

SB 152 by Ring; (Identical to H 0123) Disability Awareness

358204 A S RCS ED, Clemens Delete L.85: 02/18 05:14 PM

SB 154 by Hays; (Similar to CS/H 0041) Hazardous Walking Conditions

412616 A S RCS ED, Brandes Delete L.39 - 109: 02/18 05:14 PM

SB 602 by Gaetz; (Compare to H 0723) Students With Disabilities

927134 A S L UNFAV ED, Bullard Delete L.55 - 60: 02/18 05:14 PM
135096 A S L WD ED, Bullard Delete L.223 - 226. 02/18 05:14 PM
606796 A S L UNFAV ED, Bullard Delete L.601 - 611: 02/18 05:14 PM
662286 A S L WD ED, Bullard Delete L.735 - 738: 02/18 05:14 PM

SB 100 by Bean; Student Assessment Program

SB 616 by Legg; Education Accountability

SB 774 by Montford; Education Accountability

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION PRE-K - 12
Senator Legg, Chair
Senator Detert, Vice Chair

MEETING DATE: Wednesday, February 18, 2015
TIME: 2:00 —5:00 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Legg, Chair; Senator Detert, Vice Chair; Senators Benacquisto, Brandes, Bullard, Clemens, Gaetz, Galvano, Garcia, Montford, and Sobel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 152 Ring (Identical H 123)	Disability Awareness; Requiring, rather than authorizing, each district school board to provide disability history and awareness instruction in all K-12 public schools beginning in a specified school year; requiring each public school to establish a disability history and awareness advisory council, etc. ED 02/18/2015 Fav/CS AED FP	Fav/CS Yeas 10 Nays 0
2	SB 154 Hays (Similar CS/H 41)	Hazardous Walking Conditions; Revising criteria that determine a hazardous walking condition for public school students; requiring a district school board to correct hazardous walking conditions and provide transportation to students who would be subjected to hazardous walking conditions; requiring state or local governmental entities with jurisdiction over a road with a hazardous walking condition to correct the condition within a reasonable period of time, etc. ED 02/18/2015 Fav/CS CA AED FP	Fav/CS Yeas 10 Nays 0
3	SB 602 Gaetz (Compare H 723)	Students With Disabilities; Revising scholarship application deadlines and guidelines; requiring authorized program funds to support the student's educational needs; providing future repeal of provisions pertaining to an implementation schedule of notification and eligibility timelines; authorizing a prepaid college plan to be purchased, accounted for, used, and terminated under certain circumstances, etc. ED 02/18/2015 Favorable AED AP	Favorable Yeas 10 Nays 0
4	Workshop - Member Discussion and Public Testimony only on the following (No formal action will be taken):		

COMMITTEE MEETING EXPANDED AGENDA

Education Pre-K - 12

Wednesday, February 18, 2015, 2:00 —5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
SB 100	Bean (Compare S 616)	Student Assessment Program; Prohibiting a school district from scheduling more than a specified number of school days to administer local and statewide assessments; requiring the school district to approve additional days if needed, etc.	Workshop-Discussed
		ED 02/18/2015 Workshop-Discussed AED AP	
SB 616	Legg (Compare S 100, S 774)	Education Accountability; Revising requirements for the administration of local assessments; revising the percentage thresholds for performance evaluation criteria for instructional personnel and school administrators; authorizing a school district to request approval from the state board to use student performance results on new statewide assessments for diagnostic and baseline purposes, etc.	Workshop-Discussed
		ED 02/18/2015 Workshop-Discussed AED AP	
SB 774	Montford (Compare S 616)	Education Accountability; Providing that the English Language Arts (ELA) and Mathematics online assessments may not be fully implemented until certain technology infrastructure, connectivity, and capacity have been tested, verified, and certified as ready; specifying that, for the purpose of the student assessment program, state and local student assessment programs must use the minimum amount of testing necessary; providing that the PSAT, SAT, and ACT are tests that may be accepted in lieu of a common placement test to assess student college readiness; revising the personnel evaluation procedures and criteria, including student learning assessments, etc.	Workshop-Discussed
		ED 02/18/2015 Workshop-Discussed AED AP	
			Discussed
	K-12 Education Accountability Recommendations and Options Related to:		
	<ul style="list-style-type: none"> - Purposes and Amount of State-Required and Locally-Required Assessments - Test Schedules and Student Test-Taking Times - Use of Assessment Results in Educator Performance Evaluations 		

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

BILL: SB 152

INTRODUCER: Senator Ring

SUBJECT: Disability Awareness

DATE: February 17, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bailey	Klebacha	ED	Pre-meeting
2.	_____	_____	AED	_____
3.	_____	_____	FP	_____

I. Summary:

SB 152 requires district school boards to annually provide disability history and awareness instruction in all K-12 public schools, during the first 2 weeks in October, beginning with the 2016-2017 school year. Current law encourages school districts to provide the instruction.

The required disability awareness instruction must be integrated into the existing school curriculum and be augmented by presentations from individuals who have a disability, who are approved by the school or school district, and who meet existing background screening requirements.

The bill requires each public school in Florida to establish a disability history and awareness advisory council and provides requirements for the council regarding membership, responsibilities, and frequency of annual meetings.

The bill takes effect upon becoming a law.

II. Present Situation:

According to the United States Census Bureau, one in five (19 percent or approximately 54 million) people living in the United States have a disability. Five percent of children between the age of 5 and 17 have a disability.¹

¹ United States Census Bureau, *Profile America Facts for Features: 20th Anniversary of American with Disabilities Act: July 26 (May 26, 2010 based on 2005 report), available at http://www.census.gov/newsroom/releases/archives/facts_for_features_special_editions/cb10-ff13.html (last visited Feb. 10, 2015).*

The 2008 Legislature authorized district school boards to designate the first two weeks in October as "Disability History and Awareness Weeks."² Florida law authorizes each district school board to provide disability history and awareness instruction to students in kindergarten through grade 12. The instruction may be integrated into the existing school curriculum, and the goals of the instruction must be to achieve better treatment for individuals with disabilities; encourage individuals with disabilities to develop increased self-esteem; and reaffirm the local, state, and federal commitment to the full inclusion in society of, and the equal opportunity for, all individuals with disabilities. Qualified school personnel or knowledgeable guest speakers may deliver disability history and awareness instruction.

To facilitate the implementation of the law, the Bureau of Exceptional Education and Student Services, within the Florida Department of Education (DOE), created a resource guide to help school districts promote Disability History and Awareness Weeks.³ The guide includes:

- Promotional ideas to help schools promote disability history and awareness;
- Fliers recognizing the contributions of various individuals with disabilities;
- Disability etiquette documents;
- Documents concerning "people first" language;
- A guide to differentiated instruction;
- A copy of "A Legislative History of Florida's Exceptional Student Education Program;" and
- A list of websites that contain a variety of games, activities, and lesson plans that can be integrated into a curriculum for students.⁴

Current law requires the Commissioner of Education to develop recommendations to incorporate instruction regarding autism spectrum disorder, Down syndrome, and other developmental disabilities into continuing education for instructional personnel.⁵ Continuing education must include:

- Early identification of, and intervention for, students who have autism spectrum disorder, Down syndrome, or other developmental disabilities;
- Curriculum planning and curricular and instructional modifications, adaptations, and specialized strategies and techniques;
- The use of available state and local resources;
- The use of positive behavioral supports to deescalate problem behaviors; and
- Appropriate use of manual physical restraint and seclusion techniques.⁶

III. Effect of Proposed Changes:

SB 152 requires district school boards to annually provide disability history and awareness instruction in all K-12 public schools beginning with the 2016-2017 school year, and requires each public school to create a new advisory council. Specifically, the bill establishes new instructional and advisory council requirements.

² Section 1, ch. 2008-156, L.O.F.; s. 1003.4205(1), F.S.

³ Bureau of Exceptional Education and Student Services, Department of Education, *Disability History and Awareness: A Resource Guide* (2010), available at <http://www.fldoe.org/core/fileparse.php/7674/urlt/0064490-dha-resource2010.pdf>, at 9 of 95.

⁴ *Id.*

⁵ Section 1012.582 (1), F.S.

⁶ *Id.*

Disability History and Awareness Instruction

SB 152 requires disability history and awareness instruction to be provided during the first two weeks in October beginning with the 2016-2017 school year and specifies the following additional requirements be included in such instruction:

- Events and timelines of the services to, and civil rights of, individuals who had or have disabilities; and
- Contributions of specific individuals who had or have disabilities, including the contributions of national leaders.

Through this bill, instruction must be integrated into the existing school curriculum.

Additionally, the bill adds a new requirement that the instruction be augmented by presentations from individuals who:

- Have disabilities;
- Are approved as presenters by the school or school district; and
- Meet the background screening requirements regarding entering schools and interacting with children under current law.⁷

Disability History and Awareness Advisory Council

Current law empowers school district superintendents to determine how and to what extent, disability instruction is provided in schools.⁸ The bill requires each public school to create a disability history and awareness advisory council that specifically:

- Consists of seven members, including six teachers who are employed at the school and one individual with a disability from the local community.
- Performs, at a minimum, the following responsibilities:
 - Provides input to the public school regarding curriculum for disability history and awareness;
 - Assists with locating individuals with disabilities to make presentations at schools; and
 - Submits, an annual report by August 1, 2016, and each year thereafter, to the superintendent of the school district in which the public school is located. The annual report must, at a minimum, include recommendations and policy alternatives regarding the state of disability awareness at the public school.
- Meets at least four times each year.

The bill takes effect upon becoming a law.

⁷ Section 1012.465, F.S., relates to background screening for noninstructional school district employees and contractors who are permitted access on school grounds when students are present, who have direct contact with students, or who have access to or control of school funds. Such individuals must meet level 2 screening requirements as described in s. 1012.32, F.S.

⁸ Section 1003.4205(1), F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Florida Department of Education reported that the school districts will incur costs associated with conducting fingerprinting and background investigations for community members and presenters and providing administrative assistance to public schools regarding annual reports. The cost for fingerprinting and background screening is \$67 per community member and presenter per school. In the event the disability history and awareness council meets during the school day, substitute teachers would be required. On an average, the cost for hiring substitute teachers ranges between \$10-\$15 per hour, per teacher. Compensation schedules differ by school district. Teachers, in some school districts, may qualify for supplemental or stipend pay if the council meets outside regular school hours. Associated district-level costs are indeterminate.⁹

VI. Technical Deficiencies:

The effective date of the bill is upon becoming a law, which may, if the bill becomes law before the end of the 2014-2015 school year, conflict with current school year activities and plans. To avoid interruption, July 1, 2015 is a more appropriate effective date for the bill.

VII. Related Issues:

None.

⁹ Email, Florida Department of Education (Jan. 14, 2015) on file with the Education Pre-K-12 Committee.

VIII. Statutes Affected:

This bill substantially amends section 1003.4205 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.



358204

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2015	.	
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	.	

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

Senate Amendment

Delete line 85
and insert:
Section 2. This act shall take effect July 1, 2015.

By Senator Ring

29-00047-15

2015152__

1 A bill to be entitled
 2 An act relating to disability awareness; amending s.
 3 1003.4205, F.S.; requiring, rather than authorizing,
 4 each district school board to provide disability
 5 history and awareness instruction in all K-12 public
 6 schools beginning in a specified school year;
 7 requiring presentations by certain individuals to be
 8 included in the disability history and awareness
 9 instruction; requiring each public school to establish
 10 a disability history and awareness advisory council;
 11 providing membership on the council; providing
 12 responsibilities of the council; providing meeting
 13 times for the council; providing an effective date.

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

16 Section 1. Section 1003.4205, Florida Statutes, is amended
 17 to read:

18 1003.4205 Disability history and awareness instruction.-

19 (1) Beginning with the 2016-2017 school year, each district
 20 school board shall may provide disability history and awareness
 21 instruction in all K-12 public schools in the district during
 22 the first 2 weeks in October each year. The district school
 23 board shall designate these 2 weeks as "Disability History and
 24 Awareness Weeks."

25 (2) (a) During this 2-week period, students shall may be
 26 provided intensive instruction to expand their knowledge,
 27 understanding, and awareness of individuals who had or have with
 28 disabilities; ~~the history of disability;~~ and the disability
 29

Page 1 of 3

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

29-00047-15

2015152__

30 rights movement. Disability history must may include the events
 31 and timelines of the development and evolution of services to,
 32 and the civil rights of, individuals who had or have with
 33 disabilities. Disability history must may also include the
 34 contributions of specific individuals who had or have with
 35 disabilities, including the contributions of acknowledged
 36 national leaders.

37 (b) Beginning with the 2016-2017 school year, the
 38 instruction shall may be integrated into the existing school
 39 curriculum in ways including, but not limited to, supplementing
 40 lesson plans, holding school assemblies, or providing other
 41 school-related activities. The instruction shall may be
 42 augmented by presentations from individuals who have
 43 disabilities, who have been approved by the school or school
 44 district as presenters, and who the school or school district
 45 has ensured meet the appropriate background screening
 46 requirements of s. 1012.465 to enter schools and interact with
 47 students delivered by qualified school personnel or by
 48 knowledgeable guest speakers, with a particular focus on
 49 including individuals with disabilities.

50 (c)1. Each public school in the state shall establish a
 51 disability history and awareness advisory council. The council
 52 at each public school shall consist of the following seven
 53 members:

54 a. Six teachers who are employed at the school.

55 b. One individual from the local community who has a
 56 disability.

57 2. The responsibilities of the council at each public
 58 school shall be, but are not limited to:

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

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2015152__

59 a. Providing to the school input regarding the curriculum
60 for disability history and awareness;

61 b. Assisting in locating individuals who have disabilities
62 to make presentations at the school; and

63 c. Submitting an annual report to the superintendent of the
64 school district in which the school is located by August 1,
65 2016, and each year thereafter. The annual report must include,
66 but need not be limited to, recommendations and policy
67 alternatives regarding the state of disability awareness at the
68 school.

69 3. The council at each public school shall meet at least
70 four times a year and more often as needed.

71 (3) The goals of disability history and awareness
72 instruction include:

73 (a) Better treatment for individuals who have ~~with~~
74 disabilities, especially for youth in school, and increased
75 attention to preventing the bullying or harassment of students
76 who have ~~with~~ disabilities.

77 (b) Encouragement to individuals who have ~~with~~ disabilities
78 to develop increased self-esteem, resulting in more individuals
79 who have ~~with~~ disabilities gaining pride in being an individual
80 with a disability, obtaining postsecondary education, entering
81 the workforce, and contributing to their communities.

82 (c) Reaffirmation of the local, state, and federal
83 commitment to the full inclusion in society of, and the equal
84 opportunity for, all individuals who have ~~with~~ disabilities.

85 Section 2. This act shall take effect upon becoming a law.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-18-2015

Meeting Date

152

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address SF 1119 Newton Ave S
Street

Phone 727/897-9291

St. Petersburg FL 33705
City State Zip

Email justice2jesus@yahoo.com

Speaking: For Against Information

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

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

BILL: SB 154

INTRODUCER: Senator Hays

SUBJECT: Hazardous Walking Conditions

DATE: February 17, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Scott	Klebacha	ED	Pre-meeting
2.			CA	
3.			AED	
4.			FP	

I. Summary:

SB 154 requires that district school boards, in cooperation with the applicable governmental entities, inspect and identify hazardous conditions along routes that students must take while walking to or from school. Also, the bill requires that the applicable governmental entities correct any hazardous walking conditions within a reasonable period of time.

Furthermore, the bill:

- Revises the conditions for identifying walkways parallel to a road as hazardous.
- Creates criteria for identifying conditions at uncontrolled crossing sites as hazardous.
- Revises the process for inspecting, identifying, and correcting hazardous walking conditions.
- Authorizes a district school board to initiate an administrative proceeding if, after inspection, the governmental representatives are unable to reach a consensus on whether a hazardous condition exists.
- Provides that the designation of a road as a hazardous walking condition is inadmissible as evidence in a civil action for damages against a governmental entity.

The bill takes effect on July 1, 2015.

II. Present Situation:

Transportation of Public K-12 Students

Each district school superintendent is responsible for determining which students to transport and for making recommendations to the district school board regarding transportation plans and procedures, including the routing and scheduling of school buses.¹ Based on the district school

¹ Sections 1006.21 and 1006.22, F.S.

superintendent's recommendations, the district school board is required to provide transportation for students in grades 6 and below, and may provide transportation to students in grades 7 through 12, if the students are subjected to hazardous walking conditions while en route to or from school.²

Hazardous Walking Conditions

Section 1006.23, F.S., provides legislative intent for a district school board to provide transportation to students³ who live within 2 miles of a school in that district and who would be subjected to hazardous walking conditions.⁴ Furthermore, the law intends for district school boards and state or local governmental entities having jurisdiction to cooperate in identifying hazardous walking conditions and, if a hazardous condition exists, for the applicable governmental entities to correct it within a reasonable time.⁵

Criteria for Identifying Hazardous Conditions

State law delineates the criteria for identifying hazardous walking conditions associated with walking parallel to a road or perpendicular to road for the purpose of crossing.⁶

- A hazardous condition exists if a walkway parallel to a road is:
 - Less than a four-foot wide area adjacent to the road that requires the student to walk on the road surface; or
 - Uncurbed with a posted speed limit of 55 miles per hour and a walking surface less than three feet from the road.⁷
- However, a road along which a student must walk may not be identified as a hazardous walking condition if:
 - Located in a residential area that has little to no transient traffic;
 - The total traffic volume⁸ is less than 180 vehicles per hour, per direction, during a time that a student walks to or from school; or
 - Located in a residential area that has a posted speed limit of 30 miles per hour or less.⁹

² Section 1006.21(3)(b), F.S.

³ A "student" is defined as "any public elementary school student whose grade level does not exceed grade 6." s. 1006.23(1), F.S.

⁴ Section 1006.23(2) and (3), F.S. Florida Department of Education, School Transportation Management Section, *available at [Quality Link—Florida School District Transportation Profiles](#)* (2012-2013), contains statewide and school district data on the total number of students subjected to hazardous walking conditions (last visited February 4, 2015). Additional school transportation information is *available at <http://www.fldoe.org/schools/safe-healthy-schools/transportation/index.shtml>* (last visited February 4, 2015).

⁵ Section 1006.23(2)(a), F.S.

⁶ Section 1006.23(4), F.S.

⁷ Section 1006.23(4)(a)1., F.S.

⁸ Traffic volume is determined by the most recent state or local government agency traffic engineering study. Section 1006.23(4)(b), F.S.

