<table>
<thead>
<tr>
<th>Tab 1</th>
<th>SB 372 by Lee (CO-INTRODUCERS) Cruz, Harrell, Broxson; (Similar to CS/H 00171) Postsecondary Education for Certain Military Personnel</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>669140 D S ED, Lee Delete everything after 12/05 12:49 PM</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tab 2</th>
<th>SB 376 by Lee; (Identical to H 00143) English Language Learners</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>246418 A S ED, Lee Delete L.25 - 109: 12/06 08:22 AM</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tab 3</th>
<th>SB 418 by Diaz; (Similar to H 00725) Workforce Education</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>455398 A S ED, Diaz Delete L.24 - 25: 12/06 07:55 AM</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tab 4</th>
<th>SB 434 by Montford; Designation of School Grades</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>979684 A S ED, Montford Delete L.66: 12/06 07:51 AM</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tab 5</th>
<th>SB 486 by Bradley; Florida Best and Brightest Programs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tab 6</th>
<th>SB 534 by Diaz (CO-INTRODUCERS) Baxley; Education</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>525626 A S ED, Diaz Delete L.158 - 598: 12/06 11:04 AM</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tab 7</th>
<th>SB 602 by Montford; Open Educational Resources Grant Program</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>174910 A S ED, Montford Delete L.25 - 48: 12/06 08:24 AM</td>
</tr>
</tbody>
</table>
### COMMITTEE MEETING EXPANDED AGENDA

#### EDUCATION

**Senator Diaz, Chair**  
**Senator Montford, Vice Chair**

**MEETING DATE:** Monday, December 9, 2019  
**TIME:** 1:30—3:30 p.m.  
**PLACE:** *Pat Thomas Committee Room*, 412 Knott Building  
**MEMBERS:** Senator Diaz, Chair; Senator Montford, Vice Chair; Senators Baxley, Berman, Cruz, Perry, Simmons, and Stargel

<table>
<thead>
<tr>
<th>TAB</th>
<th>BILL NO. and INTRODUCER</th>
<th>BILL DESCRIPTION and SENATE COMMITTEE ACTIONS</th>
<th>COMMITTEE ACTION</th>
</tr>
</thead>
</table>
| 1   | SB 372 Lee             | Postsecondary Education for Certain Military Personnel; Requiring the Board of Governors and State Board of Education, in consultation with the Department of Veterans' Affairs, to create a uniform process for the awarding of postsecondary credit to certain servicemembers and veterans of the United States Armed Forces; requiring certain postsecondary institutions to award credit for specified courses taken and occupations held by individuals during military service beginning on a specified date; requiring postsecondary institutions to waive the transcript fee for active duty members of the United States Armed Forces, certain veterans, and their spouses and dependents, etc. | MS 11/13/2019 Favorable  
ED 12/09/2019  
AP |
| 2   | SB 376 Lee             | English Language Learners; Exempting certain English language learners from a specified graduation requirement; requiring such English language learners to meet other criteria to earn a standard high school diploma; revising school grade components to include certain English language learners who meet specified criteria, etc. | ED 12/09/2019  
AED  
AP |
| 3   | SB 418 Diaz            | Workforce Education; Revising the workforce education programs that school district career centers are authorized to conduct, etc. | ED 12/09/2019  
AED  
AP |
| 4   | SB 434 Montford        | Designation of School Grades; Revising the components on which a school’s grade is based, etc. | ED 12/09/2019  
AED  
AP |
<table>
<thead>
<tr>
<th>TAB</th>
<th>BILL NO. and INTRODUCER</th>
<th>BILL DESCRIPTION and SENATE COMMITTEE ACTIONS</th>
<th>COMMITTEE ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>SB 486 Bradley</td>
<td>Florida Best and Brightest Programs; Repealing provisions relating to the Florida Best and Brightest Teacher Program and the Florida Best and Brightest Principal Program, etc.</td>
<td>ED 12/09/2019</td>
</tr>
<tr>
<td></td>
<td>(Similar S 440)</td>
<td></td>
<td>AED</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>AP</td>
</tr>
<tr>
<td>6</td>
<td>SB 534 Diaz</td>
<td>Education; Requiring the Department of Education to maintain a disqualification list that includes the identities of certain persons; requiring district school boards to investigate certain complaints and report certain results of such investigations to the department; prohibiting an individual who is on the disqualification list from being employed by a charter school or serving as a member of a charter school governing board; requiring certain private schools to adopt policies establishing standards of ethical conduct for certain employees, etc.</td>
<td>ED 12/09/2019</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>AP</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>RC</td>
</tr>
<tr>
<td>7</td>
<td>SB 602 Montford</td>
<td>Open Educational Resources Grant Program; Establishing the Open Educational Resources Grant Program; requiring the Department of Education and the Board of Governors to administer the program; requiring participating state universities to use grant funds for a specified purpose; specifying that implementation of the program is subject to legislative appropriation, etc.</td>
<td>ED 12/09/2019</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>AED</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>AP</td>
</tr>
</tbody>
</table>

Other Related Meeting Documents
I. Summary:

SB 372 promotes uniformity in the application of military experience, training, and education toward postsecondary credit by public postsecondary educational institutions; and establishes a fee waiver for active duty members and honorably discharged veterans of the United States Armed Forces. Specifically, the bill requires:

- The Articulation Coordinating Committee of the Florida Department of Education to convene a workgroup to develop a uniform process for determining when military experience and credentials are appropriate for postsecondary credit. The committee must approve a list of postsecondary course equivalencies, including minimum credit, based on military experience and credentials.

- The Board of Governors of the State University System of Florida (BOG) and the State Board of Education (SBE), in consultation with the Florida Department of Veterans’ Affairs to adopt regulations and rules, respectively, which create a uniform system for the awarding of postsecondary credit based on military experience, training, and education. Public postsecondary institutions must award credit based on such rule and regulation beginning January 1, 2022.

- A state university, Florida College System institution, career center operated by a school district, or a charter technical career center to waive transcript fees for active duty servicemembers and honorably discharged veterans, and their spouses and dependents.

The bill would have a minimal fiscal impact on the BOG, SBE, state colleges, and universities.

The bill takes effect on July 1, 2020.

II. Present Situation:

Florida provides active duty servicemembers and honorably discharged veterans with a number of educational benefits.
Academic College Credit for Training and Education Acquired in the Military

Florida law requires the Board of Governors of the State University System (BOG) and the State Board of Education (SBE) to enable, through regulation and rule, eligible servicemembers and veterans to earn academic college credit at public postsecondary educational institutions based on college-level training and education acquired in the military.¹

In adopting regulations and rules, the BOG and the SBE must include procedures to evaluate credentials and the award of academic college credit, including providing for the:

- Equivalency and alignment of military coursework with appropriate college courses;
- Course descriptions;
- Type and amount of college credit that may be awarded; and
- Transfer of credit.²

Tuition and Fee Waivers

Florida law provides tuition and fee waivers to students, in certain circumstances, including veterans and active duty members of the United States Armed Forces (Armed Forces) who meet specified criteria.³ Some waivers are mandatory,⁴ while others are permissive.⁵

The following fee waivers apply to current or former members of the Armed Forces or United States Reserve Forces:

- A person who resides in-state while enrolled in a program who is an honorably discharged veteran of the Armed Forces, the U.S. Reserve Forces, or the National Guard; or who uses the educational assistance provided by the United States Department of Veterans Affairs is eligible for, and must receive an out-of-state fee waiver from a state university, a Florida College System (FCS) institution, a career center operated by a school district, or a charter technical career center.⁶

- An active duty member of the Armed Forces residing or stationed out-of-state is eligible for, and must receive an out-of-state fee waiver from a state university, FCS institution, career center operated by a school district, or charter technical career center.⁷

- An active duty member of the Armed Forces using military tuition assistance provided by the United States Department of Defense is eligible for, and may receive a waiver of any portion of the student activity and service, fee, the financial aid fee, the technology fee, the capital improvement fee, and any other fees otherwise authorized in law from an FCS institution.⁸

- A recipient of a Purple Heart or another combat decoration superior in precedence who is currently or was at the time of the military action a resident of the state is eligible for, and must receive a tuition waiver for an undergraduate or career certificate program from a state

---

¹ Section 1004.096, F.S.; see also Board of Governors Regulation 6.013 and Rule 6A-14.0302, F.A.C.
² Id.
³ Section 1009.26, F.S.
⁴ Section 1009.26 (5), (7)-(8), (12)-(14), F.S.
⁵ Section 1009.26 (1)-(4), (6), (9)-(11), and (15), F.S.
⁶ Section 1009.26(13)(a), F.S.
⁷ Section 1009.26(14)(a), F.S.
⁸ Section 1009.26(15), F.S.
Articulation Coordinating Committee

The Commissioner of Education, in consult with the Chancellor of the State University System, establishes the Articulation Coordinating Committee (ACC), whose primary role is to recommend statewide articulation policies. Specifically, the ACC must monitor the alignment between the exit requirements of one education system and admission requirements of another education system into which students typically transfer. The ACC also proposes guidelines for interinstitutional agreements between institutions, including universities, career, and technical centers, and recommends to the BOG and the SBE dual enrollment courses for approval. The Office of K-20 Articulation within the Florida Department of Education provides administrative support to the ACC.

The American Council on Education’s Military Guide

In 1945, the American Council on Education (ACE) established the Commission on Accreditation of Service Experiences, renamed the Commission on Educational Credit and Credentials in 1979, to evaluate military educational programs and aid institutions in determining and granting academic credit. Credit recommendations and detailed summaries for formal courses and occupations offered by branches of the military are published in the ACE Military Guide. All recommendations are based on ACE reviews conducted by college and university faculty members who are actively teaching in the areas they review. Courses and occupations are evaluated for college credit based on appropriate content, scope, and rigor. New courses and occupations are continually considered and added to the Military Guide on a rolling basis. ACE only reviews courses and occupations selected by the military services.

III. Effect of Proposed Changes:

Academic College Credit for Training and Education Acquired in the Military

SB 372 promotes uniformity in the application of military experience, training, and education toward postsecondary credit by public postsecondary educational institutions, and requires the Board of Governors of the State University System (BOG) and the State Board of Education (SBE), in consultation with the Department of Veterans’ Affairs (FDVA), to adopt regulations and rules, respectively, to create a uniform system for the awarding of postsecondary credit based on military experience, training, and education.

The bill requires the Articulation Coordinating Committee (ACC) to convene a workgroup by July 15, 2020, to establish a process for developing a process for determining postsecondary course equivalencies and the minimum postsecondary credit that must be awarded for courses.

---

9 Section 1009.26(8), F.S.
10 Section 1007.01(3), F.S.
11 Section 1007.01(3)(a) and (b), F.S.
12 Section 1007.01(3), F.S.; s. 20.15(3)(h), F.S.
taken and occupations held by individuals during their service in the military. To determine course equivalencies and credit, the workgroup must consult the American Council on Education Military Guide for courses and occupations listed since January 1, 2000.\textsuperscript{14}

The workgroup must consist of the following 13 members:
- The chair of the ACC, or his or her designee, serving as chair;
- Four members representing academic affairs administrators and faculty from state universities, appointed by the chair of the BOG;
- Four members representing academic affairs administrators and faculty from FCS institutions, appointed by the chair of the SBE;
- Two members representing faculty from career centers, appointed by the chair of the SBE; and
- Two members representing veterans, appointed by the executive director of the FDVA.

The Office of K-20 Articulation must provide administrative support for the workgroup.

The bill requires the workgroup to submit to the ACC a recommended list of postsecondary course equivalencies and the minimum postsecondary credit that must be awarded for courses taken and occupations held by individuals while in the military. The ACC must review the list for approval by September 1, 2021.\textsuperscript{15} The approved list must then be adopted in regulation by the BOG and rule by the SBE by December 1, 2021. As of January 1, 2022, the bill requires state universities,\textsuperscript{16} FCS institutions, and career centers to award credit for approved courses and occupations included in the list, if the credit is applicable to the student’s degree or certificate. Credit awarded on these bases is guaranteed to transfer to other public postsecondary institutions as if the credit were earned at the receiving institution.

Requiring the BOG and the SBE to adopt a uniform system and specified course equivalencies could lend greater consistency to the process of awarding academic credit based on military experience or occupations across all public postsecondary institutions.

**Fee Waivers**

The bill provides active duty servicemembers and honorably discharged veterans, and their spouses and dependents a fee waiver on a transcript from a state university, FCS institution, career center operated by a school district, or a charter technical career center. Each of these institutions must annually report to the BOG and the SBE the number and value of transcript fee


\textsuperscript{15} According to BOG staff, the timeline required in the bill to establish a list of postsecondary course equivalencies, from July 15, 2020 to August 31, 2021, is insufficient to review the list of military training occupations provided by ACE as outlined in the bill. Board of Governors, \textit{2020 Agency Analysis of SB 372} (Nov. 4, 2019), at 6.

\textsuperscript{16} It is unclear if such credit awarded would be included in the calculation of excess hours as required in s. 1009.286(4), F.S., and BOG Regulation 7.003(21). Board of Governors, \textit{2020 Agency Analysis of SB 372} (Nov. 4, 2019), at 7. Credit hours earned through examinations (e.g., Advanced Placement or International Baccalaureate) or courses taken by active-duty military personnel are not included in the calculation of excess hours at a state university. Section 1009.286(4)(a) and (e), F.S.
waivers granted. The BOG and the SBE are required to adopt regulations and rules, respectively, to administer the transcript fee waivers.

The transcript fee waiver may further assist with making higher education more affordable for active duty members and honorably discharged veterans of the Armed Forces.

The bill takes effect on July 1, 2020.

IV. **Constitutional Issues:**

A. **Municipality/County Mandates Restrictions:**

   None.

B. **Public Records/Open Meetings Issues:**

   None.

C. **Trust Funds Restrictions:**

   None.

D. **State Tax or Fee Increases:**

   None.

E. **Other Constitutional Issues:**

   None.

V. **Fiscal Impact Statement:**

A. **Tax/Fee Issues:**

   None.

B. **Private Sector Impact:**

   Qualifying servicemembers and veterans may save money through the transcript fee waiver, which will also apply to spouses and dependents.

C. **Government Sector Impact:**

   The Board of Governors of the State University System (BOG) and the State Board of Education (SBE) may incur fiscal costs from the bill, based on the provisions that require the BOG and the SBE to amend or adopt new regulations and rules, and that require a workgroup to convene and draft recommendations.
Additionally, institutions will have to waive the transcript fee for active duty servicemembers and honorably discharged veterans, and their spouses and dependents, and annually report the number of waivers to the BOG and the SBE.

Based on data provided by the BOG, a total of approximately 8,000 veterans or active duty members enrolled during the 2017-18 academic year could generate between $48,000 to $80,000 in transcript fees.17

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1004.096 and 1009.26.

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.

The Committee on Education (Lee) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Section 1004.096, Florida Statutes, is amended to read:

1004.096 College credit for military training and education courses.—

(1) In consultation with the Department of Veterans’ Affairs, the Board of Governors shall adopt regulations and the State Board of Education shall adopt rules that create a process
that enables eligible servicemembers or veterans of the United States Armed Forces to earn uniform postsecondary academic college credit across all Florida public postsecondary educational institutions for college-level training and education acquired in the military. The regulations and rules shall include procedures for credential evaluation and the uniform award of postsecondary academic college credit or career education clock hours, including, but not limited to, equivalency and alignment of military coursework with appropriate postsecondary college courses and course descriptions, type and amount of college credit that may be awarded, and transfer of credit.

(2) The Articulation Coordinating Committee shall convene a workgroup by July 15, 2020, which is responsible for developing a process for determining postsecondary course equivalencies and the minimum postsecondary credit or career education clock hours that must be awarded for courses taken and occupations held by individuals during their service in the military.

(a) The workgroup shall be composed of the following members:

1. The chair of the Articulation Coordinating Committee, or his or her designee, who shall serve as chair.

2. Four members representing academic affairs administrators and faculty from state universities, appointed by the chair of the Board of Governors.

3. Four members representing academic affairs administrators and faculty from Florida College System institutions, appointed by the chair of the State Board of Education.
4. Two members representing faculty from career centers, appointed by the State Board of Education.

5. Two members representing veterans, appointed by the executive director of the Department of Veterans’ Affairs.

(b) The Office of K-20 Articulation shall provide administrative support for the workgroup.

(c) The workgroup shall establish a process for prioritizing and determining postsecondary course equivalencies and the minimum postsecondary credit or career education clock hours that must be awarded for courses taken and occupations held by individuals during their service in the military. The workgroup shall provide recommendations to the Board of Governors and the State Board of Education by December 1, 2020, for approval at the next meeting of each board to allow for adequate public notice.

(d) Upon approval of the workgroup’s recommendations by the Board of Governors and the State Board of Education, the Articulation Coordinating Committee shall facilitate the review of courses taken and occupations held by individuals during their service in the military for postsecondary course equivalencies and the minimum postsecondary credit or career education clock hours that must be awarded in accordance with the approved process.

(e) Within 1 year after approval of the workgroup’s recommendations by the Board of Governors and the State Board of Education pursuant to paragraph (c), the Articulation Coordinating Committee shall approve a prioritized list of postsecondary course equivalencies and the minimum postsecondary credit or career education clock hours that must be awarded for
courses taken and occupations held by individuals during their
service in the military. The list must be updated annually. The
Board of Governors and the State Board of Education shall timely
adopt the list approved by the Articulation Coordinating
Committee at the next meeting of each board to allow for
adequate public notice. For the purpose of statewide
application, postsecondary course equivalencies and the minimum
postsecondary credit or career education clock hours that must
be awarded for courses taken and occupations held by individuals
during their service in the military shall be delineated by the
State Board of Education and the Board of Governors in the
statewide articulation agreement required by s. 1007.23(1).

(f) State universities, Florida College System
institutions, and career centers must award postsecondary credit
or career education clock hours for courses taken and
occupations held by individuals during their service in the
military based on the list adopted by the Board of Governors and
the State Board of Education pursuant to paragraph (e) if the
credit or career education clock hours are applicable toward the
student’s degree or certificate. Institutions may award
additional postsecondary credit or career education clock hours
if appropriate. Credit or career education clock hours awarded
in accordance with minimum postsecondary credit and clock hour
requirements, respectively, are guaranteed to transfer to other
state universities, Florida College System institutions, and
career centers.

Section 2. Subsection (17) is added to section 1009.26,
Florida Statutes, to read:

1009.26 Fee waivers.—
Each state university, Florida College System institution, career center operated by a school district under s. 1001.44, and charter technical career center under s. 1002.34 shall waive the transcript fee for a person who is an active duty member or an honorably discharged veteran of the United States Armed Forces and his or her spouse and dependents.

(b) Each state university, Florida College System institution, career center operated by a school district under s. 1001.44, and charter technical career center under s. 1002.34 shall report to the Board of Governors and the State Board of Education, respectively, the number and value of fee waivers granted annually under this subsection.

(c) The Board of Governors and the State Board of Education shall adopt regulations and rules, respectively, to administer this subsection.

Section 3. This act shall take effect upon becoming a law.

A bill to be entitled An act relating to postsecondary education for certain military personnel; amending s. 1004.096, F.S.; requiring the Board of Governors and the State Board of Education, in consultation with the Department of Veterans’ Affairs, to create a process for the uniform award of postsecondary credit or career education clock hours to certain servicemembers and veterans of
the United States Armed Forces; requiring the Articulation Coordinating Committee to convene a workgroup by a specified date; providing for membership and duties of the workgroup; providing administrative support for the workgroup; requiring the workgroup to provide recommendations to the Board of Governors and the State Board of Education by a specified date; requiring the Board of Governors and the State Board of Education to approve the recommendations; requiring the Articulation Coordinating Committee to facilitate the review of courses taken and occupations held by individuals during their service in the military for postsecondary credit and career education clock hours; requiring the Articulation Coordinating Committee to approve and the Board of Governors and the State Board of Education to adopt a specified list within a specified timeframe; requiring delineation of credit and career education clock hours in the statewide articulation agreement; requiring certain postsecondary institutions to award uniform postsecondary credit or career education clock hours for specified courses taken and occupations held by individuals during their service in the military; authorizing the award of additional credits or career education clock hours; requiring certain credits and career education clock hours to transfer between specified postsecondary institutions; amending s. 1009.26, F.S.; requiring specified postsecondary institutions to waive the transcript fee for active
duty members of the United States Armed Forces, certain veterans, and their spouses and dependents; providing reporting requirements for such fee waivers; requiring the Board of Governors and the State Board of Education to adopt regulations and rules, respectively; providing an effective date.
A bill to be entitled
An act relating to postsecondary education for certain military personnel; amending s. 1004.096, F.S.; requiring the Board of Governors and State Board of Education, in consultation with the Department of Veterans’ Affairs, to create a uniform process for the awarding of postsecondary credit to certain servicemembers and veterans of the United States Armed Forces; requiring the Articulation Coordinating Committee to convene a workgroup by a specified date; providing membership and duties of the workgroup; providing administrative support for the workgroup; requiring the workgroup to submit to the Articulation Coordinating Committee a list of recommended postsecondary course equivalencies and the minimum postsecondary credit that must be awarded if certain specifications are met; requiring the Articulation Coordinating Committee to review the list provided by the workgroup for approval by a specified date; requiring the Board of Governors and the State Board of Education to adopt, in regulation and in rule, respectively, the list approved by the Articulation Coordinating Committee by a specified date; requiring certain postsecondary institutions to award credit for specified courses taken and occupations held by individuals during military service beginning on a specified date; authorizing the award of additional credits; requiring that certain credits be transferrable between specified postsecondary institutions; amending s. 1009.26, F.S.; requiring postsecondary institutions to waive the transcript fee for active duty members of the United States Armed Forces, certain veterans, and their spouses and dependents; providing reporting requirements for such institutions; requiring the Board of Governors and the State Board of Education to adopt regulations and rules, respectively; providing an effective date.

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

Section 1. Section 1004.096, Florida Statutes, is amended to read:

1004.096 College credit for military experience and training and education courses.—

(1) In consultation with the Department of Veterans’ Affairs, the Board of Governors shall adopt regulations and the State Board of Education shall adopt rules that create a uniform process that enables eligible servicemembers or veterans of the United States Armed Forces to earn postsecondary academic college credit at public postsecondary educational institutions for experience and college-level training and education acquired in the military. The regulations and rules shall include procedures for credential evaluation and the award of postsecondary academic college credit, including, but not limited to, equivalency and alignment of military coursework with appropriate postsecondary college courses, and course descriptions, type and amount of college credit that may be awarded, and transfer of credit.
(2) The Articulation Coordinating Committee shall convene a workgroup by July 15, 2020, to establish a process for developing a uniform process for determining postsecondary course equivalencies and the minimum postsecondary credit that must be awarded for courses taken and occupations held by individuals during their service in the military. For the purposes of determining course equivalencies and minimum postsecondary credit, the workgroup shall review the courses and occupations evaluated by the American Council on Education and listed on its Military Guide since January 1, 2000.

