalaureate degree holders to enable program participants to meet the educator certification requirements of s. 1012.56. An educator preparation institute choosing to offer a competency-based certification program pursuant to the provisions of this section must implement a program previously approved by the Department of Education for this purpose or a program developed by the institute and approved by the department for this purpose. Approved programs shall be available for use by other approved educator preparation institutes.

(a) Within 90 days after receipt of a request for approval, the Department of Education shall approve a preparation program pursuant to the requirements of this subsection or issue a statement of the deficiencies in the request for approval. The department shall approve a certification program if the institute provides evidence of the institute's capacity to implement a competency-based program that includes each of the following:

1.a. Participant instruction and assessment in the Florida Educator Accomplished Practices.

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b. The state-adopted student content standards.

c. Scientifically researched reading instruction, including explicit, systematic, and multisensory approaches to reading instruction and intervention that are proven to improve reading performance for all students.

d. Content literacy and mathematical practices.

e. Strategies appropriate for instruction of English language learners.

f. Strategies appropriate for instruction of students with disabilities.

g. School safety.

2. An educational plan for each participant to meet certification requirements and demonstrate his or her ability to teach the subject area for which the participant is seeking certification, which is based on an assessment of his or her competency in the areas listed in subparagraph 1.

3. Field experiences appropriate to the certification subject area specified in the educational plan with a diverse population of students in a variety of settings under the supervision of qualified educators.

4. A certification ombudsman to facilitate the process and procedures required for participants who complete the program to meet any requirements related to the background screening pursuant to s. 1012.32 and educator professional or temporary certification pursuant to s. 1012.56.

(b) Each program participant must:

1. Meet certification requirements pursuant to s. 1012.56(1) by obtaining a statement of status of eligibility in the certification subject area of the educational plan and meet

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the requirements of s. 1012.56(2)(a)-(f).

2. Participate in coursework and field experiences that are appropriate to his or her educational plan prepared under paragraph (a), including reading instruction under s. 1012.567, as applicable.

3. Before completion of the program, fully demonstrate his or her ability to teach the subject area for which he or she is seeking certification by documenting a positive impact on student learning growth in a prekindergarten through grade 12 setting and achieving a passing score on the professional education competency examination, the basic skills examination, and the subject area examination for the subject area certification which is required by state board rule.

Section 9. Subsection (3), paragraph (b) of subsection (4), and paragraphs (a) and (c) of subsection (5) of section 1008.25, Florida Statutes, are amended, paragraph (d) is added to subsection (5) of that section, and paragraph (b) of subsection (6), subsection (7), and paragraph (a) of subsection (8) of that section are amended, to read:

1008.25 Public school student progression; student support; reporting requirements.—

(3) ALLOCATION OF RESOURCES.—District school boards shall allocate remedial and supplemental instruction resources to students in the following priority:

(a) Students in kindergarten through grade 3 who have a substantial deficiency ~~are deficient~~ in reading as determined in paragraph (5)(a) by the end of grade 3.

(b) Students who fail to meet performance levels required for promotion consistent with the district school board's plan

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for student progression required in subsection (2) ~~paragraph (2)(b).~~

(4) ASSESSMENT AND SUPPORT.—

(b) A student who has a substantial reading deficiency as determined in paragraph (5)(a) or is not meeting the school district or state requirements for satisfactory performance in English Language Arts and mathematics must be covered by one of the following plans:

~~1-~~ a federally required student plan, such as an individual education plan, ~~+~~

~~2. A schoolwide system of progress monitoring for all students, except a student who scores Level 4 or above on the English Language Arts and mathematics assessments may be exempted from participation by the principal; or~~

~~3-~~ an individualized progress monitoring plan, or both, as necessary.

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(a) Any student in kindergarten through grade 3 who exhibits a substantial deficiency in reading, based upon screening, diagnostic, progress monitoring, or assessment data; locally determined or statewide assessments; conducted in kindergarten or grade 1, grade 2, or grade 3, or through teacher observations; must be provided given intensive, explicit, systematic, and multisensory reading interventions ~~instruction~~ immediately following the identification of the reading deficiency. A school may not wait for a student to receive a failing grade at the end of a grading period to identify the student as having a substantial reading deficiency and initiate intensive reading interventions. The student's reading

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proficiency must be monitored and the intensive interventions
~~instruction~~ must continue until the student demonstrates grade
 level proficiency in a manner determined by the district, which
 may include achieving a Level 3 on the statewide, standardized
 English Language Arts assessment. The State Board of Education
shall identify by rule guidelines for determining whether a
student in kindergarten through grade 3 has a substantial
deficiency in reading.

(c) The parent of any student who exhibits a substantial
 deficiency in reading, as described in paragraph (a), must be
 notified in writing of the following:

1. That his or her child has been identified as having a
 substantial deficiency in reading, including a description and
an explanation, in terms understandable to the parent, of the
exact nature of the student's difficulty in learning and lack of
achievement in reading.

2. A description of the current services that are provided
 to the child.

3. A description of the proposed intensive interventions
~~supplemental instructional services~~ and supports that will be
 provided to the child that are designed to remediate the
 identified area of reading deficiency.

4. That if the child's reading deficiency is not remediated
 by the end of grade 3, the child must be retained unless he or
 she is exempt from mandatory retention for good cause.

5. Opportunities to observe effective instruction and
intervention strategies in the classroom; receive literacy
instruction from the school or through community adult literacy
initiatives; and receive strategies, including multisensory

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strategies, through a read-at-home plan that the parent can for
~~parents to use in helping his or her their~~ child succeed in
 reading ~~proficiency~~.

6. That the statewide, standardized English Language Arts
 assessment is not the sole determiner of promotion and that
 additional evaluations, portfolio reviews, and assessments are
 available to the child to assist parents and the school district
 in knowing when a child is reading at or above grade level and
 ready for grade promotion.

7. The district's specific criteria and policies for a
 portfolio as provided in subparagraph (6)(b)4. and the evidence
 required for a student to demonstrate mastery of Florida's
 academic standards for English Language Arts. A parent of a
 student in grade 3 who is identified anytime during the year as
 being at risk of retention may request that the school
 immediately begin collecting evidence for a portfolio.

8. The district's specific criteria and policies for
 midyear promotion. Midyear promotion means promotion of a
 retained student at any time during the year of retention once
 the student has demonstrated ability to read at grade level.

After initial notification, the school shall apprise the parent
of the student's progress in response to the intensive
interventions and supports at least once every 2 weeks. These
communications must be in writing and must explain any
additional interventions or supports that will be used to
accelerate the student's progress if the interventions and
supports already being implemented have not resulted in
improvement.

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(d) The Department of Education shall develop a handbook that schools must provide to the parent of a student who is identified as having a substantial reading deficiency. The handbook must be made available in an electronic format that is accessible online and must include the following information:

1. An overview of the requirements for interventions and supports that districts must provide to students who do not make adequate academic progress.

2. An overview of the procedural requirements for initiating and conducting evaluations for exceptional education eligibility. The overview must include an explanation that a diagnosis of a medical condition alone is not sufficient to establish exceptional education eligibility but may be used to document how that condition relates to the student's eligibility determination and may be disclosed in an eligible student's individual education plan (IEP) when necessary to inform school personnel responsible for implementing the IEP.

3. Characteristics of conditions associated with learning disorders, including dyslexia, dysgraphia, dyscalculia, and developmental aphasia.

4. A list of resources that support informed parent involvement in decisionmaking processes for students who have difficulty with learning.

(6) ELIMINATION OF SOCIAL PROMOTION.—

(b) The district school board may only exempt students from mandatory retention, as provided in paragraph (5)(b), for good cause. A student who is promoted to grade 4 with a good cause exemption shall be provided intensive reading instruction and intervention that include specialized diagnostic information and

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specific reading strategies to meet the needs of each student so promoted. The school district shall assist schools and teachers with the implementation of explicit, systematic, and multisensory reading instruction and intervention strategies for students promoted with a good cause exemption which research has shown to be successful in improving reading among students who have reading difficulties. Good cause exemptions are limited to the following:

1. Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program based on the initial date of entry into a school in the United States.

2. Students with disabilities whose individual education plan indicates that participation in the statewide assessment program is not appropriate, consistent with the requirements of s. 1008.212.

3. Students who demonstrate an acceptable level of performance on an alternative standardized reading or English Language Arts assessment approved by the State Board of Education.

4. A student who demonstrates through a student portfolio that he or she is performing at least at Level 2 on the statewide, standardized English Language Arts assessment.

5. Students with disabilities who take the statewide, standardized English Language Arts assessment and who have an individual education plan or a Section 504 plan that reflects that the student has received intensive instruction in reading or English Language Arts for more than 2 years but still demonstrates a deficiency and was previously retained in

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kindergarten, grade 1, grade 2, or grade 3.

6. Students who have received intensive reading intervention for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. A student may not be retained more than once in grade 3.

~~7. Students who have received intensive remediation in reading or English Language Arts for 2 or more years but still demonstrate a deficiency and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. Intensive instruction for students so promoted must include an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student. The district school board shall assist schools and teachers to implement reading strategies that research has shown to be successful in improving reading among low-performing readers.~~

(7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE STUDENTS.—

(a) Students retained under ~~the provisions of~~ paragraph (5)(b) must be provided intensive interventions in reading to ameliorate the student's specific reading deficiency and prepare the student for promotion to the next grade. These interventions, as identified by a valid and reliable diagnostic assessment. This intensive intervention must include:

1. Evidence-based, explicit, systematic, and multisensory reading instruction in phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district. effective instructional strategies,

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2. Participation in the school district's summer reading camp, which must incorporate the instructional and intervention strategies under subparagraph 1, and appropriate teaching methodologies necessary to assist those students in becoming successful readers, able to read at or above grade level, and ready for promotion to the next grade.

3. A minimum of 90 minutes of daily, uninterrupted reading instruction incorporating the instructional and intervention strategies under subparagraph 1. This instruction may include:

~~(b) Each school district shall:~~

1. Provide third grade students who are retained under the provisions of paragraph (5)(b) with intensive instructional services and supports to remediate the identified areas of reading deficiency, including participation in the school district's summer reading camp as required under paragraph (a) and a minimum of 90 minutes of daily, uninterrupted, ~~scientifically research-based reading instruction which includes phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district, which may include, but are not limited to:~~

- a. Integration of content-rich, nonfiction texts in science and social studies ~~content~~ within the 90-minute block.
- b. Small group instruction.
- c. Reduced teacher-student ratios.
- d. More frequent progress monitoring.
- e. Tutoring or mentoring.
- f. Transition classes containing 3rd and 4th grade students.
- g. Extended school day, week, or year.

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642 (b) Each school district shall:

643 1.2- Provide written notification to the parent of a
 644 student who is retained under ~~the provisions of~~ paragraph (5) (b)
 645 that his or her child has not met the proficiency level required
 646 for promotion and the reasons the child is not eligible for a
 647 good cause exemption as provided in paragraph (6) (b). The
 648 notification must comply with paragraph (5) (c) ~~the provisions of~~
 649 ~~s. 1002.20(15)~~ and must include a description of proposed
 650 interventions and supports that will be provided to the child to
 651 remediate the identified areas of reading deficiency.

652 2.3- Implement a policy for the midyear promotion of a
 653 student retained under ~~the provisions of~~ paragraph (5) (b) who
 654 can demonstrate that he or she is a successful and independent
 655 reader and performing at or above grade level in reading or,
 656 upon implementation of English Language Arts assessments,
 657 performing at or above grade level in English Language Arts.
 658 Tools that school districts may use in reevaluating a student
 659 retained may include subsequent assessments, alternative
 660 assessments, and portfolio reviews, in accordance with rules of
 661 the State Board of Education. Students promoted during the
 662 school year after November 1 must demonstrate proficiency levels
 663 in reading equivalent to the level necessary for the beginning
 664 of grade 4. The rules adopted by the State Board of Education
 665 must include standards that provide a reasonable expectation
 666 that the student's progress is sufficient to master appropriate
 667 grade 4 level reading skills.

668 3.4- Provide students who are retained under ~~the provisions~~
 669 ~~of~~ paragraph (5) (b) with a highly effective teacher as
 670 determined by the teacher's performance evaluation under s.

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671 1012.34, and, beginning July 1, 2018, the teacher must also be
 672 certified or endorsed in reading.

673 4.5- Establish at each school, when applicable, an
 674 intensive reading acceleration course ~~class~~ for any student
 675 retained in grade 3 who was previously retained in kindergarten,
 676 grade 1, or grade 2 students who subsequently score Level 1 on
 677 the required statewide, standardized assessment identified in s.
 678 1008.22. The focus of the Intensive Acceleration Class shall be
 679 to increase a child's reading and English Language Arts skill
 680 level at least two grade levels in 1 school year. The intensive
 681 reading acceleration course must provide the following class
 682 shall:

683 a. Uninterrupted reading instruction for the majority of
 684 student contact time each day and opportunities to master the
 685 grade 4 Next Generation Sunshine State Standards in other core
 686 subject areas through content-rich, nonfiction texts.

687 b. Small group instruction.

688 c. Reduced teacher-student ratios.

689 d. The use of explicit, systematic, and multisensory
 690 reading interventions, including intensive language and
 691 vocabulary instruction and use of a speech-language therapist if
 692 necessary, that have proven results in accelerating student
 693 reading achievement within the same school year.

694 e. A read-at-home plan.

695 ~~a. Be provided to a student in grade 3 who scores Level 1~~
 696 ~~on the statewide, standardized English Language Arts assessment~~
 697 ~~and who was retained in grade 3 the prior year because of~~
 698 ~~scoring Level 1.~~

699 ~~b. Have a reduced teacher-student ratio.~~

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~~e. Provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the grade 4 Next Generation Sunshine State Standards in other core subject areas.~~

~~d. Use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year.~~

~~e. Provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech-language therapist.~~

(8) ANNUAL REPORT.—

(a) In addition to the requirements in paragraph (5) (b), each district school board must annually report to the parent of each student the progress of the student toward achieving state and district expectations for proficiency in English Language Arts, science, social studies, and mathematics. The district school board must report to the parent the student's results on each statewide, standardized assessment. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, response to intensive interventions provided under paragraph (5) (a), and other relevant information. Progress reporting must be provided to the parent in writing in a format adopted by the district school board.