⁹ Section 1006.23(4)(a)2., F.S.

- A hazardous walking condition exists on a walkway perpendicular to a road if:
 - The total traffic volume exceeds 360 vehicles per hour, per direction, during a time that a student walks to or from school, and the crossing area is an “uncontrolled crossing site”¹⁰; or
 - The total traffic volume of a road exceeds 4,000 vehicles per hour, during which time a student would be walking to or from school, through an intersection or crossing area controlled by a stop sign or other traffic signal, unless a crossing guard or traffic enforcement officer is present during a time that a student walks to or from school.¹¹

Inspection, Determination, and Correction

After a superintendent requests review of a perceived hazardous walking condition, the district school superintendent, or his or her designee, and representatives of the governmental entities must inspect and reach a mutually agreed-upon determination as to whether a hazardous walking condition exists.¹² The superintendent, or his or her designee, is required to report the determination to the Department of Education.¹³

If a hazardous condition is determined to exist, the district school board must request that the governmental entity determine whether it will correct the hazardous condition and the projected completion date.¹⁴ The state is required to allocate funds to the school district for transporting students affected by the hazardous walking condition; however, funding ceases upon correction of the condition or upon the projected completion date, whichever occurs first.¹⁵

III. Effect of Proposed Changes:

SB 154 removes the intent language in s. 1006.23(2)(a), F.S., and requires that district school boards and state or local governmental entities jointly inspect and identify hazardous conditions along routes that students must take while walking to or from school. The bill also requires the applicable governmental entities to correct hazardous conditions within a reasonable period of time. Current law merely intends for district school boards and governmental entities to inspect and identify and for governmental entities to correct such conditions within a reasonable period of time. By removing the intent language, the bill conforms the paragraph to the remainder of the section and s. 1006.21(3)(b), F.S., which requires that district school boards provide transportation to students who are subjected to hazardous walking conditions.

¹⁰ An “uncontrolled crossing site” is defined as “an intersection or other designated crossing site where no crossing guard, traffic enforcement officer, or stop sign, or other traffic control signal is present during the times students walk to and from school.” s. 1006.23(b)1., F.S.

¹¹ Section 1006.23(4)(b), F.S.

¹² Section 1006.23(3), F.S.

¹³ *Id.*

¹⁴ Section 1006.23(2)(b), F.S.

¹⁵ *Id.* See Florida Department of Education, *Student Transportation General Instructions 2014-2015*, available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/0077152-1415studenttransgeneralinstructions.pdf> (last visited January 4, 2015).

Criteria for Identifying Hazardous Conditions

Walkways Parallel to the Road

The bill revises the criteria for identifying walkways parallel to the road as hazardous by:

- Excluding drainage ditches, sluiceways, swales, or channels from inclusion in the required, minimum four-foot wide area for safely walking parallel to the road;
- Reducing the posted speed limit from 55 miles per hour to 50 miles per hour or greater; and
- Removing an exception that hazardous walking conditions do not apply to residential areas with little or no transient traffic.

In effect, the bill will likely increase the number of roads designated as hazardous and needing correction.

Crossings over the Road

The bill creates criteria for identifying hazardous walking conditions on roads over which a student must cross while walking to or from school. The bill requires that any road with an uncontrolled crossing site is hazardous if it has:

- A posted speed limit of 50 miles per hour or greater; or
- Six lanes or more, not including turn lanes, regardless of the speed limit.

Current law does not provide criteria for identifying roads with uncontrolled crossing sites as hazardous. Any existing uncontrolled crossing site that meets the criteria under the bill will be deemed hazardous and require the applicable governmental entity to correct the hazardous condition.

Inspecting, Identifying, and Correcting Hazardous Conditions

Request for Review

The bill requires, upon the district school superintendent's request for review, that a joint inspection of a perceived hazardous condition be conducted on a road within a state or local government's jurisdiction.

Current law is unclear as to who is required to make the request and states that when a request for review is made to the district school superintendent, or his or her designee, the perceived hazardous condition must be inspected. The bill clarifies this ambiguity by replacing the word "to" with "by" and requiring that the request for review be made by the superintendent to the applicable governmental entity.

The bill removes the superintendent's designee as a party authorized to request review of a hazardous condition and places the authority to initiate an inspection solely with the superintendent.

Inspection

The bill specifically identifies the following governmental representatives who must participate in inspecting the affected road if it is located within the applicable governmental jurisdiction:

- For a municipal road, a representative from the municipal police department;
- For a county road, a representative from the sheriff's department; and
- For a state road, a representative from the Department of Transportation.

Furthermore, the bill provides for the inclusion of a representative of a metropolitan planning organization (MPO), if the jurisdiction is within an area where there is an MPO.

The bill requires that the appropriate governmental entity, most familiar with the affected road and its surrounding location, participate in the entire process, *e.g.*, inspecting, determining, and correcting the hazardous condition.

Determination of a Hazardous Condition

The bill revises the process for making a final determination on whether a hazardous walking condition exists. Current law requires that a governmental entity, or its representative, and the district school superintendent, or his or her designee, reach a mutually agreed-upon final determination that is reported to the Department of Education (DOE). The bill removes the district school superintendent, or his or her designee, from participating in the determination of a hazardous walking condition and does not require that the determination be reported to DOE. The bill requires the applicable governmental entity to report its determination to the district school superintendent.

Administrative Proceeding

If unable to reach consensus, the bill requires the governmental representatives to report their reasons for the impasse to the district school superintendent. Subsequently, the superintendent must provide a report and recommendation to the district school board regarding the lack of consensus. The bill authorizes a district school board to initiate an administrative proceeding to seek a determination on whether the condition at issue is hazardous. If the district school board prevails, the superintendent must report the outcome to DOE and formally request correction of the hazardous condition.

Existing law does not provide a formal process or remedy for a lack of consensus in making a determination.

Request for Correction

The bill revises the process by which a correction is requested and, unlike current law, requires that the applicable governmental entity submit a position statement informing the superintendent whether the correction will be included in its next annual 5-year capital improvements program and when the correction will be completed.

Current law does not contemplate circumstances under which a governmental entity declines to correct a hazardous condition. Under the bill, if a governmental entity informs the superintendent

that the correction will not be included in its next 5-year plan, it must justify its decision in a written statement to DOE.

Admissibility of Evidence in Civil Action

The bill adds a provision that designation of a hazardous walking condition is not admissible in evidence in a civil action for damages brought against a governmental entity under s. 768.28, F.S., relating to waiver of sovereign immunity.

The bill takes effect on July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Private businesses that provide student transportation services and contractors hired to correct hazardous walking conditions may experience an increase in revenues until such conditions are corrected; any incurred costs would be commensurate with revenues.¹⁶

C. Government Sector Impact:

At this time, the increase in the number of students who would qualify for transportation and the revenues or expenditures that state or local governmental entities would accrue or incur are indeterminate.¹⁷

¹⁶ Florida Department of Education, 2015 Agency Legislative Bill Analysis, p. 6, received January 27, 2015 (on file with the Committee on Education Pre-K – 12).

¹⁷ *Id.* at 5.

Under the provisions of the bill, school districts would accrue revenue on a per-student basis and incur costs as a result of the increase in the number of students who would qualify for transportation.¹⁸

The increase in costs that would be incurred by local governmental entities having jurisdiction over the roads designated as hazardous, which would require correcting, cannot be estimated until such conditions are identified.¹⁹ Furthermore, the increase in the number of students qualifying for transportation statewide would require additional funding under the Florida Education Finance Program (FEFP).²⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1006.23 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.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.* See also, s. 1011.68, F.S., relating to the annual allocation of student transportation funds for each school district.



412616

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2015	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 39 - 109

and insert:

cooperatively to identify conditions that are hazardous along student walking routes to school, and a district school board shall ~~that district school boards~~ provide transportation to students who would be subjected to such conditions.

Additionally, It is further intended that state or local

governmental entities with ~~having~~ jurisdiction over a road along



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11 which a hazardous walking condition is determined to exist shall
12 correct the condition ~~such hazardous conditions~~ within a
13 reasonable period of time.

14 (b) Upon a determination pursuant to subsection (3) this
15 section that a hazardous walking condition exists ~~is hazardous~~
16 ~~to students~~, the district school superintendent ~~board~~ shall
17 request a position statement with respect to correction of such
18 condition ~~determination~~ from the state or local governmental
19 entity ~~with having~~ jurisdiction ~~over the road~~. Within 90 days
20 after receiving such request, the state or local governmental
21 entity shall inform the district school superintendent ~~regarding~~
22 whether the ~~entity will include~~ correction of the hazardous
23 walking condition in its next annual 5-year capital improvements
24 program ~~hazard will be corrected~~ and, if so, ~~when correction of~~
25 the condition will be completed. If the hazardous walking
26 condition will not be included in the state or local
27 governmental entity's next annual 5-year capital improvements
28 program, the factors justifying such conclusion must be stated
29 in writing to the district school superintendent and the
30 Department of Education ~~regarding a projected completion date~~.

31 (c) State funds shall be allocated for the transportation
32 of students subjected to a hazardous walking condition. However,
33 ~~such hazards, provided that~~ such funding shall cease upon
34 correction of the ~~hazardous walking condition hazard~~ or upon the
35 projected completion date, whichever occurs first.

36 (3) IDENTIFICATION OF HAZARDOUS CONDITIONS.—

37 (a) When a request for review is made by ~~to~~ the district
38 school superintendent ~~with respect to a road over which a state~~
39 or local governmental entity has jurisdiction ~~or the district~~



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40 ~~school superintendent's designee~~ concerning a condition
41 perceived to be hazardous to students in that district who live
42 within the 2-mile limit and who walk to school, such condition
43 shall be inspected jointly by a representative of the school
44 district, ~~and~~ a representative of the state or local
45 governmental entity with that has jurisdiction over the
46 perceived hazardous location, and a representative of the
47 municipal police department for a municipal road, a
48 representative of the sheriff's office for a county road, or a
49 representative of the Department of Transportation for a state
50 road. If the jurisdiction is within an area for which there is a
51 metropolitan planning organization, a representative of that
52 organization shall also be included. The governmental
53 representatives shall determine whether the condition
54 constitutes a hazardous walking condition as provided in
55 subsection (2). If the governmental representatives concur that
56 a condition constitutes a hazardous walking condition as
57 provided in subsection (2), they shall report that determination
58 in writing to the district school superintendent, who shall
59 initiate a formal request for correction as provided in
60 subsection (4).

61 (b) If the governmental representatives are unable to reach
62 a consensus, the reasons for lack of consensus shall be reported
63 to the district school superintendent, who shall provide a
64 report and recommendation to the district school board. The
65 district school board may initiate a proceeding under chapter 86
66 seeking a determination as to whether the condition constitutes
67 a hazardous walking condition as provided in subsection (2)
68 after providing at least 30 days' notice in writing to the local



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69 governmental entities having jurisdiction over the road of its
70 intent to do so unless, within 30 days after such notice is
71 provided, the local governmental entities concur in writing that
72 the condition is a hazardous walking condition as provided in
73 subsection (2) and provide the position statement pursuant to
74 subsection (4). If a proceeding is initiated under this
75 paragraph, the district

76

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

78 And the title is amended as follows:

79 Delete line 10

80 and insert:

81 district school board to initiate a declaratory
82 judgment

By Senator Hays

11-00020-15

2015154__

1 A bill to be entitled
 2 An act relating to hazardous walking conditions;
 3 amending s. 1006.23, F.S.; revising criteria that
 4 determine a hazardous walking condition for public
 5 school students; revising procedures for inspection
 6 and identification of hazardous walking conditions;
 7 requiring a district school superintendent to initiate
 8 a formal request for correction of a hazardous walking
 9 condition under certain circumstances; authorizing a
 10 district school board to initiate an administrative
 11 proceeding under certain circumstances and providing
 12 requirements therefor; deleting the requirement that
 13 the district school superintendent and specified
 14 governmental entities make a final determination that
 15 is mutually agreed upon regarding hazardous walking
 16 conditions; requiring a district school board to
 17 correct hazardous walking conditions and provide
 18 transportation to students who would be subjected to
 19 hazardous walking conditions; requiring state or local
 20 governmental entities with jurisdiction over a road
 21 with a hazardous walking condition to correct the
 22 condition within a reasonable period of time;
 23 providing requirements for a governmental entity
 24 relating to its capital improvements program;
 25 providing requirements relating to a civil action for
 26 damages; providing an effective date.

28 Be It Enacted by the Legislature of the State of Florida:
 29

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

11-00020-15

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30 Section 1. Section 1006.23, Florida Statutes, is reordered
 31 and amended to read:
 32 1006.23 Hazardous walking conditions.—
 33 (1) DEFINITION.—As used in this section, the term “student”
 34 means any public elementary school student whose grade level
 35 does not exceed grade 6.
 36 ~~(4)(2)~~ TRANSPORTATION; CORRECTION OF HAZARDS.—
 37 (a) A district school board ~~It is intended that district~~
 38 ~~school boards~~ and other governmental entities shall work
 39 cooperatively to identify and correct conditions that are
 40 hazardous along student walking routes to school, and a district
 41 school board shall ~~that district school boards~~ provide
 42 transportation to students who would be subjected to such
 43 conditions. Additionally, It is further intended that state or
 44 local governmental entities with having jurisdiction over a road
 45 along which a hazardous walking condition is determined to exist
 46 shall correct the condition ~~such hazardous conditions~~ within a
 47 reasonable period of time.
 48 (b) Upon a determination pursuant to subsection (3) ~~this~~
 49 ~~section~~ that a hazardous walking condition exists ~~is hazardous~~
 50 ~~to students~~, the district school superintendent ~~board~~ shall
 51 request a position statement with respect to correction of such
 52 condition determination from the state or local governmental
 53 entity with having jurisdiction over the road. Within 90 days
 54 after receiving such request, the state or local governmental
 55 entity shall inform the district school superintendent ~~regarding~~
 56 whether the entity will include correction of the hazardous
 57 walking condition in its next annual 5-year capital improvements
 58 program ~~hazard will be corrected~~ and, if so, when correction of

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59 the condition will be completed. If the hazardous walking
 60 condition will not be included in the state or local
 61 governmental entity's next annual 5-year capital improvements
 62 program, the factors justifying such conclusion must be stated
 63 in writing to the district school superintendent and the
 64 Department of Education regarding a projected completion date.

65 (c) State funds shall be allocated for the transportation
 66 of students subjected to a hazardous walking condition. However,
 67 such hazards, provided that such funding shall cease upon
 68 correction of the hazardous walking condition hazard or upon the
 69 projected completion date, whichever occurs first.

70 (3) IDENTIFICATION OF HAZARDOUS CONDITIONS.-

71 (a) When a request for review is made by ~~to~~ the district
 72 school superintendent with respect to a road over which a state
 73 or local governmental entity has jurisdiction ~~or the district~~
 74 school superintendent's designee concerning a condition
 75 perceived to be hazardous to students in that district who live
 76 within the 2-mile limit and who walk to school, such condition
 77 shall be inspected jointly by a representative of the school
 78 district, ~~and~~ a representative of the state or local
 79 governmental entity with ~~that has~~ jurisdiction over the
 80 perceived hazardous location, and a representative of the
 81 municipal police department for a municipal road, a
 82 representative of the sheriff's office for a county road, or a
 83 representative of the Department of Transportation for a state
 84 road. If the jurisdiction is within an area for which there is a
 85 metropolitan planning organization, a representative of that
 86 organization shall also be included. The governmental
 87 representatives shall determine whether the condition

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88 constitutes a hazardous walking condition as provided in
 89 subsection (2). If the governmental representatives concur that
 90 a condition constitutes a hazardous walking condition as
 91 provided in subsection (2), they shall report that determination
 92 in writing to the district school superintendent, who shall
 93 initiate a formal request for correction as provided in
 94 subsection (4).

95 (b) If the governmental representatives are unable to reach
 96 a consensus, the reasons for lack of consensus shall be reported
 97 to the district school superintendent, who shall provide a
 98 report and recommendation to the district school board. The
 99 district school board may initiate an administrative proceeding
 100 under chapter 120 seeking a determination as to whether the
 101 condition constitutes a hazardous walking condition as provided
 102 in subsection (2) after providing at least 30 days' notice in
 103 writing to the local governmental entities having jurisdiction
 104 over the road of its intent to do so unless, within 30 days
 105 after such notice is provided, the local governmental entities
 106 concur in writing that the condition is a hazardous walking
 107 condition as provided in subsection (2) and provide the position
 108 statement pursuant to subsection (4). If an administrative
 109 proceeding is initiated under this paragraph, the district
 110 school board has the burden of proving such condition by the
 111 greater weight of evidence. If the district school board
 112 prevails, the district school superintendent shall report the
 113 outcome to the Department of Education and initiate a formal
 114 request for correction of the hazardous walking condition as
 115 provided in subsection (4) ~~The district school superintendent or~~
 116 his or her designee and the state or local governmental entity

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117 ~~or its representative shall then make a final determination that~~
 118 ~~is mutually agreed upon regarding whether the hazardous~~
 119 ~~condition meets the state criteria pursuant to this section. The~~
 120 ~~district school superintendent or his or her designee shall~~
 121 ~~report this final determination to the Department.~~

122 ~~(2)(4) STATE CRITERIA FOR DETERMINING HAZARDOUS WALKING~~
 123 ~~CONDITIONS.-~~

124 ~~(a) Walkways parallel to the road.-~~

125 1. It shall be considered a hazardous walking condition
 126 with respect to any road along which students must walk in order
 127 to walk to and from school if there is not an area at least 4
 128 feet wide adjacent to the road, not including drainage ditches,
 129 sluiceways, swales, or channels, having a surface upon which
 130 students may walk without being required to walk on the road
 131 surface. In addition, whenever the road along which students
 132 must walk is uncurbed and has a posted speed limit of 50 ~~55~~
 133 miles per hour or greater, the area as described above for
 134 students to walk upon shall be set off the road by no less than
 135 3 feet from the edge of the road.

136 2. ~~The provisions of Subparagraph 1. does~~ ~~de~~ not apply when
 137 the road along which students must walk:

138 ~~a. Is in a residential area which has little or no~~
 139 ~~transient traffic;~~

140 ~~a.b.~~ Is a road on which the volume of traffic is less than
 141 180 vehicles per hour, per direction, during the time students
 142 walk to and from school; or

143 ~~b.e.~~ Is located in a residential area and has a posted
 144 speed limit of 30 miles per hour or less.