(a) The workgroup shall be composed of the following 13 members:

1. The chair of the Articulation Coordinating Committee, or his or her designee, who shall serve as chair.
2. Four members representing academic affairs administrators and faculty from state universities, appointed by the chair of the Board of Governors.
3. Four members representing academic affairs administrators and faculty from Florida College System institutions, appointed by the chair of the State Board of Education.
4. Two members representing faculty from career centers, appointed by the chair of the State Board of Education.
5. Two members representing veterans, appointed by the executive director of the Department of Veterans’ Affairs.

(b) The Office of K-20 Articulation shall provide administrative support for the workgroup.

(c) The workgroup shall submit to the Articulation Coordinating Committee a recommended list of postsecondary requirements is guaranteed to transfer to other state institutions.

Institutions may award additional postsecondary credit if appropriate. Credit awarded in accordance with minimum credit requirements is guaranteed to transfer to other state universities, Florida College System institutions, and career centers as if the credit were earned at the receiving institution.

Section 2. Subsection (17) is added to section 1009.26, Florida Statutes, to read:

1009.26 Fee waivers.—

(17)(a) A state university, Florida College System institution, career center operated by a school district under s. 1001.44, or charter technical career center shall waive the transcript fee for a person who is an active duty member or an honorably discharged veteran of the United States Armed Forces...
and his or her spouse and dependents.

(b) Each state university, Florida College System institution, career center operated by a school district under s. 1001.44, and charter technical career center shall report to the Board of Governors and the State Board of Education, respectively, the number and value of fee waivers granted annually under this subsection.

(c) The Board of Governors and the State Board of Education shall adopt regulations and rules, respectively, to administer this subsection.

Section 3. This act shall take effect July 1, 2020.
I. Summary:

SB 376 modifies the requirements for a standard high school diploma and student assessment program for English Language Learners (ELLs) in public schools. The bill authorizes ELLs who enrolled in a public school in grade 9 or later beginning in the 2020-2021 school year, to be exempt from passing the grade 10 English Language Arts (ELA) assessment in order to earn a standard high school diploma. In lieu of passing the grade 10 ELA assessment the student must show sufficient learning gains in ELA, as demonstrated on the World-Class Instructional Design and Assessment (WIDA) Consortium ACCESS for ELLs assessment at thresholds set by the State Board of Education (SBE).

The bill also modifies the college and career acceleration component of the school grading model for high schools by adding the percentage of students who enrolled in a public school in grade 9 or later as an ELL and passed the grade 10 ELA assessment.

The bill takes effect on July 1, 2020.

II. Present Situation:

Every Student Succeeds Act (ESSA)

The Every Student Succeeds Act (ESSA), which reauthorized the Elementary and Secondary Education Act (ESEA), was signed into law on December 10, 2015. ESSA includes provisions to:1

• Help ensure success for students and schools through advancing equity by upholding protections for disadvantaged and high-need students.

---

• Require that all students be taught to high academic standards that will prepare them to succeed in college and careers.
• Ensure that vital information is provided to educators, families, students, and communities through annual statewide assessments that measure students' progress.
• Support and grow local innovations.
• Increase access to high-quality preschool.
• Maintain an expectation that there will be accountability and action to effect positive change in the lowest-performing schools.

ESSA requires that statewide assessments be administered in mathematics and reading or language arts to all students, including students with disabilities and English Language Learners (ELLs) in each of grades 3 through 8 and at least once in grades 9 through 12. Science assessments are required to be administered three times, including at least one time during grades 3 through 5, one time in grades 6 through 9, and one time in grades 10 through 12.\(^2\)

Under ESSA, states must annually assess the English language proficiency of ELLs, provide reasonable accommodations for ELLs on state assessments, and develop new accountability systems that include long-term goals and measures of progress for ELLs.\(^3\) ESSA requires that at least 95 percent of students in each school, as well as 95 percent of students in each specified subgroup\(^4\) including ELLs, be tested in mathematics and reading or language arts using a statewide assessment.\(^5\)

ESSA allows for an assessment exception for recently arrived ELLs who have been enrolled in a school for less than 12 months. A state may choose to:\(^6\)
• Exclude an ELL from one administration of the reading or language arts assessment requirements and exclude the ELL’s results on any of the required assessments for the first year of the ELLs enrollment in school for the purposes of the State-determined accountability system; or
• Assess and report the performance of an ELL on the reading or language arts and mathematics assessments required in each year of the student’s enrollment in school. For the purposes of the State-determined accountability system, exclude the results on the assessments required in the first year of the student’s enrollment, include a measure of student growth on the assessments in the second year of the student’s enrollment, and include proficiency on the assessments in the third and each succeeding year of the student’s enrollment in school.

---

\(^2\) 20 U.S.C. s. 6311(b)(2).
\(^4\) Subgroups include each major racial and ethnic group, economically disadvantaged students, children with disabilities, English proficiency, gender, and migrant status. 20 U.S.C. s. 6311(b)(2)(B)(xi).
\(^5\) 20 U.S.C. s. 6311(c)(4)(E)(i).
English Language Learners (ELLs)

ELLs are a growing part of the K–12 student population in the United States. Between the 2009–10 and 2014–15 school years, the percentage of ELL students increased in more than half of the states, with increases of over 40 percent in five states.

Over 4.8 million ELLs were enrolled in schools across the country in 2016-17. This represents 10 percent of the total K-12 student population. Nearly all ELLs (97 percent) participated in language instruction education programs.

In total, ELLs in public schools speak over 400 different languages. In 2014–15, more than three-quarters of all ELLs spoke Spanish. The next most commonly spoken non-English languages were Arabic, Chinese, and Vietnamese. However, these languages were spoken much less commonly than Spanish, representing about 2 percent each.

World-Class Instructional Design and Assessment (WIDA) Consortium

The World-Class Instructional Design and Assessment (WIDA) Consortium is an educational consortium of state departments of education. Currently, 37 states and territories, including Florida, participate in the WIDA Consortium. WIDA designs and implements proficiency standards and assessment for grade K-12 students who are ELLs.

The WIDA ACCESS for ELLs assessment is given yearly and the results are used to determine the student's growth and progress, as well as to inform instruction for the next year. This test has been administered annually in WIDA member states beginning in the 2005-2006 academic year. The assessment is used in the U.S. and several other countries as a test of English language proficiency.

English Language Learners (ELLs) in Florida

In Florida, English Language Learner (ELL) means “Limited English Proficient Student.” A limited English proficient student is defined as having sufficient difficulty speaking, reading, writing, or listening to the English language to deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English, and who:

- Was not born in the U.S. and whose native language is a language other than English;
- Comes from a home environment where a language other than English is spoken in the home; or

---

8 U.S. Department of Education, Our Nation’s English Learners, [https://www2.ed.gov/datastory/el-characteristics/index.html#four](https://www2.ed.gov/datastory/el-characteristics/index.html#four) (last visited Nov. 25, 2019).
9 Id.
12 Rule 6A-6.0901, F.A.C.
13 Section 1003.56, F.S.
• Is an American Indian or Alaskan native and who comes from an environment where a language other than English has had a significant impact on his or her English language proficiency.

Instruction for limited English proficient students is designed to rapidly develop the student’s mastery of four language skills; listening, speaking, reading, and writing. School districts must engage in a number of procedures to meet instructional requirements for ELL students. School districts must:

• Develop and submit a plan for providing English language instruction to the Florida Department of Education (DOE) for review and approval.
• Identify limited English proficient students through assessment.
• Provide limited English proficient students with English for Speakers of Other Languages (ESOL) instruction in English and ESOL instruction or home language instruction in the basic subject areas of reading, mathematics, science, social studies, and computer literacy.
• Maintain a student plan.
• Provide qualified teachers.
• Provide equal access to other programs based on need.
• Provide for parental involvement.

**English Language Learners (ELLs) and Florida’s Every Student Succeeds Act (ESSA)**

Florida’s ESSA plan received approval from the United States Department of Education on September 26, 2018. As required under ESSA, ELLs are expected to master the same grade-level academic standards as all other students.

Spanish is the most prevalent language other than English spoken by Florida students. The percent of English Language Arts (ELA) test takers who are Spanish-speaking ELLs is 6.8 percent. There are an additional 240 languages spoken by Florida’s other ELLs, which account for 2.1 percent of the ELA student test takers. Florida, which has one of the largest populations of ELLs in the nation, serves its population of ELLs through a comprehensive program of teaching, assessing, and, where necessary, providing additional assistance to such students in an English-language environment.

Florida's goal is to transition ELLs to full English proficiency in as few years as possible. The SBE has a 2015-2020 strategic plan goal to close the achievement gap by reducing the gap between ELL and non-ELL students in each subject area by one-third. In 2018-19, there was

14 English for Speakers of Other Languages (ESOL) and English Learners (ELs) are other terms used to describe limited English proficient students and instructional programs. *Id.* and U.S. Department of Education, *Our Nation’s English Learners*, [https://www2.ed.gov/datastory/el-characteristics/index.html#four](https://www2.ed.gov/datastory/el-characteristics/index.html#four) (last visited Nov. 25, 2019).
15 Section 1003.56(3), F.S.
17 *Id.* at 8.
19 *Id.*
improvement in three of the four measured subject areas, although no subject area was on track to meet the 2020 target. In November, 2019, the SBE adopted a new strategic plan for 2020-2025 with targets to continue to reduce the achievement gap between student subgroups, including ELL students.

A large proportion of Florida’s ELLs enter the public school system in kindergarten. These children typically become proficient in English quickly while others who enter the U.S. later in life or with little formal schooling may need more time to become proficient. The timeline for students to achieve English language proficiency is variable based on the needs of the individual student. Florida’s timeline for students to achieve English language proficiency is five or fewer years. Florida’s ELLs can exit the program if they score at level 4 or above on the WIDA ACCESS for ELLs assessment and also score at least a level 4 on the Reading subtest, and score at level 3 or above on the ELA assessment.

In order to graduate from a Florida public high school, all students are required to pass the grade 10 ELA Florida Standards Assessment (FSA). In 2018-2019, there were 14,736 ELL students in grade 9, 13,956 in grade 10, 13,032 in grade 11, and 9,976 in grade 12. The percent of grade 10 ELL students who scored a level 3 or above on the ELA FSA was 7.2 percent compared to 56.3 percent of non-ELL students in the 2018-19 school year. ELLs who fail to pass the required grade 10 ELA FSA are eligible for an additional year of public education, or “thirteenth year,” to allow these students additional time to pass the required grade 10 ELA FSA and earn a standard high school diploma. A recently adopted SBE rule allows ELLs that have exited the ESOL program within two years, to receive accommodations on statewide assessments.

Under the Florida ESSA plan, for recently arrived ELLs who have been enrolled in a Florida school for less than 12 months, Florida has chosen to assess and report the performance of ELLs on the reading or language arts and mathematics assessments required in each year of the student’s enrollment in school. For the purposes of the State-determined accountability system, Florida excludes the results on the assessments required in the first year of the student’s enrollment, includes a measure of student growth on the assessments in the second year of the student’s enrollment, and includes proficiency on the assessments in the third and each succeeding year of the student’s enrollment in school.

24 Id.
27 Rule 6A-6.0909 F.A.C.
The ELL high school graduation rate in Florida for the 2017-2018 school year was 75 percent, up 7.7 percentage points from the 2016-2017 school year (67.3 percent\(^{30}\)), but still lower than the overall graduation rate of 86.1 percent.\(^{31}\)

**Graduation Requirements**

In Florida, a student must successfully complete 24 credits specified in law, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum to earn a standard high school diploma.\(^{32}\) The required credits may be earned through equivalent, applied, or integrated courses or career education courses, including work-related internships approved by the SBE and identified in the course code directory. However, any must-pass assessment requirements must be met.\(^{33}\) A student may also earn a standard high school diploma through the 18 credit Academically Challenging Curriculum to Enhance Learning Option (ACCEL)\(^{34}\) or the Career and Technical Education Graduation Pathway Option.\(^{35}\) Both 18 credit options also require students to meet English language arts, mathematics, science, and social studies credit and assessment requirements.\(^{36}\)

To graduate, a student must complete the specified requirements and earn a cumulative grade point average (GPA) of 2.0 or higher on a 4.0 scale.\(^{37}\) A student must also pass the statewide, standardized grade 10 ELA FSA and the statewide, standardized Algebra I End-of-Course (EOC) assessment. Concordant and comparative scores may be used to satisfy the passing score requirements for the statewide ELA FSA and Algebra I EOC assessments, respectively.\(^{38}\) Students typically have multiple opportunities to retake the grade 10 FSA ELA and Algebra 1 EOC assessments prior to graduation.\(^{39}\)

**Statewide Assessment Program**

The primary purpose of the student assessment program is to provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff. The data is to be used by districts to improve instruction; by students, parents, and teachers to guide learning objectives; by education researchers to assess national and

\(^{30}\) Florida Department of Education, *PK-12 Education Information Portal*

\(^{31}\) Department of Education, *Florida’s Federal Graduation Rates by Special Category by School and District*

\(^{32}\) Section 1003.4282(1)(a), F.S.

\(^{33}\) Id. at (1)(b). An equivalent course is one or more courses identified by content-area experts as being a match to the core curricular content of another course, based upon review of the Next Generation Sunshine State Standards for that subject. An applied course aligns with Next Generation Sunshine State Standards and includes real-world applications of a career and technical education standard used in business or industry. An integrated course includes content from several courses within a content area or across content areas.

\(^{34}\) Section 1002.3105, F.S.

\(^{35}\) Section 1003.4282(11), F.S.

\(^{36}\) Id. and Section 1002.3105 F.S.

\(^{37}\) Section 1003.4282(6)(a), F.S.


\(^{39}\) Id. at 3.
international education comparison data; and by the public to assess the cost benefit of the expenditure of taxpayer dollars.\textsuperscript{40}

The statewide assessment program for Florida’s public schools includes statewide, standardized assessments for ELA (grades 3-10) and mathematics (grades 3-8); end-of-course (EOC) assessments for Algebra I, Geometry, Biology I, Civics, and U.S. History; and the Statewide Science Assessment (grades 5 and 8).\textsuperscript{41} Results from the assessments are used to calculate school grades and school improvement ratings\textsuperscript{42} and determine student readiness for promotion to 4\textsuperscript{th} grade and high school graduation.\textsuperscript{43}

\textbf{School Grading System}

School grades provide an easily understandable way to measure the performance of a school. Parents and the general public can use the school grade and its components to understand how well each school is serving its students.\textsuperscript{44} School grades are used in the state system of school improvement and accountability to determine the need for school intervention and support,\textsuperscript{45} or to determine whether a school is eligible for school recognition funds.\textsuperscript{46}

Schools are graded using one of the following grades:\textsuperscript{47}
- “A,” schools making excellent progress (62 percent or higher of total applicable points).
- “B,” schools making above average progress (54 to 61 percent of total applicable points).
- “C,” schools making satisfactory progress (41 to 53 percent of total applicable points).
- “D,” schools making less than satisfactory progress (32 to 40 percent of total applicable points).
- “F,” schools failing to make adequate progress (31 percent or less of total applicable points).

Elementary schools, middle schools, and high schools each share a basic model for determining school grades, based on the percentage of total points earned by a school for each component in the model. All schools are graded on the percentage of eligible students who pass assessments in ELA, mathematics, science, and social studies; student learning gains in ELA and mathematics; and students in the lowest 25 percent of ELA and mathematics performers who make learning gains.\textsuperscript{48} Middle and high school models include additional components beyond the basic model.\textsuperscript{49}

\begin{itemize}
\item \textsuperscript{40} Section 1008.22(1) F.S.
\item \textsuperscript{41} Sections 1008.22(3) and 1003.4156 F.S.
\item \textsuperscript{42} See ss. 1008.34 and 1008.341, F.S.
\item \textsuperscript{43} See ss. 1008.25(5) and 1003.4282(3)(a) and (b), F.S.
\item \textsuperscript{45} See s. 1008.33(4), F.S.
\item \textsuperscript{46} See s. 1008.36, F.S.
\item \textsuperscript{47} Section 1008.34(2), F.S.; rule 6A-1.09981(4)(d), F.A.C.
\item \textsuperscript{48} Section 1008.34(3)(b), F.S. If a school does not have at least 10 students with complete data for one or more of the components, those components may not be used in calculating the school’s grade. Section 1008.34(3)(a), F.S.
\item \textsuperscript{49} See s. 1008.34(3)(b), F.S.; rule 6A-1.09981(4)(a)-(c), F.A.C.
\end{itemize}
For a high school comprised of grades 9 through 12 or grades 10 through 12, the school’s grade is also based on following components:\(^{50}\)

- The 4-year high school graduation rate of the school as defined by State Board of Education (SBE) rule.\(^{51}\)
- The percentage of students who were eligible to earn college and career credit through College Board Advanced Placement (AP) examinations, International Baccalaureate (IB) examinations, dual enrollment courses, or Advanced International Certificate of Education (AICE) examinations; or who, at any time during high school, earned national industry certification identified in the CAPE Industry Certification Funding List, pursuant to rules adopted by the SBE.

In addition, Federal Percent of Points Index data are calculated and reported to comply with Florida’s approved ESSA plan. The federal index incorporates the existing school grades calculation and components with one additional component, English Language Proficiency (ELP) Progress. The ELP Progress component is based on the percentage of students who show progress on the WIDA ACCESS for ELLs assessments, including the Alternate ACCESS for ELLs assessments.\(^{52}\)

### III. Effect of Proposed Changes:

The bill amends ss. 1003.4282 and 1008.22, F.S., to exempt an English Language Learner (ELL) who enrolls in a public school in grade 9 or later from the requirement to pass the grade 10 English Language Arts (ELA) Florida Standards Assessment (FSA) to earn a standard high school diploma, beginning with the 2020-2021 school year. In lieu of meeting this requirement, the bill requires the student to show sufficient learning gains in ELA, as demonstrated on the World-Class Instructional Design and Assessment (WIDA) ACCESS for ELLs assessment at thresholds set by the State Board of Education (SBE). The student must take the grade 10 ELA FSA for progress monitoring purposes.

The bill may require the Florida Department of Education (DOE) to amend the current approved Every Student Succeeds Act (ESSA) plan and obtain approval of the amended plan by the United States Department of Education.\(^{53}\)

Exempting ELLs from the grade 10 ELA FSA graduation requirement may lead to more ELLs graduating from high school and improving the state’s high school graduation rates.

The bill also amends ss. 1008.34, F.S., and modifies the school grading model for high schools by adding the percentage of students who enrolled in a public school in grade 9 or later as an ELL and passed the grade 10 ELA FSA as a school grade component.

The bill takes effect on July 1, 2020.

\(^{50}\) Section 1008.34(3)(b)2., F.S., and rule 6A-1.09981(4)(c)2. and 3., F.A.C.

\(^{51}\) The four-year high school graduation rate of the school as measured according to 34 CFR §200.19, Other Academic Indicators, effective November 28, 2008. Rule 6A-1.09981(4)(c)1., F.A.C.

\(^{52}\) Florida Department of Education, 2020 Agency Analysis of SB 376 (Nov. 19, 2019) at 3.

\(^{53}\) Id. at 7.
IV. **Constitutional Issues:**

A. **Municipality/County Mandates Restrictions:**
   None.

B. **Public Records/Open Meetings Issues:**
   None.

C. **Trust Funds Restrictions:**
   None.

D. **State Tax or Fee Increases:**
   None.

E. **Other Constitutional Issues:**
   None.

V. **Fiscal Impact Statement:**

A. **Tax/Fee Issues:**
   None.

B. **Private Sector Impact:**
   None.

C. **Government Sector Impact:**
   According to the Florida Department of Education (DOE), it is unclear whether the requirements of the bill are consistent with the requirements of the Every Student Succeeds Act (ESSA). Florida will likely need to amend its current ESSA plan based on the requirements of the bill. If the amended ESSA plan is not approved by the United States Department of Education it could impact Florida’s eligibility for certain federal education funding.\(^5^4\)

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1003.4282, 1008.22, and 1008.34.

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.
LEGISLATIVE ACTION

Senate

House

The Committee on Education (Lee) recommended the following:

**Senate Amendment**

Delete lines 25 - 109

and insert:

beginning with the 2020-2021 school year, at the discretion of a district school board or a charter school governing board, as applicable, an English Language Learner who enrolled in a public school within the school district in grade 9 or later is exempt from the assessment requirements of this paragraph and, in lieu of such requirements, must show sufficient Learning Gains in English Language Arts, as demonstrated on the ACCESS for ELLs
assessment and at thresholds established by the State Board of Education, to earn a standard high school diploma. Such student must take the grade 10 ELA assessment and any necessary assessment retakes for progress monitoring purposes.

Section 2. Present subsections (11), (12), and (13) of section 1008.22, Florida Statutes, are redesignated as subsections (12), (13), and (14), respectively, and a new subsection (11) is added to that section, to read:

1008.22 Student assessment program for public schools.—

(11) EXEMPTION FROM ASSESSMENT REQUIREMENTS.—Beginning in the 2020-2021 school year, at the discretion of a district school board or a charter school governing board, as applicable, an English language learner who enrolled in a public school within the school district in grade 9 or later is exempt from the grade 10 ELA assessment graduation requirement pursuant to s. 1003.4282(3)(a). However, such student must take the grade 10 ELA assessment and any necessary assessment retakes for progress monitoring purposes.

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

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

(3) DESIGNATION OF SCHOOL GRADES.—

(b)1. Beginning with the 2014-2015 school year, a school’s grade shall be based on the following components, each worth 100 points:

a. The percentage of eligible students passing statewide, standardized assessments in English Language Arts under s. 1008.22(3).
b. The percentage of eligible students passing statewide, standardized assessments in mathematics under s. 1008.22(3).

c. The percentage of eligible students passing statewide, standardized assessments in science under s. 1008.22(3).

d. The percentage of eligible students passing statewide, standardized assessments in social studies under s. 1008.22(3).

e. The percentage of eligible students who make Learning Gains in English Language Arts as measured by statewide, standardized assessments administered under s. 1008.22(3).

f. The percentage of eligible students who make Learning Gains in mathematics as measured by statewide, standardized assessments administered under s. 1008.22(3).

g. The percentage of eligible students in the lowest 25 percent in English Language Arts, as identified by prior year performance on statewide, standardized assessments, who make Learning Gains as measured by statewide, standardized English Language Arts assessments administered under s. 1008.22(3).

h. The percentage of eligible students in the lowest 25 percent in mathematics, as identified by prior year performance on statewide, standardized assessments, who make Learning Gains as measured by statewide, standardized Mathematics assessments administered under s. 1008.22(3).

i. For schools comprised of middle grades 6 through 8 or grades 7 and 8, the percentage of eligible students passing high school level statewide, standardized end-of-course assessments or attaining national industry certifications identified in the CAPE Industry Certification Funding List pursuant to rules adopted by the State Board of Education.
In calculating Learning Gains for the components listed in sub-
subparagraphs e.-h., the State Board of Education shall require
that learning growth toward achievement levels 3, 4, and 5 is
demonstrated by students who scored below each of those levels
in the prior year. In calculating the components in sub-
subparagraphs a.-d., the state board shall include the
performance of English language learners only if they have been
enrolled in a school in the United States for more than 2 years.