Section 10. Subsection (5) of section 1008.345, Florida Statutes, is amended to read:

1008.345 Implementation of state system of school improvement and education accountability.—

(5) The commissioner shall annually report to the State

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Board of Education and the Legislature and recommend changes in state policy necessary to foster school improvement and education accountability. The report shall include:

(a) For each school district:

1. The percentage of students, by school and grade level, demonstrating learning growth in English Language Arts and mathematics.

2. The percentage of students, by school and grade level, in both the highest and lowest quartiles demonstrating learning growth in English Language Arts and mathematics.

3. The information contained in the school district's annual report required under s. 1008.25(8).

(b) Intervention and support strategies used by school districts ~~boards~~ whose students in both the highest and lowest quartiles exceed the statewide average learning growth for students in those quartiles.

(c) Intervention and support strategies used by school districts ~~boards~~ whose schools provide educational services to youth in Department of Juvenile Justice programs that demonstrate learning growth in English Language Arts and mathematics that exceeds the statewide average learning growth for students in those subjects.

(d) Based upon a review of each school district's reading plan submitted pursuant to s. 1011.62(9), intervention and support strategies used by school districts that were effective in improving the reading performance of students, as indicated by student performance data, who are identified as having a substantial reading deficiency pursuant to s. 1008.25(5) (a).

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School reports shall be distributed pursuant to this subsection and s. 1001.42(18)(c) and according to rules adopted by the State Board of Education.

Section 11. Subsection (2) of section 1011.67, Florida Statutes, is amended to read:

1011.67 Funds for instructional materials.—

(2) (a) Annually by July 1 and before prior to the release of instructional materials funds, each district school superintendent shall certify to the Commissioner of Education that the district school board has approved a comprehensive staff development plan that supports fidelity of implementation of instructional materials programs, including. The report shall include verification that training was provided; and that the materials are being implemented as designed; and, beginning April 1, 2019, for core reading materials and supplemental intervention reading materials used in kindergarten through grade 5, that the materials have been identified by the Just Read, Florida! Office as meeting the requirements of s. 1001.215(11). This paragraph does not preclude school districts from purchasing or using other materials to supplement reading instruction and provide additional skills practice.

(b) Each district school superintendent shall, as part of the certification under paragraph (a), report the number and percentage of the district's K-5 instructional personnel who have received training to implement the core and supplemental intervention reading materials. The district school superintendent shall also report the process and timeline by which the remaining K-5 personnel will be provided the training, including those newly hired by the district.

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Section 12. Section 1012.567, Florida Statutes, is created to read:

1012.567 Certification and endorsement of elementary reading instructors.—

(1) CERTIFICATION.—

(a) Beginning January 1, 2018, a candidate for an educator certificate in an area involving reading instruction or intervention for any students in kindergarten through grade 6 must, as part of the certification process, demonstrate competence in the following:

1. Identifying characteristics of conditions such as dyslexia and other causes of diminished phonological processing skills.

2. Using explicit, systematic, and multisensory approaches to reading instruction and intervention that are proven to improve reading performance for all students.

3. Using predictive and other data to make instructional decisions based on individual student needs.

The State Board of Education shall adopt by rule the minimum requirements for instruction provided by teacher preparation programs and school districts for this purpose.

(b) Documentation of a valid professional standard teaching certificate issued by another state is not sufficient to meet the requirements of paragraph (a). The State Board of Education shall establish a procedure by which a candidate who holds a certificate issued by another state may demonstrate competence as required in paragraph (a).

(c) The State Board of Education shall identify by rule

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816 certification areas in which candidates must demonstrate
 817 competence as provided in paragraph (a) as part of the
 818 certification process.

819 (d) To receive initial or continued approval, a teacher
 820 preparation program under s. 1004.04 or s. 1004.85 must provide
 821 instruction in the skills and strategies listed in paragraph (a)
 822 to candidates for certificates in the areas identified by the
 823 state board pursuant to paragraph (c).

824 (2) ENDORSEMENT.—Beginning January 1, 2018, the
 825 specialization requirements for an endorsement in reading
 826 instruction must include at least 3 semester hours of
 827 instruction in explicit, systematic, and multisensory approaches
 828 to reading instruction and intervention that are proven to
 829 improve reading performance for all students. This instruction
 830 may be incorporated into semester hour requirements established
 831 in State Board of Education rule.

832 (3) REVIEW.—By July 1, 2017, and at least once every 5
 833 years thereafter, the department shall conduct a review of
 834 specialization and coverage area requirements in the elementary,
 835 reading, and exceptional student educational areas. At the
 836 conclusion of each review, the department shall recommend to the
 837 State Board of Education changes to the specialization and
 838 coverage area requirements based upon any identified
 839 instructional or intervention strategy proven to improve student
 840 reading performance.

841 (4) STATE BOARD RULES.—The State Board of Education shall
 842 adopt rules pursuant to ss. 120.536 and 120.54 as necessary to
 843 implement this section.

844 Section 13. Paragraph (a) of subsection (3) of section

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845 1012.585, Florida Statutes, is amended, and paragraph (f) is
 846 added to that subsection, to read:

847 1012.585 Process for renewal of professional certificates.—

848 (3) For the renewal of a professional certificate, the
 849 following requirements must be met:

850 (a) The applicant must earn a minimum of 6 college credits
 851 or 120 inservice points or a combination thereof. For each area
 852 of specialization to be retained on a certificate, the applicant
 853 must earn at least 3 of the required credit hours or equivalent
 854 inservice points in the specialization area. Education in
 855 "clinical educator" training pursuant to s. 1004.04(5)(b) and
 856 credits or points that provide training in the area of
 857 scientifically researched, knowledge-based reading literacy,
 858 including explicit, systematic, and multisensory approaches to
 859 reading instruction and intervention; ~~and~~ computational skills
 860 acquisition; ~~r~~ exceptional student education; ~~r~~ normal child
 861 development; ~~r~~ and the disorders of development may be applied
 862 toward any specialization area. Credits or points that provide
 863 training in the areas of drug abuse, child abuse and neglect,
 864 strategies in teaching students having limited proficiency in
 865 English, or dropout prevention, or training in areas identified
 866 in the educational goals and performance standards adopted
 867 pursuant to ss. 1000.03(5) and 1008.345 may be applied toward
 868 any specialization area, except specialization areas identified
 869 by State Board of Education rule as involving reading
 870 instruction or intervention for any students in kindergarten
 871 through grade 6 under s. 1012.567(1)(c). Credits or points
 872 earned through approved summer institutes may be applied toward
 873 the fulfillment of these requirements. Inservice points may also

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be earned by participation in professional growth components approved by the State Board of Education and specified pursuant to s. 1012.98 in the district's approved master plan for inservice educational training; however, such points may not be used to satisfy the specialization requirements of this paragraph, including, but not limited to, serving as a trainer in an approved teacher training activity, serving on an instructional materials committee or a state board or commission that deals with educational issues, or serving on an advisory council created pursuant to s. 1001.452.

(f) Beginning January 1, 2018, an applicant for renewal of a professional certificate in any area of certification identified by State Board of Education rule pursuant to s. 1012.567(1)(c) must earn a minimum of two college credits or the equivalent inservice points in the use of explicit, systematic, and multisensory approaches to reading instruction and intervention. Such training must be provided by teacher preparation programs under s. 1004.04 or s. 1004.85 or approved school district professional development systems under s. 1012.98. The requirements in this paragraph may not add to the total hours required by the department for continuing education or inservice training.

Section 14. Subsection (1) of section 1012.586, Florida Statutes, is amended to read:

1012.586 Additions or changes to certificates; duplicate certificates.—A school district may process via a Department of Education website certificates for the following applications of public school employees:

(1) Addition of a subject coverage or endorsement to a

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valid Florida certificate on the basis of the completion of the appropriate subject area testing requirements of s. 1012.56(5)(a) or the completion of the requirements of an approved school district program or the inservice components for an endorsement. To reduce duplication, the department may recommend the consolidation of endorsement areas and requirements to the State Board of Education.

The employing school district shall charge the employee a fee not to exceed the amount charged by the Department of Education for such services. Each district school board shall retain a portion of the fee as defined in the rules of the State Board of Education. The portion sent to the department shall be used for maintenance of the technology system, the web application, and posting and mailing of the certificate.

Section 15. Paragraph (e) is added to subsection (3) of section 1012.98, Florida Statutes, and paragraph (b) of subsection (4) of that section is amended, to read:

1012.98 School Community Professional Development Act.—

(3) The activities designed to implement this section must:

(e) Provide all elementary grades instructional personnel without a reading endorsement with training sufficient to earn the endorsement before attainment or renewal of a professional certificate pursuant to s. 1012.56 or s. 1012.585.

(4) The Department of Education, school districts, schools, Florida College System institutions, and state universities share the responsibilities described in this section. These responsibilities include the following:

(b) Each school district shall develop a professional

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development system as specified in subsection (3). The system shall be developed in consultation with teachers, teacher-educators of Florida College System institutions and state universities, business and community representatives, and local education foundations, consortia, and professional organizations. The professional development system must:

1. Be approved by the department. All substantial revisions to the system shall be submitted to the department for review for continued approval.

2. Be based on analyses of student achievement data and instructional strategies and methods that support rigorous, relevant, and challenging curricula for all students. Schools and districts, in developing and refining the professional development system, shall also review and monitor school discipline data; school environment surveys; assessments of parental satisfaction; performance appraisal data of teachers, managers, and administrative personnel; and other performance indicators to identify school and student needs that can be met by improved professional performance.

3. Provide inservice activities coupled with followup support appropriate to accomplish district-level and school-level improvement goals and standards. The inservice activities for instructional personnel shall focus on analysis of student achievement data, ongoing formal and informal assessments of student achievement, identification and use of enhanced and differentiated instructional strategies that emphasize rigor, relevance, and reading in the content areas, enhancement of subject content expertise, integrated use of classroom technology that enhances teaching and learning, classroom

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management, parent involvement, and school safety.

4. Include a master plan for inservice activities, pursuant to rules of the State Board of Education, for all district employees from all fund sources. The master plan shall be updated annually by September 1, must be based on input from teachers and district and school instructional leaders, and must use the latest available student achievement data and research to enhance rigor and relevance in the classroom. Each district inservice plan must be aligned to and support the school-based inservice plans and school improvement plans pursuant to s. 1001.42(18). Each district inservice plan must provide a description of the training that middle grades instructional personnel and school administrators receive on the district's code of student conduct adopted pursuant to s. 1006.07; integrated digital instruction and competency-based instruction and CAPE Digital Tool certificates and CAPE industry certifications; classroom management; student behavior and interaction; extended learning opportunities for students; and instructional leadership. District plans must be approved by the district school board annually in order to ensure compliance with subsection (1) and to allow for dissemination of research-based best practices to other districts. District school boards must submit verification of their approval to the Commissioner of Education no later than October 1, annually. Each school principal may establish and maintain an individual professional development plan for each instructional employee assigned to the school as a seamless component to the school improvement plans developed pursuant to s. 1001.42(18). An individual professional development plan must be related to specific performance data

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for the students to whom the teacher is assigned, define the inservice objectives and specific measurable improvements expected in student performance as a result of the inservice activity, and include an evaluation component that determines the effectiveness of the professional development plan.

5. Include inservice activities for school administrative personnel that address updated skills necessary for instructional leadership and effective school management pursuant to s. 1012.986.

6. Provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs.

7. Provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs.

8. Provide for the continuous evaluation of the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and to expand effective ones. Evaluations must consider the impact of such activities on the performance of participating educators and their students' achievement and behavior.

9. For middle grades, emphasize:

a. Interdisciplinary planning, collaboration, and instruction.

b. Alignment of curriculum and instructional materials to the state academic standards adopted pursuant to s. 1003.41.

c. Use of small learning communities; problem-solving, inquiry-driven research and analytical approaches for students; strategies and tools based on student needs; competency-based

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instruction; integrated digital instruction; and project-based instruction.

Each school that includes any of grades 6, 7, or 8 must include in its school improvement plan, required under s. 1001.42(18), a description of the specific strategies used by the school to implement each item listed in this subparagraph.

10. Provide training to reading coaches, classroom teachers, and school administrators in effective methods of identifying characteristics of conditions such as dyslexia and other causes of diminished phonological processing skills; incorporating instructional techniques into the general education setting that are proven to improve reading performance for all students; and using predictive and other data to make instructional decisions based on individual student needs. The training must help teachers integrate phonemic awareness; phonics, word study, and spelling; reading fluency; vocabulary, including academic vocabulary; and text comprehension strategies into an explicit, systematic, and multisensory approach to reading instruction and intervention.

Section 16. 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)

2.24.16

Meeting Date

1068

Bill Number (if applicable)

Topic Reading

Amendment Barcode (if applicable)

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Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Foundation for Florida's Future

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2 12/1/2016

Meeting Date

Topic _____

Bill Number 1068
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

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Representing JUSTICE-2-JESUS

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)

2/24/16

Meeting Date

~~1068~~ 1068

Bill Number (if applicable)

Topic Edu.

Amendment Barcode (if applicable)

Name Greg Pound

Job Title _____

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Phone _____

Street

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City

Fla

State

33773

Zip

Email _____

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

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 Appropriations Subcommittee on Education

BILL: SB 1078

INTRODUCER: Senator Legg

SUBJECT: Education

DATE: February 24, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	Favorable
2.	Sikes	Elwell	AED	Recommend: Favorable
3.			AP	

I. Summary:

SB 1078 updates terminologies to reflect the current ACT test, ACT Aspire, which has replaced the Preliminary ACT (PLAN) test. Accordingly, the bill conforms existing testing, funding, and reporting provisions associated with the change of PLAN to ACT Aspire.

The bill has no fiscal impact.

The bill takes effect July 1, 2016.

II. Present Situation:

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

Specifically, in 2004, the Legislature enacted the Florida Partnership for Minority and Underrepresented Students Achievement Act which created the Florida Partnership for Minority and Underrepresented Student Achievement with the mission to “prepare, inspire, and connect students to postsecondary success and opportunity, with a particular focus on minority students and students who are underrepresented in postsecondary education.”¹ Additionally, the law identifies certain tests that public school students in grade 10 must take, and specifies related funding and reporting requirements.