145 (b) *Walkways perpendicular to the road.*-It shall be

11-00020-15

2015154__

146 considered a hazardous walking condition with respect to any
 147 road across which students must walk in order to walk to and
 148 from school if:

149 1. ~~If~~ The traffic volume on the road exceeds the rate of
 150 360 vehicles per hour, per direction (including all lanes),
 151 during the time students walk to and from school and if the
 152 crossing site is uncontrolled. For purposes of this subsection,
 153 an "uncontrolled crossing site" is an intersection or other
 154 designated crossing site where no crossing guard, traffic
 155 enforcement officer, or stop sign or other traffic control
 156 signal is present during the times students walk to and from
 157 school.

158 2. ~~If~~ The total traffic volume on the road exceeds 4,000
 159 vehicles per hour through an intersection or other crossing site
 160 controlled by a stop sign or other traffic control signal,
 161 unless crossing guards or other traffic enforcement officers are
 162 also present during the times students walk to and from school.

163 Traffic volume shall be determined by the most current traffic
 164 engineering study conducted by a state or local governmental
 165 agency.

166 (c) Crossings over the road.-It shall be considered a
 167 hazardous walking condition with respect to any road at any
 168 uncontrolled crossing site which students must walk in order to
 169 walk to and from school if:

170 1. The road has a posted speed limit of 50 miles per hour
 171 or greater; or

172 2. The road has six lanes or more, not including turn
 173 lanes, regardless of the speed limit.
 174

11-00020-15

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175 (5) CIVIL ACTION.—In a civil action for damages brought
176 against a governmental entity under s. 768.28, the designation
177 of a hazardous walking condition under this section is not
178 admissible in evidence.

179 Section 2. This act shall take effect July 1, 2015.

THE FLORIDA SENATE

APPEARANCE RECORD

2/12/15

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

154

Meeting Date

Bill Number (if applicable)

Topic SB 154

Amendment Barcode (if applicable)

Name George Lindsey

Job Title Chairman Polk County BOCC

Address 330 W. Church St

Phone 863-534-6450

Street

Bartoow FL 33831

City

State

Zip

Email georgelindsey@

Polk-county.net

Speaking: [] For [] Against [x] Information

Waive Speaking: [] In Support [] Against

(The Chair will read this information into the record.)

Representing

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [] Yes [x] No

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

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

*PLEASE ALLOW COM. LINDSEY TO SPEAK BEFORE ME

THE FLORIDA SENATE

APPEARANCE RECORD

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

18 FEB

Meeting Date

154

Bill Number (if applicable)

Topic SB 154

Amendment Barcode (if applicable)

Name LAURA YOUMANS

Job Title ADVOCATE

Address 100 N. MONROE ST

Phone 294-1838

Street

TAL FL

32301

Email LYoumans@fl-counties.com

City

State

Zip

Speaking: For Against Information

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

Representing FLORIDA ASSOCIATION OF COUNTIES

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-18-2015

Meeting Date

154

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Brian Pitts

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St Petersburg FL 33705
City State Zip

Email justice2jesus@yahoo.com

Speaking: For Against Information

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

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

BILL: SB 602

INTRODUCER: Senator Gaetz

SUBJECT: Students With Disabilities

DATE: February 17, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 602 bill amends the Florida Personal Learning Scholarship Accounts Program (PLSA or program) by expanding the pool of eligible students, tightening program accountability requirements, streamlining program implementation, increasing Department of Education (DOE) responsibility to implement the program, and clarifying program implementation.

Specifically, the bill:

- Expands student eligibility to include all students on the autism spectrum, per the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5).
- Establishes eligibility dates for existing students to renew and new students to apply for the PLSA program.
- Requires that authorized expenditures must be for educational purposes.
- Authorizes expenditures associated with part-time private tutoring from persons meeting specified requirements (e.g., certified teacher and special skills).
- Requires that interest accrued remain in a PLSA account for the parent to use for authorized purposes.
- Requires a licensed physician to approve specialized services before being provided by an approved provider.
- Allows parents the ability to receive the scholarship funds before the beginning of the school year.
- Requires an eligible nonprofit scholarship-funding organization (SFO) to notify program participants of their annual ability to request new or revised matrix of services.
- Authorizes the Commissioner to determine the length of suspensions or terminations, and determine conditions for reinstating program eligibility.
- Adds an option for parents to use PLSA funds on providers from outside the State of Florida who meet similar regulation or approval requirements compared to in-state providers for specialized services.

- Clarifies that kindergarten students approved via “high-risk” status must re-qualify under one of the other disability categories when he/she reaches age 6 in order to renew program participation.
- Clarifies PLSA funds may be used toward enrollment at Independent Colleges and Universities of Florida (ICUF) institutions.
- Requires the Florida Prepaid College Board (Prepaid Board) to allow program funds to be used along with other funds to purchase a prepaid college plan, separately tracked and accounted, and used only after private prepaid funds in the account have been exhausted.

The bill takes effect upon becoming a law.

II. Present Situation:

The Florida Personal Learning Scholarship Accounts Program (PLSA or program) was created in the 2014 Legislative session. The PLSA program provides the option for a parent to better meet the individual needs of his or her eligible child.¹ A parent who applies for program participation is exercising his or her parental option to determine the appropriate placement or services that best meet the needs of his or her child.²

PLSA Parental Choice Options

The PLSA program provides kindergarten through grade 12 students who are a resident of this state and have a disability³ with access to scholarship funds for authorized instructional materials, curriculum, specialized services by approved providers, enrollment and tuition, assessment fees, Florida Prepaid College Program contributions, and contracted services by a public school or school district.⁴

The program provides parental choice options by delineating parent and student responsibilities, student eligibility, scholarship amounts and allowable expenditures, and parent obligations. The program also specifies implementation responsibilities of eligible nonprofit scholarship-funding organizations (SFOs), eligible private schools, the Department of Education, the Commissioner, school districts, and the Auditor General.

Parent and Student Responsibilities

Student Eligibility

A parent may establish and maintain a PLSA account if his or her child is a Florida resident, eligible to enroll in kindergarten through grade 12 in a Florida public school, has a disability, and

¹ The PLSA program “does not expand the regulatory authority of Florida, its officers, or any school district to impose additional regulation on participating private schools, nonpublic postsecondary educational institutions, and private providers beyond those reasonably necessary to enforce requirements expressly set forth in this section.” Section 1002.385(17), F.S.

² The parent must apply for the program by February 1 of each year, for participation in the subsequent school year. Section 1002.385(3)(b), F.S.

³ Section 1002.385(3), F.S.

⁴ Section 1002.385(5), F.S.

is the subject of an Individual Education Plan (IEP) or has received a diagnosis of a disability from a licensed physician or psychologist.⁵

Disability means, for a student in kindergarten to grade 12, autism, as defined in s. 393.063(3), F.S.; cerebral palsy, as defined in s. 393.063(4), F.S.; Down syndrome, as defined in s. 393.063(13), F.S.; an intellectual disability, as defined in s. 393.063(21), F.S.; Prader-Willi syndrome, as defined in s. 393.063(25), F.S.; or Spina bifida, as defined in s. 393.063(36), F.S.; for a student in kindergarten, being a high-risk child, as defined in s. 393.063(20)(a), F.S.; and Williams syndrome.⁶

Autism, as currently defined for program eligibility, means “a pervasive, neurologically based developmental disability of extended duration which causes severe learning, communication, and behavioral disorders with age and onset during infancy or childhood. Individuals with autism exhibit impairment in reciprocal social interaction, impairment in verbal and nonverbal communication and imaginative ability, and a markedly restricted repertoire of activities and interests.”⁷ Thus, this definition of autism requires that a student exhibit severe and substantial deficits in certain areas.⁸

A student is not eligible for the PLSA program:

- While enrolled in a public school⁹ or a school providing services to youth in the Department of Juvenile Justice program;¹⁰
- While receiving a scholarship in accordance with the Florida Tax Credit Scholarship Program or McKay Scholarship, or any other educational scholarship pursuant to chapter 1002;¹¹
- If the student or student’s parent has accepted any payment, refund, or rebate from a provider of any services received while participating in the program;¹² or
- If the student’s participation in the program has been denied or revoked by the Commissioner of Education; or the student’s parent has forfeited participation in the program by failing to comply with the program’s requirements.¹³

Scholarship Amount and Allowable Expenditures

The maximum scholarship amount is comprised of several factors and calculations.¹⁴ However, the calculation for all students participating in the program is based on the matrix that assigns the

⁵ Section 1002.385(3)(a), F.S.

⁶ Section 1002.385(2)(d), F.S.

⁷ Section 393.063(3), F.S.

⁸ Email, Agency for Persons with Disabilities (Dec. 15, 2014).

⁹ Being enrolled in a public school includes, but is not limited to, the Florida School for the Deaf and Blind; the Florida Virtual School; the College-Preparatory Boarding Academy; a developmental research school authorized under s.1002.33, s. 1002.331, or s. 1002.332; or a virtual education program authorized under s. 1002.45. Section 1002.385(4)(a)1, F.S.

¹⁰ Section 1002.385(4)(a)2., F.S.

¹¹ Sections 1002.385(4)(a)3.-4., F.S. The requirements for the Florida Tax Credit Scholarship Program and John M. McKay Scholarships for Students With Disabilities Program can be found in ss. 1002.39, 1002.395, 1002.42, and 1002.421, F.S.

¹² Section 1002.385(4)(b)1., F.S.

¹³ Sections 1002.385(4)(b)2.-3., F.S.

¹⁴ Section. 1002.385(13), F.S.

student to support Level III of services.¹⁵ The scholarship funds are not released to SFOs¹⁶ until after the Department of Education (DOE or Department) verifies that the student is not attending public schools via the October student count.¹⁷ The amount of payment can be adjusted upon request of the parent every three years to reevaluate the matrix.¹⁸

Funds from a PLSA account may be used for:¹⁹

- Instructional materials;²⁰
- Curriculum;²¹
- Specialized services by approved providers selected by the parent;²²
- Enrollment, tuition or fees in various authorized educational institutions;²³
- Fees for assessments and industry certification examinations;²⁴
- Contributions to the Florida Prepaid College Program account for the benefit of the eligible student;²⁵ and
- Contracted services provided by a public school or school district, including classes and extracurricular programs for the services specified in the IEP or additional services.²⁶

The ability to receive program payments continues until a student fails to comply with the program requirements, has funds revoked by the Commissioner of Education, return to or enrolls

¹⁵ Sections 1002.385(11) and (13)(a)3., F.S. The average scholarship amount for the 2014-2015 school year is approximately \$10,000 per student. See, Florida Department of Education, *Personal Learning Scholarship Account Program FAQs*, <http://www.fldoe.org/schools/school-choice/k-12-scholarship-programs/plsa/plsa-faqs.shtml#7166> (last visited February 6, 2015).

¹⁶ An eligible nonprofit scholarship-funding organization has the same meaning as in s. 1002.395, which means a state university; or an independent college or university that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program, located and chartered in this state, is not for profit, and is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; or is charitable organization that is exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code, is a Florida entity formed under chapters 607, 608 or 617 and whose principal office is located in the state, and complies with s. 1002.395(6) and (16), F.S. (respectively, obligations of SFOs and SFO applications). See, sections 1002.385(2)(e), and 1002.395(2)(f), F.S.

¹⁷ Section 1002.385(9)(e), F.S.

¹⁸ Sections 1002.385(7)(c), (11) and (13)(a), F.S.

¹⁹ Section 1002.385(5), F.S.

²⁰ Instructional materials also includes digital devices, digital periphery devices, and assistive technology devices that allow a student to access instruction or instructional content. Section 1002.385(5)(a), F.S.

²¹ Curriculum means a complete course of study for a particular content area or grade level, including any required supplemental materials. Section 1002.385(2)(b), F.S.

²² See s. 468.1125, F.S. Services provided may include, but not limited to applied behavior analysis services and services provided by speech-language, pathologists, occupational therapists, physical therapists, and listening and spoken language specialists. Section 1002.385(5)(c), F.S. The Department of Health, the Agency for Persons with Disabilities, and DOE are required to work with an SFO for easy or automated access to lists of licensed providers of services to ensure efficient administration of the program. Section 1002.385(15), F.S.

²³ The various schools or programs include an eligible private school, an eligible postsecondary educational institution, a private tutoring program, a virtual program offered by a DOE-approved private online provider, the Florida Virtual School, or an approved online course. See ss. 1002.43, 1002.45(2)(a), 1003.499, and 1004.0961, F.S.

²⁴ Authorized assessments are nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments. Section 1002.385(5)(e), F.S.

²⁵ See s. 1009.98, F.S., Stanley G. Tate Florida Prepaid College Program.

²⁶ A student who receives services under a contract is not considered to be enrolled in a public school for eligibility purposes. Section 1002.385(5)(g), F.S.

in a public school, graduates from high school, or reaches 22 years of age, whichever occurs first.²⁷

However, a student may continue to expend the balance remaining in a PLSA account until the eligible student's graduation from an eligible postsecondary educational institution; or after a period of 4 consecutive years after high school graduation in which the student is not enrolled in an eligible postsecondary educational institution.²⁸

Parent Obligations

Parents of students receiving a scholarship are responsible for signing an agreement with the SFO, procuring the services necessary to educate the student, and paying eligible expenses in excess of the amount of the PLSA account.²⁹

A specialized service provider, eligible private school, eligible postsecondary educational institution, private tutoring program provider, online or virtual program provider, public school, school district, or other entity receiving payments may not share, refund, or rebate any moneys from the PLSA account to the parent or participating student.³⁰

A parent must annually submit a notarized, sworn compliance statement to the SFO to:³¹

- Affirm that the student meets regular school student attendance requirements;³²
- Use funds only for authorized purposes;
- Notify the school district that the student is participating in the program, if the parent chooses to enroll in a home education program;
- Affirm that the student takes all appropriate standardized assessments;
- Request participation in the program by the date provided by the SFO;
- Affirm that the student remains in good standing with the provider or school if those options are selected by the parent;
- Apply for admission of his or her child to a private school if this option is selected by the parent;
- Annually renewing participation in the program;
- Affirm that the parent will not transfer any college savings funds to another beneficiary;
- Affirm that the parent will not take possession of any funding contributed by the state; and
- Affirm that the parent will maintain a portfolio of records for two years to document student learning and requiring it to be available for inspection upon 15 days written notice from the district school superintendent.

²⁷ Section 1002.385(6), F.S.

²⁸ Section 1002.385(13)(c), F.S. Afterward, the PLSA account will be closed and any remaining funds will revert to the state. Id.

²⁹ Section 1002.385(11), F.S.

³⁰ Section 1002.385(5), F.S.

³¹ Section 1002.385(11)(a), F.S.

³² These requirements are a parochial, religious, or denominational school; a private school supported in whole or in part by tuition charges or by endowments or gifts; a home education program that meets the requirements of chapter 1002, F.S. See ss. 1002.385(11)(a)1., 1003.01(13), 1003.21 and 1003.24, F.S.

A parent who fails to comply with these requirements forfeits the PLSA account.³³

PLSA Program Implementation Responsibilities

Scholarship Funding Organizations

An eligible scholarship funding organization (SFO) is authorized to establish PLSA accounts for eligible students.³⁴

The SFO receives applications, confirms initial or continuing participation, and determines student eligibility; awards scholarships on a first-come, first-serve basis; provides a process for students on the wait list or late-filing applicants to participate in the program; establishes PLSA accounts for each eligible student; and verifies expenditures.³⁵ The SFO will return unused funds to the state when the student is no longer eligible to participate in the program.³⁶

The SFO must notify DOE of applicants by March 1 before the subsequent school year starts, and provide DOE with information on the student when the application is received, in order to enable DOE to report the student for funding.³⁷

The SFO must develop a system for payment of benefits by electronic funds transfer, including, but not limited to debit cards, electronic payment cards, or any other means of electronic payment that DOE determines to be commercially viable or cost-effective.³⁸ Commodities or services related to the development of such a system must be procured by competitive solicitation or from a state term contract.³⁹

Private Schools

An eligible private school may be sectarian or nonsectarian, and must:⁴⁰

- Comply with all requirements for private schools participating in the state school choice scholarship programs;
- Provide to the eligible SFO, upon request, all documentation required for the student's participation, including all the private school's and student's fee schedules;
- Be academically accountable to the parent for meeting the educational needs of the student;⁴¹
- Employ or contract with teachers who have regular and direct contact with each student receiving a PLSA scholarship at the school's physical location; and

³³ Section 1002.385(11), F.S.

³⁴ Section 1002.385(12), F.S.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ Section 1002.385(13)(d), F.S.

³⁹ *Id.*

⁴⁰ Section 1002.385(8), F.S.

⁴¹ A private school must provide the parent a written explanation of the student's progress; if requested by a parent, annually administer, or make provision for students participating in the program in grades 3-10 to take one of the national norm-referenced tests identified by DOE or the statewide, assessments pursuant to s. 1008.22 (students with disabilities for whom standardized testing is not appropriate are exempt from this requirement); report the student's scores to the parent; and cooperate with the scholarship student whose parent chooses to have the student participate in the statewide assessments. Section 1002.385(8)(c), F.S.

- Annually contract with an independent certified public accountant to perform agreed upon procedures, if the school receives more than \$250,000 in PLSA scholarship funds each year.

The inability of a private school to meet these requirements constitutes a basis for the ineligibility of the private school to participate in the program, as determined by DOE.⁴²

Department of Education

The DOE's responsibilities are to maintain a list of approved providers, investigate written complaints, require the SFO to provide quarterly reports regarding student participation in the program, and compare the list of students participating in the program with the public school enrollment lists before each program payment to avoid duplicate payments.⁴³

The State Board of Education is required to adopt rules to administer the program.⁴⁴

Commissioner of Education

The Commissioner of Education (Commissioner) is required to deny, suspend, or revoke a student's participation in the program or the use of program funds, if the student's health, safety, or welfare is in jeopardy or fraud is suspected.⁴⁵

The Commissioner may also deny, suspend, or revoke the use of program funds for material noncompliance with law and rules.⁴⁶ In making this determination, the Commissioner may consider factors such as acts or omissions that led to a previous denial or revocation; failure to reimburse the SFO for improperly received funds; imposition of prior criminal sanctions, civil fines, administrative fines, license revocation or suspension, program eligibility suspension, termination, or revocation related to an entity's management or operation; or other types of criminal proceedings in which there was a finding of guilt or no contest to offenses involving fraud, deceit, dishonesty, or moral turpitude.⁴⁷

School Districts

If requested by a parent, a school district must complete a matrix that assigns a level of service to a student with a disability who does not have a matrix.⁴⁸ The school district is required to complete the matrix within 30 days after receiving notice of the request, and provide the parent with the matrix level within 10 days thereafter.⁴⁹ The DOE is responsible for notifying the parent and SFO of the amount of funds awarded within 10 days of receiving the matrix level from the district.⁵⁰ A school district may only change a matrix to correct a technical, typographical, or calculation error.⁵¹

⁴² Section 1002.385(8), F.S.