2. For a school comprised of grades 9, 10, 11, and 12, or
grades 10, 11, and 12, the school’s grade shall also be based on
the following components, each worth 100 points:
   a. The 4-year high school graduation rate of the school as
defined by state board rule.
   b. The percentage of students who were eligible to earn
college and career credit through College Board Advanced
Placement examinations, International Baccalaureate
examinations, dual enrollment courses, or Advanced International
Certificate of Education examinations; or who, at any time
during high school, earned national industry certification
identified in the CAPE Industry Certification Funding List; or
who enrolled in the school in grade 9 or later as an English
Language Learner and passed the grade 10 ELA assessment
administered under s. 1008.22(3)(a), pursuant to rules
By Senator Lee

A bill to be entitled
An act relating to English language learners; amending
subsection (3) of section 1003.4282, Florida Statutes, is amended to read:
(3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT
REQUIREMENTS.—
(a) Four credits in English Language Arts (ELA).—The four
credits must be in ELA I, II, III, and IV. A student must pass
the statewide, standardized 10th grade Reading assessment or, when
implemented, the grade 10 ELA assessment, in order to earn a standard high school diploma. However,
beginning with the 2020-2021 school year, an English Language
Learner who enrolled in a public school within the state in
grade 9 or later is exempt from the assessment requirements of
this paragraph and, in lieu of such requirements, must show
sufficient Learning Gains in English Language Arts, as

Section 2. Present subsections (11), (12), and (13) of
section 1008.22, Florida Statutes, are redesignated as
subsection (12), (13), and (14), respectively, and a new
subsection (11) is added to that section, to read:

(11) EXEMPTION FROM ASSESSMENT REQUIREMENTS.—Beginning in
the 2020-2021 school year, an English Language Learner who
enrolled in a public school within the state in grade 9 or later
is exempt from the grade 10 ELA assessment graduation
requirement pursuant to s. 1003.4282(3)(a). However, such
student must take the grade 10 ELA assessment and any necessary
assessment retakes for progress monitoring purposes.

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

(3) DESIGNATION OF SCHOOL GRADES.—
(b)1. Beginning with the 2014-2015 school year, a school’s
grade shall be based on the following components, each worth 100
points:
a. The percentage of eligible students passing statewide,
standardized assessments in English Language Arts under s.
1008.22(3).
b. The percentage of eligible students passing statewide,
In calculating Learning Gains for the components listed in subsections a.-d., the State Board of Education shall require that learning growth toward achievement levels 3, 4, and 5 is demonstrated by students who scored below each of those levels in the prior year. In calculating the components in subsections e.-h., the state board shall include the performance of English language learners only if they have been enrolled in a school in the United States for more than 2 years.

2. For a school comprised of grades 9, 10, 11, and 12, or grades 10, 11, and 12, the school’s grade shall also be based on the following components, each worth 100 points:

a. The 4-year high school graduation rate of the school as defined by state board rule.

b. The percentage of students who were eligible to earn college and career credit through College Board Advanced Placement examinations, International Baccalaureate examinations, dual enrollment courses, or Advanced International Certificate of Education examinations; or who, at any time during high school, earned national industry certification identified in the CAPA Industry Certification Financing List; or who enrolled in a public school in this state in grade 9 or later as an English language learner and passed the grade 10 ELA assessment administered under s. 1008.22(3), pursuant to rules adopted by the state board.

Section 4. This act shall take effect July 1, 2020.
I. Summary:

SB 418 authorizes school district career centers to offer an associate in applied science or associate in science degree program in nursing, but only to graduates of a licensed practical nursing program offered at that same career center.

The bill has no impact on state revenues or expenditures.

The bill takes effect on July 1, 2020.

II. Present Situation:

Workforce Education

Workforce education includes adult general education and career education, and may consist of a course or a program of study leading to an occupational completion point (OCP), a career certificate, an applied technology diploma, or a career degree. Specifically, workforce education includes:

- Adult general education programs;
- Career certificate programs.

---

1 An “occupational completion point” (OCP) means the occupational competencies that qualify a person to enter an occupation that is linked to a career and technical program. Section 1004.02(21), F.S.
2 Section 1004.02(25), F.S.
3 Section 1011.80(1), F.S.
4 “Adult general education” means comprehensive instructional programs designed to improve the employability of the state’s workforce through adult basic education, adult secondary education, English for Speakers of Other Languages, applied academics for adult education instruction, and instruction for adults with disabilities. Section 1004.02(3), F.S.
5 A “career certificate program” means a course of study that leads to at least one OCP. The program may also confer credit that may articulate with a diploma or career degree education program. Section 1004.02(20), F.S.
• Applied technology diploma (ATD) programs;\(^6\)
• Continuing workforce education courses;\(^7\)
• Degree career education programs;\(^8\) and
• Apprenticeship\(^9\) and preapprenticeship\(^10\) programs.

Any workforce education program may be conducted by a Florida College System (FCS) institution or a school district, except that college credit in an associate in applied science (AAS) or an associate in science (AS) degree may be awarded only by an FCS institution. However, if an AAS or an AS degree program contains within it an OCP that confers a certificate or an ATD, that portion of the program may be conducted by a school district career center.\(^11\)

**Career Centers**

A district school board may, as a part of the district school system, operate a career center.\(^12\) A career center is an educational institution offering terminal courses of a technical nature and courses for out-of-school youth and adults. A career center is administered by a director responsible through the district school superintendent to the local district school board.\(^13\)

Currently, there are 49 career centers operating in 31 school districts in Florida.\(^14\) All are accredited by the Council on Occupational Education (COE).\(^15\) The COE accredits postsecondary occupational institutions that offer career certificate, diploma, or applied associate degree programs. The COE does not accredit institutions that offer credentials above an applied

---

\(^6\) An “applied technology diploma (ATD) program” means a course of study that is part of a technical degree program, is less than 60 credit hours, and leads to employment in a specific occupation. An ATD program may consist of either technical credit or college credit. A public school district may offer an ATD program only as technical credit, with college credit awarded to a student upon articulation to a Florida College System (FCS) institution. Section 1004.02(7), F.S.

\(^7\) “Continuing workforce education” means instruction that does not result in a technical certificate, diploma, associate in applied science (AAS) degree, or associate in science (AS) degree. Continuing workforce education is for: (1) individuals who are required to have training for licensure renewal or certification renewal by a regulatory agency or credentialing body; (2) new or expanding businesses; (3) business, industry, and government agencies whose products or services are changing so that retraining of employees is necessary or whose employees need training in specific skills to increase efficiency and productivity; or (4) individuals who are enhancing occupational skills necessary to maintain current employment, to cross train, or to upgrade employment. Section 1004.02(12), F.S.

\(^8\) A “degree career education program” or “technical degree education program” means a course of study that leads to an AAS degree or an AS degree. A technical degree program may contain within it one or more program progression points and may lead to certificates or diplomas within the course of study. Section 1004.02(13), F.S.

\(^9\) Registered apprenticeship programs enable employers to develop and apply industry standards to training programs for registered apprentices that can increase productivity and improve the quality of the workforce. Apprentices who complete registered apprenticeship programs are accepted by the industry as journey workers. Florida Department of Education, *Apprenticeship Programs*, [http://fldoe.org/academics/career-adult-edu/apprenticeship-programs/](http://fldoe.org/academics/career-adult-edu/apprenticeship-programs/) (last visited Nov. 20, 2019).

\(^10\) Registered pre-apprenticeship programs provide an avenue for both adults and youth who are at least 16 years old to become qualified to enter registered apprenticeship programs. Pre-apprenticeship programs are sponsored and operated by registered apprenticeship programs in the same trade or trades. Florida Department of Education, *Preapprenticeship*, [http://fldoe.org/academics/career-adult-edu/apprenticeship-programs/preapprenticeship.shtml](http://fldoe.org/academics/career-adult-edu/apprenticeship-programs/preapprenticeship.shtml) (last visited Nov. 20, 2019).

\(^11\) Section 1011.80(2), F.S.

\(^12\) Section 1001.44(1), F.S.

\(^13\) Section 1001.44(3)(a), F.S.


associate degree.\textsuperscript{16} The COE is one of the national accrediting agencies recognized by the U.S. Department of Education for eligibility to offer federal student financial aid.\textsuperscript{17}

**Florida College System Institutions**

The FCS is composed of 28 colleges and 72 campuses that serve each of Florida’s counties.\textsuperscript{18} The purpose of the FCS is to maximize open access for students, respond to community needs for postsecondary academic education and career degree education, and provide associate and baccalaureate degrees that will best meet the state’s employment needs.\textsuperscript{19} The State Board of Education supervises the FCS, and each FCS institution is governed by a local board of trustees.\textsuperscript{20} Each FCS institution is accredited by the Southern Association of Colleges and Schools Commission on Colleges.\textsuperscript{21}

**Articulation of Career Education to Degree Programs**

Florida law guarantees that students who complete specified career certificate programs or ATDs at a career center or FCS institution are able to articulate the non-college-credit program into a college-credit AAS or AS degree program at an FCS institution.\textsuperscript{22} There are currently 46 career certificate program to AAS/AS degree articulation agreements, and 8 ATD program to AAS/AS degree articulation agreements.\textsuperscript{23} The amount of credit applied to the degree program varies by program and is determined by school district career center and FCS institution college faculty. According to the Practical Nursing certificate program articulation agreement, students who complete the 1350-clock hour Practical Nursing program are guaranteed 10 college credits upon entrance into the 72-credit AS degree program in Nursing.\textsuperscript{24}

\textsuperscript{17} Id.
\textsuperscript{18} Florida Department of Education, Division of Florida Colleges, http://www.fldoe.org/schools/higher-ed/fl-college-system/ (last visited Dec. 2, 2019). Each Florida College System institution is assigned one or more counties as a part of its service delivery area. Section 1000.21(3), F.S.
\textsuperscript{19} Section 1001.60(1), F.S.
\textsuperscript{20} Art. IX, s. 8, Fla. Const.
\textsuperscript{21} The Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) is the regional body for the accreditation of degree-granting higher education institutions in the southern states. It serves as the common denominator of shared values and practices among the diverse institutions in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia and Latin America and other international sites approved by the SACSCOC Board of Trustees that award associate, baccalaureate, master’s, or doctoral degrees. Southern Association of Colleges and Schools Commission on Colleges, http://sacscoc.org/ (last visited Nov. 19, 2019). All FCS institutions except Hillsborough Community College are accredited to the baccalaureate degree level. SACSCOC, Florida, http://sacscoc.org/searchResults.asp (last visited Nov. 19, 2019).
\textsuperscript{22} Section 1007.23(4), F.S. The statewide articulation agreement guarantees the statewide articulation of appropriate workforce development programs and courses between school districts and FCS institutions and specifically provide that every ATD graduate must be granted the same amount of credit upon admission to an AAS or AS degree program.
Florida Public Postsecondary Nursing Programs

Any educational institution that wishes to conduct a program in Florida for the pre-licensure education of professional or practical nurses must apply to the Department of Health, and be approved by the Florida Board of Nursing.25

Each FCS institution offers a 72-credit hour AS degree in nursing to prepare students for employment as Registered Nurses. Each AS degree must also include a minimum of 15 college credits of general education coursework.26 The standards for all Florida AS degree programs, including nursing, are determined in the curriculum frameworks maintained by the Department of Education (DOE).27 All Florida AS nursing degree programs are accredited by the Accreditation Commission for Education in Nursing (ACEN).28 There is currently no curriculum framework for an AAS degree in nursing, and no AAS degree programs in nursing are offered by FCS institutions.

There are 39 COE-accredited career centers and career center branches that offer a practical nursing program.29 The program is designed to prepare students for employment as licensed practical nurses (LPNs). The 1350-hour LPN program standards are listed in the Practical Nursing curriculum framework maintained by the DOE.30 Only the Broward County School District has received ACEN accreditation at the practical nursing level.31

25 Section 464.019, F.S. The Florida Board of Nursing is a 13-member board within the Department of Health that licenses, monitors, disciplines, educates and, when appropriate, rehabilitates its licensees to assure their fitness and competence in providing health care services for the people of Florida. Section 464.004, F.S., and Florida Board of Nursing, https://floridasnursing.gov/ (last visited Dec. 3, 2019).

26 Rule 6A-14.030(4), F.A.C.

27 The Career & Technical Education (CTE) Programs section in the DOE is responsible for developing and maintaining educational programs that prepare individuals for occupations important to Florida’s economic development. These programs are organized into 17 different career clusters and are geared toward middle school, high school, district technical school, and FCS students throughout the state. With the help of partners in education, business and industry, and trade associations, each program includes the academic and technical skills required to be successful in today’s economy. Florida Department of Education, Career & Technical Education, http://www.fldoe.org/academics/career-adult-edu/career-tech-edu/ (last visited Dec. 3, 2019).

28 The purpose of the ACEN is to provide specialized accreditation for all levels of nursing education and transition-to-practice programs. The ACEN accredits nursing education programs in secondary, postsecondary, and hospital-based governing organizations that offer certificates, diplomas, or degrees. The ACEN serves as a Title IV gatekeeper for all types of nursing education programs offered by certain institutions that are eligible to participate in financial aid programs administered by the United States Department of Education or other federal agencies. Accreditation Commission for Education in Nursing, Mission, Purpose, Goals, https://www.acenursing.org/ (last visited Nov. 19, 2019).


III. Effect of Proposed Changes:

SB 418 authorizes school district career centers to offer an associate in applied science (AAS) or associate in science (AS) degree program, but only to graduates of a licensed practical nursing (LPN) program offered at that same career center.

The bill expands the number of institutions that may offer an associate degree in nursing, and so may increase access to such programs for students. Students who complete such programs and are licensed may increase the supply of nurses in Florida. Career centers that implement associate degree programs will be required to comply with additional requirements related to college credit programs and to institution and program accreditation.

Associate Degree Program Requirements

Students entering a college-credit nursing program who are not otherwise exempt would be required to complete a common placement test to assess basic mathematics and communication skills. In addition, a career center offering an AS nursing degree would be required to include in the program 15 credit hours of general education coursework. This general education coursework requirement would also apply to an AAS nursing program. However, since there is currently no AAS nursing curriculum framework, there is no mechanism to enroll students into AAS programs.

In addition, the career center that offers the college-credit (professional) nursing program would be required to meet faculty qualifications that are more rigorous than those required for a practical nursing program.

Institution Accreditation

In addition to seeking approval from the Board of Nursing for an AS degree program in nursing, in order to remain eligible for federal financial aid the career center would be required to seek institutional accreditation from an agency other than the Council on Occupational Education, which does not accredit institutions that offer credentials higher than an AAS degree. The career center would also be required to seek program accreditation for its nursing program. Florida law requires that a nursing education program that prepares students for the practice of professional nursing and that is approved by the Board of Nursing must become an accredited program within 5 years after the date of enrolling the program’s first students.

---

32 Section 1008.30, F.S. The State Board of Education, in conjunction with the Board of Governors, is required to develop and implement a common placement test for the purpose of assessing the basic computation and communication skills of students who intend to enter a degree program at any public postsecondary educational institution. A student who entered 9th grade in a Florida public school in the 2003-2004 school year, or any year thereafter, and earned a Florida standard high school diploma or a student who is serving as an active duty member of any branch of the United States Armed Services is not be required to take the common placement test. Id.

33 An associate degree program requires the program director and at least 50 percent of the faculty to be registered nurses who have a master’s or higher degree in nursing or a bachelor’s degree in nursing and a master’s or higher degree in a field related to nursing; a practical nursing program requires similar faculty to have bachelor’s degrees. Section 464.019(1)(a), F.S.

34 Section 464.019(11), F.S.
College Credit Program Tuition and Fees

Florida law specifies tuition that applies to students enrolled in workforce education programs who are reported for funding. College credit fees for associate degree programs are determined in law and are specific only to Florida College System (FCS) institutions. It is unclear if such fees currently applied to FCS institution college-credit programs would be applied to school district career center college-credit programs.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:
   
   None.

B. Public Records/Open Meetings Issues:
   
   None.

C. Trust Funds Restrictions:
   
   None.

D. State Tax or Fee Increases:
   
   None.

E. Other Constitutional Issues:
   
   None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:
   
   None.

B. Private Sector Impact:
   
   None.

---

35 Section 1009.22, F.S. The tuition for programs leading to a career certificate or an ATD is $2.33 per contact hour for residents and nonresidents and the out-of-state fee is $6.99 per contact hour. Adult general education programs have a block tuition of $45 per half year or $30 per term. Fees are determined by the district school board or FCS institution.

36 Section 1009.23, F.S. For FCS institution college credit, developmental education, and educator preparation institute programs, the standard tuition is $71.98 per credit hour for residents and nonresidents, and the out-of-state fee is $215.94 per credit hour. Fees are specified in law.
C. Government Sector Impact:

School district career centers that choose to implement an associate degree nursing program would likely incur expenses related Board of Nursing approval, institution accreditation from another entity, and nursing program accreditation. For example:

- There is a $1,000 application fee to the Board of Nursing.
- An institution seeking accreditation from the Southern Association of Colleges and Schools would incur a $10,000 application fee, $2,500 candidate fee, plus additional fees for site visits.\(^{37}\)
- Accreditation Commission for Education in Nursing fees include $3,500 for candidacy and initial accreditation, plus additional fees for site visits and full accreditation.\(^{38}\)

VI. Technical Deficiencies:

The bill authorizes a career center to offer an associate in applied science (AAS) or associate in science (AS) degree program in nursing. However, the bill specifies that a career center offering only the AS degree may offer such degree to graduates of a licensed practical nursing program at that career center, and appears to omit that restriction for a career center offering the AAS degree.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1011.80 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.


The Committee on Education (Diaz) recommended the following:

**Senate Amendment**

Delete lines 24 - 25 and insert:

science degree program in nursing if the career center offering the associate in applied science or associate in science degree program in nursing offers it
A bill to be entitled An act relating to workforce education; amending s. 1011.80, F.S.; revising the workforce education programs that school district career centers are authorized to conduct; providing an effective date.

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

Section 1. Subsection (2) of section 1011.80, Florida Statutes, is amended to read:

1011.80 Funds for operation of workforce education programs.—
(2) Any workforce education program may be conducted by a Florida College System institution or a school district, except that college credit in an associate in applied science or an associate in science degree may be awarded only by a Florida College System institution. However, a school district career center may conduct the following:

(a) Portions of an associate in applied science or an associate in science degree program which contain within it an occupational completion point that confers a certificate or an applied technology diploma.

(b) An associate in applied science or an associate in science degree nursing program if the technical center offering the associate in science nursing degree program offers it only to graduates of a licensed practical nursing program offered by the same center, that portion of the program may be conducted by a school district career center. Any instruction designed to articulate to a degree program is subject to guidelines and standards adopted by the State Board of Education pursuant to s. 1007.25.

Section 2. This act shall take effect July 1, 2020.
I. Summary:

SB 434 modifies the high school acceleration component of the school grading model to add to the calculation career certificate dual enrollment courses resulting in 450 or more clock hours that are identified by the State Board of Education.

The bill has no impact on state revenues or expenditures.

The bill take effect on July 1, 2020.

II. Present Situation:

School grades provide an easily understandable way to measure the performance of a school. Parents and the general public can use the school grade and its components to understand how well each school is serving its students.\(^1\) School grades are used in the state system of school improvement and accountability to determine the need for school intervention and support,\(^2\) or to determine whether a school is eligible for school recognition funds.\(^3\)

Schools are graded using one of the following grades:\(^4\)

- “A,” schools making excellent progress (62 percent or higher of total applicable points).
- “B,” schools making above average progress (54 to 61 percent of total applicable points).
- “C,” schools making satisfactory progress (41 to 53 percent of total applicable points).
- “D,” schools making less than satisfactory progress (32 to 40 percent of total applicable points).

---


\(^2\) See s. 1008.33(4), F.S.

\(^3\) See s. 1008.36, F.S.

\(^4\) Section 1008.34(2), F.S., and Rule 6A-1.09981(4)(d), F.A.C.
• “F,” schools failing to make adequate progress (31 percent or less of total applicable points).

Elementary schools, middle schools, and high schools each share a basic model for determining school grades, based on the percentage of total points earned by a school for each component in the model. All schools are graded on the percentage of eligible students who pass assessments in English Language Arts (ELA), mathematics, science, and social studies; student learning gains in ELA and mathematics; and students in the lowest 25 percent of ELA and mathematics performers who make learning gains. Middle and high school models include additional components beyond the basic model.

For a high school comprised of grades 9 through 12 or grades 10 through 12, the school’s grade is also based on following components:

- The 4-year high school graduation rate of the school as defined by State Board of Education (SBE) rule.
- The percentage of students who were eligible to earn college and career credit through College Board Advanced Placement (AP) examinations, International Baccalaureate (IB) examinations, dual enrollment courses, or Advanced International Certificate of Education (AICE) examinations; or who, at any time during high school, earned a national industry certification identified in the career and professional education (CAPE) Industry Certification Funding List, pursuant to rules adopted by the SBE.

The SBE determines the examinations, dual enrollment courses, and industry certifications to be included in the school grades acceleration component, as follows:

- AP, IB, and AICE passing examination scores and applicable college credit and CAPE industry certifications are determined in SBE rule.
- The Commissioner of Education is required to recommend to the SBE postsecondary courses and credits completed through dual enrollment that will meet high school graduation requirements. The SBE annually approves the Dual Enrollment Course—High School

---

5 Section 1008.34(3)(b), F.S. If a school does not have at least 10 students with complete data for one or more of the components, those components may not be used in calculating the school’s grade. Section 1008.34(3)(a), F.S.