PSAT/NMSQT or ACT PLAN Tests for Students in Grade 10

Each public high school, including not limited to, schools and alternative sites and centers of the Department of Juvenile Justice, must provide for the administration of the Preliminary

¹ Section 1, ch. 2004-63, L.O.F., *codified at* s. 1007.35, F.S.

SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT),² or Preliminary ACT (PLAN)³ to all students enrolled in grade 10.^{4,5} However, a parent has the opportunity to exempt his or her child from taking the PSAT/NMSQT or PLAN.⁶ Student performance on such tests are intended to help high schools assess if students are “prepared to enroll and be successful in AP courses or other advanced high school courses.”⁷

School districts must choose to administer either the PSAT/NMSQT or PLAN districtwide.⁸ Funding for such tests is contingent on annual funding in the General Appropriations Act.⁹

ACT Aspire

ACT, Inc., launched a new student readiness assessment system called ACT Aspire on April 1, 2014.¹⁰ ACT Aspire is the first computer-based longitudinal assessment system connecting student progress from elementary grades through high school in the context of college and career readiness,¹¹ and includes summative 3-8 and 9th/10th grade assessments in English, Reading, Math, Science, and Writing.¹²

III. Effect of Proposed Changes:

SB 1078 updates terminologies to reflect the current ACT test, ACT Aspire, which has replaced the Preliminary ACT (PLAN) test.¹³ Accordingly, the bill conforms existing testing, funding, and reporting provisions associated with PLAN to the change.

The bill takes effect July 1, 2016.

² The PSAT/National Merit Scholarship Qualifying Test (NMSQT) and PSAT 10 also measures what students learn in school and what the students need to succeed in college. College Board, *PSAT/NMSQT and PSAT 10: Inside the Test*, <https://professionals.collegeboard.com/testing/sat> (last visited Jan. 24, 2016); see also College Board International, *PSAT/NMSQT*, <http://international.collegeboard.org/programs/psat-nmsqt-psss> (last visited Jan. 24, 2016).

³ PLAN includes four multiple-choice tests in English, Math, Reading, and Science. ACT, *PLAN*, <https://www.act.org/planstudent/tests/index.html> (last visited Jan. 24, 2016). Typically, students take PLAN in grade 10. ACT, *PLAN*, <https://www.act.org/planstudent/tests/epas.html> (last visited Jan. 24, 2016).

⁴ Section 1007.35(5), F.S.

⁵ In 2015, the Legislature placed limits on the amount of time school districts schedule for administering state-required and district required tests to no more than five percent of a student’s total school hours during a school year, with some exceptions. A district must secure written consent from a student’s parent before administering district-required local assessments, that after applicable statewide, standardized assessments are scheduled, exceed the 5 percent limit on test administration for that student. Additionally, the law eliminated the requirement that a school district administer a local assessment for each course offered by the district, which could include but not be limited to nationally recognized standardized assessments. Section 7, ch. 2015-6, L.O.F. *codified at* s. 1008.22, F.S.

⁶ *Id.*

⁷ Section 1007.35(5)(a), F.S.

⁸ Section 1007.35(5)(c), F.S.

⁹ Section 1007.35(5)(b), F.S.

¹⁰ Since April 1, 2014, more than 3 million tests have been administered. ACT, Inc., *ACT & College and Career Readiness*, on file with the Committee on Education Pre-K – 12, at 9.

¹¹ ACT, *ACT Plan: Overview*, <http://www.act.org/products/k-12-act-plan/> (last visited Jan. 24, 2016).

¹² ACT, Inc., *ACT & College and Career Readiness*, on file with the Committee on Education Pre-K – 12, at 9.

¹³ Since June 13, 2014, ACT PLAN has not been available for test administration or scoring. ACT Aspire, *ACT Aspire Migration FAQs*, <http://www.act.org/migrate/faq.html> (last visited Jan. 24, 2016); see also ACT, *ACT Plan: Overview*, <http://www.act.org/products/k-12-act-plan/> (last visited Jan. 24, 2016).

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1007.35 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

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

By Senator Legg

17-01666-16

20161078__

A bill to be entitled

An act relating to education; amending s. 1007.35, F.S.; revising the exams each public high school is required to administer to all enrolled 10th grade students to include ACT Aspire; providing an effective date.

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

Section 1. Subsection (5), paragraph (j) of subsection (6), and paragraph (a) of subsection (8) of section 1007.35, Florida Statutes, are amended to read:

1007.35 Florida Partnership for Minority and Underrepresented Student Achievement.—

(5) Each public high school, including, but not limited to, schools and alternative sites and centers of the Department of Juvenile Justice, shall provide for the administration of the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), or ACT Aspire ~~Preliminary ACT (PLAN)~~ to all enrolled 10th grade students. However, a written notice shall be provided to each parent that shall include the opportunity to exempt his or her child from taking the PSAT/NMSQT or ACT Aspire ~~PLAN~~.

(a) Test results will provide each high school with a database of student assessment data which certified school counselors will use to identify students who are prepared or who need additional work to be prepared to enroll and be successful in AP courses or other advanced high school courses.

(b) Funding for the PSAT/NMSQT or ACT Aspire ~~PLAN~~ for all 10th grade students shall be contingent upon annual funding in the General Appropriations Act.

(c) Public school districts must choose either the

17-01666-16

20161078__

PSAT/NMSQT or ACT Aspire ~~PLAN~~ for districtwide administration.

(6) The partnership shall:

(j) Provide information to students, parents, teachers, counselors, administrators, districts, Florida College System institutions, and state universities regarding PSAT/NMSQT or ACT Aspire ~~PLAN~~ administration, including, but not limited to:

1. Test administration dates and times.

2. That participation in the PSAT/NMSQT or ACT Aspire ~~PLAN~~ is open to all 10th grade ~~10~~ students.

3. The value of such tests in providing diagnostic feedback on student skills.

4. The value of student scores in predicting the probability of success on AP or other advanced course examinations.

(8) (a) By September 30 of each year, the partnership shall submit to the department a report that contains an evaluation of the effectiveness of the delivered services and activities. Activities and services must be evaluated on their effectiveness at raising student achievement and increasing the number of AP or other advanced course examinations in low-performing middle and high schools. Other indicators that must be addressed in the evaluation report include the number of middle and high school teachers trained; the effectiveness of the training; measures of postsecondary readiness of the students affected by the program; levels of participation in 10th grade PSAT/NMSQT or ACT Aspire ~~PLAN~~ testing; and measures of student, parent, and teacher awareness of and satisfaction with the services of the partnership.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

BILL: CS/SB 1088

INTRODUCER: Education Pre-K - 12 Committee and Senator Stargel and others

SUBJECT: Education Programs for Individuals with Disabilities

DATE: February 24, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	Fav/CS
2.	Sikes	Elwell	AED	Recommend: Favorable
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1088 expands eligibility requirements for students enrolled in education programs for students with disabilities. Specifically, the bill:

- Amends the John M. McKay Scholarship for Students with Disabilities Program (McKay) to:
 - Exempt foster children from the prior school year attendance requirement for determining student eligibility.
 - Authorize a private school to establish a transition-to-work program for McKay students.
 - Enable McKay students to take virtual courses without reducing the scholarship amount.
- Saves from repeal the Adults with Disabilities Workforce Education Pilot Program, and renames the program the “Adults with Disabilities Workforce Education Program.”

According to the Department of Education, the estimated fiscal impact to the Florida Education Finance Program (FEFP) of exempting the McKay scholarship amount from the 1.0 FTE requirement is approximately \$309,000, based on the virtual course enrollments of current McKay students.

The bill provides an effective date of July 1, 2016, except where otherwise expressly provided.

II. Present Situation:

McKay Scholarship For Students With Disabilities Program

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

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

Eligibility Requirements

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

- The student has:
 - Spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind; or
 - Received specialized instructional services under the Voluntary Prekindergarten Education Program⁴ during the previous school year and has a current IEP or 504 accommodation plan.
- The parent has obtained acceptance for admission of the student to a private school that is eligible for the program, and has requested a McKay scholarship from the Department of Education (DOE) at least 60 days before the date of the first scholarship payment.

Prior School Year Attendance

For purposes of scholarship eligibility, the term “prior school year in attendance” means the student was enrolled and reported by:⁵

- A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through grade 12, which includes time spent in a Department of Juvenile Justice commitment program if funded under the FEFP;

¹ Section 1002.39(1), F.S.

² Section 1002.39(1), F.S.

³ Section 1002.39(2), F.S. The public school option is discussed in the McKay Public School Option portion of this analysis.

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

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

- The Florida School for the Deaf and the Blind during the preceding October and February student membership surveys in kindergarten through grade 12; or
- A school district for funding during the preceding October and February FEFP surveys and the student was at least 4 years old when enrolled and reported and eligible for services under the school attendance requirements for prekindergarten aged children with disabilities.

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

Scholarship Funding and Payments

The amount of a McKay scholarship is a statutorily calculated amount or the amount of the private school's tuition and fees, whichever is less.⁷ Until a school district completes a matrix of services, the calculation must be based on the matrix that assigns the student to support Level I of services.⁸ When the school district completes the matrix, the amount of the payment is adjusted as needed.⁹

State funding per student may not exceed 1.0 FTE, including traditional and virtual courses.¹⁰ If a student's course load exceeds 1.0 FTE, the funding for each course is reduced proportionately to equal 1.0 FTE.¹¹ For example, although McKay students are authorized to take up to two virtual courses,¹² the scholarship amount is reduced in order to accommodate the additional courses and still comply with the 1.0 FTE requirement.

Public School Transition to Postsecondary Education and Career Opportunities

To ensure quality planning for a successful transition of a student with a disability to postsecondary education and career opportunities, an IEP team must develop an IEP for identifying the need for transition services.¹³

The plan must:¹⁴

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

⁷ Section 1002.39(10)(b), F.S. The McKay scholarship has a maximum cap, which is equivalent to the base student allocation in the Florida Education Finance Program (FEFP) multiplied by the appropriate cost factor for the educational program that would have been provided for the student in the district school to which the student was assigned, multiplied by the district cost differential. Section 1002.39(10)(a), F.S.

⁸ Section 1002.39(10)(a)4., F.S.

⁹ *Id.*

¹⁰ Section 1011.61(4)(a), F.S.

¹¹ *Id.*

¹² Section 1002.39(3)(f), F.S., states that a student is not eligible for McKay while participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year.

¹³ Section 1003.5716(1), F.S. Any change in the IEP goals must be approved by the parent is subject to verification for appropriateness by an independent reviewer selected by the parent. Section 1003.5716(3), F.S.

¹⁴ Section 1003.5716, F.S.

- Be developed by the time the student is 14, in order for the student's postsecondary goals and career goals to be identified and in place when the student turns 16 years old.¹⁵
- Consider the student's need for instruction in the area of self-determination and self-advocacy to assist the student's active and effective participation in an IEP meeting.
- Prepare the student to graduate from high school with a standard high school diploma with a Scholar designation, unless the parent chooses a Merit designation.
- Include a statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
- Include a statement, when the student turns 16,¹⁶ of:
 - Intent to pursue a standard high school diploma and Scholar or Merit designation, as determined by the parent.
 - Intent to receive a standard high school diploma before the student turns 22. The statement must include a description of how the student will fully meet the requirement for receiving a standard high school diploma, including a portfolio.
 - Outcomes and additional benefits expected by the parent and the IEP team at the time of the student's graduation.

If a participating agency responsible for transition services fails to provide the transition services described in the IEP, the school district must reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student that are specified in the IEP.¹⁷ The participating agency is not relieved of the responsibility to provide for or pay for any transition services that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.¹⁸

Adults with Disabilities Workforce Education Pilot Program

The Adults with Disabilities Workforce Education Pilot Program (pilot program) was established by the Legislature in 2012 as a Department of Education (DOE) pilot program in Hardee, DeSoto, Manatee, and Sarasota counties.¹⁹

Student Eligibility

The Pilot Program provides the option of receiving a scholarship for instruction at private schools for up to 30 students who:²⁰

- Have a disability;²¹

¹⁵ *Id.*

¹⁶ Sixteen or younger if determined appropriate by the parent and the IEP team. *Id.* The statement must be updated annually. *Id.*

¹⁷ Section 1003.5716(4), F.S.

¹⁸ *Id.*

¹⁹ Section 12, ch. 2012-134, L.O.F.; Section 1004.935, F.S.

²⁰ Section 1004.395(1), F.S.

²¹ The term "student with a disability" includes a student who is documented as having an intellectual disability; a speech impairment; a language impairment; a hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic impairment; another health impairment; an emotional or behavioral disability; a

- Are 22 years of age;
- Are receiving instruction from an instructor in a private school to meet high school graduation requirements;
- Do not have a standard high school diploma or a special high school diploma; and
- Receive supported employment services.²²

A student may participate in the pilot program until the student graduates from high school or reaches the age of 40 years, whichever occurs first.²³

If the student chooses to participate in the pilot program and is accepted by the provider of supported employment services, the student must notify DOE 60 days before the first scholarship payment and before participating in the pilot program.²⁴

Private School Eligibility

To be eligible to participate in the pilot program, a private school must meet certain requirements.²⁵ The private school must:²⁶

- Be academically accountable for meeting the educational needs of the student by annually providing to the provider of supported employment services a written explanation of the student's progress.
- Comply with federal nondiscrimination requirements.
- Meet state and local health and safety laws and codes.
- Supply to the provider of supported employment services all documentation required for a student's participation at least 30 days before any scholarship payment is made for the student.

The pilot program is scheduled to be repealed June 30, 2016.²⁷

III. Effect of Proposed Changes:

CS/SB 1088 expands eligibility requirements for students enrolled in education programs for students with disabilities. Specifically, the bill:

- Amends the John M. McKay Scholarship for Students with Disabilities Program (McKay) to:
 - Exempt foster children from the prior school year attendance requirement for determining student eligibility.
 - Authorize a private school to establish a transition-to-work program for McKay students.

specific learning disability, including but not limited to dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay; or autism spectrum disorder. Section 1004.935(1), F.S.

²² Supported employment services means employment that is located or provided in an integrated work setting with earnings paid on a commensurate wage basis and for which continued support is needed for job maintenance. Section 1004.935(1)(e), F.S. These services may be provided at more than one site. S. 1004.935(3), F.S. The provider of these services must be a nonprofit 501(c)(3) corporation which services the respective pilot counties, and must contract with an eligible private school. S. 1004.935(4), F.S.