⁴³ Section 1002.385(9), F.S.

⁴⁴ Section 1002.385(18), F.S.

⁴⁵ Section 1002.385(10)(a), F.S.

⁴⁶ *Id.* The SBE adopted Rule 6A-6.0961, F.A.C., to administer the PLSA program, effective November 4, 2014.

⁴⁷ Section 1002.385(10)(b), F.S.

⁴⁸ Sections 1002.385(7)(a), and (11), F.S.

⁴⁹ Section 1002.385(7), F.S.

⁵⁰ *Id.*

⁵¹ *Id.*

A school district is required to notify the parent of each eligible student that the matrix may be reevaluated every 3 years.⁵²

For each PLSA student who chooses to participate in the statewide, standardized assessment or the Florida Alternate Assessment, the school district must notify the student and parent about locations and times to take the assessments.⁵³

Auditor General

The Auditor General must conduct an annual financial and operational audit related to the program.⁵⁴ As a part of this audit, the Auditor General must verify, at a minimum, the total amount of students served and eligibility of reimbursements made by each SFO and transmit that information to the department.⁵⁵ The department will be notified of any SFO that fails to comply with a request for information.⁵⁶

III. Effect of Proposed Changes:

SB 602 bill amends the Florida Personal Learning Scholarship Accounts Program (PLSA or program) by expanding the pool of eligible students, tightening program accountability requirements, streamlining program implementation, increasing Department of Education (DOE) responsibility to implement the program, and clarifying program implementation.

PLSA Program Accountability Requirements

The bill:

- Clarifies that authorized expenditures are for “educational purposes;”
- Adds authority for PLSA funds to be used for part-time private tutoring from persons meeting specified requirements (e.g., certified teacher and special skills);
- Clarifies that interest accrued in a PLSA account remains in the PLSA account for the parent to use for authorized purposes and is treated the same as PLSA funds if moneys get reverted;
- Adds a requirement that the Auditor General provide a copy of the SFO’s operational audits to the Commissioner of Education (Commissioner), and streamlines Auditor General audit responsibilities by removing duplicative reporting requirements; and
- Creates a new requirement that a physician licensed under chapter 458⁵⁷ or 459⁵⁸ must first approve specialized services to be provided by an approved provider.

⁵² Section 1002.385(7)(c), F.S.

⁵³ Section 1002.385(7)(b), F.S.

⁵⁴ Section 1002.385(14), F.S.

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ Chapter 458, Florida Statutes, relates to medical practice.

⁵⁸ Chapter 459, Florida Statutes, relates to osteopathic medicine.

PLSA Program Implementation

The bill:

- Revises annual deadlines beginning with 2015-16 academic year awards, to prioritize funding for renewal applications, the previous year’s wait-listed students, timely-filed new applications, and then late-filed applications. For example, PLSA funding for the 2015-2016 academic year is prioritized as follows: renewal applications by February 1st, 2015; new applications by June 30th, 2015; and late-filed applications by August 15, 2015. New or revised matrix of services are included with “completed applications,”⁵⁹ and
- Adds new requirements for:
 - Parents to provide “final verification”⁶⁰ of eligibility to SFOs in order to receive funding and confirm compliance with all requirements;
 - 100 percent of program funds to be released to SFOs in the first quarter of each year so parents have access to all funds as early in the fiscal year as possible;
 - “Wait list”⁶¹ applicants to be placed at top of new applicant list for the subsequent academic year;
 - SFOs to annually notify program participants of ability to request new or revised matrix of services annually; and
 - Private schools that wish to participate in PLSA to include within their John M. McKay or Florida Tax Credit scholarship program applications, a notification of PLSA participation.

DOE Responsibility to Implement the PLSA Program

The bill:

- Adds DOE responsibilities to: facilitate program implementation, coordinate SFO implementation of core program activities, approve service providers associated with school code responsibilities, and oversee school district implementation of program requirements;
- Clarifies the Commissioner’s ability to investigate complaints; deny, suspend, and revoke program participation by any person or entity;
- Adds specific authority for the Commissioner to determine the length of suspensions or terminations, and determine conditions for reinstating program eligibility;
- Adds SFO reporting requirements to annually include specific information on participating students, including the number and demographics of program participants, disability

⁵⁹ The bill describes a “completed application” as including, but not limited to, an application, required documentation and forms, an initial or revised matrix of services (if requested), and any additional information or documentation required by the SFO or in State Board of Education rule.

⁶⁰ The bill describes “final verification” as consisting only of the following items that apply to the student: a completed withdrawal form from the school district, if the student was enrolled in a public school before the determination of program eligibility; a letter of admission or enrollment from an eligible private school in which the student wishes to participate; a copy of the notice of the parent’s intent to establish and maintain a home education program required by s. 1002.41(1)(a), F.S., or a copy of the district school superintendent’s review of the annual educational evaluation of the student in a home education program required by s. 1002.41(2), F.S.; or a copy of the notification from a private school that the student has withdrawn from the John M. McKay Scholarships for Students with Disabilities Program or the Florida Tax Credit Scholarship Program.

⁶¹ For initial program participation (i.e., excluding renewing students), the bill requires that a preference first be provided to students retained on a waiting list created by a SFO. The waiting list must be in the order that completed applications are received by the SFO.

category, matrix level of services, award amount per student, total expenditures by category, and types of providers of services; and

- Adds new requirements for:
 - The Department to compare PLSA students McKay Scholarship Program and Florida Tax Credit Scholarship students to confirm program eligibility and avoid duplicate payments; and
 - The State Board of Education to implement various rulemaking requirements by July 1, 2015 in order for the rules to be in place for the 2015-2016 academic year.

PLSA Program Implementation

The bill:

- Expands student eligibility to include all students on the autism spectrum, per the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), which expands the pool of persons potentially eligible for a scholarship.⁶²
- Adds an option for parents to use PLSA funds for services available from providers outside the State of Florida who meet similar regulation or approval requirements compared to in-state providers for specialized services.
- Clarifies that kindergarten students approved via “high-risk” status must re-qualify under one of the other disability categories when he/she reaches age 6 in order to renew program participation.
- Clarifies timeframes for award of funds, use of funds once the student graduates from high school, and when funds revert.
- Adds the ability for a student to use funds from their PLSA accounts while enrolled in an eligible postsecondary educational institution.
- Adds new requirements for:
 - The Florida Prepaid College Board (Prepaid Board) to allow for:
 - Program funds to be used along with other funds to purchase a prepaid college plan.
 - Program funds to be separately tracked and accounted.
 - Program funds and interest to be reverted back to the state under certain situations.
 - Program funds to be used only after private payments have been used for prepaid plan expenditures.
 - Procedures to be adopted by July 1, 2015 to expedite implementation of the provisions for the 2015-2016 fiscal year.
 - Students to be authorized to use funds from their PLSA accounts at Independent Colleges and Universities of Florida (ICUF) institutions.

The bill takes effect upon becoming a law.

⁶² The DSM-5 is the reference manual used by health care professionals in the United States as the authoritative guide to the diagnosis of mental disorders. It provides a common language for clinicians to communicate about their patients and establishes consistent and reliable diagnosis that can be used in the research of mental disorders. American Psychiatric Association, DSM-5 Development, *Frequently Asked Questions*, <http://www.dsm5.org/about/pages/faq.aspx> (last visited February 12, 2015).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Only one state school choice scholarship program - the Opportunity Scholarship Program - has been successfully challenged on constitutional adequacy and no aid grounds.⁶³ Aside from the Opportunity Scholarship Program, no other Florida school choice scholarship program has been declared unconstitutional. The general constitutional challenges have been brought under the state constitutional provisions governing the adequacy of the public education system⁶⁴ and the no aid provision.⁶⁵

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

⁶³ See *Bush v. Holmes*, 886 So.2d 340 (Fla. 1st DCA 2004), affirmed on other grounds, 919 So.2d 392 (Fla. 2006).

⁶⁴ Article IX, s. 1, Fla. Const., providing that “[a]dequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people require.”

⁶⁵ Article I, s. 3., Fla. Const., providing that “[n]o revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.”

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.385, 1009.98.

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.



927134

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/18/2015	.	
	.	
	.	
	.	

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

Senate Amendment

Delete lines 55 - 60
and insert:

(a) "Approved provider" means a provider in this state which is approved by the Agency for Persons with Disabilities, a health care practitioner as defined in s. 456.001(4), or a provider in this state which is approved by the department pursuant to s. 1002.66.



135096

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/18/2015	.	
	.	
	.	
	.	

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

- 1 **Senate Amendment**
- 2
- 3 Delete lines 223 - 226.



606796

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/18/2015	.	
	.	
	.	
	.	

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

Senate Amendment

Delete lines 601 - 611
and insert:
list created by the organization in the order that completed applications are approved, with priority given to severely disabled children. As used in this paragraph, the term "severely disabled" means an inflexibility of behavior, a difficulty in coping with change, or other restrictive or repetitive behaviors that markedly interfere with functioning in all spheres The



606796

11 ~~organization shall notify the department of the applicants for~~
12 ~~the program by March 1 before the school year in which the~~
13 ~~student intends to participate.~~ When a completed an application
14 and final verification are ~~is~~ received and approved, the
15 ~~scholarship funding~~ organization must provide the department
16 with information on the student to enable the department to
17 report the student for funding in an amount determined in
18 accordance with subsection (13).

19 (b) Notifying parents of their receipt of a scholarship ~~on~~
20 ~~a first-come, first-served basis,~~ after approving the completed



662286

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/18/2015	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 735 - 738

and insert:

(18) REPORTS.—The Department of Education and the Agency for Persons with Disabilities shall, by February 1 of each year, provide an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives concerning the effectiveness of the program.

(19) ~~(18)~~ RULES.—The State Board of Education shall adopt



662286

11 rules pursuant to ss. 120.536(1) and 120.54 to administer this
12 section.

13 (20)~~(19)~~ IMPLEMENTATION SCHEDULE FOR THE 2014-2015 SCHOOL
14

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

16 And the title is amended as follows:

17 Delete line 36

18 and insert:

19 eligibility timelines; requiring the Department of
20 Education and the Agency for Persons with Disabilities
21 to provide an annual report to the Governor and the
22 Legislature; amending s. 1009.98, F.S.;

By Senator Gaetz

1-00348A-15

2015602__

1 A bill to be entitled
 2 An act relating to students with disabilities;
 3 amending s. 1002.385, F.S.; revising definitions;
 4 revising scholarship application deadlines and
 5 guidelines; requiring authorized program funds to
 6 support the student's educational needs; requiring the
 7 Florida Prepaid College Board to create certain
 8 procedures; authorizing part-time private tutoring
 9 services by persons meeting certain requirements;
 10 clarifying and expanding responsibilities of the
 11 Department of Education; revising the conditions under
 12 which a student's personal learning scholarship
 13 account must be closed; revising the responsibilities
 14 for school districts; revising private school
 15 eligibility requirements; revising responsibilities
 16 for parents and students who participate in the
 17 program; requiring a parent to affirm program funds
 18 are only used for authorized purposes that serve the
 19 student's educational needs; revising responsibilities
 20 of eligible nonprofit scholarship-funding
 21 organizations pertaining to the administration of
 22 personal learning scholarship accounts; revising the
 23 wait list and priority of approving renewal and new
 24 applications; revising the notice requirement of an
 25 organization; authorizing accrued interest to be used
 26 for authorized expenditures; requiring accrued
 27 interest to be reverted as a part of reverted
 28 scholarship funds; revising taxable income
 29 requirements; removing obsolete audit requirements;

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

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30 requiring the Auditor General to provide a copy of
 31 each annual operational audit performed to the
 32 Commissioner of Education within a specified
 33 timeframe; correcting cross-references; providing
 34 future repeal of provisions pertaining to an
 35 implementation schedule of notification and
 36 eligibility timelines; amending s. 1009.98, F.S.;
 37 authorizing a prepaid college plan to be purchased,
 38 accounted for, used, and terminated under certain
 39 circumstances; specifying State Board of Education
 40 rulemaking requirements; requiring the department to
 41 make rules; outlining specific rulemaking requirements
 42 of the Department of Education; providing an effective
 43 date.

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

46
 47 Section 1. Section 1002.385, Florida Statutes, is amended
 48 to read:

49 1002.385 Florida personal learning scholarship accounts.—

50 (1) ESTABLISHMENT OF PROGRAM.—The Florida Personal Learning
 51 Scholarship Accounts Program is established to provide the
 52 option for a parent to better meet the individual educational
 53 needs of his or her eligible child.

54 (2) DEFINITIONS.—As used in this section, the term:

55 (a) "Approved provider" means a provider approved by the
 56 Agency for Persons with Disabilities, a health care practitioner
 57 as defined in s. 456.001(4), or a provider approved by the
 58 department pursuant to s. 1002.66. The term also includes

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

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59 providers outside this state which are subject to similar
60 regulation or approval requirements.

61 (b) "Curriculum" means a complete course of study for a
62 particular content area or grade level, including any required
63 supplemental materials.

64 (c) "Department" means the Department of Education.

65 (d) "Disability" means, for a student in kindergarten to
66 grade 12, autism spectrum disorder, as defined in the Diagnostic
67 and Statistical Manual of Mental Disorders, Fifth Edition, ~~as~~
68 ~~defined in s. 393.063(3);~~ cerebral palsy, as defined in s.
69 393.063(4); Down syndrome, as defined in s. 393.063(13); an
70 intellectual disability, as defined in s. 393.063(21); Prader-
71 Willi syndrome, as defined in s. 393.063(25); or spina bifida,
72 as defined in s. 393.063(36); for a student in kindergarten,
73 being a high-risk child, as defined in s. 393.063(20) (a); and
74 Williams syndrome.

75 (e) "Eligible nonprofit scholarship-funding organization"
76 or "organization" means a nonprofit scholarship-funding
77 organization that is approved by the department to participate
78 in the Florida Tax Credit Scholarship Program pursuant to s.
79 1002.395(2) (f). The organization must have a copy of its annual
80 operational audit provided to the Commissioner of Education as
81 required by this section ~~has the same meaning as in s. 1002.395.~~

82 (f) "Eligible postsecondary educational institution" means
83 a Florida College System institution; ~~;~~ a state university; ~~;~~ a
84 school district technical center; ~~;~~ a school district adult
85 general education center; an independent college or university
86 that is eligible to participate in the William L. Boyd, IV,
87 Florida Resident Access Grant Program under s. 1009.89; ~~;~~ or an

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88 accredited independent nonpublic postsecondary educational
89 institution, as defined in s. 1005.02, which is licensed to
90 operate in the state pursuant to requirements specified in part
91 III of chapter 1005.

92 (g) "Eligible private school" means a private school, as
93 defined in s. 1002.01, which is located in this state, which
94 offers an education to students in any grade from kindergarten
95 to grade 12, and which meets the requirements of:

96 1. Sections 1002.42 and 1002.421; and

97 2. A scholarship program under s. 1002.39 or s. 1002.395,
98 ~~as applicable, if the private school participates in a~~
99 ~~scholarship program under s. 1002.39 or s. 1002.395.~~

100 (h) "IEP" means individual education plan.

101 (i) "Parent" means a resident of this state who is a
102 parent, as defined in s. 1000.21.

103 (j) "Program" means the Florida Personal Learning
104 Scholarship Accounts Program established in this section.

105 (3) PROGRAM ELIGIBILITY.—A parent of a student with a
106 disability may request and receive from the state a Florida
107 personal learning scholarship account for the purposes specified
108 in subsection (5) if:

109 (a) The student:

110 1. Is a resident of this state;

111 2. Is eligible to enroll in kindergarten through grade 12
112 in a public school in this state;

113 3. Has a disability as defined in paragraph (2) (d); and

114 4. Is the subject of an IEP written in accordance with
115 rules of the State Board of Education or has received a
116 diagnosis of a disability ~~as defined in subsection (2)~~ from a

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117 physician who is licensed under chapter 458 or chapter 459 or a
118 psychologist who is licensed under chapter 490 ~~in this state.~~

119 (b) Beginning January 2015, and each year thereafter, the
120 following application deadlines and guidelines are met:

121 1. The parent of a student seeking program renewal must
122 submit a completed application to an organization for renewal by
123 February 1 before the school year in which the student wishes to
124 participate.

125 2. The parent of a student seeking initial approval to
126 participate in the program must submit a completed application
127 to an organization by June 30 before the school year in which
128 the student wishes to participate.

129 3. The parent of a student seeking approval to participate
130 in the program who does not comply with the requirements of
131 subparagraph 1. or subparagraph 2. may late-file a completed
132 application by August 15 before the school year in which the
133 student wishes to participate.

134 4. A parent must submit final verification to the
135 organization before the organization opens a personal learning
136 scholarship account for the student. The final verification must
137 consist of only the following items that apply to the student:

138 a. A completed withdrawal form from the school district if
139 the student was enrolled in a public school before the
140 determination of program eligibility;

141 b. A letter of admission or enrollment from an eligible
142 private school for the school year in which the student wishes
143 to participate;

144 c. A copy of the notice of the parent's intent to establish
145 and maintain a home education program required by s.

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146 1002.41(1)(a), or a copy of the district school superintendent's
147 review of the annual educational evaluation of the student in a
148 home education program required by s. 1002.41(2); or

149 d. A copy of notification from a private school that the
150 student has withdrawn from the John M. McKay Scholarships for
151 Students with Disabilities Program or the Florida Tax Credit
152 Scholarship Program.

153 5. A parent's completed application and final verification
154 submitted pursuant to this paragraph ~~the parent has applied to~~
155 an eligible nonprofit scholarship-funding organization to
156 participate in the program by February 1 before the school year
157 in which the student will participate or an alternative date as
158 set by the organization for any vacant, funded slots. The
159 request must be communicated directly to the organization in a
160 manner that creates a written or electronic record ~~including of~~
161 the request and the date of receipt of the request. The
162 organization shall notify the district and the department of the
163 parent's intent upon receipt of the parent's completed
164 application and final verification ~~request~~. The completed
165 application must include, but is not limited to, an application;
166 required documentation and forms; an initial or revised matrix
167 of services, if requested; and any additional information or
168 documentation required by the organization or by State Board of
169 Education rule.