6 See s. 1008.34(3)(b), F.S., and Rule 6A-1.09981(4)(a)-(c), F.A.C.

7 Section 1008.34(3)(b)2., F.S., and Rule 6A-1.09981(4)(c)2. and 3., F.A.C.

8 The four-year high school graduation rate of the school as measured according to 34 CFR s. 200.19, Other Academic Indicators, effective November 28, 2008. Rule 6A-1.09981(4)(c)1., F.A.C.

9 The Articulation Coordinating Committee Credit-by-Exam Equivalencies establishes passing scores and course and credit equivalents for Advanced Placement (AP), Advanced International Certificate of Education Program (AICE), International Baccalaureate (IB), DSST (DANTES), Defense Language Proficiency Test (DLPT), UExcel (Excelsior College Exams), and College-Level Examination Program (CLEP) exams. Public community colleges and universities in Florida are required to award the minimum recommended credit for AP, AICE, IB, DSST, DLPT, UExcel (Excelsior), and CLEP exams as designated. Section 1007.27(2), F.S., and Rule 6A-10.024(8)(a), F.A.C. See also Florida Department of Education, Articulation Coordinating Committee Credit-by-Exam Equivalencies (June 2019), available at https://www.flrules.org/gateway/reference.asp?No=Ref-10512.

10 Section 1008.44, F.S., requires the SBE to annually identify CAPE industry certifications that meet specified requirements. The approved list is used to distribution of funding to school districts. Approved CAPE industry certifications are incorporated into Rule 6A-6.0573, F.A.C.

11 Section 1007.271(9), F.S.
Subject Area Equivalency List\textsuperscript{12} for both college-credit academic and non-college-credit career certificate courses.

Only college-credit-bearing courses are considered dual enrollment courses for the purposes of the school grade calculation.\textsuperscript{13} Non-college-credit (clock hour) career certificate dual enrollment courses are not included in the school grade calculation.\textsuperscript{14}

III. Effect of Proposed Changes:

SB 434 modifies the high school acceleration component of the school grading model to add to the calculation career certificate dual enrollment courses resulting in 450 or more clock hours that are identified by the State Board of Education (SBE) pursuant to law.

The specification in the bill that only those career certificate courses that result in 450 or more clock hours is consistent with financial aid definitions regarding full-time instruction. For financial aid purposes, full-time is defined as either 12 postsecondary credit hours or 450 clock hours per semester.\textsuperscript{15} In the most recent Dual Enrollment Course—High School Subject Area Equivalency List approved by the SBE, there are a total of 961 postsecondary career certificate courses approved for dual enrollment. Of these, 86 career certificate courses are offered for at least 450 clock hours, and may be included in the school grades calculation as modified in the bill.\textsuperscript{16}

The bill may incentivize school districts to increase the enrollment of high school students in career certificate courses through dual enrollment, which may have a positive effect on a high school’s grade calculation. Students may then have more opportunities to complete career education programs and industry certifications.


\textsuperscript{14} College credit is the type of credit assigned by a postsecondary institution to courses or course equivalent learning that is part of an organized and specified program leading to a baccalaureate, associate degree, certificate, or Applied Technology Diploma. One (1) college credit is based on the learning expected from the equivalent of fifteen (15) fifty-minute periods of classroom instruction; with credits for such activities as laboratory instruction, internships, and clinical experience determined by the institution based on the proportion of direct instruction to the laboratory exercise, internship hours, or clinical practice hours. A clock hour is the unit assigned to courses or course equivalent learning that is part of an organized and specified program leading to an Applied Technology Diploma or a Career and Technical Certificate. It applies to postsecondary adult career courses. One (1) clock hour is based on the learning expected from the equivalent of thirty (30) hours of instruction. Rule 6A-14.030(1)(a)1. and 2., F.A.C.

\textsuperscript{15} Section 1009.40(1)(b), F.S., and 6A-20.001(17), F.A.C.

\textsuperscript{16} In the career dual enrollment course list approved by the SBE, 75 clock hours is equivalent to 0.5 high school credit; 3.0 high school credits are equivalent to 450 hours. Florida Department of Education, 2019-2020 Dual Enrollment Course- High School Subject Area Equivalency List, Career Dual Enrollment Credit (approved by the SBE on May 22, 2019), available at \url{http://www.fldoe.org/core/fileparse.php/5421/urlt/CareerTechList1920.pdf}.
IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:
None.

B. Public Records/Open Meetings Issues:
None.

C. Trust Funds Restrictions:
None.

D. State Tax or Fee Increases:
None.

E. Other Constitutional Issues:
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 revenues or expenditures. However, a high school with students who complete approved career education courses through dual enrollment may realize an increase in that high school’s grade, which may increase the likelihood of the school becoming eligible for school recognition funds.\(^\text{17}\)

VI. Technical Deficiencies:

None.

\(^{17}\) The Florida School Recognition Program provides financial awards to public schools that: (1) sustain high performance by receiving a school grade of “A;” or (2) demonstrate exemplary improvement by improving at least one letter grade or by improving more than one letter grade and sustaining the improvement the following school year. Section 1008.36, F.S. The 2019-2020 school recognition program awarded $100 per student to 1,731 schools. School awards ranged from $1,679 to $465,499. Florida Department of Education, 2019-20 Florida School Recognition Program Awards by School Based on 2018-19 Performance Data, available at [http://www.fldoe.org/core/fileparse.php/7765/urlt/2019schools.xls](http://www.fldoe.org/core/fileparse.php/7765/urlt/2019schools.xls).
VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1008.34 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.
The Committee on Education (Montford) recommended the following:

**Senate Amendment**

1. Delete line 66
2. and insert:
3. enrollment courses resulting in 300 hours or more of clock hours
Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (b) of subsection (3) of section 1008.34, Florida Statutes, is amended to read:

(3) DESIGNATION OF SCHOOL GRADES.—

(b)1. Beginning with the 2014-2015 school year, a school's grade shall be based on the following components, each worth 100 points:

a. The percentage of eligible students passing statewide, standardized assessments in English Language Arts under s. 1008.22(3).

b. The percentage of eligible students passing statewide, standardized assessments in mathematics under s. 1008.22(3).

c. The percentage of eligible students passing statewide, standardized assessments in science under s. 1008.22(3).

d. The percentage of eligible students passing statewide, standardized assessments in social studies under s. 1008.22(3).

e. The percentage of eligible students who make Learning Gains in English Language Arts as measured by statewide, standardized assessments administered under s. 1008.22(3).

f. The percentage of eligible students who make Learning Gains in mathematics as measured by statewide, standardized assessments administered under s. 1008.22(3).

g. The percentage of eligible students in the lowest 25 percent in English Language Arts, as identified by prior year performance on statewide, standardized assessments, who make Learning Gains as measured by statewide, standardized English Language Arts assessments administered under s. 1008.22(3).

h. The percentage of eligible students in the lowest 25 percent in mathematics, as identified by prior year performance on statewide, standardized assessments, who make Learning Gains as measured by statewide, standardized Mathematics assessments administered under s. 1008.22(3).

i. For schools comprised of middle grades 6 through 8 or grades 7 and 8, the percentage of eligible students passing high school level statewide, standardized end-of-course assessments or attaining national industry certifications identified in the CAPE Industry Certification Funding List pursuant to rules adopted by the State Board of Education.

In calculating Learning Gains for the components listed in sub-subparagraphs e.-h., the State Board of Education shall require that learning growth toward achievement levels 3, 4, and 5 is demonstrated by students who scored below each of those levels in the prior year. In calculating the components in sub-subparagraphs a.-d., the state board shall include the performance of English language learners only if they have been enrolled in a school in the United States for more than 2 years. 2. For a school comprised of grades 9, 10, 11, and 12, or grades 10, 11, and 12, the school's grade shall also be based on...
the following components, each worth 100 points:

a. The 4-year high school graduation rate of the school as defined by state board rule.

b. The percentage of students who were eligible to earn college and career credit through College Board Advanced Placement examinations, International Baccalaureate examinations, dual enrollment courses, including career dual enrollment courses resulting in 450 hours or more of clock hours which are identified by the state board as meeting the requirements of s. 1007.271, or Advanced International Certificate of Education examinations; or who, at any time during high school, earned national industry certification identified in the CAPE Industry Certification Funding List, pursuant to rules adopted by the state board.

Section 2. This act shall take effect July 1, 2020.
I. Summary:

SB 486 repeals the Florida Best and Brightest Teacher Program, the Florida Best and Brightest Principal Program, and the Florida Best and Brightest Teacher and Principal Allocation.

In the 2019-2020 fiscal year, the legislature appropriated $284.5 million for the Florida Best and Brightest Teacher and Principal Allocation through the Florida Education Finance Program.

The bill takes effect July 1, 2020.

II. Present Situation:

In 2015, the legislature established the Florida Best and Brightest Teacher Scholarship Program to award scholarships to highly effective classroom teachers who demonstrate a high level of academic achievement.\(^1\) In 2017, the legislature established the Florida Best and Brightest Principal Scholarship Program to provide categorical funding for scholarships to school principals who recruit and retain a high percentage of best and brightest teachers.\(^2\) In 2019, the legislature revised the Best and Brightest Teacher Scholarship Program to remove a teacher’s scores on qualifying academic assessments as a factor in determining eligibility for the award and created the Florida Best and Brightest Teacher and Principal Allocation to fund both programs within the Florida Education Finance Program (FEFP).\(^3\)

The Florida Best and Brightest Teacher Program authorizes three types of monetary awards for teachers – recruitment, retention and recognition – each with distinct criteria for determining

---

\(^1\) Specific Appropriation 99A, s. 2, ch. 2015-232L.O.F.
\(^2\) Section 47, ch. 2017-116, L.O.F.
\(^3\) Sections 19-20, ch. 2019-23, L.O.F.
eligibility. The Florida Best and Brightest Principal Program authorizes monetary awards to school principals based on school performance.

The Florida Best and Brightest Teacher Program

The Florida Best and Brightest Teacher Program provides bonuses to recruit, retain, and recognize teachers who meet the needs of the state and achieve success in the classroom. The law provides the following awards:

- Recruitment awards for newly hired teachers who are content experts in mathematics, science, computer science, reading, or civics.
- Retention awards for teachers rated as “highly effective” or “effective” the preceding year who teach in a school that has demonstrated academic improvement, as evidenced by the school improving an average of three percentage points or more in the percentage of total possible points achieved for determining school grades over the prior 3 years.
- Recognition awards for instructional personnel rated as “highly effective” or “effective” and selected by the school principal based on performance criteria and policies adopted by the district school board.

The Florida Best and Brightest Principal Program

A school principal is eligible for an award under the Florida Best and Brightest Principal Program if the principal has been serving as school principal at his or her school for at least four consecutive school years, and the school has improved an average of three percentage points or more in the percentage of total possible points achieved for determining school grades over the prior 3 years.

The Florida Best and Brightest Teacher and Principal Allocation

The Florida Best and Brightest Teacher and Principal Allocation provides the funding for the Best and Brightest Teacher and Principal programs. All award amounts for the programs are specified annually in the General Appropriations Act (GAA) and distributed to each school district based on the district’s proportionate share of FEFP base funding. For the 2019-2020 fiscal year, the legislature appropriated $284.5 million for Best and Brightest Teacher and Principal program awards, including:

- One-time recruitment awards of up to $4,000;
- Retention awards of $2,500 for highly effective teachers and $1,000 for effective teachers;
- Principal awards of $5,000.

---

4 Section 1012.731, F.S.
5 Section 1012.731, F.S.
6 The Florida Department of Education establishes the criteria, which is set forth in Rule 6A-1.0503, F.A.C., for determining which teachers qualify as content experts. Section 1012.731(3)(a), F.S.
7 Section 1012.732, F.S.
8 Section 1011.62(18), F.S.
9 Specific Appropriation 93, s. 2, ch. 2019-115, L.O.F.
If the calculated awards exceed the allocation, a school district may prorate the awards.\textsuperscript{10} A school district may provide recognition awards for instructional personnel from funds remaining after the payment of all awards for principals and teacher recruitment and retention.\textsuperscript{11}

### III. Effect of Proposed Changes:

SB 486 repeals the Florida Best and Brightest Teacher Program, the Florida Best and Brightest Principal Program, and the Florida Best and Brightest Teacher and Principal Allocation. The repeal of these programs and the associated allocation may result in the elimination of awards available for eligible teachers, principals, and instructional personnel under the programs.

The bill takes effect July 1, 2020.

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

   None.

B. Public Records/Open Meetings Issues:

   None.

C. Trust Funds Restrictions:

   None.

D. State Tax or Fee Increases:

   None.

E. Other Constitutional Issues:

   None.

### V. Fiscal Impact Statement:

A. Tax/Fee Issues:

   None.

B. Private Sector Impact:

   SB 486 may result in the elimination of awards currently available for eligible teachers, principals, and instructional personnel under the Florida Best and Brightest Teacher and Principal programs.

---

\textsuperscript{10} Section 1011.62(18), F.S.

\textsuperscript{11} Section 1012.731(3)(c), F.S.
C. Government Sector Impact:

In the 2019-2020 fiscal year, the legislature appropriated $284.5 million for the Florida Best and Brightest Teacher and Principal Allocation through the Florida Education Finance Program. The appropriation of such funds may no longer be necessary with the repeal of the Florida Best and Brightest Teacher and Principal programs and the associated allocation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends ss. 1011.62 and 1011.71, F.S. The bill repeals ss. 1012.731 and 1012.732, F.S.

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.
A bill to be entitled
An act relating to the Florida Best and Brightest programs; repealing s. 1012.731, F.S., relating to the Best and Brightest Teacher Program; repealing s. 1012.732, F.S., relating to the Florida Best and Brightest Principal Program; amending s. 1011.62, F.S.; conforming provisions to changes made by the act; amending s. 1011.71, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Section 1012.731, Florida Statutes, is repealed.
Section 2. Section 1012.732, Florida Statutes, is repealed.
Section 3. Paragraph (a) of subsection (4) and subsections (11), (14), and (18) of section 1011.62, Florida Statutes, are 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:

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 shall be calculated as follows:

(a) Estimated taxable value calculations.—
1. a. Not later than 2 working days before July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. The value certified shall be the taxable value for school purposes for that year, and no further adjustments shall be made, except those made pursuant to paragraphs (c) and (d), or an assessment roll change required by final judicial decisions as specified in paragraph (18)(b).

b. Not later than July 19, the Commissioner of Education shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 96 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

b. The General Appropriations Act shall direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district’s revenue from required local effort millage will produce more than 90 percent of the district’s total Florida Education Finance programs.
Program calculation as calculated and adopted by the Legislature, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement in the July calculation.

2. On the same date as the certification in sub-subparagraph 1.a., the Department of Revenue shall certify to the Commissioner of Education for each district:

a. Each year for which the property appraiser has certified the taxable value pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a.

b. For each year identified in sub-subparagraph a., the taxable value certified by the appraiser pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a. This is the certification that reflects all final administrative actions of the value adjustment board.

(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, the best and brightest teacher and principal 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 s. 1002.455 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.

(14) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student, which shall include the adjusted FTE dollars as provided in subsection (18). Quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (18) and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per unweighted FTE to prior year funds per unweighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per unweighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district’s allocation. This provision shall be
If the district school tax is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, each district school board desiring to participate in the state allocation of funds for current operation as prescribed by s. 1011.62(18) shall levy on the taxable value for school purposes of the district, exclusive of millage voted under s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district required local effort for the current year, pursuant to s. 1011.62(4)(a)1. In addition to the required local effort millage levy, each district school board may levy a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the appropriations act the maximum amount of millage a district may levy.

Section 5. This act shall take effect July 1, 2020.
I. Summary:

SB 534 requires the Department of Education (DOE) to maintain a list of persons permanently disqualified from employment in a public school or a private school that participates in a state educational scholarship program. The bill requires the disqualification list to include the identities of persons whose misconduct affects the health, safety, or welfare of a student and proscribes public schools, private schools participating in state scholarship programs, and approved virtual instruction providers from employing a person in a position with direct contact with students if the person is included on the disqualification list. The bill also:

- Requires that educational support employees be included to the same extent required for instructional personnel and school administrators in policies establishing standards of ethical conduct and procedures for investigating, reporting, and terminating personnel.
- Requires the complete investigation of complaints of misconduct by public school personnel and provides authority for the DOE to place a person on the disqualification list.
- Provides that a person commits a felony of the third degree for employing a person identified on the disqualification list.
- Provides authority for the DOE to remove a person from the disqualification list.
- Prohibits district school boards from rescreening an employee of an approved virtual instruction provider who has been screened in accordance with the rules for instructional and noninstructional personnel with direct contact with students in a district school system.

The bill takes effect July 1, 2020.

II. Present Situation:

The Department of Education (DOE) is required to provide technical assistance to school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students who participate in a state scholarship program in the development of policies, procedures, and training related to employment practices and standards of ethical conduct for
instructional personnel and school administrators. The DOE is required to provide authorized staff of school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students with access to:¹

- The Professional Practices’ Database of Disciplinary Actions Against Educators;
- The DOE’s Teacher Certification Database; and
- Data necessary for performing employment history checks of the instructional personnel and school administrators included in the databases.

The commissioner may deny, suspend, or revoke a private school’s participation in a scholarship program if the commissioner determines that:²

- An owner or operator of the private school is operating or has operated an educational institution in this state or in another state or jurisdiction in a manner contrary to health, safety or welfare of the public; or
- The owner or operator has exhibited a previous pattern of failure to comply with the relevant law or specific requirements identified within respective scholarship program laws.

### Disqualification from Employment

Before employing a person in any position that requires direct contact with students in a district school, charter school, or private school participating in a state scholarship program, the employer must conduct employment history checks of each of the person's previous employers, screen instructional personnel and school administrators using the Professional Practices’ Database of Disciplinary Actions Against Educators and the DOE’s Teacher Certification Database, and document the findings.³

A person is ineligible for an educator certification or employment in any position that requires direct contact with students in a district school system, charter school, or private school participating in a state scholarship program if the person has been convicted of certain offenses specified in law.⁴ District school boards and charter school governing boards must disqualify instructional personnel and school administrators from employment in any position that requires direct contact with students if the person is ineligible for employment due to a conviction of any of the specified offenses.

### Criminal History Background Screening

#### Public Schools

Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in any public school, including a charter school, must file with the district school board a complete set of fingerprints, which are submitted to the Florida Department of Law Enforcement (FDLE) for statewide criminal and juvenile records checks and

---

¹ Section 1001.10(4) and (5), F.S.
² Section 1002.421(3), F.S.
³ Sections 1002.33(12), 1002.421(1), and 1012.27(6), F.S.
⁴ Section 1012.315, F.S.
to the Federal Bureau of Investigation (FBI) for national criminal records checks. The screening cost is borne by the district school board, the charter school, the employee, the contractor, or other person subject to the screening requirements. FBI criminal history record information may be used solely for the purpose requested and cannot be disseminated outside the receiving departments, related agencies, or other authorized entities. The FDLE must retain the fingerprints and report any arrest record of a person that is identified with the retained fingerprints to the employing or contracting school district or the school district with which the person is affiliated. Employees and contracted personnel subject to these fingerprinting requirements must be rescreened every five years.

**Private Schools Accepting State Scholarship Students**

A private school that participates in a state educational scholarship program must require each employee, contracted personnel, and owner or operator with direct student contact to undergo a state and national background screening by electronically filing a complete set of fingerprints with the FDLE. The FDLE must retain the fingerprints and report any arrest record of a person that is identified with the retained fingerprints to the employing or contracting private school. Employees and contracted personnel subject to these fingerprinting requirements must be rescreened every five years.

**Approved Virtual Instruction Programs**

An approved virtual instruction provider must require all instructional staff to hold certificates issued by the DOE and conduct background screening for all instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students, using state and national criminal history records. Instructional and noninstructional personnel of an approved virtual instructional provider who are contracted to fill positions that require direct contact with students in any public school must also satisfy the screening, fingerprint retention, and rescreening requirements of the public school with which the personnel are contracted.

**Standards of Ethical Conduct for Education Personnel**

District school boards, charter school governing boards, and private schools participating in state educational scholarship programs are required to adopt policies establishing standards of ethical conduct for instructional personnel and school administrators.

---

5 Section 1012.32(2), F.S. This requirement is subject to limited exceptions for noninstructional contractors who meet the requirements specified in s. 1012.468, F.S.
6 Id.
7 28 C.F.R. s. 50.12(b).
8 Section 1012.32(3), F.S.
9 Sections 1012.465 and 1012.56(10), F.S.
10 Section 1002.421(1)(m) and (p), F.S.
11 Section 1002.421(1)(m), F.S.
12 Id.
13 Section 1002.45(2)(a), F.S.
14 Section 1012.32, F.S.
15 Sections 1001.42(6), 1002.33(12)(g), 1002.421(1)(n), 1012.796(1)(d), F.S.
The policies must require all instructional personnel and school administrators to complete training on the standards of ethical conduct, establish the duty of, and procedures for, instructional personnel and school administrators to report alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or welfare of a student. These policies must also include an explanation of liability protections for reporting child abuse and disclosing information concerning former employees.

A school district or private school that participates in a state scholarship program may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination. School districts and private schools that participate in a state scholarship program must disclose misconduct that affects the health, safety, or welfare of a student when discussing performance with prospective employers in another educational setting. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.16

District school board policies must additionally require the superintendent to report to law enforcement misconduct by instructional personnel or school administrators that would result in disqualification from educator certification or employment.

District school board officials and superintendents, charter schools, and private schools participating in state scholarship programs are subject to penalties for failing to adopt policies establishing standards of ethical conduct. Specifically:

- If a school board member knowingly fails to adopt policies that require instructional personnel and school administrators to report misconduct, the member forfeits his or her salary for one year.17
- A district school superintendent who knowingly fails to investigate or report such misconduct, or knowingly files a false report of misconduct, also forfeits his or her salary for one year.18
- The sponsor19 of the charter school must terminate the charter.20
- The DOE must suspend the payment of funds to a private school and shall prohibit the school from enrolling new scholarship students for one fiscal year and until the school complies. In the event the private school consistently fails to comply, the commissioner may determine that the private school is ineligible to participate in a scholarship program.

Complaints against Teachers and Administrators

A person seeking employment at a public school as a school supervisor, principal, teacher, library media specialist, counselor, athletic coach, or in another instructional capacity must hold

---

16 Id.
17 Section 1001.42(7)(b), F.S.
18 Section 1001.51(12), F.S.
19 The local district school board or a state university may sponsor a charter school. Section 1002.33(5), F.S.
20 Section 1002.33(12)(g)5., F.S.
a certificate issued by the DOE. If allegations arise against an employee who possesses an educator certificate and is employed in an educator-certificated position in any public school, charter school, or private school participating in a state scholarship program, the school must file a legally sufficient complaint with the DOE within 30 days from the date the school had notice of the incident, regardless of whether the subject of the allegations is still employed by the school.