²³ Section 1004.935(2), F.S.

²⁴ Section 1004.935(6)(a), F.S.

²⁵ Section 1004.935(5), F.S. The private school may be sectarian or nonsectarian. *Id.*

²⁶ *Id.*

²⁷ Section 55, ch. 2014-39, L.O.F.; Section 1004.395(1), F.S.

- Enable McKay students to take virtual courses without reducing the scholarship amount.
- Saves from repeal the Adults with Disabilities Workforce Education Pilot Program, and renames the program the “Adults with Disabilities Workforce Education Program.”

Foster Children

The bill adds foster children to the existing exemption from the prior school year attendance requirement for determining McKay eligibility.

Transition-To-Work Program

The bill authorizes a private school to establish a transition-to-work program for private school McKay students. The transition-to-work program consists of academic instruction, work skills training, and a volunteer or paid work experience.

To participate in the transition-to-work program, McKay students:

- Must be between 17 and 22 years of age, and have not yet received a high school diploma or certificate of completion.
- Must receive 15 hours of academic instruction and work skills training at a private school.
- Must participate in 10 hours of work at the student’s work experience program.

To offer a transition-to-work program, a private school in the McKay Scholarship Program must:

- Develop and submit to the Department of Education (DOE) a transition-to-work program plan that includes a description of the academic instruction and work skills training the students will receive.
- Develop a personalized transition-to-work program plan for each student in the program, which must be signed by the student, the student’s parent, and the school principal. A personalized plan must be submitted to DOE upon request.
- Provide a liability release form signed by the student, the student’s parent, and the business offering the work experience.
- Assign a case manager to visit the student’s job site on a weekly basis, observe the student, and provide support.
- Provide to the student and parent a quarterly report documenting the student’s progress and performance.
- Maintain accurate attendance and performance records for the student.

To participate in a transition-to work-program, a business must:

- Maintain and provide accurate records of the student’s performance and hours worked.
- Comply with all state and federal child labor laws.

As compared to the public school transition to postsecondary education and career opportunities statutory requirements, the McKay transition to work program primarily differs in that it:

- Is agreed to in a signed plan between the parent, student and principal, rather than being included in the student’s individual education plan (IEP).

- Contains specific accountability requirements for required weekly visits by an assigned case manager or job coach, and acquired quarterly progress reports be provided to the parent and student.
- Identifies specific instructional and work hour requirements.
- Requires a release of liability that the parent, student, and business must sign.

Scholarship Proportional Reduction for Virtual Courses

The bill provides that the McKay scholarship amount is not subject to the maximum value for funding a student under the Florida Education Finance Program (FEFP).²⁸ In effect, McKay students taking virtual courses will not have their scholarship amount reduced in order to comply with the 1.0 FTE requirement.

Adults with Disabilities Workforce Education Pilot Program

The bill saves from repeal the Adults with Disabilities Workforce Education Pilot Program, and renames the program the “Adults with Disabilities Workforce Education Program.”

The bill takes effect July 1, 2016, except where otherwise expressly provided.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

²⁸ Sections 1011.62; 1011.61(4), F.S.

C. Government Sector Impact:

According to the Department of Education, the annual fiscal impact to the Florida Education Finance Program (FEFP) of exempting the McKay scholarship amount from the 1.0 FTE requirement is approximately \$309,000, based on the virtual course enrollments of current McKay students.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.39, 1004.935, and 1011.61.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Education Pre-K – 12 on January 27, 2016:**

The CS includes provisions that:

- Save from repeal the Adults with Disabilities Workforce Education Pilot Program.
- Rename the program the “Adults with Disabilities Workforce Education Program.”

B. Amendments:

None.

By the Committee on Education Pre-K - 12; and Senators Stargel and Garcia

581-02672-16

20161088c1

A bill to be entitled

An act relating to education programs for individuals with disabilities; amending s. 1002.39, F.S.; exempting a foster child from specified eligibility provisions; providing that a student enrolled in a transition-to-work program is eligible for a John M. McKay Scholarship; creating a transition-to-work program for specific students enrolled in the John M. McKay Scholarships for Students with Disabilities Program; providing program requirements; providing participation requirements for schools, students, and businesses; exempting a John M. McKay Scholarship award from a specified funding calculation; amending s. 1004.935, F.S.; deleting the scheduled termination of the Adults with Disabilities Workforce Education Pilot Program; changing the name of the program to the "Adults with Disabilities Workforce Education Program"; amending s. 1011.61, F.S.; exempting a John M. McKay Scholarship award from a specified funding calculation for purposes of the Florida Education Finance Program; providing effective dates.

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

Section 1. Subsections (10) through (13) of section 1002.39, Florida Statutes, are renumbered as subsections (11) through (14), respectively, paragraph (a) of subsection (2), paragraph (h) of subsection (3), paragraph (b) of subsection (8), and paragraph (a) of present subsection (10) are amended, and a new subsection (10) is added to that section, to read:

1002.39 The John M. McKay Scholarships for Students with

Page 1 of 12

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

581-02672-16

20161088c1

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

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

(a) The student has:

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

2. Spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind. For purposes of this subparagraph, prior school year in attendance means that the student was enrolled and reported by:

a. A school district for funding during the preceding October and February Florida Education Finance Program surveys in kindergarten through grade 12, which includes time spent in a Department of Juvenile Justice commitment program if funded under the Florida Education Finance Program;

b. The Florida School for the Deaf and the Blind during the preceding October and February student membership surveys in kindergarten through grade 12; or

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c. A school district for funding during the preceding October and February Florida Education Finance Program surveys, was at least 4 years of age when so enrolled and reported, and was eligible for services under s. 1003.21(1)(e).

However, a foster child or a dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country due to a parent's permanent change of station orders is exempt from this paragraph but must meet all other eligibility requirements to participate in the program.

(3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is not eligible for a John M. McKay Scholarship:

(h) While he or she is not having regular and direct contact with his or her private school teachers at the school's physical location unless he or she is enrolled in the private school's transition-to-work program pursuant to subsection (10); or

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be eligible to participate in the John M. McKay Scholarships for Students with Disabilities Program, a private school may be sectarian or nonsectarian and must:

(b) Provide to the department all documentation required for a student's participation, including the private school's and student's fee schedules, at least 30 days before any quarterly scholarship payment is made for the student pursuant to paragraph (11)(e) ~~(10)(e)~~. A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet this deadline.

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The inability of a private school to meet the requirements of this subsection shall constitute a basis for the ineligibility of the private school to participate in the scholarship program as determined by the department.

(10) TRANSITION-TO-WORK PROGRAM.—A student participating in the John M. McKay Scholarships for Students with Disabilities Program who is at least 17 years, but not older than 22 years, of age and who has not received a high school diploma or certificate of completion is eligible for enrollment in his or her private school's transition-to-work program. A transition-to-work program shall consist of academic instruction, work skills training, and a volunteer or paid work experience.

(a) To offer a transition-to-work program, a participating private school must:

1. Develop a transition-to-work program plan, which must include a written description of the academic instruction and work skills training students will receive and the goals for students in the program.

2. Submit the transition-to-work program plan to the Office of Independent Education and Parental Choice.

3. Develop a personalized transition-to-work program plan for each student enrolled in the program. The student's parent, the student, and the school principal must sign the personalized plan. The personalized plan must be submitted to the Office of Independent Education and Parental Choice upon request by the office.

4. Provide a release of liability form that must be signed by the student's parent, the student, and a representative of

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the business offering the volunteer or paid work experience.

5. Assign a case manager or job coach to visit the student's job site on a weekly basis to observe the student and, if necessary, provide support and guidance to the student.

6. Provide to the parent and student a quarterly report that documents and explains the student's progress and performance in the program.

7. Maintain accurate attendance and performance records for the student.

(b) A student enrolled in a transition-to-work program must, at a minimum:

1. Receive 15 instructional hours at the private school's physical facility, which must include academic instruction and work skills training.

2. Participate in 10 hours of work at the student's volunteer or paid work experience.

(c) To participate in a transition-to-work program, a business must:

1. Maintain an accurate record of the student's performance and hours worked and provide the information to the private school.

2. Comply with all state and federal child labor laws.

~~(11)-(10)~~ JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.-

(a)1. The maximum scholarship granted for an eligible student with disabilities shall be equivalent to the base student allocation in the Florida Education Finance Program multiplied by the appropriate cost factor for the educational program that would have been provided for the student in the district school to which he or she was assigned, multiplied by

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the district cost differential.

2. In addition, a share of the guaranteed allocation for exceptional students shall be determined and added to the amount in subparagraph 1. The calculation shall be based on the methodology and the data used to calculate the guaranteed allocation for exceptional students for each district in chapter 2000-166, Laws of Florida. Except as provided in subparagraphs 3. and 4., the calculation shall be based on the student's grade, matrix level of services, and the difference between the 2000-2001 basic program and the appropriate level of services cost factor, multiplied by the 2000-2001 base student allocation and the 2000-2001 district cost differential for the sending district. The calculated amount shall include the per-student share of supplemental academic instruction funds, instructional materials funds, technology funds, and other categorical funds as provided in the General Appropriations Act.

3. The scholarship amount for a student who is eligible under sub-subparagraph (2)(a)2.b. shall be calculated as provided in subparagraphs 1. and 2. However, the calculation shall be based on the school district in which the parent resides at the time of the scholarship request.

4. Until the school district completes the matrix required by paragraph (5)(b), the calculation shall be based on the matrix that assigns the student to support Level I of service as it existed prior to the 2000-2001 school year. When the school district completes the matrix, the amount of the payment shall be adjusted as needed.

5. The scholarship amount for a student eligible under s. 504 of the Rehabilitation Act of 1973 shall be based on the

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program cost factor the student currently generates through the Florida Education Finance Program.

6. The scholarship amount granted for an eligible student with disabilities is not subject to the maximum value for funding a student under s. 1011.61(4).

Section 2. Effective June 29, 2016, section 1004.935, Florida Statutes, is amended to read:

1004.935 Adults with Disabilities Workforce Education ~~Pilot~~ Program.—

(1) The Adults with Disabilities Workforce Education ~~Pilot~~ Program is established in the Department of Education ~~through June 30, 2016,~~ in Hardee, DeSoto, Manatee, and Sarasota Counties to provide the option of receiving a scholarship for instruction at private schools for up to 30 students who:

(a) Have a disability;

(b) Are 22 years of age;

(c) Are receiving instruction from an instructor in a private school to meet the high school graduation requirements in s. 1002.3105(5) or s. 1003.4282;

(d) Do not have a standard high school diploma or a special high school diploma; and

(e) Receive "supported employment services," which means employment that is located or provided in an integrated work setting with earnings paid on a commensurate wage basis and for which continued support is needed for job maintenance.

As used in this section, the term "student with a disability" includes a student who is documented as having an intellectual disability; a speech impairment; a language impairment; a

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hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic impairment; another health impairment; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay; or autism spectrum disorder.

(2) A student participating in the ~~pilot~~ program may continue to participate in the program until the student graduates from high school or reaches the age of 40 years, whichever occurs first.

(3) Supported employment services may be provided at more than one site.

(4) The provider of supported employment services must be a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code which serves Hardee County, DeSoto County, Manatee County, or Sarasota County and must contract with a private school in this state which meets the requirements in subsection (5).

(5) A private school that participates in the ~~pilot~~ program may be sectarian or nonsectarian and must:

(a) Be academically accountable for meeting the educational needs of the student by annually providing to the provider of supported employment services a written explanation of the student's progress.

(b) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(c) Meet state and local health and safety laws and codes.

(d) Provide to the provider of supported employment services all documentation required for a student's

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participation, including the private school's and student's fee schedules, at least 30 days before any quarterly scholarship payment is made for the student. A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet this deadline.

The inability of a private school to meet the requirements of this subsection constitutes a basis for the ineligibility of the private school to participate in the ~~pilot~~ program.

(6) (a) If the student chooses to participate in the ~~pilot~~ program and is accepted by the provider of supported employment services, the student must notify the Department of Education of his or her acceptance into the program 60 days before the first scholarship payment and before participating in the ~~pilot~~ program in order to be eligible for the scholarship.

(b) Upon receipt of a scholarship warrant, the student or parent to whom the warrant is made must restrictively endorse the warrant to the provider of supported employment services for deposit into the account of the provider. The student or parent may not designate any entity or individual associated with the participating provider of supported employment services as the student's or parent's attorney in fact to endorse a scholarship warrant. A participant who fails to comply with this paragraph forfeits the scholarship.

(7) Funds for the scholarship shall be provided from the appropriation from the school district's Workforce Development Fund in the General Appropriations Act for students who reside in the Hardee County School District, the DeSoto County School District, the Manatee County School District, or the Sarasota

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County School District. ~~During the pilot program,~~ The scholarship amount granted for an eligible student with a disability shall be equal to the cost per unit of a full-time equivalent adult general education student, multiplied by the adult general education funding factor, and multiplied by the district cost differential pursuant to the formula required by s. 1011.80(6)(a) for the district in which the student resides.

(8) Upon notification by the Department of Education that it has received the required documentation, the Chief Financial Officer shall make scholarship payments in four equal amounts no later than September 1, November 1, February 1, and April 1 of each academic year in which the scholarship is in force. The initial payment shall be made after the Department of Education verifies that the student was accepted into the ~~pilot~~ program, and subsequent payments shall be made upon verification of continued participation in the ~~pilot~~ program. Payment must be by individual warrant made payable to the student or parent and mailed by the Department of Education to the provider of supported employment services, and the student or parent shall restrictively endorse the warrant to the provider of supported employment services for deposit into the account of that provider.

(9) Subsequent to each scholarship payment, the Department of Education shall request from the Department of Financial Services a sample of endorsed warrants to review and confirm compliance with endorsement requirements.

Section 3. Subsection (4) of section 1011.61, Florida Statutes, is amended to read:

1011.61 Definitions.—Notwithstanding the provisions of s.

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293 1000.21, the following terms are defined as follows for the
294 purposes of the Florida Education Finance Program:

295 (4) The maximum value for funding a student in kindergarten
296 through grade 12 or in a prekindergarten program for exceptional
297 children as provided in s. 1003.21(1)(e) shall be the sum of the
298 calculations in paragraphs (a), (b), and (c) as calculated by
299 the department.