170 (4) PROGRAM PROHIBITIONS.—

171 (a) A student is not eligible for the program while he or
172 she is:

173 1. Enrolled in a public school, including, but not limited
174 to, the Florida School for the Deaf and the Blind; the Florida

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175 Virtual School; the College-Preparatory Boarding Academy; a
 176 developmental research school authorized under s. 1002.32; a
 177 charter school authorized under s. 1002.33, s. 1002.331, or s.
 178 1002.332; or a virtual education program authorized under s.
 179 1002.45;

180 2. Enrolled in a school operating for the purpose of
 181 providing educational services to youth in the Department of
 182 Juvenile Justice commitment programs;

183 3. Receiving a scholarship pursuant to the Florida Tax
 184 Credit Scholarship Program under s. 1002.395 or the John M.
 185 McKay Scholarship for Students with Disabilities Program under
 186 s. 1002.39; or

187 4. Receiving any other educational scholarship pursuant to
 188 this chapter.

189 (b) A student is not eligible for the program if:

190 1. The student or student's parent has accepted any
 191 payment, refund, or rebate, in any manner, from a provider of
 192 any services received pursuant to subsection (5);

193 2. The student's participation in the program, or receipt
 194 or expenditure of program funds, has been denied or revoked by
 195 the commissioner of Education pursuant to subsection (10); ~~or~~

196 3. The student's parent has forfeited participation in the
 197 program for failure to comply with requirements pursuant to
 198 subsection (11); or

199 4. The student's application for program eligibility has
 200 been denied by an organization.

201 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds may be
 202 spent if used to support the student's educational needs, for
 203 the following purposes:

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204 (a) Instructional materials, including digital devices,
 205 digital periphery devices, and assistive technology devices that
 206 allow a student to access instruction or instructional content.

207 (b) Curriculum as defined in paragraph (2) (b).

208 (c) Specialized services by approved providers which have
 209 been approved by a physician licensed under chapter 458 or
 210 chapter 459 and that are selected by the parent. These
 211 specialized services may include, but are not limited to:

212 1. Applied behavior analysis services as provided in ss.
 213 627.6686 and 641.31098.

214 2. Services provided by speech-language pathologists as
 215 defined in s. 468.1125.

216 3. Occupational therapy services as defined in s. 468.203.

217 4. Services provided by physical therapists as defined in
 218 s. 486.021.

219 5. Services provided by listening and spoken language
 220 specialists and an appropriate acoustical environment for a
 221 child who is deaf or hard of hearing and who has received an
 222 implant or assistive hearing device.

223 Specialized services outside this state are authorized under
 224 this paragraph if the services are subject to similar regulation
 225 or approval requirements.

226 (d) Enrollment in, or tuition or fees associated with
 227 enrollment in, an eligible private school, an eligible
 228 postsecondary educational institution or a program offered by
 229 the institution, a private tutoring program authorized under s.
 230 1002.43, a virtual program offered by a department-approved
 231 private online provider that meets the provider qualifications
 232

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233 specified in s. 1002.45(2) (a), the Florida Virtual School as a
 234 private paying student, or an approved online course offered
 235 pursuant to s. 1003.499 or s. 1004.0961.

236 (e) Fees for nationally standardized, norm-referenced
 237 achievement tests, Advanced Placement Examinations, industry
 238 certification examinations, assessments related to postsecondary
 239 education, or other assessments.

240 (f) Contributions to the Stanley G. Tate Florida Prepaid
 241 College Program pursuant to s. 1009.98, for the benefit of the
 242 eligible student. The Florida Prepaid College Board shall, by
 243 July 1, 2015, create procedures to allow program funds to be
 244 used in conjunction with other funds used by the parent in the
 245 purchase of a prepaid college plan; require program funds to be
 246 tracked and accounted for separately from other funds
 247 contributed to a prepaid plan; require program funds and
 248 associated interest to be reverted as specified in this section;
 249 and require program funds to be used only after private payments
 250 have been used for prepaid college plan expenditures.

251 (g) Contracted services provided by a public school or
 252 school district, including classes. A student who receives
 253 services under a contract under this paragraph is not considered
 254 enrolled in a public school for eligibility purposes as
 255 specified in subsection (4).

256 (h) Tuition and fees for part-time tutoring services
 257 provided by a person who holds a valid Florida educator's
 258 certificate pursuant to s. 1012.56; a person who holds an
 259 adjunct teaching certificate pursuant to s. 1012.57; or a person
 260 who has demonstrated a mastery of subject area knowledge
 261 pursuant to 1012.56(5). The term "part-time tutoring services"

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262 as used in this paragraph does not meet the definition of the
 263 term "regular school attendance" in s. 1003.01(13) (e).
 264

265 A specialized service provider, eligible private school,
 266 eligible postsecondary educational institution, private tutoring
 267 program provider, online or virtual program provider, public
 268 school, school district, or other entity receiving payments
 269 pursuant to this subsection may not share, refund, or rebate any
 270 moneys from the Florida personal learning scholarship account
 271 with the parent or participating student in any manner.

272 (6) TERM OF THE PROGRAM.—For purposes of continuity of
 273 educational choice and program integrity:

274 (a) The program payments made by the state to an
 275 organization for a personal learning scholarship account under
 276 this section shall ~~continue remain in force~~ until the parent
 277 does not renew program eligibility; the organization determines
 278 a student is not eligible for program renewal; the commissioner
 279 denies, suspends, or revokes program participation or use of
 280 funds; or a student enrolls in ~~participating in the program~~
 281 participates in any of the prohibited activities specified in
 282 subsection (4), has funds revoked by the Commissioner of
 283 Education pursuant to subsection (10), returns to a public
 284 school, graduates from high school, or attains 22 years of age,
 285 whichever occurs first. A ~~participating student who enrolls in a~~
 286 public school or public school program is considered to have
 287 returned to a public school for the purpose of determining the
 288 end of the program's term.

289 (b) Program expenditures by the parent from the program
 290 account are authorized until a student's personal learning

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291 scholarship account is closed pursuant to paragraph (c).
 292 (c) A student's personal learning scholarship account shall
 293 be closed, and any remaining funds, including accrued interest
 294 or contributions made using program funds pursuant to paragraph
 295 (5) (f), shall revert to the state upon:
 296 1. The eligible student no longer being enrolled in an
 297 eligible postsecondary educational institution;
 298 2. Denial or revocation of program eligibility by the
 299 commissioner;
 300 3. Denial of program application by an organization; or
 301 4. After any period of 4 consecutive years after high
 302 school completion or graduation in which the student is not
 303 enrolled in an eligible postsecondary educational institution or
 304 a program offered by the institution.

305
 306 The commissioner must notify the parent and organization of any
 307 reversion determination.

308 (7) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—
 309 (a)1. For a student with a disability who does not have a
 310 matrix of services under s. 1011.62(1) (e), or who wants a
 311 revised matrix of services, and for whom the parent requests a
 312 new or revised matrix of services, the school district must
 313 complete a matrix that assigns the student to one of the levels
 314 of service as they existed before the 2000-2001 school year.

315 2.a. Within 10 calendar school days after a school district
 316 receives notification of a parent's request for completion of a
 317 matrix of services, the school district must notify the
 318 student's parent if the matrix of services has not been
 319 completed and inform the parent that the district is required to

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320 complete the matrix within 30 days after receiving notice of the
 321 parent's request for the matrix of services. This notice must
 322 include the required completion date for the matrix.

323 b. The school district shall complete the matrix of
 324 services for a student whose parent has made a request. The
 325 school district must provide the student's parent, the
 326 organization, and the department with the student's matrix level
 327 within 10 calendar school days after its completion.

328 c. The department shall notify the parent and the eligible
 329 ~~nonprofit scholarship-funding~~ organization of the amount of the
 330 funds awarded within 10 days after receiving the school
 331 district's notification of the student's matrix level.

332 d. A school district may change a matrix of services only
 333 if the change is to correct a technical, typographical, or
 334 calculation error, except that a parent may annually request a
 335 matrix reevaluation for each student participating in the
 336 program pursuant to paragraph (12) (h).

337 (b) For each student participating in the program who
 338 chooses to participate in statewide, standardized assessments
 339 under s. 1008.22 or the Florida Alternate Assessment, the school
 340 district in which the student resides must notify the student
 341 and his or her parent about the locations and times to take all
 342 statewide, standardized assessments.

343 ~~(c) For each student participating in the program, a school~~
 344 ~~district shall notify the parent about the availability of a~~
 345 ~~reevaluation at least every 3 years.~~

346 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible
 347 private school may be sectarian or nonsectarian and shall:

348 (a) Comply with all requirements for private schools

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 349 participating in state school choice scholarship programs
 350 pursuant to s. 1002.421. To participate in the program, a
 351 private school must submit to the department a notification for
 352 eligibility to participate in its application for the John M.
 353 McKay Scholarships for Students with Disabilities and Florida
 354 Tax Credit Scholarship programs identified in ss. 1002.39 and
 355 1002.395.

356 (b) Provide to the department and ~~eligible nonprofit~~
 357 ~~scholarship-funding~~ organization, upon request, all
 358 documentation required for the student's participation,
 359 including the private school's and student's fee schedules.

360 (c) Be academically accountable to the parent for meeting
 361 the educational needs of the student by:

362 1. At a minimum, annually providing to the parent a written
 363 explanation of the student's progress.

364 2. Annually administering or making provision for students
 365 participating in the program in grades 3 through 10 to take one
 366 of the nationally norm-referenced tests identified by the State
 367 Board Department of Education or the statewide assessments
 368 pursuant to s. 1008.22. Students with disabilities for whom
 369 standardized testing is not appropriate are exempt from this
 370 requirement. A participating private school shall report a
 371 student's scores to the parent.

372 3. Cooperating with the scholarship student whose parent
 373 chooses to have the student participate in the statewide
 374 assessments pursuant to s. 1008.22 or, if a private school
 375 chooses to offer the statewide assessments, administering the
 376 assessments at the school.

377 a. A participating private school may choose to offer and

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 378 administer the statewide assessments to all students who attend
 379 the private school in grades 3 through 10.

380 b. A participating private school shall submit a request in
 381 writing to the Department of Education by March 1 of each year
 382 in order to administer the statewide assessments in the
 383 subsequent school year.

384 (d) Employ or contract with teachers who have regular and
 385 direct contact with each student receiving a scholarship under
 386 this section at the school's physical location.

387 (e) Annually contract with an independent certified public
 388 accountant to perform the agreed-upon procedures developed under
 389 s. 1002.395(6)(o) ~~s. 1002.395(6)(n)~~ and produce a report of the
 390 results if the private school receives more than \$250,000 in
 391 funds from scholarships awarded under this section in the 2014-
 392 2015 state fiscal year or a state fiscal year thereafter. A
 393 private school subject to this paragraph must submit the report
 394 by September 15, 2015, and annually thereafter to the
 395 ~~scholarship-funding~~ organization that awarded the majority of
 396 the school's scholarship funds. The agreed-upon procedures must
 397 be conducted in accordance with attestation standards
 398 established by the American Institute of Certified Public
 399 Accountants.

400
 401 The inability of a private school to meet the requirements of
 402 this subsection constitutes a basis for the ineligibility of the
 403 private school to participate in the program as determined by
 404 the commissioner department.

405 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
 406 shall:

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407 (a) Maintain a list of approved providers pursuant to s.
 408 1002.66, and eligible postsecondary educational institutions,
 409 eligible private schools, and organizations on its website. The
 410 department may identify or provide links to lists of other
 411 approved providers on its website.

412 (b) Require each ~~eligible nonprofit scholarship funding~~
 413 ~~organization to preapprove verify eligible expenditures to be~~
 414 ~~before the distribution of funds for any expenditures made~~
 415 pursuant to paragraphs (5) (a) and (b). Review of expenditures
 416 made for services in paragraphs (5) (c) - (h) must ~~(5) (e) - (g) may~~
 417 be completed after the purchase ~~payment~~ has been made.

418 (c) Investigate any written complaint of a violation of
 419 this section by a parent, student, private school, public school
 420 or school district, organization, provider, or other appropriate
 421 party in accordance with the process established by s.
 422 1002.395 (9) (f) .

423 (d) Require annually by December 1 ~~quarterly~~ reports by an
 424 ~~eligible nonprofit scholarship funding~~ organization, which must
 425 include, but need not be limited to, regarding the number of
 426 students participating in the program, demographics of program
 427 participants, disability category, matrix level of services,
 428 award amount per student, total expenditures for the categories
 429 in subsection (5), and the types of providers of services to
 430 students, and other information deemed necessary by the
 431 department.

432 (e) Compare the list of students participating in the
 433 program with the public school student enrollment lists and the
 434 list of students participating in school choice scholarship
 435 programs established pursuant to this chapter, throughout the

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436 school year, before each program payment to avoid duplicate
 437 payments and confirm program eligibility.

438 (10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

439 (a) The Commissioner of Education:

440 1. Shall deny, suspend, or revoke a student's participation
 441 in the program if the health, safety, or welfare of the student
 442 is threatened or fraud is suspected.

443 2. Shall deny, suspend, or revoke an authorized use of
 444 program funds if the health, safety, or welfare of the student
 445 is threatened or fraud is suspected.

446 3. May ~~deny, suspend, or revoke an~~ authorized use of
 447 program funds for material failure to comply with this section
 448 and applicable State Board of Education ~~department~~ rules if the
 449 noncompliance is correctable within a reasonable period of time.
 450 Otherwise, the commissioner shall ~~deny, suspend,~~ or revoke ~~an~~
 451 authorized use for failure to materially comply with the law and
 452 rules adopted under this section.

453 4. Shall require compliance by the appropriate party by a
 454 date certain for all nonmaterial failures to comply with this
 455 section and applicable State Board of Education ~~department~~
 456 rules.

457 5. Notwithstanding the other provisions of this section,
 458 the commissioner may deny, suspend, or revoke program
 459 participation or use of program funds by the student; or
 460 participation or eligibility of an organization, eligible
 461 private school, eligible postsecondary educational institution,
 462 approved provider, or other appropriate party for a violation of
 463 this section. The commissioner may determine the length of, and
 464 conditions for lifting, the suspension or revocation specified

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465 in this paragraph. The length of suspension or revocation may
 466 not exceed 5 years, except for instances of fraud, in which case
 467 the length of suspension or revocation may not exceed 10 years.
 468 The commissioner may employ mechanisms allowed by law to recover
 469 unexpended program funds or withhold payment of an equal amount
 470 of program funds to recover program funds that were not
 471 authorized for use under this section thereafter.

472 6. Shall deny or terminate program participation upon a
 473 parent's forfeiture of a personal learning scholarship account
 474 pursuant to subsection (11).

475 (b) In determining whether to deny, suspend, ~~or~~ revoke, or
 476 lift a suspension or revocation, in accordance with this
 477 subsection, the commissioner may consider factors that include,
 478 but are not limited to, acts or omissions that by a
 479 participating entity which led to a previous denial, suspension,
 480 or revocation of participation in a state or federal program or
 481 an education scholarship program; failure to reimburse the
 482 eligible nonprofit scholarship-funding organization for program
 483 funds improperly received or retained by the entity; failure to
 484 reimburse government funds improperly received or retained;
 485 imposition of a prior criminal sanction related to the person or
 486 entity or its officers or employees; imposition of a civil fine
 487 or administrative fine, license revocation or suspension, or
 488 program eligibility suspension, termination, or revocation
 489 related to a person's or an entity's management or operation; or
 490 other types of criminal proceedings in which the person or the
 491 entity or its officers or employees were found guilty of,
 492 regardless of adjudication, or entered a plea of nolo contendere
 493 or guilty to, any offense involving fraud, deceit, dishonesty,

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494 or moral turpitude.

495 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 496 PARTICIPATION.—A parent who applies for program participation
 497 under this section is exercising his or her parental option to
 498 determine the appropriate placement or the services that best
 499 meet the needs of his or her child. The scholarship award for a
 500 student is based on a matrix that assigns the student to support
 501 Level III services. If a parent chooses to request and receive
 502 an IEP and a matrix of services from the school district, the
 503 amount of the payment shall be adjusted as needed, when the
 504 school district completes the matrix.

505 (a) To satisfy or maintain program eligibility, including,
 506 but not limited to, eligibility to receive program payments and
 507 expend program payments ~~enroll an eligible student in the~~
 508 ~~program,~~ the parent must sign an agreement with the eligible
 509 ~~nonprofit scholarship-funding~~ organization and annually submit a
 510 notarized, sworn compliance statement to the organization to:

511 1. Affirm that the student is enrolled in a program that
 512 meets regular school attendance requirements as provided in s.
 513 1003.01(13)(b)-(d).

514 2. Affirm that ~~Use~~ the program funds are used only for
 515 authorized purposes serving the student's educational needs, as
 516 described in subsection (5).

517 3. Affirm that the student takes all appropriate
 518 standardized assessments as specified in this section.

519 a. If the parent enrolls the child in an eligible private
 520 school, the student must take an assessment selected by the
 521 private school pursuant to s. 1002.39 or s. 1002.395(7)(e).

522 b. If the parent enrolls the child in a home education

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523 program, the parent may choose to participate in an assessment
 524 as part of the annual evaluation provided for in s.
 525 1002.41(1)(c).

526 4. Notify the school district that the student is
 527 participating in the program ~~Personal Learning Scholarship~~
 528 ~~Accounts~~ if the parent chooses to enroll in a home education
 529 program as provided in s. 1002.41.

530 5. File a completed application for initial program
 531 participation with an organization ~~Request participation in the~~
 532 ~~program~~ by the dates ~~date~~ established pursuant to this section
 533 ~~by the eligible nonprofit scholarship funding organization.~~

534 6. Affirm that the student remains in good standing with
 535 the entities identified in paragraph (5)(d), paragraph (5)(g),
 536 or paragraph (5)(h) ~~provider or school~~ if those options are
 537 selected by the parent.

538 7. Apply for admission of his or her child if the private
 539 school option is selected by the parent.

540 8. Annually file a completed application to renew
 541 participation in the program if renewal is desired by the
 542 parent. Notwithstanding any changes to the student's IEP, a
 543 student who was previously eligible for participation in the
 544 program shall remain eligible to apply for renewal ~~as provided~~
 545 ~~in subsection (6). However, in order for a high-risk child to~~
 546 continue to participate in the program in the school year after
 547 he or she reaches 6 years of age, the child's completed
 548 application for renewal of program participation must contain
 549 documentation that the child has a disability defined in
 550 paragraph (2)(d) other than high-risk status.

551 9. Affirm that the parent will not transfer any prepaid

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552 college savings funds contributed pursuant to paragraph (5)(f)
 553 to another beneficiary.