The DOE is tasked with investigating any legally sufficient complaint filed before it or otherwise called to its attention that contains grounds for sanctions against an educator certificate and must immediately investigate any legally sufficient complaint that involves misconduct by any certificated personnel which affects the health, safety, or welfare of a student, giving the complaint priority over other pending complaints—even if the complainant withdraws the complaint. The DOE may investigate a complaint filed against a person whose educator certificate has expired if the act or acts that are the basis for the complaint were allegedly committed while that person possessed an educator certificate.

A school district superintendent must report to the DOE an arrest or conviction of any administrative or instructional personnel for certain offenses specified by the DOE within twenty-four hours of a matter coming to the attention of a school district. The same reporting requirements apply to substantiated allegations of misconduct by any administrative or instructional personnel that would constitute any of offenses specified by the DOE, regardless of whether there has been an arrest or conviction.

The Education Practices Commission

The Education Practices Commission (EPC) is a quasi-judicial body of peers, law enforcement and lay persons that interprets and applies the standards of professional practice established by the SBE. The EPC is assigned to the DOE for administrative purposes but is not subject to control, supervision, or direction by the DOE.

The EPC may impose one or more of the following penalties against a person with an educator certificate:

- Suspend the educator certificate of any instructional personnel or school administrator, for up to five years, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for that period of time, after which the person may return to teaching;

---

21 Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S. District school boards and charter school governing boards are authorized to hire non-certified individuals who possess expertise in a given field to serve in an instructional capacity. Rule 6A-1.0502, F.A.C.; ss. 1002.33(12)(f) and 1012.55(1)(c), F.S. Occupational therapists, physical therapists, audiologists, and speech therapists are not required to be certified educators. Rule 6A-1.0502(10) and (11), F.A.C.

22 Section 1012.796(1)(e), F.S.

23 Section 1012.796(1), F.S.

24 Id.

25 Id.

26 Id.

27 Section 1012.79(6)(a), F.S.

28 Section 1012.795(1), F.S.
• Revoke the educator certificate of any person, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for up to 10 years, with reinstatement subject to law;
• Permanently revoke the educator certificate of any person thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students; or
• Suspend an educator’s certificate, upon an order of the court or notice by the Department of Revenue relating to the payment of child support; or impose any other penalty provided by law.

III. Effect of Proposed Changes:

SB 534 requires the Department of Education (DOE) to maintain a list of persons permanently disqualified from employment in a public school or a private school that participates in a state educational scholarship program. The bill requires the disqualification list to include the identities of persons whose misconduct affects the health, safety, or welfare of a student and proscribes public schools, private schools participating in state scholarship programs, and approved virtual instruction providers from employing a person in a position with direct contact with students if the person is included on the disqualification list. The bill also:
• Requires that educational support employees be included to the same extent required for instructional personnel and school administrators in policies establishing standards of ethical conduct and procedures for investigating, reporting, and terminating personnel.
• Requires the complete investigation of complaints of misconduct by public school personnel and provides authority for the DOE to place a person on the disqualification list.
• Provides that a person commits a felony of the third degree for employing a person identified on the disqualification list.
• Provides authority for the DOE to remove a person from the disqualification list.
• Prohibits district school boards from rescreening an employee of an approved virtual instruction provider who has been screened in accordance with the rules for instructional and noninstructional personnel with direct contact with students in a district school system.

The Florida Department of Education

The bill requires the DOE to maintain a list of persons permanently disqualified from employment in a public school or a private school participating in a state scholarship program. The bill requires the disqualification list to include the identity of any person who has been:
• Permanently denied a certificate or whose educator certificate has been permanently revoked and has been placed on the list by the Education Practices Commission (EPC);
• Permanently disqualified by the Commissioner of Education (commissioner) as an owner or operator of a private school participating in a state educational scholarship program for a reason that reflects a risk of harm to the health, safety, or welfare of a student;
• Terminated, or has resigned in lieu of termination, from employment with a district school board as a result of misconduct that affects the health, safety, or welfare of a student; and
• Disqualified from employment due to a conviction of any of the offenses specified in law.

The bill authorizes the DOE to remove a person from the disqualification list if the person demonstrates that:
• A completed law enforcement investigation resulted in an exoneration or no conviction or finding of guilt, and a completed investigation and proceeding, as applicable, by the responsible education agency resulted in no finding that the person committed disqualifying conduct; or
• The person was not the subject of the report of disqualifying conduct and was included on the disqualification list in error or as a result of mistaken identity.

The bill authorizes the EPC to direct the DOE to place employees or contractual personnel of any public school, charter school, charter school governing board, or private school that participates in a state scholarship program on the disqualification list for conduct that would render the person ineligible for employment.

The bill requires the DOE to adopt rules to implement the disqualification list.

**Disqualification from Employment**

The bill adds the disqualification list to the employment screening tools provided by the DOE to staff of school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students who participate in a state scholarship program under chapter 1002.

The bill disqualifies a person included on the disqualification list from educator certification or employment in a position that requires direct contact with students in a district school system, charter school, approved virtual instruction program, or private school participating in a state scholarship program.

The bill requires that staff of school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students conduct employment history checks on educational support employees to the same extent currently required for instructional personnel and school administrators.

The bill provides that a person commits a felony of the third degree if the person:
• Is included on the disqualification list and serves or applies to serve as an employee or contractual personnel at any public school or private school participating in a state scholarship program under chapter 1002.
• Hires a person who is included on the disqualification list to serve as an employee or contractual personnel at any public school or private school participating in a state scholarship program under chapter 1002.

The bill requires a law enforcement agency to make certain notifications to the appropriate employer regarding the arrest of public school contractors and private school employees and contractors. This notification is in addition to the existing requirement that a law enforcement agency must, within 48 hours, notify the appropriate district school superintendent of the name and address of any employee of the school district who is charged with a felony or with a

29 s. 1012.315, F.S
misdemeanor involving the abuse of a minor child or the sale or possession of a controlled substance.

**Standards of Ethical Conduct for Education Personnel**

**Educational Support Employees**

The bill requires district school boards, charter schools, and private schools participating in state scholarship programs to include educational support employees to the same extent required for instructional personnel and school administrators in policies establishing standards of ethical conduct and procedures for investigating, reporting, and terminating personnel.

**Public Schools**

The bill adds to existing requirements that subject a school board official to penalties for failing to adopt policies to investigate misconduct and report misconduct to the DOE. Specifically, the bill subjects a school board official to existing penalties if the school board official knowingly fails to adopt policies that require:

- The complete investigation of all reports of misconduct of specified personnel, regardless of whether the personnel resign or are terminated before the conclusion of the investigation.
- The superintendent to notify the DOE of the result of the investigation and whether the misconduct warranted termination, regardless of whether the person resigned or was terminated prior to the conclusion of the investigation.

**Approved Virtual Instruction Providers**

The bill requires an approved virtual instruction provider to:

- Receive arrest reports for all employees or contracted personnel.
- Comply with the requirements in law for reporting complaints of misconduct against educational support employees, teachers, and administrators and designate at least one administrator to be responsible for the duties and requirements assigned to a district school board and superintendent pursuant to that section.
- Inform the district school board of a complaint regarding misconduct or an arrest of instructional or noninstructional personnel of an approved virtual instruction provider.
- Participate in the fingerprint retention and arrest record search process by payment of an annual fee to the Florida Department of Law Enforcement (FDLE) and by informing FDLE of any change in the affiliation, employment, or contractual status or place of affiliation, employment, or contracting of its instructional and noninstructional personnel whose fingerprints are retained.

The bill prohibits a district school board from requiring employees or contractual personnel of an approved virtual instruction provider to undergo additional background screening.

**Private Schools**

The bill authorizes the commissioner to permanently revoke or deny the authority of an owner or operator to establish or operate a private school participating in a state scholarship program if the commissioner decides that the owner or operator is operating or has operated an educational
institution in this state or another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public.

**The Florida Department of Law Enforcement**

The bill requires the FDLE to retain the fingerprints of instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in a virtual instruction program and report any arrest record that is identified with the retained fingerprints to the employing or contracting approved virtual instruction provider.

The bill requires the FDLE to set the annual fees to be imposed on approved virtual instruction providers for performing searches of arrest records, the retention of fingerprints, and the dissemination of search results.

**Complaints against Educational Personnel**

The bill adds educational support employees to the list of personnel about whom the DOE receives and maintains reports of complaints. The bill requires district school boards and charter school governing boards to:

- Immediately investigate any legally sufficient complaint that involves misconduct by an educational support employee, instructional personnel, or administrative personnel which affects the health, safety, or welfare of a student and would result in termination.
- Report an investigation that results in termination, or the accused person’s resignation in lieu of termination, to the DOE for inclusion on the disqualification list.

The bill clarifies that the duty of:

- School districts to maintain confidentiality of employee personnel files does not absolve the school district of any legally required notifications or duties to report allegations of misconduct to the DOE.
- District school boards to investigate complaints of misconduct and report findings and conclusions to the DOE is not limited by the district school board’s notification to the DOE of the resignation or termination of the subject of a legally sufficient complaint prior to the conclusion of the school district’s investigation.
- The DOE to maintain reports of misconduct as a public record in a personnel’s certification files does not limit or restrict the power and duty of the DOE to investigate complaints regarding certificated personnel, nor does it create a duty for the DOE to investigate complaints regarding noncertificated personnel.

The bill requires charter schools to comply with the requirements in law for reporting complaints of misconduct against educational support employees, teachers, and administrators, and assigns the duties of a district school superintendent to charter school administrative personnel.

The bill codifies the requirement that each school district superintendent immediately report to the DOE an arrest, conviction, or substantiated allegation of misconduct of any administrative or instructional personnel for certain offenses specified by the DOE. The bill expands this reporting requirement to include educational support employees and charter school governing boards,
approved virtual instruction providers, and private schools participating in state scholarship programs.

The bill requires a complete investigation before the DOE may issue a new certificate to a person whose educator certificate has expired if the person is the subject of a complaint for which the act or acts that were the basis for the complaint were allegedly committed while that person possessed an educator certificate.

The bill takes effect July 1, 2020.

IV. **Constitutional Issues:**

A. **Municipality/County Mandates Restrictions:**

   None.

B. **Public Records/Open Meetings Issues:**

   None.

C. **Trust Funds Restrictions:**

   None.

D. **State Tax or Fee Increases:**

   None.

E. **Other Constitutional Issues:**

   None.

V. **Fiscal Impact Statement:**

A. **Tax/Fee Issues:**

   None.

B. **Private Sector Impact:**

   None.

C. **Government Sector Impact:**

   The Department of Education may have costs associated with the development of the disqualification list. These costs could be absorbed within existing resources.\(^{30}\)

---

\(^{30}\) Florida Department of Education, *Legislative Bill Analysis for SB 1444* (Mar. 14, 2019) (SB 1444 was substantively similar to SB 534 regarding the disqualification list.)
VI. Technical Deficiencies:
None.

VII. Related Issues:
None.

VIII. Statutes Affected:
This bill substantially amends sections 1001.10, 1001.42, 1002.33, 1002.421, 1002.45, 1006.061, 1012.31, 1012.315, 1012.32, 1012.795, 1012.796, and 1012.797, F.S.

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.
The Committee on Education (Diaz) recommended the following:

**Senate Amendment (with title amendment)**

1. Delete lines 158 - 598
2. and insert:
   - (d) The State Board of Education shall adopt rules to implement the disqualification list.
   - (5) The Department of Education shall provide authorized staff of school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students who participate in a state scholarship program under chapter 1002 with access to electronic
verification of information from the following employment screening tools:
(a) The Professional Practices’ Database of Disciplinary Actions Against Educators; and
(b) The Department of Education’s Teacher Certification Database; and
(c) The Department of Education’s disqualification list maintained pursuant to paragraph (4)(b).

This subsection does not require the department to provide these staff with unlimited access to the databases. However, the department shall provide the staff with access to the data necessary for performing employment history checks of the educational support employees, instructional personnel, and school administrators included in the databases.

Section 2. Subsections (6) and (7) of section 1001.42, Florida Statutes, are amended, and paragraph (c) is added to subsection (5) of that section, 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:

(5) PERSONNEL.—
(c) Immediately investigate any legally sufficient complaint that involves misconduct by an educational support employee, instructional personnel, or administrative personnel which affects the health, safety, or welfare of a student and would result in termination. An investigation that results in termination, or the accused person’s resignation in lieu of termination, must be reported to the department, and the
department shall place the person on the disqualification list maintained pursuant to s. 1001.10(4)(b).

(6) STANDARDS OF ETHICAL CONDUCT FOR EDUCATIONAL SUPPORT EMPLOYEES, INSTRUCTIONAL PERSONNEL, ADMINISTRATIVE PERSONNEL, AND SCHOOL OFFICERS.—Adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, administrative personnel, and school officers. The policies must require all educational support employees, instructional personnel, administrative personnel, and school officers, as defined in s. 1012.01, to complete training on the standards; establish the duty of educational support employees, instructional personnel, administrative personnel, and school officers to report, and procedures for reporting, alleged misconduct by other educational support employees, instructional personnel, and school officers which affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student; require the district school superintendent to report to law enforcement misconduct by educational support employees, instructional personnel, or school administrators that would result in disqualification from educator certification or employment as provided in s. 1012.315; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A district school board, or any of its employees or personnel, may not enter into a confidentiality agreement regarding terminated or dismissed educational support employees, instructional or administrative personnel, or school officers who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student.
of a student, and may not provide educational support employees, instructional personnel, administrative personnel, or school officers with employment references or discuss the employees’, personnel’s or officers’ performance with prospective employers in another educational setting, without disclosing the employees’, personnel’s or officers’ misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support employees, instructional personnel, administrative personnel, or school officers which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(7) DISQUALIFICATION FROM EMPLOYMENT.—Disqualify educational support employees, instructional personnel, and administrative personnel, as defined in s. 1012.01, from employment in any position that requires direct contact with students if the employees or personnel are ineligible for such employment under s. 1012.315, and, if the disqualifying conduct occurs subsequent to employment, report the disqualified employees or personnel and the disqualifying circumstances to the department for inclusion on the disqualification list maintained by the department pursuant to 1001.10(4)(b). An elected or appointed school board official forfeits his or her salary for 1 year if:

(a) The school board official knowingly signs and transmits to any state official a report of alleged misconduct by educational support employees, instructional personnel, or administrative personnel which affects the health, safety, or welfare of a student and the school board official knows the
report to be false or incorrect; or
(b) The school board official knowingly fails to adopt policies that require:

1. Educational support employees, instructional personnel, and administrative personnel to report alleged misconduct by other educational support employees, instructional personnel, and administrative personnel;

2. The district school superintendent to report misconduct by educational support employees, instructional personnel, or school administrators that would result in disqualification from educator certification or employment as provided in s. 1012.315 to the law enforcement agencies with jurisdiction over the conduct and the department as required by s. 1012.796; or

3. The complete investigation of all reports of alleged misconduct by educational support employees, instructional personnel, and administrative personnel, if the misconduct affects the health, safety, or welfare of a student, regardless of whether the educational support employees, instructional personnel, or administrative personnel resign or are terminated before the conclusion of the investigation. The policy must require the superintendent to notify the department of the result of the investigation and whether the misconduct warranted termination, regardless of whether the person resigned or was terminated prior to the conclusion of the investigation.

Section 3. Paragraph (g) of subsection (12) and paragraphs (b) and (c) of subsection (16) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—
(12) EMPLOYEES OF CHARTER SCHOOLS.—
(g) 1. A charter school shall employ or contract with employees who have undergone background screening as provided in s. 1012.32. Members of the governing board of the charter school shall also undergo background screening in a manner similar to that provided in s. 1012.32. A person may not be employed by a charter school or serve as a member of a charter school governing board if the person is ineligible pursuant to s. 1012.315 or is included on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b).

2. A charter school shall disqualify educational support employees, instructional personnel, and school administrators, as defined in s. 1012.01, from employment in any position that requires direct contact with students if the employees, personnel, or administrators are ineligible for such employment under s. 1012.315, and, if the disqualifying conduct occurs subsequent to employment, report the person and the disqualifying circumstances to the department for inclusion on the disqualification list maintained pursuant to s. 1001.10(4)(b).

3. The governing board of a charter school shall adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, and school administrators. The policies must require all educational support employees, instructional personnel, and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of educational support employees, instructional personnel, and school administrators to report, and procedures for reporting, alleged misconduct by other educational support employees, instructional personnel,
and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A charter school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed educational support employees, instructional personnel, or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide educational support employees, instructional personnel, or school administrators with employment references or discuss the employees’, personnel’s, or administrators’ performance with prospective employers in another educational setting, without disclosing the employees’, personnel’s or administrators’ misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support employees, instructional personnel, or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

4. Before employing a person instructional personnel or school administrators in any position that requires direct contact with students, a charter school shall conduct employment history checks of each of the person’s personnel’s or administrators’ previous employers, screen the person instructional personnel or school administrators through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the charter school must document efforts to contact the
employer.

5. The sponsor of a charter school that knowingly fails to comply with this paragraph shall terminate the charter under subsection (8).

(16) EXEMPTION FROM STATUTES.—

(b) Additionally, a charter school also shall be in compliance with the following statutes:

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.
2. Chapter 119, relating to public records.
3. Section 1003.03, relating to the maximum class size, except that the calculation for compliance pursuant to s. 1003.03 shall be the average at the school level.
4. Section 1012.22(1)(c), relating to compensation and salary schedules.
5. Section 1012.33(5), relating to workforce reductions.
6. Section 1012.335, relating to contracts with instructional personnel hired on or after July 1, 2011.
7. Section 1012.34, relating to the substantive requirements for performance evaluations for instructional personnel and school administrators.
8. Section 1006.12, relating to safe-school officers.
9. Section 1006.07(7), relating to threat assessment teams.
10. Section 1006.07(9), relating to School Environmental Safety Incident Reporting.
11. Section 1006.1493, relating to the Florida Safe Schools Assessment Tool.
12. Section 1006.07(6)(c), relating to adopting an active assailant response plan.
13. Section 943.082(4)(b), relating to the mobile suspicious activity reporting tool.

14. Section 1012.584, relating to youth mental health awareness and assistance training.

15. Section 1012.796, relating to complaints against educational support employees, teachers, and administrators.

(c) For purposes of subparagraphs (b)4.–7. and 15.:

1. The duties assigned to a district school superintendent apply to charter school administrative personnel, as defined in s. 1012.01(3)(a) and (b), and the charter school governing board shall designate at least one administrative person to be responsible for such duties.

2. The duties assigned to a district school board apply to a charter school governing board.

3. A charter school may hire instructional personnel and other employees on an at-will basis.

4. Notwithstanding any provision to the contrary, instructional personnel and other employees on contract may be suspended or dismissed any time during the term of the contract without cause.

Section 4. Paragraphs (n) and (o) of subsection (1) and subsection (3) of section 1002.421, Florida Statutes, are amended, and paragraph (r) of subsection (1) is added to that section, to read:

1002.421 State school choice scholarship program accountability and oversight.—

(1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private school participating in an educational scholarship program established pursuant to this chapter must be a private school as
defined in s. 1002.01(2) in this state, be registered, and be in compliance with all requirements of this section in addition to private school requirements outlined in s. 1002.42, specific requirements identified within respective scholarship program laws, and other provisions of Florida law that apply to private schools, and must:

(n) Adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, and school administrators. The policies must require all educational support employees, instructional personnel, and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of educational support employees, instructional personnel, and school administrators to report, and procedures for reporting, alleged misconduct by other educational support employees, instructional personnel, and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095.

A private school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed educational support employees, instructional personnel, or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide the employees, instructional personnel, or school administrators with employment references or discuss the employees’, personnel’s, or administrators’ performance with prospective employers in another educational setting, without disclosing the employees’, personnel’s, or administrators’
misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support employees, instructional personnel, or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(o) Before employing an individual instructional personnel or school administrators in any position that requires direct contact with students, conduct employment history checks of each of the personnel’s or administrators’ previous employers, screen the individual using the personnel or administrators through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the private school must document efforts to contact the employer. The private school must deny employment to any individual whose educator certificate is revoked, who is barred from reapplication for an educator certificate, or who is identified on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b).

(r) Disqualify educational support employees, instructional personnel, and school administrators from employment in any position that requires direct contact with students if the personnel or administrators are ineligible for such employment pursuant to this section or s. 1012.315, and, if the disqualifying conduct occurs subsequent to employment, report the person and the disqualifying circumstances to the department for inclusion on the disqualification list maintained pursuant to s. 1001.10(4)(b).
The department shall suspend the payment of funds to a private school that knowingly fails to comply with this subsection, and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies. If a private school fails to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (q), the commissioner may determine that the private school is ineligible to participate in a scholarship program.

(3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

The Commissioner of Education:

(a) Shall deny, suspend, or revoke a private school’s participation in a scholarship program if it is determined that the private school has failed to comply with this section or exhibits a previous pattern of failure to comply. However, if the noncompliance is correctable within a reasonable amount of time, not to exceed 45 days, and if the health, safety, or welfare of the students is not threatened, the commissioner may issue a notice of noncompliance which provides the private school with a timeframe within which to provide evidence of compliance before taking action to suspend or revoke the private school’s participation in the scholarship program.

(b) May deny, suspend, or revoke a private school’s participation in a scholarship program if the commissioner determines that an owner or operator of the private school is operating or has operated an educational institution in this state or in another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public or if the owner or operator has exhibited a previous pattern of failure to
comply with this section or specific requirements identified
within respective scholarship program laws. For purposes of this
subsection, the term “owner or operator” has the same meaning as
provided in paragraph (1)(p).

(c) May permanently deny or revoke the authority of an
owner or operator to establish or operate a private school
participating in an educational scholarship program pursuant to
this chapter if the commissioner decides that the owner or
operator is operating or has operated an educational institution
in this state or another state or jurisdiction in a manner
contrary to the health, safety, or welfare of the public, and
shall include such person on the disqualification list
maintained by the department pursuant to s. 1001.10(4)(b).

(d) In making such a determination, may consider
factors that include, but are not limited to, acts or omissions
by an owner or operator which led to a previous denial,
suspension, or revocation of participation in a state or federal
education scholarship program; an owner’s or operator’s failure
to reimburse the department or scholarship-funding organization
for scholarship funds improperly received or retained by a
school; the imposition of a prior criminal sanction related to
an owner’s or operator’s management or operation of an
educational institution; the imposition of a civil fine or
administrative fine, license revocation or suspension, or
program eligibility suspension, termination, or revocation
related to an owner’s or operator’s management or operation of
an educational institution; or other types of criminal
proceedings in which an owner or operator was found guilty of,
regardless of adjudication, or entered a plea of nolo contendere
or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.