300 (a) The sum of the student's full-time equivalent student
301 membership value for the school year or the equivalent derived
302 from paragraphs (1)(a) and (b), subparagraph (1)(c)1., sub-
303 subparagraphs (1)(c)2.b. and c., subparagraph (1)(c)3., and
304 subsection (2). If the sum is greater than 1.0, the full-time
305 equivalent student membership value for each program or course
306 shall be reduced by an equal proportion so that the student's
307 total full-time equivalent student membership value is equal to
308 1.0.

309 (b) If the result in paragraph (a) is less than 1.0 full-
310 time equivalent student and the student has full-time equivalent
311 student enrollment pursuant to sub-sub-subparagraph
312 (1)(c)1.b.(VIII), calculate an amount that is the lesser of the
313 value in sub-sub-subparagraph (1)(c)1.b.(VIII) or the value of
314 1.0 less the value in paragraph (a).

315 (c) The full-time equivalent student enrollment value in
316 sub-subparagraph (1)(c)2.a.

317
318 A scholarship award provided to a student enrolled in the John
319 M. McKay Scholarships for Students with Disabilities Program
320 pursuant to s. 1002.39 is not subject to the maximum value for
321 funding a student under this subsection.

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322 Section 4. Except as otherwise expressly provided in this
323 act, this act shall take effect July 1, 2016.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2.24.11

Meeting Date

1088

Bill Number (if applicable)

Topic McKay Scholarship

Amendment Barcode (if applicable)

Name Debbie Mortham

Job Title Advocacy Director

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Tallahassee FL 32301

City

State

Zip

Email debbie@exultimed.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Foundation for Florida's Future

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Feb 24, 2016

Meeting Date

1088
Bill Number (if applicable)

Topic McKey Scholarship

Amendment Barcode (if applicable)

Name Robyn Bennick

Job Title Board member

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FL

32309

City

State

Zip

Email drills@talstar.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing The Coalition of McKey Scholarship Schools

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Feb. 24, 2016

Meeting Date

1088

Bill Number (if applicable)

Topic John M. McKay Scholarships for students with disabilities

Amendment Barcode (if applicable)

Name James Herzog

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Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
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 Appropriations Subcommittee on Education

BILL: SB 1356

INTRODUCER: Senators Brandes and Stargel

SUBJECT: Employment After Retirement of School District Personnel

DATE: February 10, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peacock	McVaney	GO	Favorable
2.	Sikes	Elwell	AED	Pre-meeting
3.			AP	

I. Summary:

SB 1356 amends s. 1012.33, F.S., to provide legislative intent and to revise provisions relating to reemployment of retirees by district school boards as instructional personnel on a contract basis.

The bill further provides legislative intent and clarification for purposes of pending civil and administrative proceedings for suits against district school boards for not awarding professional services contracts to retirees.

The bill has no impact on state funds.

The bill takes effect upon becoming a law.

II. Present Situation:

School District Instructional Personnel Contracts

In 2011, the Legislature passed the Student Success Act (act),¹ to require, among other things, the use of performance evaluations to assess performance. The evaluation system for administrative and instructional personnel differentiates among four levels of performance: highly effective, effective, needs improvement,² or unsatisfactory.³ The Commissioner of Education is required to consult with experts, instructional personnel, school administrators, and education stakeholders in developing the criteria for the performance levels.

¹ Chapter 2011-1, L.O.F.

² Section 1012.34(2)(e)3., F.S., provides that for instructional personnel in the first three years of employment, the evaluation may designate the performance as developing.

³ Section 1012.34(2)(e), F.S.

Prior to 2011, instructional personnel with as little as three years of service could be granted a professional service contract, which provided for automatic renewal of the contract unless the superintendent charged the employee with unsatisfactory performance.⁴ For instructional personnel hired on or after July 1, 2011, the act, in effect, provides that professional service contracts and tenure may no longer be given to any instructional personnel who do not currently have a professional service contract.

Specifically, the act provides that employees hired on or after July 1, 2011, must be awarded probationary contracts for a period of one year upon initial employment in a school district.⁵ Probationary contract employees may be dismissed without cause or may resign without breach of contract.⁶ The district may not award a probationary contract more than once to the same employee.⁷ The school district may award an annual contract upon the successful completion of a probationary contract.⁸ An annual contract is an employment contract for a period of no longer than one school year, which the district school board may choose to award or not award at the end of the contract term without cause.⁹ Instructional personnel with an annual contract may be suspended or dismissed at any time during the term of the contract for just cause.¹⁰

In addition, the act links the renewal of a professional service contract, for those employees who have a professional service contract, to the employee's performance evaluation.¹¹ If an employee who holds a professional service contract is not performing his or her duties in a satisfactory manner, the act requires such an employee to receive notice and be placed on probation.¹² If the employee receives two consecutive annual performance evaluations of unsatisfactory, two annual performance evaluations of unsatisfactory within a three-year period, or three consecutive annual performance evaluations of needs improvement or a combination of needs improvement and unsatisfactory, the district may terminate or not renew the employee's contract.¹³

The Florida Retirement System

The Florida Retirement System (FRS) was established in 1970 when the Legislature consolidated the Teachers' Retirement System, the State and County Officers and Employees' Retirement System, and the Highway Patrol Pension Fund. In 1972, the Judicial Retirement System was added to the FRS, and in 2007, the membership of the Institute of Food and Agricultural Sciences Supplemental Retirement Program was included in the Regular Class of the FRS as a

⁴ See s. 1012.33(3)(e), F.S. (2010).

⁵ Section 1012.335(2)(a), F.S.

⁶ Section 1012.335(1)(c), F.S.

⁷ *Id.*

⁸ Section 1012.335(2)(a), F.S.

⁹ Section 1012.335(1)(a), F.S.

¹⁰ Section 1012.335(4), F.S.

¹¹ Section 1012.33(3), F.S.

¹² Section 1012.34(4)(b), F.S.

¹³ See ss. 1012.33 and 1012.34, F.S.

closed group.¹⁴ The FRS is a contributory system, with most members contributing three percent of their salaries.¹⁵

The FRS is a multi-employer, contributory plan, governed by the Florida Retirement System Act in Ch. 121, F.S. As of June 30, 2014, the FRS had 622,089 active members, 363,034 annuitants, 16,137 disabled retirees, and 38,058 active participants of the Deferred Retirement Option Program (DROP).¹⁶ As of June 30, 2014, the FRS consisted of 1,014 total employers and is the primary retirement plan for the employees and officers of state and county government agencies, district school boards, Florida College institutions, and state universities, as well as the employees and officers of the 186 cities and 262 special districts that have elected to join the system.¹⁷

The membership of the FRS is divided into five membership classes:

- The Regular Class¹⁸ consists of 537,993 active members, plus 5,402 in renewed membership;
- The Special Risk Class¹⁹ includes 68,593 active members;
- The Special Risk Administrative Support Class²⁰ has 84 active members;
- The Elected Officers' Class²¹ has 2,040 active members, plus 147 in renewed membership; and
- The Senior Management Service Class²² has 7,607 members, plus 184 in renewed membership.²³

Investment Plan

In 2000, the Legislature created the Public Employee Optional Retirement Program (investment plan), a defined contribution plan offered to eligible employees as an alternative to the FRS Pension Plan.

¹⁴ The Florida Retirement System Pension Plan and Other State Administered Systems Comprehensive Annual Financial Report Fiscal Year Ended June 30, 2014, at p. 29. Available online at: https://www.rol.frs.state.fl.us/forms/2013-14_CAFR.pdf.

¹⁵ Prior to 1975, members of the FRS were required to make employee contributions of either four percent for Regular Class employees or six percent for Special Risk Class members. Employees were again required to contribute to the system after July 1, 2011. Members in the Deferred Retirement Option Program do not contribute to the system.

¹⁶ Florida Retirement System Annual Financial Report Fiscal Year Ended June 30, 2014, at 112.

¹⁷ *Id.*, at 146.

¹⁸ The Regular Class is for all members who are not assigned to another class. (Section 121.021(12), F.S.)

¹⁹ The Special Risk Class is for members employed as law enforcement officers, firefighters, correctional officers, probation officers, paramedics and emergency technicians, among others. (Section 121.0515, F.S.)

²⁰ The Special Risk Administrative Support Class is for a special risk member who moved or was reassigned to a nonspecial risk law enforcement, firefighting, correctional, or emergency medical care administrative support position with the same agency, or who is subsequently employed in such a position under the Florida Retirement System. Section 121.0515(8), F.S.

²¹ The Elected Officers' Class is for elected state and county officers, and for those elected municipal or special district officers whose governing body has chosen Elected Officers' Class participation for its elected officers. Section 121.052, F.S.

²² The Senior Management Service Class is for members who fill senior management level positions assigned by law to the Senior Management Service Class or authorized by law as eligible for Senior Management Service designation. (Section 121.055, F.S.)

²³ All figures from Florida Retirement System Annual Financial Report Fiscal Year Ended June 30, 2014, at 115.

Benefits under the investment plan accrue in individual member accounts funded by both employee and employer contributions and investment earnings. Benefits are provided through employee-directed investments offered by approved investment providers.

A member vests immediately in all employee contributions paid to the investment plan.²⁴ With respect to the employer contributions, a member vests after completing one work year of employment with an FRS employer.²⁵ Vested benefits are payable upon termination or death as a lump-sum distribution, direct rollover distribution, or periodic distribution.²⁶ The investment plan also provides disability coverage for both in the line of duty and regular disability retirement benefits.²⁷ An FRS member who qualifies for disability while enrolled in the investment plan must apply for benefits as if the employee were a member of the pension plan. If approved for retirement disability benefits, the member is transferred to the pension plan.²⁸

The State Board of Administration (SBA) is primarily responsible for administering the investment plan.²⁹ The SBA is comprised of the Governor as chair, the Chief Financial Officer, and the Attorney General.³⁰

Pension Plan

The pension plan is administered by the secretary of the Department of Management Services through the Division of Retirement.³¹ Investment management of the pension plan assets is handled by the State Board of Administration.

Any member initially enrolled in the pension plan before July 1, 2011, vests in the pension plan after completing six years of service with an FRS employer.³² For members enrolled on or after July 1, 2011, the member vests in the pension plan after eight years of creditable service.³³ Benefits payable under the pension plan are calculated based on the member's years of creditable service multiplied by the service accrual rate multiplied by the member's average final compensation.³⁴ For most members of the pension plan, normal retirement occurs at 30 years of service or age 62.³⁵ For members in the Special Risk and Special Risk Administrative Support

²⁴ Section 121.4501(6)(a), F.S.

²⁵ If a member terminates employment before vesting in the investment plan, the nonvested money is transferred from the member's account to the SBA for deposit and investment by the SBA in its suspense account for up to five years. If the member is not reemployed as an eligible employee within five years, then any nonvested accumulations transferred from a member's account to the SBA's suspense account are forfeited. (Section 121.4501(6)(b) – (d), F.S.)

²⁶ Section 121.591, F.S.

²⁷ Section 121.4501(16), F.S.

²⁸ Pension plan disability retirement benefits, which apply for investment plan members who qualify for disability, compensate an in the line of duty disabled member up to 65 percent of the average monthly compensation as of the disability retirement date for special risk class members. Other members may receive up to 42 percent of the member's average monthly compensation for disability retirement benefits. If the disability occurs other than in the line of duty, the monthly benefit may not be less than 25 percent of the average monthly compensation as of the disability retirement date. Section 121.091(4)(f), F.S.

²⁹ Section 121.4501(8), F.S.

³⁰ FLA.CONST. art. IV, s. 4.

³¹ Section 121.025, F.S.

³² Section 121.021(45)(a), F.S.

³³ Section 121.021(45)(b), F.S.

³⁴ Section 121.091, F.S.

³⁵ Section 121.021(29)(a)1., F.S.

Classes, normal retirement occurs at 25 years of service or age 55.³⁶ Members initially enrolled in the pension plan on or after July 1, 2011, have longer vesting requirements. For unreduced benefits for members initially enrolled after that date, most members must complete 33 years of service or attain age 65, and members in the Special Risk classes must complete 30 years of service or attain age 60.³⁷

Deferred Retirement Option Program

All membership classes in the Pension Plan permit enrollment in a Deferred Retirement Option Program (DROP) under which a participant may extend employment for an additional five years and receive a lump sum benefit at a fixed rate of interest for that additional service.³⁸ Certain instructional personnel in district school boards may participate in DROP for an additional 36 months.³⁹ Enrollment in DROP requires the participant to serve the employer with a deferred resignation from employment at the end of the period. Current law provides that members who reach their normal retirement date based on service before they reach age 62, or age 55 for Special Risk members, may defer participation in DROP to the 12 months immediately following the attainment of age 57, or 52.⁴⁰

Employment after Retirement

Section 121.091, F.S., governs the payment of benefits under the FRS. For the purposes of the pension plan, a “retiree” means a former member of the FRS or an existing system who has terminated employment and is receiving benefit payments from the system in which he or she was a member.⁴¹ For the purposes of the investment plan, a “retiree” means a former member of the investment plan who has terminated employment and taken a distribution of vested employee or employer contributions, except for a mandatory distribution of a de minimis account authorized by the state board or a minimum required distribution provided the Internal Revenue Code.⁴²

After retiring under the FRS, a retiree can work for any private employer, for any public employer not participating in the FRS, or for any employer in another state, without affecting their FRS benefits.

However, there are certain termination requirements and reemployment limitations that affect retirement benefits if a retiree is employed with an FRS-participating employer during the first 12 calendar months after the effective retirement date without DROP participation or after the DROP termination date. If a retiree returns to work during the first six calendar months of retirement or after the member’s DROP termination date, then the member’s retirement application is voided and all retirement benefits, including any funds accumulated during DROP participation, must be repaid to the FRS Trust Fund. This restriction applies even if the particular

³⁶ Section 121.021(29)(b)1., F.S.

³⁷ Sections 121.021(29)(a)2. and (b)2., F.S.

³⁸ Section 121.021(13)(a), F.S.

³⁹ Section 121.021(13)(b), F.S.

⁴⁰ Section 121.091(13)(a)2., F.S.

⁴¹ Section 121.021(60), F.S.

⁴² Section 121.4501(2)(k), F.S.

position held is not covered by the FRS. An FRS retiree cannot be reemployed by an FRS employer for a period of 6 months without voiding the member's retirement.