554 10. Affirm that the parent will not take possession of any
 555 funding provided by the state for the program ~~Florida Personal~~
 556 ~~Learning Scholarship Accounts~~.

557 11. Affirm that the parent will maintain a portfolio of
 558 records and materials which must be preserved ~~by the parent~~ for
 559 2 years and be made available for inspection by the
 560 organization, the department, or the district school
 561 superintendent or the superintendent's designee upon 15 days'
 562 written notice. This paragraph does not require inspection of
 563 ~~the superintendent to inspect~~ the portfolio. The portfolio of
 564 records and materials must consist of:

565 a. A log of educational instruction and services which is
 566 made contemporaneously with delivery of the instruction and
 567 services and which designates by title any reading materials
 568 used; ~~and~~

569 b. Samples of any writings, worksheets, workbooks, or
 570 creative materials used or developed by the student; and

571 c. Other records, documents, or materials required by the
 572 organization or specified by the department in rule, to
 573 facilitate program implementation.

574 (b) The parent is responsible for procuring the services
 575 necessary to educate the student. When the student receives a
 576 personal learning scholarship account, the district school board
 577 is not obligated to provide the student with a free appropriate
 578 public education. For purposes of s. 1003.57 and the Individuals
 579 with Disabilities in Education Act, a participating student has
 580 only those rights that apply to all other unilaterally

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581 parentally placed students, except that, when requested by the
582 parent, school district personnel must develop an individual
583 education plan or matrix level of services.

584 (c) The parent is responsible for ~~the payment of all~~
585 eligible expenses in excess of the amount of the personal
586 learning scholarship account ~~in accordance with the terms agreed~~
587 ~~to between the parent and the providers.~~

588
589 A parent who fails to comply with this subsection forfeits the
590 personal learning scholarship account.

591 (12) ADMINISTRATION OF PERSONAL LEARNING SCHOLARSHIP
592 ACCOUNTS.—An ~~eligible nonprofit scholarship funding organization~~
593 ~~participating in the Florida Tax Credit Scholarship Program~~
594 ~~established under s. 1002.395~~ may establish personal learning
595 scholarship accounts for eligible students, in accordance with
596 the deadlines established in this section, by:

597 (a) Receiving completed applications and final verification
598 and determining student eligibility in accordance with the
599 requirements of this section. For initial program participation,
600 preference must first be provided to students retained on a wait
601 list created by the organization in the order that completed
602 applications are approved ~~The organization shall notify the~~
603 ~~department of the applicants for the program by March 1 before~~
604 ~~the school year in which the student intends to participate.~~
605 When a completed an application and final verification are is
606 received and approved, the ~~scholarship funding~~ organization must
607 provide the department with information on the student to enable
608 the department to report the student for funding in an amount
609 determined in accordance with subsection (13).

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610 (b) Notifying parents of their receipt of a scholarship on
611 a first-come, first-served basis, after approving the completed
612 application and confirming receipt of the parent's final
613 verification, based upon the funds provided for this program in
614 the General Appropriations Act.

615 (c) Establishing a date pursuant to paragraph (3) (b) by
616 which a parent must confirm initial or continuing participation
617 in the program and confirm the establishment or continuance of a
618 personal learning scholarship account.

619 (d) Establishing a date and process pursuant to paragraph
620 (3) (b) by which completed applications may be approved and
621 students on the wait list or late-filing applicants may be
622 allowed to participate in the program during the school year,
623 within the amount of funds provided for this program in the
624 General Appropriations Act. The process must allow timely filed
625 completed applications to take precedence before late-filed
626 completed applications for purposes of creating a wait list for
627 participation in the program.

628 (e) Establishing and maintaining separate accounts for each
629 eligible student. For each account, the organization must
630 maintain a record of interest accrued that is retained in the
631 student's account and available only for authorized program
632 expenditures.

633 (f) Verifying qualifying educational expenditures pursuant
634 to the requirements of subsection (5) ~~paragraph (8) (b)~~.

635 (g) Returning any remaining program unused funds pursuant
636 to paragraph (6) (c) to the department when the student is no
637 longer authorized to expend program funds. The organization may
638 reimburse a parent for authorized program expenditures made

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639 during the fiscal year before funds are deposited in the
 640 student's eligible for a personal scholarship learning account.

641 (h) Annually notifying the parent about the availability of
 642 and the requirements associated with requesting an initial
 643 matrix or matrix reevaluation annually for each student
 644 participating in the program.

645 (13) FUNDING AND PAYMENT.—

646 (a)1. The maximum funding amount granted for an eligible
 647 student with a disability, pursuant to this section ~~subsection~~
 648 ~~(3)~~, shall be equivalent to the base student allocation in the
 649 Florida Education Finance Program multiplied by the appropriate
 650 cost factor for the educational program which would have been
 651 provided for the student in the district school to which he or
 652 she would have been assigned, multiplied by the district cost
 653 differential.

654 2. In addition, an amount equivalent to a share of the
 655 guaranteed allocation for exceptional students in the Florida
 656 Education Finance Program shall be determined and added to the
 657 amount in subparagraph 1. The calculation shall be based on the
 658 methodology and the data used to calculate the guaranteed
 659 allocation for exceptional students for each district in chapter
 660 2000-166, Laws of Florida. Except as provided in subparagraph
 661 3., the calculation shall be based on the student's grade, the
 662 matrix level of services, and the difference between the 2000-
 663 2001 basic program and the appropriate level of services cost
 664 factor, multiplied by the 2000-2001 base student allocation and
 665 the 2000-2001 district cost differential for the sending
 666 district. The calculated amount must also include an amount
 667 equivalent to the per-student share of supplemental academic

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668 instruction funds, instructional materials funds, technology
 669 funds, and other categorical funds as provided in the General
 670 Appropriations Act.

671 3. Except as otherwise provided, the calculation for all
 672 students participating in the program shall be based on the
 673 matrix that assigns the student to support Level III of
 674 services. If a parent chooses to request and receive a matrix of
 675 services from the school district, when the school district
 676 completes the matrix, the amount of the payment shall be
 677 adjusted as needed.

678 (b) The amount of the awarded funds shall be 90 percent of
 679 the calculated amount. One hundred percent of the funds
 680 appropriated for this program shall be released in the first
 681 quarter of each fiscal year. Accrued interest is in addition to,
 682 and not part of, the awarded funds. Program funds include both
 683 the awarded funds and the accrued interest.

684 ~~(e) Upon an eligible student's graduation from an eligible~~
 685 ~~postsecondary educational institution or after any period of 4~~
 686 ~~consecutive years after high school graduation in which the~~
 687 ~~student is not enrolled in an eligible postsecondary educational~~
 688 ~~institution, the student's personal learning scholarship account~~
 689 ~~shall be closed, and any remaining funds shall revert to the~~
 690 ~~state.~~

691 ~~(c)(d) The eligible nonprofit scholarship-funding~~
 692 organization shall develop a system for payment of benefits by
 693 electronic funds transfer, including, but not limited to, debit
 694 cards, electronic payment cards, or any other means of
 695 electronic payment that the department deems to be commercially
 696 viable or cost-effective. Commodities or services related to the

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697 development of such a system shall be procured by competitive
698 solicitation unless they are purchased from a state term
699 contract pursuant to s. 287.056.

700 ~~(d)(e)~~ Moneys received pursuant to this section do not
701 constitute taxable income to the student or parent of the
702 qualified student.

703 (14) OBLIGATIONS OF THE AUDITOR GENERAL.—

704 (a) The Auditor General shall conduct an annual ~~financial~~
705 ~~and~~ operational audit of accounts and records of each ~~eligible~~
706 ~~scholarship-funding~~ organization that participates in the
707 program. As part of this audit, the Auditor General shall
708 verify, at a minimum, the total amount of students served and
709 eligibility of reimbursements made by each ~~eligible nonprofit~~
710 ~~scholarship-funding~~ organization and transmit that information
711 to the department.

712 (b) The Auditor General shall notify the department of any
713 ~~eligible nonprofit scholarship-funding~~ organization that fails
714 to comply with a request for information.

715 (c) The Auditor General shall provide the Commissioner of
716 Education with a copy of each annual operational audit performed
717 pursuant to this subsection within 10 days after each audit is
718 finalized.

719 (15) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The
720 Department of Health, the Agency for Persons with Disabilities,
721 and the Department of Education shall work with an ~~eligible~~
722 ~~nonprofit scholarship-funding~~ organization for easy or automated
723 access to lists of licensed providers of services specified in
724 paragraph (5) (c) to ensure efficient administration of the
725 program.

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726 (16) LIABILITY.—The state is not liable for the award or
727 any use of awarded funds under this section.

728 (17) SCOPE OF AUTHORITY.—This section does not expand the
729 regulatory authority of this state, its officers, or any school
730 district to impose additional regulation on participating
731 private schools, ~~independent nonprofit~~ postsecondary educational
732 institutions, and private providers beyond those reasonably
733 necessary to enforce requirements expressly set forth in this
734 section.

735 (18) RULES.—The State Board of Education shall adopt rules
736 pursuant to ss. 120.536(1) and 120.54 to administer this
737 section.

738 (19) IMPLEMENTATION SCHEDULE FOR THE 2014-2015 SCHOOL
739 YEAR.—Notwithstanding the provisions of this section related to
740 notification and eligibility timelines, an ~~eligible nonprofit~~
741 ~~scholarship-funding~~ organization may enroll parents on a rolling
742 schedule on a first-come, first-served basis, within the amount
743 of funds provided in the General Appropriations Act. This
744 subsection is repealed effective July 1, 2015.

745 Section 2. Subsection (11) is added to section 1009.98,
746 Florida Statutes, to read:

747 1009.98 Stanley G. Tate Florida Prepaid College Program.—

748 (11) PROCEDURES.—Notwithstanding any other provision in
749 this section, a prepaid college plan may be purchased, accounted
750 for, used, and terminated as provided in s. 1002.385. The board
751 shall, by July 1, 2015, develop procedures, contracts, and any
752 other required forms or documentation necessary to fully
753 implement this subsection.

754 Section 3. The Department of Education shall promulgate

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755 rules to implement s. 1002.385, Florida Statutes.

756 (1) Such rules must be effective by July 1, 2015, and must
 757 include, but need not be limited to:

758 (a) Establishing procedures concerning the student,
 759 organization, eligible private school, eligible postsecondary
 760 educational institution, or other appropriate party to
 761 participate in the program, including approval, suspension, and
 762 termination of eligibility;

763 (b) Establishing uniform forms for use by organizations for
 764 parents and students;

765 (c) Approving providers pertaining to the Florida K-20
 766 Education Code;

767 (d) Incorporating program participation in existing private
 768 school scholarship program applications, including, but not
 769 limited to, ensuring that the process for obtaining eligibility
 770 under s. 1002.385, Florida Statutes, is as administratively
 771 convenient as possible for a private school;

772 (e) Establishing a matrix of services calculations and
 773 timelines, so that the initial and revised matrix is completed
 774 by a school district in time to be included in the completed
 775 application;

776 (f) Establishing a deadline for an organization to provide
 777 annual notice of the ability for a parent to request an initial
 778 or revised matrix of services, which must enable the initial or
 779 revised matrix to be included in the completed application;

780 (g) Establishing additional records, documents, or
 781 materials a parent must collect and retain in the student's
 782 portfolio;

783 (h) Establishing preliminary timelines and procedures that

Page 27 of 28

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

1-00348A-15

2015602__

784 enable a parent to submit a completed application to the
 785 organization, and for the organization to review and approve the
 786 completed application; and

787 (i) Defining terms, including, but not limited to, the
 788 terms "participating student," "new student," "eligible
 789 student," "award letter," "program funds," "associated
 790 interest," "program payments," "program expenditures," "initial
 791 program participation," "program renewal," "wait list," "timely
 792 filed application," and "late-filed application."

793 (2) Such rules should maximize flexibility and ease of
 794 program use for the parent and student.

795 Section 4. This act shall take effect upon becoming a law.

Page 28 of 28

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/18/15

Meeting Date

602

Bill Number (if applicable)

Topic SB 602

Amendment Barcode (if applicable)

Name Deborah Kistler

Job Title Homeschool mom/Homemaker

Address 1506 Meeks Rd.

Street

Phone (850) 562-4630

Tallahassee FL 32317

City

State

Zip

Email dk.kistler@gmail.com

Speaking: [X] For [] Against [] Information

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

Representing Parent of Dyslexic child

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2-18-2015

Meeting Date

602

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Brian Pitts

Job Title Trustee

Address 1119 Newton Ave S. Street

Phone 727/897-9291

St Petersburg City FL State 33705 Zip

Email justice2jesus@yahoo.com

Speaking: [X] For [] Against [] Information

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

Representing Justice-2-Jesus

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/18

Meeting Date

602

Bill Number (if applicable)

Topic PLSA

Amendment Barcode (if applicable)

Name Patricia Levesque

Job Title CEO Foundation for Florida's Future

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing Foundation for Florida's Future

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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Brief “Education Accountability” Bill Summaries

FOR INFORMATIONAL PURPOSES ONLY – 2/18/2015 DRAFT

SB 100 (Senator Bean) – Student Assessment Program

- Prohibits a school district from scheduling more than 10 school days in a school year to administer all local assessments and statewide, standardized assessments,
- Requires school district approval for test administration beyond 10 school days.

SB 616 (Senator Legg) – Education Accountability

The bill maintains the 2014-2015 school year transition to the Florida Standards Assessments, including the suspension of negative consequences associated with school grade or school improvement ratings, but makes the following permanent adjustments:

- Removes the state requirement that a local assessment or local end-of-course exam must be adopted for each course that is not assessed through a statewide, standardized assessment; however, teachers are required to use a district-approved assessment in order to be eligible for performance pay adjustments.
- Reduces the student performance component of teacher performance evaluations to at least 40% (from at least 50%) and requires the instructional practice component to be at least 30% and the professional and job responsibilities component to be no more than 30% of a total performance evaluation.
- Limits the amount of time (to no more than 5% of total school hours during a school year) that a student can be required to sit for state-required and locally-required tests, with some exceptions provided the parent consents.
- For schools and school districts that experience assessment implementation issues during the 2014-2015 school year, establishes a one-time option for superintendents, with a supermajority vote of the school board, to seek approval from the State Board of Education to use test results for diagnostic and baseline purposes only. If approved, the school or school district forfeits school recognition funding and designation as an academically-high performing school district, if applicable.

SB 774 (Senator Montford) – Education Accountability

The bill extends, until the 2016-2017 school year, transition of the K-12 education accountability system (including suspending school grades), and requires the results of the Florida Standards Assessments to be used only for informational baseline purposes during the 2-year transition. The bill also (among other provisions):

- Eliminates state requirements for the administration of some statewide, standardized assessments (Grade 11 English Language Arts assessment, PERT) and removes the state requirement for a local end-of-course assessment in every course, subject, and grade level.
- Reduces the student performance component of teacher performance evaluations to 30% (from at least 50%) and maintains district flexibility for the instructional practice and the professional and job responsibilities components. The bill also removes requirements for multiple years of data to be used in student learning growth calculations and eliminates the state requirement for the Commissioner to adopt, and the school districts to use, a formula for measuring student learning growth.
- Requires state and local student assessment programs to use the minimum amount of state and local testing for students to accomplish the purposes of the programs.
- Requires the Commissioner to provide an alternative, nonelectronic option for the administration of statewide, standardized assessments if a superintendent certifies that the district or schools within the district are not ready with sufficient technology infrastructure for the successful and timely administration of the assessments.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/18/15
Meeting Date

1001616/774
Bill Number (if applicable)

Topic Assessment & Accountability

Amendment Barcode (if applicable)

Name Vern Pickup-Crawford

Job Title Legislative Liaison

Address 571 Kingsbury Terrace
Street

Phone 561-644-2439

Wellington FL 33414
City State Zip

Email vacrawford@msn.com

Speaking: For Against Information

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

Representing Palm Beach, Charlotte, Collier, Treasure Coast (Martin, St. Lucie, Indian River, Okeechobee)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Feb 18 2015

Meeting Date

100/616/774

Bill Number (if applicable)

Topic K-12 Education

Amendment Barcode (if applicable)

Name Marie-Claire Leman

Job Title —

Address 1911 Wahalahaw Ct

Phone 850-728-7514

Street

Tallahassee FL

City

State

32301

Zip

Email marieclaireleman@gmail.com

Speaking: For Against Information

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

Representing myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

APPEARANCE RECORD

WORKSHOP
ON
SB 100, 616, 774
Bill Number (if applicable)

2-18-15

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

Meeting Date

Amendment Barcode (if applicable)

Topic TESTING, HIGH STANDARDS

Name DAVID HART

Job Title EXEC. VP

Address 136 S BRONOUGH

Phone 850.521.1200

Street

TALLAHASSEE FL 32301

Email dhart@flchamber.com

City

State

Zip

Speaking: For Against Information

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

Representing FL CHAMBER OF COMMERCE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/18/15

Meeting Date

SB 100,616,774

Bill Number (if applicable)

Topic Assessments and Accountability

Amendment Barcode (if applicable)

Name Meredith Mears (Like Sears)

Job Title Parent and Co-founder of FLparentsRISE

Address 3612 Monmouth CT

Phone 8503217258

Street

Tallahassee

FL

32308

Email meredith.flrise@gmail.com

City

State

Zip

Speaking: [] For [x] Against [] Information

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

Representing My children and Florida students and teachers

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [] Yes [x] No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

Workshop

SB 100

SB

SB 616, 774
Bill Number (if applicable)

2/18/15

Meeting Date

Topic Education Pre K - 12 Workshop

Amendment Barcode (if applicable)

Name Lawrence Clermont

Job Title Florida PTA Legislative Committee

Address 2841 Englewood Drive

Phone 727 386 9558

Street

Largo FL 33771

City

State

Zip

Email LCLERMONT@gmail.com

Speaking: For Against Information

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

Representing Florida PTA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

February 18, 2015

SB 774

Meeting Date

Bill Number (if applicable)

Topic Testing and Accountability Concerns

Amendment Barcode (if applicable)

Name Robert Cerra

Job Title Governmental Consultant

Address 206 South Monroe Street, #104

Phone 850-222-4428

Street

Tallahassee

FL.