2. The commissioner’s determination is subject to the following:
   a. If the commissioner intends to deny, suspend, or revoke a private school’s participation in the scholarship program, the department shall notify the private school of such proposed action in writing by certified mail and regular mail to the private school’s address of record with the department. The notification shall include the reasons for the proposed action and notice of the timelines and procedures set forth in this paragraph.
   b. The private school that is adversely affected by the proposed action shall have 15 days after receipt of the notice of proposed action to file with the department’s agency clerk a request for a proceeding pursuant to ss. 120.569 and 120.57. If the private school is entitled to a hearing under s. 120.57(1), the department shall forward the request to the Division of Administrative Hearings.
   c. Upon receipt of a request referred pursuant to this subparagraph, the director of the Division of Administrative Hearings shall expedite the hearing and assign an administrative law judge who shall commence a hearing within 30 days after the receipt of the formal written request by the division and enter a recommended order within 30 days after the hearing or within 30 days after receipt of the hearing transcript, whichever is later. Each party shall be allowed 10 days in which to submit written exceptions to the recommended order. A final order shall be entered by the agency within 30 days after the entry of a
recommended order. The provisions of this sub-subparagraph may be waived upon stipulation by all parties.

(e) May immediately suspend payment of scholarship funds if it is determined that there is probable cause to believe that there is:

1. An imminent threat to the health, safety, or welfare of the students;
2. A previous pattern of failure to comply with this section; or
3. Fraudulent activity on the part of the private school.

Notwithstanding s. 1002.22, in incidents of alleged fraudulent activity pursuant to this section, the department’s Office of Inspector General is authorized to release personally identifiable records or reports of students to the following persons or organizations:

a. A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

b. A person or entity authorized by a court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

c. Any person, entity, or authority issuing a subpoena for law enforcement purposes when the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, consistent with the Family Educational Rights and...
Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

The commissioner’s order suspending payment pursuant to this paragraph may be appealed pursuant to the same procedures and timelines as the notice of proposed action set forth in subparagraph (d)2. subparagraph (c)2.

Section 5. Paragraph (a) of subsection (2) of section 1002.45, Florida Statutes, is amended to read:

1002.45 Virtual instruction programs.—

(2) PROVIDER QUALIFICATIONS.—

(a) The department shall annually publish online a list of providers approved to offer virtual instruction programs. To be approved by the department, a provider must document that it:

1. Is nonsectarian in its programs, admission policies, employment practices, and operations;

2. Complies with the antidiscrimination provisions of s. 1000.05;

3. Locates an administrative office or offices in this state, requires its administrative staff to be state residents, requires all instructional staff to be Florida-certified teachers under chapter 1012, and conducts background screenings and receives arrest reports for all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records, and designates at least one administrator to be responsible for the duties and requirements related to background screening assigned to a district school board and superintendent under ss. 1012.465 and 1012.56(10);

4. Disqualifies educational support employees, instructional personnel, and administrative personnel, as
defined in s. 1012.01, from employment in any position that
requires direct contact with students, if the employees or
personnel are ineligible for such employment under s. 1012.315,
and, if the disqualifying conduct occurs subsequent to
employment, reports the disqualified employees or personnel and
the disqualifying circumstances to the department for inclusion
on the disqualification list maintained by the department
pursuant to s. 1001.10(4)(b).

And the title is amended as follows:
Delete line 9
and insert:
requiring the State Board of Education to adopt rules;
requiring the
A bill to be entitled
An act relating to education; amending s. 1001.10, F.S.; requiring the Department of Education to maintain a disqualification list that includes the identities of certain persons; providing requirements for the disqualification list; authorizing the department to remove a person from the disqualification list if certain conditions are met; requiring the department to adopt rules; requiring the department to provide certain staff with access to information from such disqualification list; amending s. 1001.42, F.S.; requiring district school boards to investigate certain complaints and report certain results of such investigations to the department; requiring the department to place a person who is terminated, or resigns in lieu of termination, for a certain reason on the disqualification list; requiring district school boards to adopt policies establishing standards of ethical conduct for educational support employees; requiring district school boards to disqualify educational support employees from employment in certain circumstances; requiring district school boards to report a disqualified person to the department for inclusion on the disqualification list; revising the circumstances for which a school board official shall forfeit his or her salary for 1 year; amending s. 1002.33, F.S.; prohibiting an individual who is on the disqualification list from being employed by a charter school or serving as a member of a charter school governing board; requiring a charter school to disqualify certain persons and make a report to the department for inclusion of the person on the disqualification list; requiring charter school governing boards to adopt policies establishing standards of ethical conduct for certain employees; requiring charter schools to perform a certain screening before employing a person in any position that requires direct contact with students; requiring charter schools to comply with a specified provision; assigning duties to certain charter school administrative personnel and a charter school governing board; amending s. 1002.421, F.S.; requiring certain private schools to adopt policies establishing standards of ethical conduct for certain employees; revising requirements for certain private schools relating to employment; requiring certain private schools to disqualify certain persons and make a report to the department for the inclusion of the person on the disqualification list; requiring the Commissioner of Education to deny or revoke the authority of an owner or operator of a certain private school to establish or operate a private school under certain conditions; requiring the commissioner to include such person on the disqualification list; amending s. 1002.45, F.S.; revising virtual instruction program provider qualifications for department approval; expanding the screening
requirements for employees and personnel of an approved virtual instruction program provider; requiring an approved virtual instruction program provider to disqualify certain persons and make a report to the department for inclusion of the person on the disqualification list; requiring an approved virtual instruction program provider to comply with a specified provision; requiring an approved virtual instruction program provider to inform the district school board of a certain complaint; amending s. 1006.061, F.S.; requiring certain schools to include information related to certain employees in a required posting; amending s. 1012.31, F.S.; clarifying a school district reporting requirement; amending s. 1012.315, F.S.; expanding ineligibility for educator certification or employment to persons who are on the disqualification list; amending s. 1012.32, F.S.; expanding requirements for screening of certain personnel of a virtual instruction program; prohibiting district school boards from requiring additional background screening of certain employees and personnel; amending s. 1012.795, F.S.; expanding the authority of the Education Practices Commission to discipline certain employees and personnel; amending s. 1012.796, F.S.; requiring the department to complete an investigation before issuing a new educator certificate to certain persons; clarifying the duty of a district school board to perform certain investigations; requiring certain entities to report the department of certain arrests and allegations of misconduct of certain employees, personnel, and administrators to the department; requiring district school boards to adopt certain policies and procedures regarding educational support employees; requiring school superintendents to report certain misconduct of educational support employees to the department; requiring the department to include certain employees, personnel, and administrators on the disqualification list; requiring the department to maintain certain reports of misconduct; clarifying the department’s duty to investigate certificated personnel; requiring a district school superintendent to suspend and reassign educational support employees for a certain allegation of misconduct; expanding penalties that may be imposed by the commission; authorizing the commission to direct the department to include a certain person on the disqualification list for certain conduct; prohibiting persons on the disqualification list from serving or applying to serve as employees or contract personnel at certain institutions; providing criminal penalties; amending s. 1012.797, F.S.; expanding the list of entities that law enforcement agencies must notify of certain charges; requiring law enforcement agencies to notify certain institutions of certain charges against employees or contractors; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:
4. The identity of any person who has been disqualified from employment pursuant to s. 1012.315.

(c) The Department may remove a person from the disqualification list if the person demonstrates that:

1. A completed law enforcement investigation resulted in an exoneration or no conviction or finding of guilt, and a completed investigation and proceeding, as applicable, by the responsible education agency resulted in no finding that the person committed disqualifying conduct; or

2. The person was not the subject of the report of disqualifying conduct and was included on the disqualification list in error or as a result of mistaken identity.

(d) The Department shall adopt rules to implement the disqualification list.

5. The Department shall provide authorized staff of school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students who participate in a state scholarship program under chapter 1002 with access to electronic verification of information from the following employment screening tools:

(a) The Professional Practices' Database of Disciplinary Actions Against Educators; and

(b) The Department of Education's Teacher Certification Database; and

(c) The Department of Education's disqualification list maintained pursuant to paragraph (4)(b).

This subsection does not require the department to provide these
staff with unlimited access to the databases. However, the department shall provide the staff with access to the data necessary for performing employment history checks of the educational support employees, instructional personnel, and school administrators included in the databases.

Section 2. Subsections (6) and (7) of section 1001.42, Florida Statutes, are amended, and paragraph (c) is added to subsection (5) of that section, 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:

(5) PERSONNEL.—

(c) Immediately investigate any legally sufficient complaint that involves misconduct by an educational support employee, instructional personnel, or administrative personnel which affects the health, safety, or welfare of a student and would result in termination. An investigation that results in termination, or the accused person’s resignation in lieu of termination, must be reported to the department, and the department shall place the person on the disqualification list maintained pursuant to s. 1001.10(4)(b).

(6) STANDARDS OF ETHICAL CONDUCT FOR EDUCATIONAL SUPPORT EMPLOYEES, INSTRUCTIONAL PERSONNEL, ADMINISTRATIVE PERSONNEL, AND SCHOOL OFFICERS.—Adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, administrative personnel, and school officers. The policies must require all educational support employees, instructional personnel, administrative personnel, and school officers, as defined in s. 1012.01, to complete training on the

CODING: Words stricken are deletions; words underlined are additions.
(7) DISQUALIFICATION FROM EMPLOYMENT.—Disqualify educational support employees, instructional personnel, and administrative personnel, as defined in s. 1012.01, from employment in any position that requires direct contact with students if the employees or personnel are ineligible for such employment under s. 1012.315, and report the disqualified employees or personnel and the disqualifying circumstances to the department for inclusion on the disqualification list maintained by the department pursuant to 1001.10(4)(b). An elected or appointed school board official forfeits his or her salary for 1 year if:

(a) The school board official knowingly signs and transmits to any state official a report of alleged misconduct by educational support employees, instructional personnel, or administrative personnel which affects the health, safety, or welfare of a student and the school board official knows the report to be false or incorrect; or

(b) The school board official knowingly fails to adopt policies that require:

1. Educational support employees, instructional personnel, and administrative personnel to report alleged misconduct by other educational support employees, instructional personnel, and administrative personnel;

2. The district school superintendent to report misconduct by educational support employees, instructional personnel, or school administrators that would result in disqualification from educator certification or employment as provided in s. 1012.315

(8) EMPLOYEES OF CHARTER SCHOOLS.—

1. A charter school shall employ or contract with employees who have undergone background screening as provided in s. 1012.32. Members of the governing board of the charter school shall also undergo background screening in a manner similar to that provided in s. 1012.32. A person may not be employed by a charter school or serve as a member of a charter school governing board if the person is ineligible pursuant to s. 1012.315 or is included on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b).

2. A charter school shall disqualify educational support employees, instructional personnel, and school administrators, to the law enforcement agencies with jurisdiction over the conduct and the department as required by s. 1012.796; or

3. The complete investigation of all reports of alleged misconduct by educational support employees, instructional personnel, and administrative personnel, if the misconduct affects the health, safety, or welfare of a student, regardless of whether the educational support employees, instructional personnel, or administrative personnel resign or are terminated before the conclusion of the investigation. The policy must require the superintendent to notify the department of the result of the investigation and whether the misconduct warranted termination, regardless of whether the person resigned or was terminated prior to the conclusion of the investigation.

Section 3. Paragraph (g) of subsection (12) and paragraphs (b) and (c) of subsection (16) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(12) EMPLOYEES OF CHARTER SCHOOLS.—

(g)1. A charter school shall employ or contract with employees who have undergone background screening as provided in s. 1012.32. Members of the governing board of the charter school shall also undergo background screening in a manner similar to that provided in s. 1012.32. A person may not be employed by a charter school or serve as a member of a charter school governing board if the person is ineligible pursuant to s. 1012.315 or is included on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b).
36-00698A-20  
Page 11 of 49

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

The employees’, personnel’s, or administrators’ performance with prospective employers in another educational setting, without disclosing the employees’, personnel’s or administrators’ misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support employees, instructional personnel, or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

4. Before employing a person ** instructional personnel or school administrators** in any position that requires direct contact with students, a charter school shall conduct employment history checks of each of the person’s personnel or school administrators previous employers, screen the person instructional personnel or school administrators through use of the education screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the charter school must document efforts to contact the employer.

5. The sponsor of a charter school that knowingly fails to comply with this paragraph shall terminate the charter under subsection (8).

(16) **EXEMPTION FROM STATUTES**.—

(b) Additionally, A charter school shall be in compliance with the following statutes:

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.
2. Chapter 119, relating to public records.
3. Section 1003.03, relating to the maximum class size, except that the calculation for compliance pursuant to s. 1003.03 shall be the average at the school level.
4. Section 1012.22(1)(c), relating to compensation and salary schedules.
5. Section 1012.33(5), relating to workforce reductions.
6. Section 1012.335, relating to contracts with instructional personnel hired on or after July 1, 2011.
7. Section 1012.34, relating to the substantive requirements for performance evaluations for instructional personnel and school administrators.
8. Section 1006.12, relating to safe-school officers.
9. Section 1006.07(7), relating to threat assessment teams.
10. Section 1006.07(9), relating to School Environmental Safety Incident Reporting.
11. Section 1006.1493, relating to the Florida Safe Schools Assessment Tool.
12. Section 1006.07(6)(c), relating to adopting an active assailant response plan.
13. Section 943.082(4)(b), relating to the mobile suspicious activity reporting tool.
14. Section 1012.584, relating to youth mental health awareness and assistance training.
15. Section 1012.796, relating to complaints against educational support employees, teachers, and administrators.
(c) For purposes of subparagraphs (b)4.-7. and 15.:
1. The duties assigned to a district school superintendent shall designate at least one administrative person to be responsible for such duties.
2. The duties assigned to a district school board apply to a charter school governing board.
3. A charter school may hire instructional personnel and other employees on an at-will basis.
4. Notwithstanding any provision to the contrary, instructional personnel and other employees on contract may be suspended or dismissed any time during the term of the contract without cause.
Section 4. Paragraphs (n) and (o) of subsection (1) and subsection (3) of section 1002.421, Florida Statutes, are amended, and paragraph (r) of subsection (1) is added to that section, to read:
1002.421 State school choice scholarship program accountability and oversight.—
1. (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private school participating in an educational scholarship program established pursuant to this chapter must be a private school as defined in s. 1002.01(2) in this state, be registered, and be in compliance with all requirements of this section in addition to private school requirements outlined in s. 1002.42, specific requirements identified within respective scholarship program laws, and other provisions of Florida law that apply to private schools, and must:
   (n) Adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, and school administrators. The policies must require all educational support employees, instructional personnel, and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of educational support employees, instructional personnel, and school
administrators to report, and procedures for reporting, alleged misconduct by other educational support employees, instructional personnel, and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095.

A private school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed educational support employees, instructional personnel, or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide the employees, instructional personnel, or school administrators with employment references or discuss the employees', personnel's, or administrators' performance with prospective employers in another educational setting, without disclosing the employees', personnel's, or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support employees, instructional personnel, or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(o) Before employing an individual instructional personnel or school administrators in any position that requires direct contact with students, conduct employment history checks of each of the personnel’s or administrators’ previous employers, screen the individual using the personnel or administrators through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the private school must document efforts to contact the employer. The private school must deny employment to any individual whose educator certificate is revoked, who is barred from reapplication for an educator certificate, or who is identified on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b).

(r) Disqualify educational support employees, instructional personnel, and school administrators from employment in any position that requires direct contact with students if the personnel or administrators are ineligible for such employment pursuant to this section or s. 1012.315, and report the person and the disqualifying circumstances to the department for inclusion on the disqualification list maintained pursuant to s. 1001.10(4)(b).

The department shall suspend the payment of funds to a private school that knowingly fails to comply with this subsection, and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies. If a private school fails to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (q), the commissioner may determine that the private school is ineligible to participate in a scholarship program.

(3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

The Commissioner of Education:

(a) Shall deny, suspend, or revoke a private school’s participation in a scholarship program if it is determined that the private school has failed to comply with this section or...
(c) May permanently deny or revoke the authority of an owner or operator to establish or operate a private school participating in an educational scholarship program pursuant to this chapter if the commissioner determines that the owner or operator has exhibited a pattern of failure to comply with this section or specific requirements identified within respective scholarship program laws. For purposes of this subsection, the term "owner or operator" has the same meaning as provided in paragraph (1)(p).

(d) In making such a determination, may consider

The commissioner's determination is subject to the following:

a. If the commissioner intends to deny, suspend, or revoke a private school's participation in the scholarship program, the department shall notify the private school of such proposed action in writing by certified mail and regular mail to the private school's address of record with the department. The notification shall include the reasons for the proposed action and notice of the timelines and procedures set forth in this paragraph.

b. The private school that is adversely affected by the proposed action shall have 15 days after receipt of the notice to submit evidence of compliance before taking action to suspend or revoke the private school's participation in the scholarship program.

b. May permanently deny or revoke the authority of an owner or operator which led to a previous denial, suspension, or revocation of participation in a state or federal education scholarship program; an owner’s or operator’s failure to reimburse the department or scholarship-funding organization for scholarship funds improperly received or retained by a school; the imposition of a prior criminal sanction related to an owner’s or operator’s management or operation of an educational institution; the imposition of a civil fine or administrative fine; license revocation or suspension, or program eligibility suspension, termination, or revocation related to an owner’s or operator’s management or operation of an educational institution; or other types of criminal proceedings in which an owner or operator was found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.

2. The commissioner's determination is subject to the following:

a. If the commissioner intends to deny, suspend, or revoke a private school's participation in the scholarship program, the department shall notify the private school of such proposed action in writing by certified mail and regular mail to the private school's address of record with the department. The notification shall include the reasons for the proposed action and notice of the timelines and procedures set forth in this paragraph.

b. The private school that is adversely affected by the proposed action shall have 15 days after receipt of the notice to submit evidence of compliance before taking action to suspend or revoke the private school's participation in the scholarship program.
of proposed action to file with the department’s agency clerk a request for a proceeding pursuant to ss. 120.569 and 120.57. If the private school is entitled to a hearing under s. 120.57(1), the department shall forward the request to the Division of Administrative Hearings.

2. Upon receipt of a request referred pursuant to this subparagraph, the director of the Division of Administrative Hearings shall expedite the hearing and assign an administrative law judge who shall commence a hearing within 30 days after the receipt of the formal written request by the division and enter a recommended order within 30 days after the hearing or within 30 days after receipt of the hearing transcript, whichever is later. Each party shall be allowed 10 days in which to submit written exceptions to the recommended order. A final order shall be entered by the agency within 30 days after the entry of a recommended order. The provisions of this sub-subparagraph may be waived upon stipulation by all parties.

(e) May immediately suspend payment of scholarship funds if it is determined that there is probable cause to believe that there is:

1. An imminent threat to the health, safety, or welfare of the students;
2. A previous pattern of failure to comply with this section; or
3. Fraudulent activity on the part of the private school.

Notwithstanding s. 1002.22, in incidents of alleged fraudulent activity pursuant to this section, the department’s Office of Inspector General is authorized to release personally identifiable records or reports of students to the following:

1. The Attorney General is authorized to release personally identifiable records or reports of students to the following

a. A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

b. A person or entity authorized by a court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

c. Any person, entity, or authority issuing a subpoena for law enforcement purposes when the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

The commissioner’s order suspending payment pursuant to this paragraph may be appealed pursuant to the same procedures and timelines as the notice of proposed action set forth in subparagraph (d)2. subparagraph (e)2.

Section 5. Paragraph (a) of subsection (2) of section 1002.45, Florida Statutes, is amended to read:

1002.45 Virtual instruction programs.—

(2) PROVIDER QUALIFICATIONS.—

(a) The department shall annually publish online a list of providers approved to offer virtual instruction programs. To be approved by the department, a provider must document that it:

1. Is nonsectarian in its programs, admission policies,
employment practices, and operations;

2. Complies with the antidiscrimination provisions of s. 1000.05;

3. Locates an administrative office or offices in this state, requires its administrative staff to be state residents, requires all instructional staff to be Florida-certified teachers under chapter 1012, and conducts background screenings and receives arrest reports for all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records;

4. Disqualifies educational support employees,
instructional personnel, and administrative personnel, as
defined in s. 1012.01, from employment in any position that
requires direct contact with students, if the employees or
personnel are ineligible for such employment under s. 1012.315,
and reports the disqualified employees or personnel and the disqualifying circumstances to the department for inclusion on
the disqualification list pursuant to s. 1001.10(4)(b).

5. Provides to parents and students specific information posted and accessible online that includes, but is not limited to, the following teacher-parent and teacher-student contact information for each course:

a. How to contact the instructor via phone, e-mail, or online messaging tools.

b. How to contact technical support via phone, e-mail, or online messaging tools.

c. How to contact the administration office via phone, e-mail, or online messaging tools.

d. Any requirement for regular contact with the instructor

for the course and clear expectations for meeting the
requirement.

e. The requirement that the instructor in each course must,
at a minimum, conduct one contact via phone with the parent and
the student each month;

6. Possesses prior, successful experience offering online
courses to elementary, middle, or high school students as
demonstrated by quantified student learning gains in each
subject area and grade level provided for consideration as an
instructional program option. However, for a provider without
sufficient prior, successful experience offering online courses,
the department may conditionally approve the provider to offer
courses measured pursuant to subparagraph (8)(a)2. Conditional
approval shall be valid for 1 school year only and, based on the
provider’s experience in offering the courses, the department
shall determine whether to grant approval to offer a virtual
instruction program;

7. Is accredited by a regional accrediting association as
defined by State Board of Education rule;

8. Ensures instructional and curricular quality through a
detailed curriculum and student performance accountability plan
that addresses every subject and grade level it intends to
provide through contract with the school district, including:

a. Courses and programs that meet the standards of the
International Association for K-12 Online Learning and the
Southern Regional Education Board.

b. Instructional content and services that align with, and
measure student attainment of, student proficiency in the Next
Generation Sunshine State Standards.
c. Mechanisms that determine and ensure that a student has satisfied requirements for grade level promotion and high school graduation with a standard diploma, as appropriate;

9. Publishes for the general public, in accordance with disclosure requirements adopted in rule by the State Board of Education, as part of its application as a provider and in all contracts negotiated pursuant to this section:
   a. Information and data about the curriculum of each full-time and part-time program.
   b. School policies and procedures.
   c. Certification status and physical location of all administrative and instructional personnel.
   d. Hours and times of availability of instructional personnel.
   e. Student-teacher ratios.
   f. Student completion and promotion rates.
   g. Student, educator, and school performance accountability outcomes;

10. If the provider is a Florida College System institution, employs instructors who meet the certification requirements for instructional staff under chapter 1012; and

11. Performs an annual financial audit of its accounts and records conducted by an independent certified public accountant which is in accordance with rules adopted by the Auditor General, is conducted in compliance with generally accepted auditing standards, and includes a report on financial statements presented in accordance with generally accepted accounting principles.