A retiree's benefit will be suspended if the retiree is hired by an FRS participating employer during the seventh through twelfth calendar months of retirement or after the DROP termination date. Beginning the thirteenth calendar month, the benefits are reinstated and no employment restrictions exist.

Suspended retirement benefits for the months a reemployed retiree is employed by an FRS employer during the reemployment limitation period are not payable to the retiree. The reemployed retiree and the employing agency are jointly and severally liable for repaying any retirement benefits the employee receives while working during this period.

There are no limits on working for an FRS employer after a retiree has been retired for 12 calendar months. If a retiree is re-employed with an FRS participating employer, the retiree will be required to sign a statement that the reemployment does not violate these provisions.⁴³

Prior to July 1, 2010, there were various exceptions to employment with FRS-covered employers during the reemployment limitation period. All reemployment limitation exceptions that were not specific to educational institutions were closed by passage of Ch. 2009-209, L.O.F., which also extended the termination period from 1 month to 6 months immediately after retirement during which a retiree could not be reemployed with any FRS employer without voiding his retirement.

Legal Ambiguity for Reemployment of Instructional Personnel

In 2011, two retired reemployed instructional personnel brought suit in Orange County, Florida to determine whether the county was required to issue professional service contracts after the employees' successfully completed three years of employment.⁴⁴ The Orange County Public Schools argued that s. 121.091, F.S., required the instructional personnel to be rehired on an annual contractual basis. The issue in the case centered on whether the FRS act required instructional personnel to be reemployed with an annual contract for the rest of the member's career, or whether the FRS act only pertained to the initial year of reemployment and such member may ultimately be given a professional service contract under s. 1012.33, F.S., which provided for such a contract after three years of service.

The circuit court found that the Legislature intended for retired teachers to be rehired on the same terms as newly hired teachers. At that time, newly hired teachers were placed on an initial annual contract and after serving three years in the district, received a professional service contract.

The Orange County School Board appealed the final judgment to the Fifth District Court of Appeal arguing that the trial court erred and that s. 121.091, F.S., precludes the school board

⁴³ The information in this section of the bill analysis comes from the FRS Pension Plan: Deferred Retirement Option Program Handbook, 2014 edition, located at <https://www.rol.frs.state.fl.us/forms/drop-guide.pdf> and the FRS Pension Plan member Handbook, 2013 edition, located at https://www.rol.frs.state.fl.us/forms/member_handbook.pdf. See also ss. 121.091(9), 121.122, and 1012.01(2), F.S.

⁴⁴ A copy of the circuit court decision is on file with the Senate Government Oversight and Accountability Committee.

from ever issuing a contract longer than an annual contract when employing retired instructional personnel.⁴⁵ The Fifth District Court of Appeal, however, agreed with the lower court and found that the limitations in s. 121.091, F.S., only apply at the time of the initial rehire.

III. Effect of Proposed Changes:

Section 1 amends s. 1012.33, F.S., to allow a district school board to reemploy a retiree as instructional personnel under a 1-year probationary contract. If the retiree successfully completes the probationary contract, such employee may receive an annual contract.

The bill states that neither this legislation nor any other previous law allows a retiree to be awarded a professional service contract.

This section further provides that the holding in *Orange County School Board v. Rachman and Shuman*⁴⁶ was contrary to legislative intent at the time the statutes were enacted and that retirees under s. 121.091(9), F.S., were never entitled to professional service contracts, regardless of the retiree's date of retirement. This section notes that retirees are not eligible, and were never eligible, to receive a professional services contract under s. 121.091(9), F.S., or any other statute.

The bill provides legislative intent directing the judge in a civil action or administrative proceeding to rule against a classroom teacher on any claim or cause of action against the district school board, district superintendent, or district school board employee for not awarding that teacher a professional service contract.

The bill provides that it does not void, is not intended to void, and does not in any way impair any professional service contract inadvertently awarded by a district school board to a retiree before the effective date of this act.

Section 2 directs the Division of Law Revision and Information to replace the phrase "the effective date of this act" wherever it occurs in this act with the date the act becomes law.

Section 3 provides that this bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of a state tax shares with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

⁴⁵ *Orange County School Board v. Rachman and Schuman*, 87 So.3d 48 (Fla. 5th DCA 2012).

⁴⁶ *Id.*

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

The bill has no impact on state funds. The bill may have an impact on school districts since districts will not be required to provide professional services contracts for instructional personnel who are rehired after retiring from the FRS.

VI. Technical Deficiencies:

This bill uses the term “retiree” but does not define the term. It is unclear whether retiree is intended to include all retirees (private and public sector), retirees of the FRS pension plan, retirees of the FRS investment plan, or retirees from the particular school district. The effects of this legislation could be significantly different based on this definition.

On lines 50-53 of the bill, the language states that this legislation does not void or impair in any way a professional service contract “inadvertently” awarded by a district school board to a retiree prior to the effective date of this act. It is unclear whether the implicit meaning is to void or impair a professional service contract that the school board intentionally awarded to a retiree.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1012.33 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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



127046

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/24/2016	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (8) of section 1012.33, Florida
Statutes, is amended to read:

1012.33 Contracts with instructional staff, supervisors,
and school principals.—

(8) Notwithstanding any other provision of law, a retired
member may interrupt retirement and be reemployed in any public



127046

school as instructional personnel under a 1-year probationary contract, as defined in s. 1012.335(1). If the retiree successfully completes the probationary contract, the district school board may reemploy the retiree under an annual contract as defined in s. 1012.335(1). The retiree is not eligible for a professional service contract ~~A member reemployed by the same district from which he or she retired may be employed on a probationary contractual basis as provided in subsection (1).~~

Section 2. The Legislature finds that the opinion of the Fifth District Court of Appeal in *Orange County School Board v. Rachman*, 87 So.3d 48 (Fla. 5th DCA 2012), interprets s. 1012.33 and s. 121.091, Florida Statutes (2010), in a manner that is inconsistent with the intent of the Legislature. Those statutes were not intended to allow a retiree to qualify for a professional service contract.

Section 3. The amendment made to subsection (8) of s. 1012.33, Florida Statutes, is remedial in nature, is intended to clarify existing law, and applies retroactively to retirees who have been reemployed as instructional personnel but who do not hold a professional service contract. Furthermore, this act does not provide a basis to void a professional service contract held before the effective date of this act.

Section 4. 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 employment after retirement of



127046

40 school district personnel; amending s. 1012.33, F.S.;
41 revising provisions relating to reemployment of
42 retirees as instructional personal on a contract
43 basis; providing legislative intent regarding a
44 judicial opinion relating to the eligibility of a
45 retiree for a professional service contract; providing
46 for the retroactive application of the act relating to
47 retirees who have not been awarded a professional
48 service contract; providing an effective date.



926712

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/24/2016	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Stargel) recommended the following:

Senate Substitute for Amendment (127046) (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (8) of section 1012.33, Florida Statutes, is amended to read:

1012.33 Contracts with instructional staff, supervisors, and school principals.—

(8) Notwithstanding any other provision of law, a retired



926712

member may interrupt retirement and be reemployed in any public school as instructional personnel under a 1-year probationary contract as defined in s. 1012.335(1). If the retiree successfully completes the probationary contract, the district school board may reemploy the retiree under an annual contract as defined in s. 1012.335(1). The retiree is not eligible for a professional service contract ~~A member reemployed by the same district from which he or she retired may be employed on a probationary contractual basis as provided in subsection (1).~~

Section 2. 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 employment after retirement of
school district personnel; amending s. 1012.33, F.S.;
revising provisions relating to reemployment of
retirees as instructional personal on a contract
basis; providing that retirees are not eligible for a
professional service contract; providing an effective
date.

By Senator Brandes

22-01074-16

20161356__

A bill to be entitled

An act relating to employment after retirement of school district personnel; amending s. 1012.33, F.S.; revising provisions relating to reemployment of retirees as instructional personnel on a contract basis; providing legislative intent and findings to clarify authorization to award contracts; providing requirements for a judgment in certain civil actions or administrative proceedings; providing applicability; providing a directive to the Division of Law Revision and Information; providing an effective date.

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

Section 1. Subsection (8) of section 1012.33, Florida Statutes, is amended to read:

1012.33 Contracts with instructional staff, supervisors, and school principals.—

(8) Notwithstanding any other provision of law, a district school board may reemploy a retiree as instructional personnel, as defined in s. 1012.01, under a 1-year probationary contract, as defined in s. 1012.335(1). If the retiree successfully completes the probationary contract, the district school board may reemploy the retiree under an annual contract, as defined in s. 1012.335(1).

(a) Neither this subsection nor any other law enacted before the effective date of this act allows, or was intended to allow, a retiree to be awarded a professional service contract. The Legislature finds that the holding in Orange County School Board v. Rachman and Schuman, 87 So. 3d 48 (Fla. 5th DCA 2012), which found that retirees under s. 121.091(9)(b)1.a. and this

22-01074-16

20161356__

subsection as enacted before the effective date of this act were entitled to a professional service contract, was contrary to the legislative intent at the time the statutes were enacted. The Legislature finds that retirees under s. 121.091(9), regardless of the retiree's date of retirement, and under this subsection are not eligible, and were never eligible, to receive a professional service contract under this section or any other law. In a civil action or administrative proceeding, if a classroom teacher was formerly retired and then reemployed by the district school board pursuant to s. 121.091(9) and this section as enacted before the effective date of this act, the Legislature intends, in accordance with the findings expressed in this subsection, that a judgment be entered against that classroom teacher on any claim or cause of action against the district school board, the district school superintendent, or a district school board employee for not awarding that teacher a professional service contract.

(b) This subsection does not void, is not intended to void, and does not in any way impair any professional service contract inadvertently awarded by a district school board to a retiree before the effective date of this act ~~retired member may interrupt retirement and be reemployed in any public school. A member reemployed by the same district from which he or she retired may be employed on a probationary contractual basis as provided in subsection (1).~~

Section 2. The Division of Law Revision and Information is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date this act becomes a law.

22-01074-16

20161356__

62

Section 3. This act shall take effect upon becoming a law.

THE FLORIDA SENATE
APPEARANCE RECORD

24 Feb 2016

Meeting Date

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

SB 1356

Bill Number (if applicable)

Topic Reemployment/retirement

Amendment Barcode (if applicable)

Name Tobe M. Lev

Job Title Lawyer

Address PO Box 2231

Phone _____

Street

Orlando, FL

Email _____

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing clients affected by bill

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-24-16

Meeting Date

1356

Bill Number (if applicable)

Topic SB 1356 -

Amendment Barcode (if applicable)

Name Scott Howat

Job Title Sr. Exec Dir, Gov Relations

Address 445 W. Amelia St

Phone 407-317-3337

Street

Orlando

State

FL

Zip

32801

Email howats@ocps.net

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Orange Co Public Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
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 Appropriations Subcommittee on Education

BILL: CS/SB 1462

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

SUBJECT: Character-development Instruction

DATE: February 24, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Scott	Klebacha	ED	Fav/CS
2.	Sikes	Elwell	AED	Recommend: Favorable
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1462 expands the requirements for high school character-development programs to include instruction on developing life and career-related skills.

Specifically, the bill requires instruction on:

- Developing leadership skills, interpersonal skills, organization skills, and research skills;
- Creating a resume;
- Developing and practicing the skills necessary for employment interviews;
- Managing stress and expectations; and
- Developing skills that enable students to become more resilient and self-motivated.

The bill has no impact on state funds.

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

II. Present Situation:

Florida law outlines specific content area instructional requirements, in addition to required core curricular content areas,¹ for middle grades promotion and high school graduation.²

¹ Section 1003.41, F.S.

² Each district school board is required to provide all courses required for middle grades promotion, high school graduation, and appropriate instruction designed to ensure that students meet the State Board of Education adopted standards in reading

Required Instruction

In addition to the required core curriculum, Florida law requires public school instruction in certain specified content areas, including, but not limited to:³

- The history and content of the Declaration of Independence.
- The history, meaning, significance, and effect of the provisions of the Constitution of the United States.
- The arguments in support of adopting our republican form of government.
- The elements of civil government.
- The history of the Holocaust.
- The history of African Americans.
- The elementary principles of agriculture.
- Kindness to animals.
- The history of the state.
- Comprehensive health education.
- A character-development program in kindergarten through grade 12.

The law encourages the State Board of Education (State Board) to adopt standards and pursue assessment relating to the required instructional content.⁴

Character-Development Program

In 1999, legislation was passed requiring a secular, character-development program, similar to Character First⁵ or Character Counts,⁶ to be incorporated into elementary school instruction.⁷

Current law requires that each school district develop or adopt a curriculum for a character-development program in kindergarten through grade 12, and submit that curriculum to the Department of Education for approval.⁸ The character-development curriculum must stress the qualities of patriotism; responsibility; citizenship; kindness; respect for authority, life, liberty, and personal property; honesty; charity; self-control; racial, ethnic, religious tolerance; and cooperation.⁹

and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts. Section 1003.42(1), F.S.

³ Section 1003.42(2), F.S.

⁴ *Id.*

⁵ Character First Education offers curriculum and training for public and private schools, home school families, mentoring programs, summer camps, and other educational settings. Character First Education, *About Character First*, <http://characterfirsteducation.com/c/about.php>, (last visited January 29, 2016).

⁶ Character Counts! is a 501(c)(3) nonprofit program that provides a curriculum, along with resources, based on its Six Pillars of Character®: trustworthiness, respect, responsibility, fairness, caring, and citizenship. Character Counts!, *The Six Pillars of Character®*, <http://charactercounts.org/program-overview/six-pillars/>, (last visited January 29, 2016).

⁷ Section 1, ch. 99-347, L.O.F., *codified as s. 233.061(2)(q)*, F.S.

⁸ Section 1003.42(2)(s), F.S.

⁹ *Id.*

III. Effect of Proposed Changes:

CS/SB 1462 expands the requirements for high school character-development programs to include instruction on developing life and career-related skills.

Specifically, the bill requires instruction on:

- Developing leadership skills, interpersonal skills, organization skills, and research skills;
- Creating a resume;
- Developing and practicing the skills necessary for employment interviews;
- Managing stress and expectations; and
- Developing skills that enable students to become more resilient and self-motivated.

Current law requires each school district to develop or adopt a K-12 character-development curriculum, and specifies the character qualities that must be emphasized in such curriculum. The bill expands current law by requiring instruction on additional life and career-related skills for students in grades 9 through 12. In effect, all public high school students will receive instruction on such skills as part of each respective school district's existing character-development curriculum.