32301

Email bobcerra@comcast.net

City

State

Zip

Speaking: [X] For [] Against [] Information

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

Representing Lee County School Board

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

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

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APPEARANCE RECORD

2-18-15

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

SB774

Meeting Date

Bill Number (if applicable)

Topic Education Accountability

Amendment Barcode (if applicable)

Name JEFF UмбаUGH

Job Title PRINCIPAL - GREENCOVE JR HIGH (CLAY COUNTY)

Address 1220 BONAVENTURE AVE

Phone 904-529-2140

GREENCOVE SPRINGS FL 32043

Email JUMBAUGH@ONECLAY.NET

Speaking: [X] For [] Against [] Information

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

Representing CLAY COUNTY SCHOOL DISTRICT

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [] Yes [] No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

SB 3616
SB 774

2/18/15
Meeting Date

Bill Number (if applicable)

Topic Maintaining Strong Accountability Measures Amendment Barcode (if applicable)

Name Minister Isha Hately

Job Title Principal Consultant

Address 5000 Madeira Ave #5207
Street

Phone 786-709-1561

St. Petersburg FL 33708
City State Zip

Email Ihately@hotmail.com

Speaking: For Against Information

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

Representing Community of low income families

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/18
Meeting Date

774
Bill Number (if applicable)

Topic Testing / Accountability

Amendment Barcode (if applicable)

Name Patricia Levesque

Job Title CEO Foundation for Florida's Future

Address _____ Phone _____
Street

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing Foundation For Florida's Future

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/18/15
Meeting Date

774
Bill Number (if applicable)

Topic Testing

Amendment Barcode (if applicable)

Name Joanne McCall

Job Title FEA

Address 213 So Adams St

Phone 850 207 2800

Tallahassee FL 32307

City State Zip

Email _____

Speaking: For Against Information

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

Representing FEA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date

Bill Number (if applicable)

Topic ASSESSMENT & ACCOUNTABILITY

Amendment Barcode (if applicable)

Name MICHAEL GREGO

Job Title SUPERINTENDENT PINELLAS COUNTY

Address 301 FOURTH ST.

Phone (727) 452-6198

Street

LARGO, FL.

City

State

33779

Zip

Email gregimo@PCSB.org

Speaking: For Against Information

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

Representing PINELLAS C. P. SCHOOLS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/18/15

Meeting Date

Bill Number (if applicable)

Topic Accountability / Assessment

Amendment Barcode (if applicable)

Name Alberto M. Carvalho

Job Title Superintendent of Miami Dade County Schools

Address 1450 NE 2nd Ave. #904

Phone (3) 995-2940

Street

Miami FL 33132

Email

City

State

Zip

Speaking: For Against Information

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

Representing Miami Dade Schools

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/18/15
Meeting Date

Bill Number (if applicable)

Topic Testing

Amendment Barcode (if applicable)

Name Missy Rudd

Job Title English Teacher

Address 57059 Smith Creek Rd

Phone _____

Tallahassee, FL 32310
City State Zip

Email MBRudd@gmail.com

Speaking: For Against Information

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

Representing FEA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/18/15
Meeting Date

Bill Number (if applicable)

Topic Testing

Amendment Barcode (if applicable)

Name David Freeland

Job Title Teacher, Math Coach, Testing COORDINATOR

Address 230 Keen Terrace

Phone _____

Street

Sebastian FL 32958

City

State

Zip

Email SCUBUS@MAC.COM

Speaking: For Against Information

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

Representing FEA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

17 Feb 15

Meeting Date

Bill Number (if applicable)

Topic Assessment & Accountability

Amendment Barcode (if applicable)

Name Beverly Slough

Job Title Chair ~~School~~ St. Johns Co. School Board

Address 341 W Adelaide Dr.
Street

Phone 904.210.7289

St. Johns FL 32259
City State Zip

Email Beverly.Slough@stjohns.k12.fl.us

Speaking: For Against Information

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

Representing ESBA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/18/15

Meeting Date

Bill Number (if applicable)

Topic Assessments

Amendment Barcode (if applicable)

Name Laura Zorc

Job Title Parent

Address PO Box 7111

Phone 772-643-5700

Street

Vero Beach FL 32961

Email

City

State

Zip

Speaking: For Against Information

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

Representing

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Feb. 18, 2015
Meeting Date

Bill Number (if applicable)

Topic Education Accountability

Amendment Barcode (if applicable)

Name Jon Williams

Job Title Principal - Shalimar Elementary

Address 797 E Miracle Strip Pkwy

Phone 850 585 1369

Street

Mary Esther
City

FL
State

32569
Zip

Email Williamsj2@mail.okaloosa.k12.fl.us

Speaking: For Against Information

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

Representing ~~Florida~~ Florida Association of School Administrators

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-16

Meeting Date

Bill Number (if applicable)

Topic Accountability

Amendment Barcode (if applicable)

Name Stuart Greenberg

Job Title Divisional Director Leon Schools

Address 1945 Celtic Rd.
Street

Phone 545-3279

Tallahassee Fl.
City State

32317
Zip

Email greenbergs@leonschools.net

Speaking: For Against Information

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

Representing Leon Schools

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/18/15
Meeting Date

Bill Number (if applicable)

Topic Accountability & Assessment in Florida

Amendment Barcode (if applicable)

Name Morgan McCord

Job Title _____

Address 106 N Branagh Street

Phone 850-222-5052

Tallahassee FL 32301

Email morgan@floridatarnatch.org

Speaking: For Against Information

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

Representing FLORIDA TAXWATCH

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/18/15

Meeting Date

(arriving late, please hold until 4pm if possible)

Bill Number (if applicable)

Topic Testing workshop

Amendment Barcode (if applicable)

Name Wendy Rivera - Aguilar

Job Title Executive Director

Address 125 S. Orange Ave, Suite 1500

Phone 407-377-6337

Street

Orlando

FL

32801

City

State

Zip

Email wendy@multiculturaleducationalliance.org

Speaking: For Against Information

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

Representing Multicultural Education Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-18-15

Meeting Date

Bill Number (if applicable)

Topic STUDENT ASSESSMENT

Amendment Barcode (if applicable)

Name WALT GRIFFIN

Job Title SUPERINTENDENT SEMINOLE COUNTY

Address 26400 E LAKE MARY BLVD
Street

Phone 407-320-0006

SANFORD FL 32772
City State Zip

Email walt-griffin@scps.edu

Speaking: For Against Information

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

Representing SEMINOLE COUNTY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-18-15

Meeting Date

Assessment/Account.
Bill Number (if applicable)

Topic FSA/Technology

Amendment Barcode (if applicable)

Name Kathryn Leroy

Job Title Superintendent

Address 1915 S. Floral Ave

Phone 904-607-1232

Street

Bartow

FL

State

Zip

Email kathryn.leroy@polk-fl.net

Speaking: For Against Information

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

Representing Representing Polk Co. School District

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/18/15

Meeting Date

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Tim Wyrosdick

Job Title Superintendent of Schools - Santa Rosa

Address 508b Canal St.

Phone 850 983-5010

Street

Milton

City

FL

State

32570

Zip

Email wyrosdick@santarosa.k12.fl.us

Speaking: For Against Information

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

Representing FADSS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

By Senator Bean

4-00130A-15

2015100__

A bill to be entitled

An act relating to the student assessment program; amending s. 1008.22, F.S.; prohibiting a school district from scheduling more than a specified number of school days to administer local and statewide assessments; requiring the school district to approve additional days if needed; providing an effective date.

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

Section 1. Paragraph (e) of subsection (6) of section 1008.22, Florida Statutes, is amended to read:

1008.22 Student assessment program for public schools.—

(6) LOCAL ASSESSMENTS.—

(e) Each school district shall establish schedules for the administration of any district-mandated assessment and approve the schedules as an agenda item at a district school board meeting. A school district may not schedule more than 10 school days in a school year to administer all local assessments and statewide, standardized assessments required under this section. If more than 10 school days are needed to administer such assessments, the school district must approve the number of additional days. The school district shall publish the testing schedules on its website, clearly specifying the district-mandated assessments, and report the schedules to the Department of Education by October 1 of each year.

Section 2. This act shall take effect July 1, 2015.

By Senator Legg

17-00112B-15

2015616__

1 A bill to be entitled
 2 An act relating to education accountability; amending
 3 s. 1008.22, F.S.; revising requirements for the
 4 administration of local assessments; transferring
 5 provisions relating to district school board policies
 6 regarding assessments; restricting the amount of
 7 school hours that a school district may dedicate to
 8 administer specified assessments; requiring a school
 9 district to secure consent of a student's parent if
 10 school hours dedicated to the administration of local
 11 assessments exceed the threshold amount; authorizing a
 12 student to take an examination or assessment adopted
 13 pursuant to State Board of Education rule; amending s.
 14 1012.34, F.S.; revising the percentage thresholds for
 15 performance evaluation criteria for instructional
 16 personnel and school administrators; specifying
 17 standards for the content and the administration of
 18 local assessments; specifying requirements for
 19 eligibility of salary adjustments for instructional
 20 personnel or school administrators; requiring the
 21 state board to adopt rules by a certain date; amending
 22 s. 1012.22, F.S.; conforming provisions to changes
 23 made by the act; amending s. 1008.34, F.S.; adding
 24 references to school improvement ratings; authorizing
 25 a school district to request approval from the state
 26 board to use student performance results on new
 27 statewide assessments for diagnostic and baseline
 28 purposes; requiring a district school superintendent
 29 to submit the waiver request to the Commissioner of

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30 Education; specifying required content of a waiver
 31 request; requiring the commissioner to review and make
 32 recommendations to the state board regarding each
 33 waiver request; specifying conditions and requirements
 34 for a school that is granted a waiver for the 2014-
 35 2015 school year; providing for expiration; providing
 36 an effective date.

37
 38 Be It Enacted by the Legislature of the State of Florida:

39
 40 Section 1. Subsection (6) of section 1008.22, Florida
 41 Statutes, is amended to read:
 42 1008.22 Student assessment program for public schools.—
 43 (6) LOCAL ASSESSMENTS.—
 44 (a) Measurement of student performance in all subjects and
 45 grade levels, except those subjects and grade levels measured
 46 under the statewide, standardized assessment program described
 47 in this section, is the responsibility of the school districts.
 48 (b) ~~Except for those subjects and grade levels measured~~
 49 ~~under the statewide, standardized assessment program, beginning~~
 50 ~~with the 2014-2015 school year, each school district shall~~
 51 ~~administer for each course offered in the district a local~~
 52 ~~assessment that measures student mastery of course content at~~
 53 ~~the necessary level of rigor for the course. As adopted pursuant~~
 54 ~~to State Board of Education rule, course content is set forth in~~
 55 ~~the state standards required by s. 1003.41 and in the course~~
 56 ~~description. Local assessments may include:~~
 57 ~~1. Statewide assessments.~~
 58 ~~2. Other standardized assessments, including nationally~~

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59 ~~recognized standardized assessments.~~

60 ~~3. Industry certification assessments.~~

61 ~~4. District-developed or district-selected end-of-course~~
62 ~~assessments.~~

63 ~~5. Teacher selected or principal selected assessments.~~

64 ~~(e) Each district school board must adopt policies for~~
65 ~~selection, development, administration, and scoring of local~~
66 ~~assessments and for collection of assessment results. Local~~
67 ~~assessments implemented under subparagraphs (b)4. and 5. may~~
68 ~~include a variety of assessment formats, including, but not~~
69 ~~limited to, project-based assessments, adjudicated performances,~~
70 ~~and practical application assignments. For all English Language~~
71 ~~Arts, mathematics, science, and social studies courses offered~~
72 ~~in the district that are used to meet graduation requirements~~
73 ~~under s. 1002.3105, s. 1003.4281, or s. 1003.4282 and that are~~
74 ~~not otherwise assessed by statewide, standardized assessments,~~
75 ~~the district school board must select the assessments described~~
76 ~~in subparagraphs (b)1.-4.~~

77 ~~(d)~~ The Commissioner of Education shall identify methods to
78 assist and support districts in the development and acquisition
79 of local assessments ~~required under this subsection~~. Methods may
80 include developing item banks, facilitating the sharing of
81 developed tests among school districts, acquiring assessments
82 from state and national curriculum-area organizations, and
83 providing technical assistance in best professional practices of
84 test development based upon state-adopted curriculum standards,
85 administration, and security.

86 ~~(c)~~~~(e)~~ Each school district shall establish schedules for
87 the administration of any district-required local ~~district-~~

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88 ~~mandated~~ assessment and approve the schedules as an agenda item
89 at a district school board meeting. A school district may not
90 schedule more than 5 percent of total school hours to administer
91 statewide, standardized assessments and district-required local
92 assessments. If a school district requires more than 5 percent
93 of total school hours to administer district-required local
94 assessments, the district must secure written consent from a
95 student's parent before administering the district-required
96 local assessments. Notwithstanding this paragraph, a student
97 may, within a school year, choose to take an examination or
98 assessment adopted pursuant to State Board of Education rule
99 pursuant to this section and s. 1008.30. The school district
100 shall publish ~~its~~ the testing schedules on its website, clearly
101 specifying the district-required local ~~district-mandated~~
102 assessments, and report the schedules to the Department of
103 Education by October 1 of each year.

104 Section 2. Paragraph (a) of subsection (3) and subsections
105 (7) and (8) of section 1012.34, Florida Statutes, are amended to
106 read:

107 1012.34 Personnel evaluation procedures and criteria.—

108 (3) EVALUATION PROCEDURES AND CRITERIA.—Instructional
109 personnel and school administrator performance evaluations must
110 be based upon the performance of students assigned to their
111 classrooms or schools, as provided in this section. Pursuant to
112 this section, a school district's performance evaluation is not
113 limited to basing unsatisfactory performance of instructional
114 personnel and school administrators solely upon student
115 performance, but may include other criteria approved to evaluate
116 instructional personnel and school administrators' performance,

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117 or any combination of student performance and other approved
118 criteria. Evaluation procedures and criteria must comply with,
119 but are not limited to, the following:

120 (a) A performance evaluation must be conducted for each
121 employee at least once a year, except that a classroom teacher,
122 as defined in s. 1012.01(2)(a), excluding substitute teachers,
123 who is newly hired by the district school board must be observed
124 and evaluated at least twice in the first year of teaching in
125 the school district. The performance evaluation must be based
126 upon sound educational principles and contemporary research in
127 effective educational practices. The evaluation criteria must
128 include:

129 1. Performance of students.—At least 40 ~~50~~ percent of a
130 performance evaluation must be based upon data and indicators of
131 student learning growth assessed annually by statewide
132 assessments or, for subjects and grade levels not measured by
133 statewide assessments, by school district assessments pursuant
134 to subsection (7) as provided in s. 1008.22(6). Each school
135 district must use the formula adopted pursuant to paragraph
136 (7)(a) for measuring student learning growth in all courses
137 associated with statewide assessments and must select an equally
138 appropriate formula for measuring student learning growth for
139 all other grades and subjects, except as otherwise provided in
140 subsection (7).

141 a. For classroom teachers, as defined in s. 1012.01(2)(a),
142 excluding substitute teachers, the student learning growth
143 portion of the evaluation must include growth data for students
144 assigned to the teacher over the course of at least 3 years. If
145 less than 3 years of data are available, the years for which

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146 data are available must be used and the percentage of the
147 evaluation based upon student learning growth may be reduced to
148 not less than 30 ~~40~~ percent.

149 b. For instructional personnel who are not classroom
150 teachers, the student learning growth portion of the evaluation
151 must include growth data on statewide assessments for students
152 assigned to the instructional personnel over the course of at
153 least 3 years, or may include a combination of student learning
154 growth data and other measurable student outcomes that are
155 specific to the assigned position, provided that the student
156 learning growth data accounts for not less than 30 percent of
157 the evaluation. If less than 3 years of student growth data are
158 available, the years for which data are available must be used
159 and the percentage of the evaluation based upon student learning
160 growth may be reduced to not less than 20 percent.

161 c. For school administrators, the student learning growth
162 portion of the evaluation must include growth data for students
163 assigned to the school over the course of at least 3 years. If
164 less than 3 years of data are available, the years for which
165 data are available must be used and the percentage of the
166 evaluation based upon student learning growth may be reduced to
167 not less than 30 ~~40~~ percent.

168 2. Instructional practice.—At least 30 percent of a
169 performance evaluation ~~criteria used~~ when annually observing
170 classroom teachers, as defined in s. 1012.01(2)(a), excluding
171 substitute teachers, must include indicators based upon each of
172 the Florida Educator Accomplished Practices adopted by the State
173 Board of Education. For instructional personnel who are not
174 classroom teachers, evaluation criteria must be based upon

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175 indicators of the Florida Educator Accomplished Practices and
 176 may include specific job expectations related to student
 177 support.

178 3. Instructional leadership.—At least 30 percent of a
 179 performance evaluation for school administrators, evaluation
 180 criteria must include indicators based upon each of the
 181 leadership standards adopted by the State Board of Education
 182 under s. 1012.986, including performance measures related to the
 183 effectiveness of classroom teachers in the school, the
 184 administrator's appropriate use of evaluation criteria and
 185 procedures, recruitment and retention of effective and highly
 186 effective classroom teachers, improvement in the percentage of
 187 instructional personnel evaluated at the highly effective or
 188 effective level, and other leadership practices that result in
 189 student learning growth. The system may include a means to give
 190 parents and instructional personnel an opportunity to provide
 191 input into the administrator's performance evaluation.

192 4. Professional and job responsibilities.—For instructional
 193 personnel and school administrators, no more than 30 percent of
 194 a performance evaluation must include other professional and job
 195 responsibilities ~~must be included~~ as adopted by the State Board
 196 of Education. The district school board may identify additional
 197 professional and job responsibilities.

198 (7) MEASUREMENT OF STUDENT LEARNING GROWTH; STATE AND LOCAL
 199 ASSESSMENTS.—

200 (a) The Commissioner of Education shall approve a formula
 201 to measure individual student learning growth on the statewide,
 202 standardized assessments in English Language Arts and
 203 mathematics administered under s. 1008.22. The formula must take

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204 into consideration each student's prior academic performance.
 205 The formula must not set different expectations for student
 206 learning growth based upon a student's gender, race, ethnicity,
 207 or socioeconomic status. In the development of the formula, the
 208 commissioner shall consider other factors such as a student's
 209 attendance record, disability status, or status as an English
 210 language learner. The commissioner shall select additional
 211 formulas as appropriate for the remainder of the statewide
 212 assessments included under s. 1008.22 and continue to select
 213 formulas as new assessments are implemented in the state system.
 214 After the commissioner approves the formula to measure
 215 individual student learning growth, the State Board of Education
 216 shall adopt these formulas in rule.