12. Complies with s. 1012.796, relating to complaints against educational support employees, teachers, and administrators and designates at least one administrator to be responsible for the duties and requirements assigned to a district school board and superintendent pursuant to that section. A virtual instruction provider must inform the district school board of a complaint regarding misconduct or an arrest of instructional or noninstructional personnel.

Section 7. Paragraph (a) of subsection (3) of section 1006.061, Florida Statutes, is amended to read:

(2) Post in a prominent place at each school site and on each school’s Internet website, if available, the policies and procedures for reporting alleged misconduct by educational support employees, instructional personnel, or school administrators which affects the health, safety, or welfare of a student; the contact person to whom the report is made; and the penalties imposed on educational support employees, instructional personnel, or school administrators who fail to report suspected or actual child abuse or alleged misconduct by other educational support employees, instructional personnel, or school administrators.

The Department of Education shall develop, and publish on the department’s Internet website, sample notices suitable for posting in accordance with subsections (1), (2), and (4).
1012.31, Florida Statutes, is amended to read:

(3)(a) Public school system employee personnel files shall be maintained according to the following provisions:

1. Any complaint and any material relating to the investigation of a complaint against an employee shall be confidential and exempt from the provisions of s. 119.07(1), except as follows:

   a. The investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. An investigation shall be presumed to be inactive if no finding relating to

Section 8. Section 1012.315, Florida Statutes, is amended to read:

2. An employee evaluation prepared pursuant to s. 1012.33, s. 1012.34, or s. 1012.56 or rules adopted by the State Board of Education or district school board under the authority of those sections shall be confidential and exempt from the provisions of s. 119.07(1) until the conclusion of the preliminary investigation or until following the school year in which the evaluation was made. No evaluation prepared before July 1, 1983, shall be made public pursuant to this section.

3. No material derogatory to an employee shall be open to inspection until 10 days after the employee has been notified pursuant to paragraph (2)(c).

4. The payroll deduction records of an employee shall be confidential and exempt from the provisions of s. 119.07(1).

5. Employee medical records, including psychiatric and psychological records, shall be confidential and exempt from the provisions of s. 119.07(1); however, at any hearing relative to the competency or performance of an employee, the administrative law judge, hearing officer, or panel shall have access to such records.

Section 8. Section 1012.315, Florida Statutes, is amended to read:
1012.315 Disqualification from employment.—A person is ineligible for educator certification or employment in any position that requires direct contact with students in a district school system, charter school, or private school that accepts scholarship students who participate in a scholarship program under chapter 1002 if the person is included in the disqualification list maintained by the department pursuant to s. 1001.10(4)(b) or has been convicted of:

1. Any felony offense prohibited under any of the following statutes:
   (a) Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
   (b) Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
   (c) Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.
   (d) Section 782.04, relating to murder.
   (e) Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.
   (f) Section 784.021, relating to aggravated assault.
   (g) Section 784.045, relating to aggravated battery.
   (h) Section 784.075, relating to battery on a detention or commitment facility staff member or a juvenile probation officer.

2. Former s. 794.041, relating to sexual activity with or without force with certain minors.

3. Section 794.05, relating to unlawful sexual activity with certain minors.

4. Section 794.08, relating to female genital mutilation.

5. Chapter 796, relating to prostitution.

6. Chapter 800, relating to lewdness and indecent exposure.

7. Chapter 801, relating to lewdness and indecent exposure.

8. Chapter 802, relating to lewdness and indecent exposure.

9. Chapter 803, relating to lewdness and indecent exposure.

10. Chapter 804, relating to lewdness and indecent exposure.

11. Chapter 805, relating to lewdness and indecent exposure.

12. Chapter 806, relating to lewdness and indecent exposure.

13. Chapter 807, relating to lewdness and indecent exposure.

14. Chapter 808, relating to lewdness and indecent exposure.

15. Chapter 809, relating to lewdness and indecent exposure.

16. Chapter 810, relating to lewdness and indecent exposure.

17. Chapter 811, relating to lewdness and indecent exposure.

18. Chapter 812, relating to lewdness and indecent exposure.

19. Chapter 813, relating to lewdness and indecent exposure.

20. Chapter 814, relating to lewdness and indecent exposure.

21. Chapter 815, relating to lewdness and indecent exposure.

22. Chapter 816, relating to lewdness and indecent exposure.

23. Chapter 817, relating to lewdness and indecent exposure.

24. Chapter 818, relating to lewdness and indecent exposure.

25. Chapter 819, relating to lewdness and indecent exposure.

26. Chapter 820, relating to lewdness and indecent exposure.

27. Chapter 821, relating to lewdness and indecent exposure.

28. Chapter 822, relating to lewdness and indecent exposure.

29. Chapter 823, relating to lewdness and indecent exposure.

30. Chapter 824, relating to lewdness and indecent exposure.

31. Chapter 825, relating to lewdness and indecent exposure.

32. Chapter 826, relating to lewdness and indecent exposure.

33. Chapter 827, relating to lewdness and indecent exposure.

34. Chapter 828, relating to lewdness and indecent exposure.

35. Chapter 829, relating to lewdness and indecent exposure.

36. Chapter 830, relating to lewdness and indecent exposure.

37. Chapter 831, relating to lewdness and indecent exposure.

38. Chapter 832, relating to lewdness and indecent exposure.

39. Chapter 833, relating to lewdness and indecent exposure.

40. Chapter 834, relating to lewdness and indecent exposure.

41. Chapter 835, relating to lewdness and indecent exposure.

42. Chapter 836, relating to lewdness and indecent exposure.

43. Chapter 837, relating to lewdness and indecent exposure.

44. Chapter 838, relating to lewdness and indecent exposure.

45. Chapter 839, relating to lewdness and indecent exposure.

46. Chapter 840, relating to lewdness and indecent exposure.

47. Chapter 841, relating to lewdness and indecent exposure.

48. Chapter 842, relating to lewdness and indecent exposure.

49. Chapter 843, relating to lewdness and indecent exposure.

50. Chapter 844, relating to lewdness and indecent exposure.

51. Chapter 845, relating to lewdness and indecent exposure.

52. Chapter 846, relating to lewdness and indecent exposure.

53. Chapter 847, relating to lewdness and indecent exposure.

54. Chapter 848, relating to lewdness and indecent exposure.

55. Chapter 849, relating to lewdness and indecent exposure.

56. Chapter 850, relating to lewdness and indecent exposure.

57. Chapter 851, relating to lewdness and indecent exposure.

58. Chapter 852, relating to lewdness and indecent exposure.

59. Chapter 853, relating to lewdness and indecent exposure.

60. Chapter 854, relating to lewdness and indecent exposure.

61. Chapter 855, relating to lewdness and indecent exposure.

62. Chapter 856, relating to lewdness and indecent exposure.

63. Chapter 857, relating to lewdness and indecent exposure.

64. Chapter 858, relating to lewdness and indecent exposure.

65. Chapter 859, relating to lewdness and indecent exposure.

66. Chapter 860, relating to lewdness and indecent exposure.

67. Chapter 861, relating to lewdness and indecent exposure.

68. Chapter 862, relating to lewdness and indecent exposure.

69. Chapter 863, relating to lewdness and indecent exposure.

70. Chapter 864, relating to lewdness and indecent exposure.

71. Chapter 865, relating to lewdness and indecent exposure.

72. Chapter 866, relating to lewdness and indecent exposure.

73. Chapter 867, relating to lewdness and indecent exposure.

74. Chapter 868, relating to lewdness and indecent exposure.

75. Chapter 869, relating to lewdness and indecent exposure.

76. Chapter 870, relating to lewdness and indecent exposure.

77. Chapter 871, relating to lewdness and indecent exposure.

78. Chapter 872, relating to lewdness and indecent exposure.

79. Chapter 873, relating to lewdness and indecent exposure.

80. Chapter 874, relating to lewdness and indecent exposure.

81. Chapter 875, relating to lewdness and indecent exposure.

82. Chapter 876, relating to lewdness and indecent exposure.

83. Chapter 877, relating to lewdness and indecent exposure.

84. Section 787.01, relating to kidnapping.

85. Section 787.02, relating to false imprisonment.

86. Section 787.025, relating to luring or enticing a child.

87. Section 787.04, relating to leading, taking, or concealing the location of a minor, with criminal intent pending custody proceedings.

88. Section 787.04(2), relating to leading, taking, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.

89. Section 787.04(3), relating to leading, taking, or concealing the location of a minor, with criminal intent pending custody proceedings.

90. Section 790.115(1), relating to exhibiting firearms or weapons at a school-sponsored event, on school property, or within 1,000 feet of a school.

91. Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon at a school-sponsored event or on school property.

92. Section 794.011, relating to possessing an electric weapon or device, destructive device, or other weapon at a school-sponsored event or on school property.

93. Former s. 794.041, relating to sexual activity with or without force with certain minors.

94. Section 794.05, relating to unlawful sexual activity with certain minors.

95. Section 794.08, relating to female genital mutilation.

96. Chapter 796, relating to prostitution.

97. Chapter 800, relating to lewdness and indecent exposure.
(v) Section 800.101, relating to offenses against students by authority figures.

(w) Section 806.01, relating to arson.

(x) Section 810.14, relating to voyeurism.

(y) Section 810.145, relating to video voyeurism.

(z) Section 812.014(6), relating to coordinating the commission of theft in excess of $3,000.

(aa) Section 812.0145, relating to theft from persons 65 years of age or older.

(bb) Section 812.019, relating to dealing in stolen property.

(cc) Section 812.13, relating to robbery.

(dd) Section 812.131, relating to robbery by sudden snatching.

(ee) Section 812.133, relating to carjacking.

(ff) Section 812.135, relating to home-invasion robbery.

(gg) Section 817.563, relating to fraudulent sale of controlled substances.

(hh) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.

(ii) Section 825.103, relating to exploitation of an elderly person or disabled adult.

(jj) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.

(kk) Section 826.04, relating to incest.

(ll) Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

(mm) Section 827.04, relating to contributing to the delinquency or dependency of a child.

(nn) Section 827.071, relating to sexual performance by a child.

(oo) Section 843.01, relating to resisting arrest with violence.

(pp) Chapter 847, relating to obscenity.

(qq) Section 874.05, relating to causing, encouraging, soliciting, or recruiting another to join a criminal street gang.

(rr) Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.

(ss) Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

(tt) Section 944.47, relating to introduction, removal, or possession of contraband at a correctional facility.

(uu) Section 985.701, relating to sexual misconduct in juvenile justice programs.

(vv) Section 985.711, relating to introduction, removal, or possession of contraband at a juvenile detention facility or commitment program.

(2) Any misdemeanor offense prohibited under any of the following statutes:

(a) Section 784.03, relating to battery, if the victim of the offense was a minor.

(b) Section 787.025, relating to luring or enticing a child.

(3) Any criminal act committed in another state or under federal law that is a similar crime to any of the above.
Section 9. Paragraph (a) of subsection (2) and paragraph (b) of subsection (3) of section 1012.32, Florida Statutes, are amended to read:

(2) (a) Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in any district school system, virtual instruction program, or university lab school must, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable. A district school board may not require employees or contractual personnel of a virtual instruction provider approved pursuant to s. 1002.45(2) to undergo additional background screening.

(b) The Department of Education shall transmit to the Florida Department of Law Enforcement all arrest fingerprints received under s. 943.051 against the fingerprint database of the background screening, and to the Federal Bureau of Investigation for federal criminal records checks. A person subject to this subsection who is found ineligible for employment under s. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students. Probationary persons subject to this subsection terminated because of their criminal record have the right to appeal such decisions. The cost of the background screening may be borne by the district school board, the charter school, the employee, the contractor, or a person subject to this subsection. A district school board shall reimburse a charter school the cost of background screening if it does not notify the charter school of the eligibility of a governing board member or instructional or noninstructional personnel within the earlier of 14 days after receipt of the background screening results from the Florida Department of Law Enforcement or 30 days of submission of fingerprints by the governing board member or instructional or noninstructional personnel.

(3)

(a) The Department of Law Enforcement shall search all arrest fingerprints received under s. 943.051 against the fingerprint database of the background screening, and to the Federal Bureau of Investigation for federal criminal records checks. A person subject to this subsection who is found ineligible for employment under s. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students. Probationary persons subject to this subsection terminated because of their criminal record have the right to appeal such decisions. The cost of the background screening may be borne by the district school board, the charter school, the employee, the contractor, or a person subject to this subsection. A district school board shall reimburse a charter school the cost of background screening if it does not notify the charter school of the eligibility of a governing board member or instructional or noninstructional personnel within the earlier of 14 days after receipt of the background screening results from the Florida Department of Law Enforcement or 30 days of submission of fingerprints by the governing board member or instructional or noninstructional personnel.

(b) The Department of Law Enforcement shall transmit to the Florida Department of Law Enforcement all arrest fingerprints received under s. 943.051 against the fingerprint database of the background screening, and to the Federal Bureau of Investigation for federal criminal records checks. A person subject to this subsection who is found ineligible for employment under s. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students. Probationary persons subject to this subsection terminated because of their criminal record have the right to appeal such decisions. The cost of the background screening may be borne by the district school board, the charter school, the employee, the contractor, or a person subject to this subsection. A district school board shall reimburse a charter school the cost of background screening if it does not notify the charter school of the eligibility of a governing board member or instructional or noninstructional personnel within the earlier of 14 days after receipt of the background screening results from the Florida Department of Law Enforcement or 30 days of submission of fingerprints by the governing board member or instructional or noninstructional personnel.

Each school district is required to participate in this search process by payment of an annual fee to the Department of Law Enforcement for statewide criminal and juvenile records checks. A person subject to this subsection who is found ineligible for employment under s. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students. Probationary persons subject to this subsection terminated because of their criminal record have the right to appeal such decisions. The cost of the background screening may be borne by the district school board, the charter school, the employee, the contractor, or a person subject to this subsection. A district school board shall reimburse a charter school the cost of background screening if it does not notify the charter school of the eligibility of a governing board member or instructional or noninstructional personnel within the earlier of 14 days after receipt of the background screening results from the Florida Department of Law Enforcement or 30 days of submission of fingerprints by the governing board member or instructional or noninstructional personnel.
Enforcement and by informing the Department of Law Enforcement of any change in the affiliation, employment, or contractual status or place of affiliation, employment, or contracting of its instructional and noninstructional personnel whose fingerprints are retained under paragraph (a). The Department of Law Enforcement shall adopt a rule setting the amount of the annual fee to be imposed upon each school district and approved virtual instruction provider for performing these searches and establishing the procedures for the retention of instructional and noninstructional personnel fingerprints and the dissemination of search results. The fee may be borne by the district school board, the approved virtual instruction provider, the contractor, or the person fingerprinted.

Section 10. Subsection (1) of section 1012.795, Florida Statutes, is amended to read:

1012.795 Education Practices Commission; authority to discipline.—
(1) The Education Practices Commission may suspend the educator certificate of any instructional personnel or school administrator, as defined in s. 1012.01(2) or (3), for up to 5 years, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for that period of time, after which the person may return to teaching as provided in subsection (4); may revoke the educator certificate of any person, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for up to 10 years, with reinstatement subject to condition or approval as a condition of reinstatement, if the person has proved to be incompetent to teach or to perform duties as an employee of the public school system or to teach in or to operate a private school.

(b) Has proved to be incompetent to teach or to perform duties as an employee of the public school system or to teach in or to operate a private school.

(4) May suspend the educator certificate of any person for misconduct that would render the person ineligible pursuant to s. 1012.315; or may impose any other penalty provided by law, if the person:

(a) Obtained or attempted to obtain an educator certificate by fraudulent means.

(b) Knowingly failed to report actual or suspected child abuse as required in s. 1006.061 or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student as required in s. 1012.796.

(c) Has proved to be incompetent to teach or to perform duties as an employee of the public school system or to teach in or to operate a private school.

(d) Has been guilty of gross immorality or an act involving moral turpitude as defined by rule of the State Board of Education, including engaging in or soliciting sexual, romantic, or lewd conduct with a student or minor.

(e) Has had an educator certificate or other professional certificate of any person thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for up to 5 years, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for that period of time, after which the person may return to teaching as provided in subsection (4); may revoke the educator certificate of any person's educator certificate, upon an order of the court or notice by the Department of Revenue relating to the payment of child support; may direct the department to place employees or contractual personnel of any public school, charter school, charter school governing board, or private school that participates in a state scholarship program under chapter 1002 on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b) for misconduct that would render the person ineligible pursuant to s. 1012.315; or may impose any other penalty provided by law, if the person:

(a) Obtained or attempted to obtain an educator certificate by fraudulent means.

(b) Knowingly failed to report actual or suspected child abuse as required in s. 1006.061 or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student as required in s. 1012.796.

(c) Has proved to be incompetent to teach or to perform duties as an employee of the public school system or to teach in or to operate a private school.

(d) Has been guilty of gross immorality or an act involving moral turpitude as defined by rule of the State Board of Education, including engaging in or soliciting sexual, romantic, or lewd conduct with a student or minor.

(e) Has had an educator certificate or other professional certificate of any person thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for up to 5 years, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for that period of time, after which the person may return to teaching as provided in subsection (4); may revoke the educator certificate of any person's educator certificate, upon an order of the court or notice by the Department of Revenue relating to the payment of child support; may direct the department to place employees or contractual personnel of any public school, charter school, charter school governing board, or private school that participates in a state scholarship program under chapter 1002 on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b) for misconduct that would render the person ineligible pursuant to s. 1012.315; or may impose any other penalty provided by law, if the person:

(a) Obtained or attempted to obtain an educator certificate by fraudulent means.

(b) Knowingly failed to report actual or suspected child abuse as required in s. 1006.061 or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student as required in s. 1012.796.

(c) Has proved to be incompetent to teach or to perform duties as an employee of the public school system or to teach in or to operate a private school.

(d) Has been guilty of gross immorality or an act involving moral turpitude as defined by rule of the State Board of Education, including engaging in or soliciting sexual, romantic, or lewd conduct with a student or minor.

(e) Has had an educator certificate or other professional certificate of any person thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for up to 5 years, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for that period of time, after which the person may return to teaching as provided in subsection (4); may revoke the educator certificate of any person's educator certificate, upon an order of the court or notice by the Department of Revenue relating to the payment of child support; may direct the department to place employees or contractual personnel of any public school, charter school, charter school governing board, or private school that participates in a state scholarship program under chapter 1002 on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b) for misconduct that would render the person ineligible pursuant to s. 1012.315; or may impose any other penalty provided by law, if the person:

(a) Obtained or attempted to obtain an educator certificate by fraudulent means.

(b) Knowingly failed to report actual or suspected child abuse as required in s. 1006.061 or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student as required in s. 1012.796.
(f) Has been convicted of any crime or adjudicated guilty of any violation of law, except a minor traffic violation, that person’s effectiveness as an employee of the district school board.

(g) Upon investigation, has been found guilty of personal conduct that seriously reduces that person’s effectiveness as an employee of the district school board.

(h) Has breached a contract, as provided in s. 1012.33(2) or s. 1012.335.

(i) Has been the subject of a court order or notice by the Department of Revenue pursuant to s. 409.2598 directing the Education Practices Commission to suspend the certificate as a result of noncompliance with a child support order, a subpoena, an order to show cause, or a written agreement with the Department of Revenue.

(j) Has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules.

(k) Has otherwise violated the provisions of law, the penalty for which is the revocation of the educator certificate.

(l) Has violated any order of the Education Practices Commission.

(m) Has been the subject of a court order or plea agreement in any jurisdiction which requires the certificateholder to surrender or otherwise relinquish his or her educator’s certificate. A surrender or relinquishment shall be for permanent revocation of the certificate. A person may not surrender or otherwise relinquish his or her certificate prior to a finding of probable cause by the commissioner as provided in s. 1012.796.

(n) Has been disqualified from educator certification under s. 1012.315.

(o) Has committed a third recruiting offense as determined by the Florida High School Athletic Association (FHSAA) pursuant to s. 1006.20(2)(b).

(p) Has violated test security as provided in s. 1008.24.

Section 11. Section 1012.796, Florida Statutes, is amended to read:

1012.796 Complaints against educational support employees, teachers, and administrators; procedure; penalties.—

(1)(a) The Department of Education shall cause to be investigated expeditiously any complaint filed before it or otherwise called to its attention which, if legally sufficient, contains grounds for the revocation or suspension of a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

For purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

(a) A surrender or relinquishment shall be for purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

(b) A surrender or relinquishment shall be for purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

(c) A surrender or relinquishment shall be for purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

(d) A surrender or relinquishment shall be for purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

(e) A surrender or relinquishment shall be for purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

(f) A surrender or relinquishment shall be for purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

(g) A surrender or relinquishment shall be for purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

(h) A surrender or relinquishment shall be for purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

(i) A surrender or relinquishment shall be for purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

(j) A surrender or relinquishment shall be for purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

(k) A surrender or relinquishment shall be for purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

(l) A surrender or relinquishment shall be for purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

(m) A surrender or relinquishment shall be for purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

(n) A surrender or relinquishment shall be for purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

(o) A surrender or relinquishment shall be for purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

(p) A surrender or relinquishment shall be for purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

(q) A surrender or relinquishment shall be for purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

(r) A surrender or relinquishment shall be for purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

(s) A surrender or relinquishment shall be for purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

(t) A surrender or relinquishment shall be for purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

(u) A surrender or relinquishment shall be for purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

(v) A surrender or relinquishment shall be for purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.
certificate or any other appropriate penalty as set forth in subsection (7). The complaint is legally sufficient if it contains the ultimate facts that show a violation has occurred as provided in s. 1012.795 and defined by rule of the State Board of Education. The department shall investigate or continue to investigate and take appropriate action on a complaint even though the original complainant withdraws the complaint or otherwise indicates a desire not to cause it to be investigated or prosecuted to completion. The department may investigate or continue to investigate and take action on a complaint filed against a person whose educator certificate has expired if the act or acts that are the basis for the complaint were allegedly committed while that person possessed an educator certificate and may not issue a new certificate to such person unless an investigation has been completed.

(b) The department shall immediately investigate any legally sufficient complaint that involves misconduct by any certificated personnel which affects the health, safety, or welfare of a student, giving the complaint priority over other pending complaints. The department must investigate or continue to investigate and take action on such a complaint filed against a person whose educator certificate has expired if the act or acts that are the basis for the complaint were allegedly committed while that person possessed an educator certificate.