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

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no impact on state funds. Since school districts currently provide a variety of character-development programs for K-12 students, the additional requirements for high school students are not expected to have a fiscal impact on school districts.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends section 1003.42 of the Florida Statutes.

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

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

CS by Education Pre-K – 12 on February 2, 2016:

The committee substitute includes the following substantial changes:

- Amends s. 1003.42(2)(s), F.S., requiring K-12 character-development programs, to include instruction on life and career-related skills for students in grades 9 through 12.
- Removes a requirement that the Commissioner of Education, in consultation with the Articulation Coordinating Committee, develop an elective course for high school students addressing life skills and character development.
- Maintains the types of life and career-related skills on which high school students must receive instruction.

B. Amendments:

None.

By the Committee on Education Pre-K - 12; and Senator Latvala

581-02940-16

20161462c1

A bill to be entitled

An act relating to character-development instruction;
amending s. 1003.42, F.S.; requiring character
education programs to provide certain instruction to
students in grades 9-12; providing an effective date.

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

Section 1. Paragraph (s) of subsection (2) of section
1003.42, Florida Statutes, is amended to read:

1003.42 Required instruction.—

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

(s) A character-development program in the elementary
schools, similar to Character First or Character Counts, which
is secular in nature. Beginning in school year 2004-2005, the
character-development program shall be required in kindergarten
through grade 12. Each district school board shall develop or
adopt a curriculum for the character-development program that
shall be submitted to the department for approval. The
character-development curriculum shall stress the qualities of
patriotism; responsibility; citizenship; kindness; respect for
authority, life, liberty, and personal property; honesty;
charity; self-control; racial, ethnic, and religious tolerance;
and cooperation. The character-development program in grades 9
through 12 shall, at a minimum, include instruction on
developing leadership skills, interpersonal skills, organization

Page 1 of 2

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

581-02940-16

20161462c1

skills, and research skills; creating a resume; developing and
practicing the skills necessary for employment interviews;
managing stress and expectations; and developing skills that
enable students to become more resilient and self-motivated.

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

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

Page 2 of 2

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/24/16

Meeting Date

1462

Bill Number (if applicable)

Topic Educational Instruction - SB 1462

Amendment Barcode (if applicable)

Name Spencer Pylant

Job Title Communications & Government Relations Liaison

Address 7227 Land O' Lakes Blvd.
Street

Phone 813-794-2259

Land O' Lakes FL 34638
City State Zip

Email spylant@pasco.k12.fl.us

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Pasco County Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/24/2016

Meeting Date

Topic _____

Bill Number 1462
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☒ For ☐ Against ☒ Information

Representing JUSTICE-2-JESUS

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)

2/24/16

Meeting Date

1462

Bill Number (if applicable)

Topic Evd.

Amendment Barcode (if applicable)

Name Greg Poul

Job Title _____

Address 9166 Sunrise Dr

Phone _____

Street

Largo

City

Fla

State

33773

Zip

Email _____

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)



Assessment and Evaluation Budget

**Appropriations Subcommittee on Education
February 24, 2016**



www.FLDOE.org

Assessment and Evaluation Budget is Organized into Two Main Areas

- K-12 Assessments
 - Statewide Standardized Assessments (includes FSA, End-of-Course (EOC) assessments, statewide science assessment)
 - Other K-12 (includes English language proficiency assessment for English Language Learners (ELLs), alternate assessment for students with significant cognitive disabilities, PSAT and PLAN)
- Postsecondary Assessments
 - Educator and Educator Leader certification exams

K-12 Assessments

- Currently, the department has contracts to implement the following statutorily required assessments:

Assessment	Statutory Requirement	Contracted Entity
Statewide standardized assessments in ELA, math, and EOCs in Algebra 1, Geometry, and Algebra 2	s. 1008.22, F.S. and federal requirement	American Institutes for Research (AIR)
Statewide standardized assessments in science, EOCs in Biology 1, U.S. History, Civics, and retakes for students needing to pass the former required assessments for graduation	s. 1008.22, F.S. and federal requirement	NCS Pearson
English language proficiency assessment for English Language Learners (ELLs)	s. 1003.56, F.S. and federal requirement	University of Wisconsin
Alternate assessment for students with significant cognitive disabilities	s. 1008.22, F.S. and federal requirement	Measured Progress
Pre- and post-assessment for Florida Juvenile Justice Education programs	s. 1003.52, F.S.	Worldwide Interactive Network (WIN)
Florida Kindergarten Readiness Screener (FLKRS)	s. 1002.69, F.S.	NCS Pearson
Preliminary SAT (PSAT) and Preliminary ACT (PLAN) for all 10 th graders	s. 1007.35, F.S.	College Board and ACT

K-12 Assessments

- Currently, the department also has contracts/grants to support the implementation of statutorily required assessments:
 - **School Board of Leon County** – Test Development Center (TDC) to oversee contractor test development services and ensure the quality of test content and test form production; TDC is responsible for the recruitment and involvement of Florida educators and stakeholders from across the state in test development (e.g., bias/sensitivity review, content and standards alignment)
 - **Florida State University** – Graduate students to assist in the statistical work related to the assessments
 - **School Board of Hillsborough County** – Florida Instructional Materials Center for the Visually Impaired (FIMC-VI) provides expert review of all braille materials produced for the statewide standardized assessments
 - **Buros Center for Testing** – Provides for an annual third-party program audit of Florida's statewide standardized assessment program
 - In addition, internal department funding is used to support activities such as scoring and reporting data verification, district advisory committees, and student recognition

Postsecondary Assessments

- Currently, the department has contracts/grants to implement the following statutorily required assessments:
- Florida Teacher Certification Examinations (FTCE)/Florida Education Leadership Examination (FELE) (s. 1012.56, 1012.55, and 1012.59, F.S.)
 - Contract with **Evaluation Systems (NCS Pearson)** to assist with the development, administration, scoring and reporting of all aspects of the testing program for over 50 certification tests and subtests
 - Grant with **Tallahassee Community College** for staffing to support the FTCE/FELE program
- The FTCE and FELE programs receive no state or federal funding for these programs, as they are both examinee-fee supported
- The LBR is for the budget authority to use the fees collected in the Teacher Certification Exam trust fund

Procurement

- Assessment contracts that were competitively procured:
 - FSA and math-based EOCs – AIR
 - Science assessment, other EOCs and older cohort retakes – NCS Pearson
 - Alternate assessment for students with disabilities – Measured Progress
 - Annual audit of assessment program – Buros Center for Testing
 - Pre and post assessments for DJJ programs – Worldwide Interactive Network (WIN)
 - Florida Kindergarten Readiness Screener – NCS Pearson
 - FTCE and FELE – Evaluation Systems (NCS Pearson)
- Contracts exempted from competitive procurement requirements:
 - Review of braille materials – School Board of Hillsborough County (inter-agency agreement with another governmental agency)
 - English language proficiency assessment for ELLs – University of Wisconsin (inter-agency agreement with another governmental agency)
 - PSAT and PLAN – College Board and ACT (exempted in s. 1007.35, F.S.)
 - FTCE and FELE staff support – Tallahassee Community College (inter-agency agreement with another governmental agency)

Amendments and Renewals

- With a multi-year contract, the necessity may arise to amend the initial contract
 - Amendments are negotiated and executed to meet changes in legislative requirements and/or requests from customers (e.g., school districts) for additional services
 - Examples include de-scoping the original contract to eliminate the 11th grade ELA assessment, the delivery of the writing portion of the ELA assessment on paper for Grades 4-7, and adding additional administrations of statewide, standardized EOCs.
- The ability to renew the contract for specific intervals (e.g., three one-year renewals) are competitively bid and built into contracts providing the department advantages of cost-saving and continuity, rather than rebidding the entire contract at more frequent intervals
- Amendments and renewals are only negotiated and executed within the amount of funding appropriated by the Legislature for Assessment and Evaluation

Assessment and Evaluation Budget to Support Statutory Requirements

- Total 2016-2017 agency request and the proposed appropriation in the Senate Proposed Budget: \$108,666,640
- This represents less than 1% (0.695%) of the overall education budget
- Of the requested funding amount, \$52,413,496 (48.2%) is general revenue
- The remaining amount is for budget authority to use federal trust fund dollars or trust fund dollars from the examinee-fee supported teacher certification trust fund
- The requested funding for the Florida Standards Assessment provides for 3.5 million assessments, at a cost of less than \$10 per assessment



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Florida Department of Education
Active or Recently Active Assessment Contracts and Grants

Multi-Year Contracts/Grants Active During the Period of 2008-09 to 2017-18

Vendor	Title of Contract	Contract #	How and When Procured	Date Contract Executed	Period of Contract (Base and Renewal Periods)	Total Amount of Contract (Original Contract)	Amendments and Resulting Changes in Amounts of Contract
NCS Pearson, Inc.	Administration of State Standards-Based Assessment Program, FCAT	09-658	RFP 2008-17; issued April 4, 2008	6/22/2009	Base 6/22/09 - 11/30/13; Renewal 12/1/13 - 11/30/15; Extend to end 5/31/16	\$ 254,100,000.00	
							5/28/10 Amend #1 decrease of \$3,593,186.00 revised total: \$250,506,814.00
							11/23/10 Amend #2 decrease of \$1,508,175.00 revised total: \$248,998,639.00
							8/11/11 Amend #3 increase of \$527,246.00 revised total: \$249,525,885.00
							1/20/12 Amend #4 increase of \$2,780,965.00 revised total: \$252,306,850.00
							3/20/12 Amend #5 increase of \$3,471,327.00 revised total: \$255,778,177.00
							11/2/12 Amend #6 decrease of \$3,286,743.00 revised total: \$252,491,434.00
							2/8/13 Amend #7 no fiscal impact
							2/21/13 Amend #8 decrease of \$3,797,234.00 revised total: \$248,694,200.00
							5/23/13 Amend #9 no fiscal impact
							11/30/13 Amend #10 increase of \$337,390.00 revised total: \$249,031,590.00
							12/1/13 Renewal #1 increase of \$108,326.00 revised total: \$357,357,956.00
							2/7/14 Amend #11 no fiscal impact
							3/7/14 Amend #12 decrease of \$377,345.00 revised total: \$356,980,611.00
							5/19/14 Amend #13 increase of \$613,427.00 revised total: \$357,594,038.00
Questar Assessment, Inc.	Implementation and Administration of the Comprehensive English Language Assessment (CELLA) in Florida	09-659	ITN 2009-07; issued September 26, 2008	6/19/2009	Base 6/19/09 - 12/31/12; Renewal 1/1/13 - 12/31/14; Extend to end 6/30/15	\$ 12,373,966.00	
							9/20/10 Amend #1 no fiscal impact
							9/24/12 Amend #2/Renewal #1 increase of \$6,465,371.00 revised total: \$18,839,337.00
							12/18/14 Amend #3/Extension #1 increase of \$4,097,176.00 revised total: \$22,936,513.00
McCann Associates Holdings, LLC	Implementation of a College and Career Readiness Placement Test to be purchased at fixed unit prices by Florida public educational intuitions (PERT)	10-651	ITN 2010-01; issued June 17, 2009	4/22/2010	Base 4/22/10 - 3/31/15; Renewal 4/1/15 - 8/31/16	\$ -	Not appropriated for FY15/16
							10/18/11 Amend #1 increase of \$7,500.00 revised total: \$7,500.00
							5/31/13 Amend #2 increase of \$5,000.00 revised total: \$12,500.00
Measured Progress	Florida Alternate Assessment Development	11-814	ITN 2011-29; issued May 23, 2011	7/22/2011	Base 7/22/11 - 6/30/14; Renewal 7/1/14 - 6/30/15	\$ 4,759,530.00	
							2/11/13 Amend #1 decrease of \$200,000.00 revised total: \$4,559,530.00
							5/9/14 Amend #2/Renewal #1 increase of \$1,691,274.00 revised total: \$6,250,804.00
NCS Pearson, Inc. Evaluation Systems	Administration, Development, Scoring and Reporting of the Certification Examinations for Florida Educators	12-652	ITN 2011-05; issued March 21, 2011	12/21/2011	Base 12/21/11 - 12/31/15; Renewal 1/1/16 - 12/31/17	\$ 34,754,325.00	
							5/18/12 Amend #1 decrease of \$348,450.00 revised total: \$34,405,875.00
							6/28/12 Amend #2 increase of \$1,761,950.00 revised total: \$36,167,825.00
							1/6/13 Amend #3 increase of \$683,727.00 revised total: \$36,851,552.00
							11/14/13 Amend #4 increase of \$85,035.00 revised total: \$36,936,587.00
							12/13/13 Amend #5 decrease of \$25,000 revised total: \$36,911,587.00
							4/29/14 Amend #6 increase of \$1,091,567.00 revised total: \$38,003,154.00
							11/7/14 Amend #7 increase of \$125,673.00 revised total: \$38,128,827.00
							8/19/15 Amend #8/Renewal #1 increase of \$17,850,803.50 revised total: \$55,979,630.50

Florida Department of Education
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NCS Pearson, Inc.	Florida Interim Item Bank and Test Platform (RTTT through 7/31/15)	12-818	RFP 2012-48; issued February 15, 2012	6/25/2012	Base 6/25/12 - 6/30/14; Renewal #1 7/1/14 - 7/31/15; Renewal #2 8/1/15 - 7/29/16	\$ 25,476,748.00	
							7/1/14 Amend #1/Renewal # 1 increase of \$1,069,390.00 revised total: \$26,546,138.00
							8/8/14 Amend #2 increase of \$1,794,837.00 revised total: \$28,340,975.00
							6/11/14 Amend #3 decrease of \$612,666.00 revised total: \$27,728,309.00
							7/31/15 Amend #4/Renewal # 2 increase of \$253,379.00 revised total: \$27,728,309.00
Worldwide Interactive Network	Common Assessment Instrument for Florida Juvenile Justice Education Program	12-921	ITN 2012-17; issued October 12, 2011	6/14/2012	Base 6/14/12 - 8/31/15	\$ 270,000.00	
University of Nebraska	Audit of Statewide Assessments	13-658	ITN 2012-55; issued April 24, 2012	1/25/2013	Base 1/25/13 - 11/30/14; Renewal #1 12/1/14 - 11/30/16	\$ 394,081.00	
							6/9/14 Amend #1 decrease of \$17,271.00 revised total: \$376,810.00
							12/1/14 Amend #2/Renewal #1 increase of \$426,237.00 revised total: \$803,047.00
							3/2/15 Amend #3 increase of \$8711.00 revised total: \$811,758.00
American Institutes for Research (AIR)	Florida Standards Assessment	14-652	ITN 2014-47; issued October 25, 2013	6/3/2014	Base 6/3/14 - 5/29/17	\$ 107,469,428.00	11/5/14 Amend #1 increase of \$25,624,212.00 revised total: \$133,093,640.00
National Student Clearing House	State Fiscal Stabilization Fund (SFSF) Reporting	14-658	Single Source 2014-30; issued August 6, 2013	9/19/2013	Base 9/19/13 - 8/30/15	\$ 90,000.00	
Florida State University	Quality control Analysis of Statewide Assessment Programs	14-659	ITN 2013-13; issued May 14, 2013	11/25/2013	Base 11/25/13 - 11/30/15	\$ 1,639,160.00	
Human Resources Research Organization	External Assessment Evaluator of the Interim Assessment materials	14-670	RFP 2014-22; issued January 17, 2014	6/13/2014	Base 6/13/14 - 6/30/15; Extend to end 8/31/15	\$ 605,375.00	
							3/9/15 Amend #1 no fiscal impact
							6/1/14 Amend #2/Extension #1 increase of \$157,758.00 revised total: \$763,133.00
WESTAT, Inc.	Trends in International Mathematics and Science Study	14-671	Single Source 2014-86; issued May 20, 2014	6/27/2014	Base 7/1/14 - 6/30/15; Extend to end 12/31/15	\$ 781,270.00	
NCS Pearson, Inc.	Florida Kindergarten Readiness Screener	14-814	ITN 2014-50; issued January 29, 2014	6/30/2014	Base 6/30/14 - 7/2/17	\$ 2,720,250.00	
ACT, Inc.	ACT (PLAN) Testing Program	15-656	Exempt, 1007.35(5) Florida Statute	10/23/2014	Base 10/23/14 - 4/30/15	\$ 350,000.00	* New contracts are being routed now for FY15/16
The College Board	PSAT Testing Program	15-657	Exempt, 1007.35(5) Florida Statute	9/11/2014	Base 9/11/14 - 4/30/15	\$ 1,200,000.00	* New contracts are being routed now for FY15/16
University of Nebraska	General Knowledge & Graduate Record Examination Study	15-658	Exempt, 1012.55, 1012.56, 1012.59 Florida Statute	11/14/2014	Base 11/14/14 - 2/28/15	\$ 94,611.54	
Alpine Testing Solutions, Inc.	Psychometric Validity for the Florida Standards Assessment	15-660	HB 7069 as approved by the Governor	6/4/2015	Base 6/4/15 - 9/1/15	\$ 594,310.43	
Leon County School Board Test Development Center	Test Development Services for the FCAT	370-99410-6P001	1008.22 Florida Statute	9/8/2015	Base 7/1/15 - 6/30/16 with Program period 7/1/15 - 6/30/18	\$ 1,953,007.00	This is a continuation of annual appropriation awarded to Leon County School District to provide test development services for the Florida Standards Assessments. Program periods are for 3 years but only funded annually pending the appropriation amount. This is the FY15/16 funding amount
Florida State University	Three Graduate Interns to assist the Department in solving practical and technical measurement problems	371-94410-6P001	1008.22 Florida Statute	Pending final approvals	Base 7/1/15 - 6/30/16 with Program period 7/1/15 - 6/30/18	\$ 120,385.00	This is a continuation of annual appropriation awarded to Florida State University to provide graduate interns from the Measurement & Statistics program. Program periods are for 3 years but only funded annually pending the appropriation amount. This is the FY15/16 funding amount.

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Tallahassee Community College	Provide services of nine contractor staff positions in the Office of Assessment for use in the continued implementation of the Florida Teacher Certification Examinations	371-93110-6P001	1008.29, 1008.345, 1012.55 & 1012.56 Florida Statute	7/29/2015	Base 7/1/15 - 6/30/16 with Program period 7/1/15 - 6/30/18	\$ 2,212,431.00	This is a continuation of an annual appropriation awarded to TCC to provide staffing essential to the continued implementation of the Florida Teacher Certification Examinations. Program periods are for 3 years but only funded annually pending the appropriation amount. This is the FY15/16 funding amount.
WESTAT, Inc.	Trends in International Mathematics and Science Study - MOU for information exchange, confidentiality and data security	IA-631	N/A	5/7/2015	Base 5/7/15 - 5/6/18	\$ -	
Human Resources Research Organization and Florida State University	Confidential Disclosure Agreement	IA-632	N/A	4/15/2015	Base 4/15/15 - 9/30/15	\$ -	
School Board of Hillsborough County and Florida Instructional Materials Center for the Visually Impaired	Expert reviews of the Florida Comprehensive Assessment Test, FCAT 2.0; Florida Next Generation Sunshine State Standards End of Course, NGSSS-EOC; Florida Standards Assessment, FSA; and Florida Standards Assessment End of Course, FSA-EOC	IA-641	Exempt, Governmental Entity	9/2/2015	Base 9/2/15 - 6/30/18	\$ 390,740.00	
University of Wisconsin	To establish Florida as a member of the WIDA Multi-State Consortium of state educational agency. collaboration to research, design and implement a standards-based educational system for English Language Learners in Pre-K through grade 12.	IA-643	Exempt, Governmental Entity	6/30/2015	Base 6/30/15 - 6/30/18	\$ 21,665,177.50	



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Reapportionment, *Chair*
Agriculture
Appropriations
Appropriations Subcommittee on Education
Education Pre-K - 12
Health Policy
Rules

JOINT COMMITTEE:
Joint Legislative Budget Commission

SENATOR BILL GALVANO

Majority Leader
26th District

February 24, 2016

Senator Don Gaetz
President Florida Senate
409 Capitol
404 South Monroe Street
Tallahassee, FL 32399

Dear President Gaetz:

I am writing to request approval to be excused from the Committee on Education Appropriations meeting held today, Wednesday February 24, 2016. I apologize for the delay in sending this request.

I appreciate your consideration in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bill", is written over a faint, larger signature.

Bill Galvano

Cc: Tim Elwell
Joanne Bennett

REPLY TO:

- ☐ 1023 Manatee Avenue West, Suite 201, Bradenton, Florida 34205 (941) 741-3401
- ☐ 330 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5026

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: KN 412
Caption: Senate Appropriations Subcommittee on Education

Type:
Judge:

Started: 2/24/2016 1:32:40 PM
Ends: 2/24/2016 3:24:53 PM **Length:** 01:52:14

1:32:41 PM	Call to order and roll call
1:33:01 PM	Chair Gaetz Comments
1:33:45 PM	Senator Brandes - SB 1356
1:34:23 PM	Am. #127046
1:34:33 PM	Am. #926712
1:35:27 PM	Tobe Lev, Lawyer - Clients Affected by Bill (speaks against)
1:39:46 PM	Scott Howat, Sr. Executive Director, Gov. Relations - Orange Co. Public Schools (speaks in support)
1:41:43 PM	Senator Montford Question
1:42:01 PM	Scott Howat Responds
1:42:48 PM	Strike-all - Adopted
1:43:02 PM	Senator Bullard Question
1:43:12 PM	Senator Brandes Responds
1:43:51 PM	Tobe Lev, Lawyer - Clients Affected by Bill (speaks against)
1:44:50 PM	Scott Howat, Sr. Executive Director, Gov. Relations - Orange Co. Public Schools (speaks in support)
1:46:10 PM	Favorable - SB 1356
1:46:19 PM	TAB 11: Discussion on Current K-12 Assessment Contracts
1:47:15 PM	Senator Hays Comments
1:49:01 PM	Senator Ring
1:50:57 PM	Juan Copa, Deputy Commissioner, Division of Accountability, Research, and Measurement - Department of Education
2:00:07 PM	Senator Hays Question
2:02:01 PM	J. Copa
2:03:52 PM	Chair Gaetz Question
2:06:27 PM	Senator Montford Question
2:09:30 PM	Senator Hays Question
2:12:26 PM	Chair Gaetz Question
2:15:00 PM	Matthew Mears, General Counsel, Office of General Counsel - Florida Department of Education
2:16:54 PM	Chair Gaetz Question
2:17:20 PM	Senator Bullard Question
2:22:28 PM	Senator Montford Question
2:27:07 PM	Senator Hays Question
2:28:06 PM	J. Copa
2:28:18 PM	Senator Hays Question
2:30:05 PM	Chair Gaetz Comments
2:32:05 PM	Senator Latvala - CS/SB 1462
2:33:18 PM	Senator Montford Question
2:33:40 PM	Spencer, Pylant, Communications & Government Relations Liaison - Pasco County Schools (waives in support)
2:33:48 PM	Brian Pitts, Trustee - Justice-2-Jesus (waives in support)
2:34:15 PM	Favorable - CS/SB 1462
2:34:40 PM	CS/SB 58
2:34:54 PM	Senator Abruzzo
2:36:00 PM	Am. 675932
2:37:11 PM	S 58 (cont.)
2:37:18 PM	Senator Abruzzo
2:37:34 PM	Brian Pitts, Trustee - Justice-2-Jesus
2:39:11 PM	Senator Ring Question
2:39:35 PM	Chair Gaetz Question
2:39:57 PM	Senator Abruzzo
2:42:20 PM	Favorable - CS/SB 58
2:42:34 PM	SB 1068
2:42:37 PM	Senator Legg

2:42:49 PM	Am. 554958
2:43:00 PM	Senator Legg
2:44:28 PM	Debbie Mortham, Advocacy Director - Foundation for Florida's Future (waives in support)
2:44:30 PM	Brian Pitts, Trustee - Justice-2-Jesus
2:46:08 PM	Greg Pound, Citizen
2:47:43 PM	Favorable - SB 1068
2:47:51 PM	SB 16
2:47:52 PM	Senator Joyner
2:49:09 PM	Brian Pitts, Trustee - Justice-2-Jesus
2:49:30 PM	Chair Gaetz Question
2:49:46 PM	Senator Joyner
2:49:57 PM	Chair Gaetz Question
2:50:11 PM	Senator Joyner
2:51:16 PM	Favorable - SB 16
2:51:28 PM	SB 1078
2:51:31 PM	Senator Legg
2:52:18 PM	Favorable - SB 1078
2:52:20 PM	SB 50
2:52:25 PM	Tiffany Lorente, Legislative Assistant to Senator Flores
2:53:13 PM	Contested - Bill is postponed
2:54:03 PM	SB 824
2:54:09 PM	Rachel Barnes, Legislative Assistant to Senator Stargel
2:54:45 PM	Am. 545308
2:54:58 PM	R. Barnes
2:55:30 PM	Am. 711080
2:55:37 PM	R. Barnes
2:56:01 PM	S 824 (cont.)
2:56:10 PM	Brenda Dickinson, Consultant - Florida Council of Independent Schools (waives in support)
2:56:16 PM	Debbie Mortham, Advocacy Director - Foundation for Florida's Future (waives in support)
2:56:23 PM	Brian Pitts, Trustee, Justice-2-Jesus
2:57:59 PM	Senator Bullard Question
2:59:00 PM	R. Barnes
2:59:12 PM	Senator Bullard Question
2:59:21 PM	R. Barnes
2:59:41 PM	Senator Bullard Question
3:01:09 PM	Shruti Graf, Legislative Analyst, Senate Education Committee
3:01:10 PM	Senator Bullard Question
3:01:23 PM	S. Graf
3:01:41 PM	Senator Montford
3:02:02 PM	R. Barnes
3:02:48 PM	James Herzog, Associate Director for Education - FL Conference of Catholic Bishops (waives in support)
3:03:01 PM	Senator Bullard Comments
3:04:06 PM	Favorable - SB 824
3:04:19 PM	SB 50 (cont.)
3:04:42 PM	Senator Flores clarifies the bill is not contested
3:06:36 PM	Favorable - SB 50
3:06:44 PM	CS/SB 830
3:06:48 PM	Rachel Barnes, Legislative Assistant to Senator Stargel
3:07:56 PM	Senator Bullard Question
3:08:32 PM	R. Barnes
3:08:35 PM	Senator Legg
3:08:43 PM	Senator Bullard Question
3:09:20 PM	Senator Legg
3:09:58 PM	Senator Montford Question
3:10:32 PM	R. Barnes
3:10:38 PM	Senator Legg
3:11:35 PM	Senator Montford Question
3:12:11 PM	Senator Legg
3:12:50 PM	Senator Montford Question
3:13:01 PM	Senator Legg
3:13:06 PM	R. Barnes
3:13:25 PM	Senator Legg

3:13:41 PM Christopher Norwood - Florida Association of Independent Public Schools (speaks in support)
3:16:00 PM Debbie Mortham, Advocacy Director - Foundation for Florida's Future (waives in support)
3:16:08 PM Larry Williams, Consultant - Florida Consortium of Public Charter Schools (waives in support)
3:16:15 PM Tanya Cooper, Director, Governmental Relations - Florida Department of Education (waives in support)
3:16:19 PM Brittney Hunt, Policy Director - Florida Chamber of Commerce (waives in support)
3:16:23 PM Debbie Harrison Rumberger, Legislative Liaison - Florida League of Women Voters (speaks against)
3:18:30 PM Brian Pitts, Trustee - Justice-2-Jesus
3:19:33 PM David Kenney, Project Coordinator (waives in opposition)
3:19:51 PM Senator Montford Comments
3:21:50 PM Favorable - CS/SB 830
3:21:52 PM CS/SB 1088
3:22:01 PM Rachel Barnes, Legislative Assistant to Senator Stargel
3:22:20 PM Debbie Mortham, Advocacy Director - Foundation for Florida's Future (waives in support)
3:22:22 PM Robyn Rennick, Board Member - The Coalition of McKay Scholarship Schools (waives in support)
3:22:27 PM James Herzog, Associate Director for Education - FL Conference of Catholic Bishops (waives in support)
3:23:05 PM Favorable - CS/SB 1088
3:23:12 PM Chair Gaetz Comments
3:24:30 PM Senator Simmons Comments
3:24:50 PM Meeting Adjourned