(c) When an investigation is undertaken, the department shall notify the certificateholder or applicant for certification and the district school superintendent or the university laboratory school, charter school, or private school in which the certificateholder or applicant for certification is
36-00698A-20

3. Each district school board or superintendent, charter school governing board, approved virtual instruction provider, and private school that participates in a state scholarship program under chapter 1002 shall immediately report to the Department of Education an arrest or conviction of educational support employees, administrative or instructional personnel, or school officials for an offense that reflects a risk of harm to the health, safety, or welfare of a student or would render the person ineligible pursuant to s. 1012.315, as determined by state board rule adopted pursuant to this section. The same reporting requirements apply to a substantiated allegation of such misconduct by educational support employees, administrative or instructional personnel, or school officials, regardless of whether the accused person has been arrested or convicted in relation to the misconduct.

4. Each district school board shall develop and adopt policies and procedures to comply with this reporting requirement. School board policies and procedures must include standards for screening, hiring, and terminating educational support employees, instructional personnel, and school administrators, as defined in s. 1012.01; standards of ethical conduct for educational support employees, instructional personnel, and school administrators; the duties of educational support employees, instructional personnel, and school administrators for upholding the standards; detailed procedures for reporting alleged misconduct by educational support employees, instructional personnel, and school administrators which affects the health, safety, or welfare of a student; requirements for the reassignment of educational support employees, instructional personnel, and school administrators pending the outcome of a misconduct investigation; and penalties for failing to comply with s. 1001.51 or s. 1012.795. The district school board policies and procedures must include appropriate penalties for all personnel of the district school board for nonreporting and procedures for promptly informing the district school superintendent of each legally sufficient complaint. The district school superintendent is charged with knowledge of these policies and procedures and is accountable for the training of all educational support employees, instructional personnel, and school administrators of the school district on the standards of ethical conduct, policies, and procedures.

5. If the district school superintendent has knowledge of a legally sufficient complaint and does not report the complaint, or fails to enforce the policies and procedures of the district school board, and fails to comply with the requirements of this subsection, in addition to other actions against certificateholders authorized by law, the district school superintendent is subject to penalties as specified in s. 1001.51(12).

6. If the superintendent determines that misconduct by educational support employees, instructional personnel, or school administrators who hold an educator certificate affects
subject of the allegations is still an employee of the school. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in s. 1012.795 and defined by rule of the State Board of Education. The school shall include all known information relating to the complaint with the filing of the complaint. This paragraph does not limit or restrict the power and duty of the department to investigate complaints, regardless of the school’s timely filing, or failure to file, complaints and followup reports. A school described in this paragraph shall immediately notify the department if the subject of a legally sufficient complaint of misconduct affecting the health, safety, or welfare of a student resigns or is terminated before the conclusion of the school’s investigation. Upon receipt of the notification, the department shall place an alert on the person’s certification file indicating that he or she resigned or was terminated before an investigation involving allegations of misconduct affecting the health, safety, or welfare of a student was concluded. In such circumstances, the database may not include specific information relating to the alleged misconduct until permitted by subsection (4).

(f) Notwithstanding any other law, all law enforcement agencies, state attorneys, social service agencies, district school boards, and the Division of Administrative Hearings shall fully cooperate with and, upon request, shall provide unredacted documents to the Department of Education to further investigations and prosecutions conducted pursuant to this section. Any document received may not be redisclosed except as authorized by law.

(2) The Commissioner of Education shall develop job specifications for investigative personnel employed by the...
(5) When an allegation of misconduct by educational support personnel is received by the department, such specifications shall be substantially equivalent to or greater than those job specifications of investigative personnel employed by the Department of Business and Professional Regulation. The department may contract with the Department of Business and Professional Regulation for investigations. No person who is responsible for conducting an investigation of a teacher or administrator may prosecute the same case. The department general counsel or members of that staff may conduct prosecutions under this section.

(3) The department staff shall advise the commissioner concerning the findings of the investigation and of all referrals by the Florida High School Athletic Association (FHSAA) pursuant to ss. 1006.20(2)(b) and 1012.795. The department general counsel or members of that staff shall review the investigation or the referral and advise the commissioner concerning probable cause or lack thereof. The determination of probable cause shall be made by the commissioner. The commissioner shall provide an opportunity for a conference, if requested, prior to determining probable cause. The commissioner may enter into deferred prosecution agreements in lieu of finding probable cause if, in his or her judgment, such agreements are in the best interests of the department, the certificateholder, and the public. Such deferred prosecution agreements shall become effective when filed with the clerk of the Education Practices Commission. However, a deferred prosecution agreement may not be entered into if there is probable cause to believe that a felony or an act of moral turpitude, as defined by rule of the State Board of Education, has occurred, or for referrals by the FHSAA. Upon finding no probable cause, the commissioner shall dismiss the complaint and may issue a letter of guidance to the certificateholder.

(4) The complaint and all information obtained pursuant to the investigation by the department shall be confidential and exempt from the provisions of s. 119.07(1) until the conclusion of the preliminary investigation of the complaint, until such time as the preliminary investigation ceases to be active, or until such time as otherwise provided by s. 1012.798(6).

However, the complaint and all material assembled during the investigation may be inspected and copied by the certificateholder under investigation, or the certificateholder’s designee, after the investigation is concluded, but prior to the determination of probable cause by the commissioner. If the preliminary investigation is concluded with the finding that there is no probable cause to proceed, the complaint and information shall be open thereafter to inspection pursuant to s. 119.07(1). If the preliminary investigation is concluded with the finding that there is probable cause to proceed and a complaint is filed pursuant to subsection (6), the complaint and information shall be open thereafter to inspection pursuant to s. 119.07(1). If the preliminary investigation ceases to be active, the complaint and all such material shall be open thereafter to inspection pursuant to s. 119.07(1), except as otherwise provided pursuant to s. 1012.798(6). For the purpose of this subsection, a preliminary investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future.

(5) When an allegation of misconduct by educational support personnel is received by the department, the department shall advise the commissioner concerning the findings of the investigation and of all referrals by the FHSAA (FHSAA) pursuant to ss. 1006.20(2)(b) and 1012.795. The department general counsel or members of that staff shall review the investigation or the referral and advise the commissioner concerning probable cause or lack thereof. The determination of probable cause shall be made by the commissioner. The commissioner shall provide an opportunity for a conference, if requested, prior to determining probable cause. The commissioner may enter into deferred prosecution agreements in lieu of finding probable cause if, in his or her judgment, such agreements are in the best interests of the department, the certificateholder, and the public. Such deferred prosecution agreements shall become effective when filed with the clerk of the Education Practices Commission. However, a deferred prosecution agreement may not be entered into if there is probable cause to believe that a felony or an act of moral turpitude, as defined by rule of the State Board of Education, has occurred, or for referrals by the FHSAA. Upon finding no probable cause, the commissioner shall dismiss the complaint and may issue a letter of guidance to the certificateholder.
employees, instructional personnel, or school administrators, as defined in s. 1012.01, is received, if the alleged misconduct affects the health, safety, or welfare of a student, the district school superintendent in consultation with the school principal, or upon the request of the Commissioner of Education, must immediately suspend the educational support employees, instructional personnel, or school administrators from regularly assigned duties, with pay, and reassign the suspended employees, personnel, or administrators to positions that do not require direct contact with students in the district school system. Such suspension shall continue until the completion of the proceedings and the determination of sanctions, if any, pursuant to this section and s. 1012.795.

(6) Upon the finding of probable cause, the commissioner shall file a formal complaint and prosecute the complaint pursuant to the provisions of chapter 120. An administrative law judge shall be assigned by the Division of Administrative Hearings of the Department of Management Services to hear the complaint if there are disputed issues of material fact. The administrative law judge shall make recommendations in accordance with the provisions of subsection (7) to the appropriate Education Practices Commission panel which shall conduct a formal review of such recommendations and other pertinent information and issue a final order. The commission shall consult with its legal counsel prior to issuance of a final order.

(7) A panel of the commission shall enter a final order either dismissing the complaint or imposing one or more of the following penalties:

(a) Denial of an application for a certificate or for an administrative or supervisory endorsement on a teaching certificate. The denial may provide that the applicant may not reapply for certification, and that the department may refuse to consider that applicant’s application, for a specified period of time or permanently.

(b) Revocation or suspension of a certificate.

(c) Imposition of an administrative fine not to exceed $2,000 for each count or separate offense.

(d) Placement of the teacher, administrator, or supervisor on probation for a period of time and subject to such conditions as the commission may specify, including requiring the certified teacher, administrator, or supervisor to complete additional appropriate college courses or work with another certified educator, with the administrative costs of monitoring the probation assessed to the educator placed on probation. An educator who has been placed on probation shall, at a minimum:

1. Immediately notify the investigative office in the Department of Education upon employment or separation from employment in any public or private position requiring a Florida educator’s certificate.

2. Have his or her immediate supervisor submit annual performance reports to the investigative office in the Department of Education.

3. Pay to the commission within the first 6 months of each probation year the administrative costs of monitoring probation assessed to the educator.

4. Violate no law and fully comply with all district school board policies, school rules, and State Board of Education.
5. Satisfactorily perform his or her assigned duties in a competent, professional manner.

6. Bear all costs of complying with the terms of a final order entered by the commission.

(e) Restriction of the authorized scope of practice of the teacher, administrator, or supervisor.

(f) Reprimand of the teacher, administrator, or supervisor in writing, with a copy to be placed in the certification file of such person.

(g) Imposition of an administrative sanction, upon a person whose teaching certificate has expired, for an act or acts committed while that person possessed a teaching certificate or an expired certificate subject to late renewal, which sanction bars that person from applying for a new certificate for a period of 10 years or less, or permanently.

(h) Refer the teacher, administrator, or supervisor to the recovery network program provided in s. 1012.798 under such terms and conditions as the commission may specify.

(i) Direct the department to place educational support employees, instructional personnel, or school administrators on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b) for conduct that would render the person ineligible pursuant to s. 1012.315.

The penalties imposed under this subsection are in addition to, and not in lieu of, the penalties required for a third recruiting offense pursuant to s. 1006.20(2)(b).

(8) Violations of the provisions of a final order shall result in an order to show cause issued by the clerk of the Education Practices Commission if requested by the Department of Education. Upon failure of the educator, at the time and place stated in the order, to show cause satisfactorily to the Education Practices Commission why a penalty for violating the provisions of a final order should not be imposed, the Education Practices Commission shall impose whatever penalty is appropriate as established in s. 1012.795(6). The Department of Education shall prosecute the individual ordered to show cause before the Education Practices Commission. The Department of Education and the individual may enter into a settlement agreement, which shall be presented to the Education Practices Commission for consideration. Any probation period will be tolled when an order to show cause has been issued until the issue is resolved by the Education Practices Commission; however, the other terms and conditions of the final order shall in full force and effect until changed by the Education Practices Commission.

(9) All moneys collected by, or awarded to, the commission as fees, fines, penalties, or costs shall be deposited into the Educational Certification and Service Trust Fund pursuant to s. 1012.59.

(10) Persons included on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b) may not serve or apply to serve as employees or contractual personnel at any public school or private school participating in a state scholarship program under chapter 1002. A person who knowingly violates this subsection, or an employer who knowingly hires a person in violation of this subsection, commits a felony.
Section 12. Section 1012.797, Florida Statutes, is amended to read:

1012.797 Notification by law enforcement of district school superintendent of certain charges against or convictions of employees.—

(1) Notwithstanding the provisions of s. 985.04(7) or any other provision of law to the contrary, a law enforcement agency shall, within 48 hours, notify the appropriate district school superintendent, charter school governing board, or private school owner or administrator, as applicable, of the name and address of any employee or contractor of the school district, charter school, or private school, as applicable, who is charged with a felony or with a misdemeanor involving the abuse of a minor child or the sale or possession of a controlled substance. The notification shall include the specific charge for which the employee or contractor of the school district was arrested. Such notification shall include other education providers such as the Florida School for the Deaf and the Blind, university lab schools, and private elementary and secondary schools.

(2) Except to the extent necessary to protect the health, safety, and welfare of other students, the information obtained by the district school superintendent pursuant to this section may be released only to appropriate school personnel or as otherwise provided by law.

Section 13. This act shall take effect July 1, 2020.
I. **Summary:**

SB 602 creates the Open Educational Resources Grant Program to provide grant assistance to state universities for the development of open educational resources for students. The bill requires participating state universities to use grant funds to curate or adopt open educational resources for general education courses.

The bill has no impact on state revenues or expenditures. The grant program is contingent upon legislative appropriation.

The bill takes effect July 1, 2020.

II. **Present Situation:**

**Textbook Affordability**

The Board of Governors (BOG) and the State Board of Education (SBE) are required by law to adopt policies, procedures, and guidelines to minimize the cost of textbooks and instructional materials for students.\(^1\) The policies, procedures, and guidelines must include the consideration of expanding the use of open-access textbooks and instructional materials.\(^2\) Further, the BOG and SBE are required to submit a report on their respective college affordability initiatives to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31 of each year.\(^3\)

---


\(^2\) Section 1004.085(6)(g)2., F.S.

\(^3\) Section 1004.084, F.S.
Each institution in the State University System (SUS) is required to submit to the Chancellor of the SUS an annual report by September of each year that addresses:

- The selection process for textbooks and instructional materials for general education courses identified with a wide cost variance and those with high enrollments;
- Specific initiatives of the university designed to reduce the costs of textbooks and instructional materials;
- University policies for posting textbook and instructional material information for students; and
- The number of courses and course sections for which the university was unable to meet the posting deadline in the previous academic year.\(^4\)

Each Florida College System (FCS) institution and state university board of trustees is authorized to adopt policies in consultation with textbook and instructional material providers to allow for the use of innovative pricing techniques and payment options, which may be approved only if there is documented evidence that the options reduce the cost of textbooks and instructional materials for students taking a course.\(^5\)

**Open Educational Resources**

The Florida Virtual Campus (FLVC) was created in 2012 and works collaboratively with Florida’s 12 public universities, 28 public colleges, and 74 K-12 school districts to provide shared educational services for the state of Florida.\(^6\) FLVC services include the Florida Academic Library Services Cooperative (FALSC) and the Orange Grove.\(^7\)

The FALSC was established as a division of the FLVC in 2014.\(^8\) FALSC offers a single library automation system and associated resources and services for the use of Florida’s public postsecondary institutions.\(^9\) FALSC is responsible for developing and managing a portal and tools for use by FCS institutions and state universities, including:

- An Internet-based searchable collection of electronic resources including, but not be limited to, full-text journals, articles, databases, and specified electronic books; and
- A statewide searchable database that includes an inventory of digital archives and collections held by public postsecondary education institutions.\(^10\)

The Orange Grove is Florida’s supplemental digital repository for instructional resources, including higher education resources for Florida postsecondary institutions.\(^11\)

---


\(^5\) Section 1004.085(4), F.S.


\(^7\) Id.

\(^8\) Section 15, ch. 2014-56, L.O.F.

\(^9\) Section 1006.73, F.S.

\(^10\) Section 1004.649, F.S.

State universities have adopted institution-wide programs to reduce the costs of textbooks and instructional materials, including open access materials. For example, the Florida State University (FSU) Libraries Alternative Textbook Grant Program has been projected to save students $79,029 by Summer 2019 through its support of faculty development of open or library-licensed course materials that are free and available to students. The University of South Florida (USF) has provided open access to 676,261 unique e-books through a program that can be adopted for courses at no cost to students.

In 2018, 26 of the 28 FCS institutions (93 percent) indicated the use of open educational resources in general education core courses.

**General Education in Florida**

The general education curriculum of each state university and FCS institution requires completion of 36 semester hours in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences for students working toward an associate in arts or baccalaureate degree.

An associate in arts degree must require no more than 60 semester hours of college credit and include 36 semester hours of general education coursework. A baccalaureate degree program requires no more than 120 semester hours of college credit and includes 36 semester hours of general education coursework. Each institution is responsible for determining general education courses at that institution.

The SBE, in rule, and the BOG, in regulation, are required to identify courses designated as general education core.

General education core course options:

- Consist of a maximum of five courses within each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences;
- Must each contain high-level academic and critical thinking skills and common competencies that students must demonstrate to successfully complete the course; and
- Must be successfully completed prior to the award of an associate in arts or baccalaureate degree for first-time-in-college students.

---

15 Rule 6A-10.024(2)(a), F.A.C. The required number for an associate in science degree is set at a minimum of 15 semester hours in the general education subject areas. Rule 6A-10.024(6)(b), F.A.C.
16 Section 1007.25(5), F.S.
17 Section 1007.25(3), F.S. See also Rule 6A-14.0303, F.A.C.
III. Effect of Proposed Changes:

SB 602 creates the Open Educational Resources Grant Program to provide grant assistance to state universities for the development of open educational resources for students. The bill requires participating state universities to use grant funds to curate or adopt open educational resources for general education courses.

The bill defines the term “open educational resources” to mean licensed teaching, learning, and research resources, including open-access textbooks and instructional materials, that reside in the public domain or have been released under a license that allows their free use, reuse, modification, and sharing with others.

The bill authorizes a state university to apply for a grant under the program in a format prescribed by the Department of Education (DOE). The DOE, in coordination with the Board of Governors of the State University System (BOG), must consider each application and may award grants to state universities that demonstrate a plan for the development of open educational resources. However, the bill requires each participating state university to use the grant funds to curate or adopt open educational resources for general education courses. It is unclear whether state universities must develop new resources or use existing open educational resources. In addition, it is unclear if the priority given to general education courses required in the bill applies to general education core courses identified in rule and regulation or to all institution-determined general education courses.

Although the bill does not authorize Florida College System (FCS) institutions to apply for a grant under the program, any open educational resources developed through the use of grant funds may be made available for use by students at all Florida postsecondary institutions. As such, the creation of additional high-quality, low-cost open educational resources may allow students to save on the cost of textbooks and instructional materials to the extent these materials are used by Florida postsecondary institutions.

The bill requires the department to adopt rules, and authorizes the board to adopt regulations, to implement the grant program.18

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

---

18 Adopting rules to implement provisions of law for the state system of K-20 public education falls under the authority of the State Board of Education; the Department of Education is not authorized to adopt rules. Section 1007.25(3), F.S., specifies that general education core course options are adopted in rule by the State Board of Education and regulated by the Board of Governors.
B. Public Records/Open Meetings Issues:
None.

C. Trust Funds Restrictions:
None.

D. State Tax or Fee Increases:
None.

E. Other Constitutional Issues:
None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:
None.

B. Private Sector Impact:
Students may save on the cost of textbooks and instructional materials to the extent that open educational resources are developed under the proposed grant program and made available through Florida postsecondary institutions.

C. Government Sector Impact:
The bill has no impact on state revenues or expenditures. The grant program is contingent upon legislative appropriation.

VI. Technical Deficiencies:
The Department of Education is not authorized to adopt rules. The State Board of Education is the chief implementing and coordinating body of public education in Florida, and has the authority to adopt rules to implement provisions of law for the improvement of the state system of K-20 public education except for the State University System.¹⁹

VII. Related Issues:
None.

VIII. Statutes Affected:
This bill creates section 1004.086 of the Florida Statutes.

¹⁹ Art. IX, s. 2, Fla. Const. and s. 1001.02(1), F.S.
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.
The Committee on Education (Montford) recommended the following:

Senate Amendment (with title amendment)

Delete lines 25 - 48
and insert:

Education in coordination with the Board of Governors and the State Board of Education. The purpose of the program is to provide grant assistance to state universities and Florida College System institutions for the development of high-quality, low-cost open educational resources for students.

(b) The term “open educational resources” means licensed teaching, learning, and research resources that reside in the
public domain or have been released under a license that allows their free use, reuse, modification, and sharing with others. The term includes open-access textbooks and instructional materials.

(2) A state university or Florida College System institution may submit an application in a format prescribed by the department to be awarded a grant under the program. The department, in coordination with the Board of Governors and the State Board of Education, shall consider each proposal and may award grants to state universities and Florida College System institutions that demonstrate, to the satisfaction of the department and the boards, a plan for the development of open educational resources.

(3) Each participating state university and Florida College System institution shall use the grant to curate or adopt open educational resources for general education courses. In curating and adopting the open educational resources, each state university and Florida College System institution must give priority to required general education courses as provided in the statewide articulation agreement.

(4) The State Board of Education shall adopt rules, and the Board of Governors may

And the title is amended as follows:

Delete lines 5 - 13

and insert:

Program; requiring the Department of Education, the Board of Governors, and the State Board of Education
to administer the program; providing the purpose of
the program; defining the term “open educational
resources”; authorizing state universities and Florida
College System institutions to submit applications for
grant awards under the program; requiring the
department, in coordination with specified entities,
to consider all applications; authorizing the
department in coordination with the boards to make
awards; requiring participating state universities and
Florida College System institutions to use grant funds
for a specified purpose and, in curating and adopting
open educational resources, to give priority to
certain courses; requiring the state board to adopt
rules; authorizing the Board of Governors to adopt
regulations; specifying
A bill to be entitled an act relating to the Open Educational Resources Grant Program; creating s. 1004.086, F.S.; establishing the Open Educational Resources Grant Program; requiring the Department of Education and the Board of Governors to administer the program; providing the purpose of the program; defining the term "open educational resources"; providing for application requirements and the application process of the program; requiring participating state universities to use grant funds for a specified purpose; requiring the department to adopt rules; authorizing the board to adopt regulations; specifying that implementation of the program is subject to legislative appropriation; providing an effective date.

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

Section 1. Section 1004.086, Florida Statutes, is created to read:

1004.086 Open educational resources grant program.—

(1)(a) There is created the Open Educational Resources Grant Program, which shall be administered by the Department of Education in coordination with the Board of Governors. The purpose of the program is to provide grant assistance to state universities for the development of high-quality, low-cost open educational resources for students.

(b) The term "open educational resources" means licensed teaching, learning, and research resources that reside in the public domain or have been released under a license that allows their free use, reuse, modification, and sharing with others. The term includes open-access textbooks and instructional materials.

(2) A state university may submit an application in a format prescribed by the department to be awarded a grant under the program. The department, in coordination with the board, shall consider each proposal and may award grants to state universities that demonstrate, to the satisfaction of the department and the board, a plan for the development of open educational resources.

(3) Each participating state university shall use the grant to curate or adopt open educational resources for general education courses. In curating and adopting the open educational resources, each state university must give priority to required general education courses as provided in the statewide articulation agreement.

(4) The department shall adopt rules, and the board may adopt regulations, to implement this section.

(5) Implementation of the program is subject to legislative appropriation.

Section 2. This act shall take effect July 1, 2020.