217 (b) For courses associated with the statewide, standardized
 218 assessments under s. 1008.22, each school district shall measure
 219 student learning growth using the formulas approved by the
 220 commissioner under paragraph (a) ~~for courses associated with the~~
 221 ~~statewide, standardized assessments administered under s.~~
 222 ~~1008.22~~ no later than the school year immediately following the
 223 year the formula is approved by the commissioner.

224 (c) For grades and subjects not assessed by statewide,
 225 standardized assessments, but otherwise locally assessed
 226 pursuant to paragraph (d) as required under s. 1008.22(6), each
 227 school district shall measure performance of students using a
 228 methodology determined by the district. The department shall
 229 provide models for measuring performance of students which
 230 school districts may adopt. However, for a course that is not
 231 measured by a statewide, standardized assessment:

232 1.(e) For a course that is not measured by a statewide,

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 233 ~~standardized assessment~~, A school district may request, through
 234 the evaluation system approval process, to use a student's
 235 achievement level rather than student learning growth if
 236 achievement is demonstrated to be a more appropriate measure of
 237 classroom teacher performance. A school district may also
 238 request to use a combination of student learning growth and
 239 achievement, if appropriate.

240 ~~2.(d) For a course that is not measured by a statewide,~~
 241 ~~standardized assessment~~, A school district may request, through
 242 the evaluation system approval process, that the performance
 243 evaluation for the classroom teacher assigned to that course
 244 include the learning growth of his or her students on one or
 245 more statewide, standardized assessments. The request must
 246 clearly explain the rationale supporting the request.

247 ~~3.(e)~~ For purposes of this section and only for the 2014-
 248 2015 school year, a school district may use measurable learning
 249 targets on local assessments administered under paragraph (d)
 250 and s. 1008.22(6) to evaluate the performance of students
 251 portion of a classroom teacher's evaluation for courses that are
 252 not assessed by statewide, standardized assessments. Learning
 253 targets must be approved by the school principal. A district
 254 school superintendent may assign to instructional personnel in
 255 an instructional team the student learning growth of the
 256 instructional team's students on statewide assessments. This
 257 subparagraph ~~paragraph~~ expires July 1, 2015.

258 (d)1. Pursuant to s. 1008.22(6), school districts are
 259 responsible for the measurement of student performance in all
 260 subjects and grade levels, except those subjects and grade
 261 levels measured under the statewide, standardized assessment

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 262 program. For subjects and grade levels not measured under the
 263 statewide, standardized program, each school district is
 264 responsible for administering local assessments that measure
 265 student mastery of course content at the necessary level of
 266 rigor. As adopted pursuant to State Board of Education rule,
 267 course content is set forth in the state standards required by
 268 s. 1003.41 and in the course description. Local assessments may
 269 include:

- 270 a. Statewide assessments.
- 271 b. Other standardized assessments, including nationally
- 272 recognized standardized assessments.
- 273 c. Industry certification assessments.
- 274 d. District-developed or district-selected assessments.
- 275 e. Teacher-selected or principal-selected assessments.
- 276 2. Each district school board must adopt policies for
- 277 selection, development, administration, and scoring of local
- 278 assessments and for collection of assessment results. Local
- 279 assessments may include a variety of assessment formats,
- 280 including, but not limited to, project-based assessments,
- 281 adjudicated performances, and practical application assignments.
- 282 For all English Language Arts, mathematics, science, and social
- 283 studies courses offered in the district which are used to meet
- 284 graduation requirements under s. 1002.3105, s. 1003.4281, or s.
- 285 1003.4282 and which are not otherwise assessed by statewide,
- 286 standardized assessments, the district school board must select
- 287 the assessments described in sub-subparagraphs (d)1.a.-d. For an
- 288 instructional personnel employee or school administrator to be
- 289 eligible for salary adjustment under the performance salary
- 290 schedule, pursuant to s. 1012.22, the student performance

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291 component of his or her performance evaluation must be based on
 292 an assessment described in sub-subparagraphs (d)1.a.-d. using a
 293 methodology determined by the school district pursuant to
 294 paragraph (c).

295 (8) RULEMAKING.—No later than August 1, 2015, the State
 296 Board of Education shall adopt rules pursuant to ss. 120.536(1)
 297 and 120.54 which establish uniform procedures for the
 298 submission, review, and approval of district evaluation systems
 299 and reporting requirements for the annual evaluation of
 300 instructional personnel and school administrators; specific,
 301 discrete standards for each performance level required under
 302 subsection (2) to ensure clear and sufficient differentiation in
 303 the performance levels and to provide consistency in meaning
 304 across school districts; the measurement of student learning
 305 growth and associated implementation procedures required under
 306 subsection (7); and a process for monitoring school district
 307 implementation of evaluation systems in accordance with this
 308 section. Specifically, the rules shall establish student
 309 performance levels that if not met will result in the employee
 310 receiving an unsatisfactory performance evaluation rating. In
 311 like manner, the rules shall establish a student performance
 312 level that must be met in order for an employee to receive a
 313 highly effective rating and a student learning growth standard
 314 that must be met in order for an employee to receive an
 315 effective rating.

316 Section 3. Paragraph (c) of subsection (1) of section
 317 1012.22, Florida Statutes, is amended to read:

318 1012.22 Public school personnel; powers and duties of the
 319 district school board.—The district school board shall:

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320 (1) Designate positions to be filled, prescribe
 321 qualifications for those positions, and provide for the
 322 appointment, compensation, promotion, suspension, and dismissal
 323 of employees as follows, subject to the requirements of this
 324 chapter:

325 (c) *Compensation and salary schedules.*—

326 1. Definitions.—As used in this paragraph, the term:

327 a. "Adjustment" means an addition to the base salary
 328 schedule that is not a bonus and becomes part of the employee's
 329 permanent base salary and shall be considered compensation under
 330 s. 121.021(22).

331 b. "Grandfathered salary schedule" means the salary
 332 schedule or schedules adopted by a district school board before
 333 July 1, 2014, pursuant to subparagraph 4.

334 c. "Instructional personnel" means instructional personnel
 335 as defined in s. 1012.01(2)(a)-(d), excluding substitute
 336 teachers.

337 d. "Performance salary schedule" means the salary schedule
 338 or schedules adopted by a district school board pursuant to
 339 subparagraph 5.

340 e. "Salary schedule" means the schedule or schedules used
 341 to provide the base salary for district school board personnel.

342 f. "School administrator" means a school administrator as
 343 defined in s. 1012.01(3)(c).

344 g. "Supplement" means an annual addition to the base salary
 345 for the term of the negotiated supplement as long as the
 346 employee continues his or her employment for the purpose of the
 347 supplement. A supplement does not become part of the employee's
 348 continuing base salary but shall be considered compensation

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349 under s. 121.021(22).

350 2. Cost-of-living adjustment.—A district school board may
351 provide a cost-of-living salary adjustment if the adjustment:

352 a. Does not discriminate among comparable classes of
353 employees based upon the salary schedule under which they are
354 compensated.

355 b. Does not exceed 50 percent of the annual adjustment
356 provided to instructional personnel rated as effective.

357 3. Advanced degrees.—A district school board may not use
358 advanced degrees in setting a salary schedule for instructional
359 personnel or school administrators hired on or after July 1,
360 2011, unless the advanced degree is held in the individual's
361 area of certification and is only a salary supplement.

362 4. Grandfathered salary schedule.—

363 a. The district school board shall adopt a salary schedule
364 or salary schedules to be used as the basis for paying all
365 school employees hired before July 1, 2014. Instructional
366 personnel on annual contract as of July 1, 2014, shall be placed
367 on the performance salary schedule adopted under subparagraph 5.
368 Instructional personnel on continuing contract or professional
369 service contract may opt into the performance salary schedule if
370 the employee relinquishes such contract and agrees to be
371 employed on an annual contract under s. 1012.335. Such an
372 employee shall be placed on the performance salary schedule and
373 may not return to continuing contract or professional service
374 contract status. Any employee who opts into the performance
375 salary schedule may not return to the grandfathered salary
376 schedule.

377 b. In determining the grandfathered salary schedule for

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378 instructional personnel, a district school board must base a
379 portion of each employee's compensation upon performance
380 demonstrated under s. 1012.34 and shall provide differentiated
381 pay for both instructional personnel and school administrators
382 based upon district-determined factors, including, but not
383 limited to, additional responsibilities, school demographics,
384 critical shortage areas, and level of job performance
385 difficulties.

386 5. Performance salary schedule.—By July 1, 2014, the
387 district school board shall adopt a performance salary schedule
388 that provides annual salary adjustments for instructional
389 personnel and school administrators based upon performance
390 determined under s. 1012.34. Employees hired on or after July 1,
391 2014, or employees who choose to move from the grandfathered
392 salary schedule to the performance salary schedule shall be
393 compensated pursuant to the performance salary schedule once
394 they have received the appropriate performance evaluation for
395 this purpose. However, a classroom teacher whose performance
396 evaluation uses ~~utilizes~~ student learning growth measures
397 established under s. 1012.34(7)(c)3. ~~s. 1012.34(7)(e)~~ shall
398 remain under the grandfathered salary schedule until his or her
399 teaching assignment changes to a subject for which there is a
400 statewide, standardized assessment or district-required local ~~an~~
401 assessment or the school district establishes equally
402 appropriate measures of student learning growth as defined under
403 s. 1012.34 and rules of the State Board of Education.

404 a. Base salary.—The base salary shall be established as
405 follows:

406 (I) The base salary for instructional personnel or school

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407 administrators who opt into the performance salary schedule
 408 shall be the salary paid in the prior year, including
 409 adjustments only.

410 (II) Beginning July 1, 2014, instructional personnel or
 411 school administrators new to the district, returning to the
 412 district after a break in service without an authorized leave of
 413 absence, or appointed for the first time to a position in the
 414 district in the capacity of instructional personnel or school
 415 administrator shall be placed on the performance salary
 416 schedule.

417 b. Salary adjustments.—Salary adjustments for highly
 418 effective or effective performance shall be established as
 419 follows:

420 (I) The annual salary adjustment under the performance
 421 salary schedule for an employee rated as highly effective must
 422 be greater than the highest annual salary adjustment available
 423 to an employee of the same classification through any other
 424 salary schedule adopted by the district.

425 (II) The annual salary adjustment under the performance
 426 salary schedule for an employee rated as effective must be equal
 427 to at least 50 percent and no more than 75 percent of the annual
 428 adjustment provided for a highly effective employee of the same
 429 classification.

430 (III) The performance salary schedule shall not provide an
 431 annual salary adjustment for an employee who receives a rating
 432 other than highly effective or effective for the year.

433 c. Salary supplements.—In addition to the salary
 434 adjustments, each district school board shall provide for salary
 435 supplements for activities that must include, but are not

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436 limited to:

437 (I) Assignment to a Title I eligible school.

438 (II) Assignment to a school that earned a grade of "F" or
 439 three consecutive grades of "D" pursuant to s. 1008.34 such that
 440 the supplement remains in force for at least 1 year following
 441 improved performance in that school.

442 (III) Certification and teaching in critical teacher
 443 shortage areas. Statewide critical teacher shortage areas shall
 444 be identified by the State Board of Education under s. 1012.07.
 445 However, the district school board may identify other areas of
 446 critical shortage within the school district for purposes of
 447 this sub-sub-subparagraph and may remove areas identified by the
 448 state board which do not apply within the school district.

449 (IV) Assignment of additional academic responsibilities.

450
 451 If budget constraints in any given year limit a district school
 452 board's ability to fully fund all adopted salary schedules, the
 453 performance salary schedule may ~~shall~~ not be reduced on the
 454 basis of total cost or the value of individual awards in a
 455 manner that is proportionally greater than reductions to any
 456 other salary schedules adopted by the district.

457 Section 4. Subsection (7) of section 1008.34, Florida
 458 Statutes, is amended to read:

459 1008.34 School grading system; school report cards;
 460 district grade.—

461 (7) TRANSITION.—School grades pursuant to this section and
 462 school improvement ratings pursuant to s. 1008.341 for the 2013-
 463 2014 school year shall be calculated based on statutes and rules
 464 in effect on June 30, 2014. To assist in the transition to 2014-

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465 2015 school grades and school improvement ratings, calculated
 466 based on new statewide, standardized assessments administered
 467 pursuant to s. 1008.22, the 2014-2015 school grades and school
 468 improvement ratings shall serve as an informational baseline for
 469 schools to work toward improved performance in future years.
 470 Accordingly, notwithstanding any other provision of law:

471 (a) A school may not be required to select and implement a
 472 turnaround option pursuant to s. 1008.33 in the 2015-2016 school
 473 year based on the school's 2014-2015 grade or school improvement
 474 rating under s. 1008.341, as applicable.

475 (b)1. A school or approved provider under s. 1002.45 that
 476 receives the same or a lower school grade or school improvement
 477 rating for the 2014-2015 school year compared to the 2013-2014
 478 school year is not subject to sanctions or penalties that would
 479 otherwise occur as a result of the 2014-2015 school grade or
 480 rating. A charter school system or a school district designated
 481 as high performing may not lose the designation based on the
 482 2014-2015 school grades of any of the schools within the charter
 483 school system or school district, as applicable.

484 2. The Florida School Recognition Program established under
 485 s. 1008.36 shall continue to be implemented as otherwise
 486 provided in the General Appropriations Act.

487 (c) For purposes of determining grade 3 retention pursuant
 488 to s. 1008.25(5) and high school graduation pursuant to s.
 489 1003.4282, student performance on the 2014-2015 statewide,
 490 standardized assessments shall be linked to 2013-2014 student
 491 performance expectations.

493 This subsection is repealed July 1, 2017.

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494 Section 5. School district contingency plan.—
 495 Notwithstanding s. 1008.34(7), Florida Statutes, a school
 496 district may, by supermajority vote of the district school
 497 board, request approval from the State Board of Education to
 498 waive all requirements and benefits outlined in s. 1008.34(7),
 499 Florida Statutes, and instead use results from student
 500 performance on the new statewide, standardized assessments
 501 administered in the 2014-2015 school year pursuant to s.
 502 1008.22, Florida Statutes, for diagnostic and baseline purposes
 503 only.

504 (1) A school district's request must be submitted to the
 505 Commissioner of Education by the school district superintendent,
 506 during the period from the last day of administration of
 507 statewide, standardized assessments through June 5, 2015, in
 508 accordance with the guidelines established by the commissioner.
 509 At a minimum, the request, must include identification of:

510 (a) The scope of the request, to apply either to the school
 511 district or to a school or certain schools within the school
 512 district. The request must be made at a district or school
 513 level. The request may not be made at a grade level, a subject-
 514 area level or another level.

515 (b) The reason for the request, including a description of
 516 the systemic or unique implementation failure. Quantifiable data
 517 substantiating the reason for such failure must accompany the
 518 request. A school district's inability to assess the minimum
 519 percentage of students pursuant to ss. 1008.34 and 1008.341,
 520 Florida Statutes, does not, in itself, constitute a reasonable
 521 justification for requesting the waiver under this section.

522 (c) The school district's corrective action plan and

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523 certification that the identified implementation failure must be
 524 resolved in time for successful administration of the statewide,
 525 standardized assessments during the 2015-2016 school year and
 526 each school year thereafter. The district must identify how the
 527 district plans to allocate resources and technical assistance
 528 that the district needs from the Department of Education to
 529 facilitate the district's successful resolution of deficiencies.

530 (d) The school district's plan for using the diagnostic
 531 data to facilitate continuous improvement in student performance
 532 and the effectiveness of schools, instructional personnel, and
 533 school administrators; public reporting on the performance of
 534 students, schools, and the district; and informing parents about
 535 instruction associated with remediation and retention and
 536 options available to students including acceleration,
 537 graduation, and school choice. The district must also describe
 538 its plans for implementing student progression plans,
 539 performance evaluations of instructional personnel and school
 540 administrators, performance salary schedule requirements, and
 541 other uses as identified by the commissioner.

542 (2) The commissioner shall review each request for a waiver
 543 and consult with the applicable school district superintendent.
 544 The commissioner shall make, and provide reasons for,
 545 recommendations to the State Board of Education regarding
 546 granting or denying a request for waiver. The state board shall
 547 consider recommendations made by the commissioner to approve or
 548 deny school district requests. Notwithstanding any other
 549 provision of law, the commissioner's recommendation to approve
 550 may, after consultation with the school district superintendent,
 551 include conditional requirements that must apply if approved by

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552 the state board. The decision of the state board is final.
 553 (3) For only the 2014-2015 school year, if a waiver is
 554 granted under this section:

555 (a) A school or a school district may not receive a school
 556 grade, school improvement rating, or school district grade, as
 557 applicable.

558 (b) A school may, at the school district's discretion,
 559 choose to use new statewide, standardized assessment results in
 560 performance evaluations of instructional personnel and school
 561 administrators.

562 (c) A school district shall continue to have its student
 563 performance results included in the statewide, standardized
 564 assessment results published by the department pursuant to s.
 565 1008.22, Florida Statutes.

566 (d) A school shall forfeit eligibility to earn school
 567 recognition funds pursuant to s. 1008.36, Florida Statutes, as
 568 provided in the General Appropriations Act.

569 (e) A school district shall forfeit the district's
 570 eligibility to earn the designation and benefits associated with
 571 high performing school districts pursuant to s. 1003.621,
 572 Florida Statutes.

573
 574 This section expires July 1, 2016.
 575 Section 6. This act shall take effect upon becoming a law.

By Senator Montford

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1 A bill to be entitled
 2 An act relating to education accountability; amending
 3 s. 1003.41, F.S.; providing that the English Language
 4 Arts (ELA) and Mathematics online assessments may not
 5 be fully implemented until certain technology
 6 infrastructure, connectivity, and capacity have been
 7 tested, verified, and certified as ready; requiring
 8 the Commissioner of Education to provide an
 9 alternative to online assessments in certain
 10 circumstances; amending s. 1008.22, F.S.; specifying
 11 that, for the purpose of the student assessment
 12 program, state and local student assessment programs
 13 must use the minimum amount of testing necessary;
 14 revising requirements for the administration of the
 15 ELA and Mathematics assessments; prohibiting the use
 16 of such assessments for promotion or retention
 17 purposes; prohibiting the use of the ELA assessment
 18 for graduation purposes; requiring the commissioner to
 19 provide an alternative, nonelectronic option for the
 20 administration and reporting of assessments under
 21 certain circumstances; providing that online
 22 assessments may not be implemented until certain
 23 technology infrastructure, connectivity, and capacity
 24 has been tested, verified, and certified as ready;
 25 revising requirements relating to local assessments,
 26 including certain student performance measurements,
 27 course content measurements, end-of-course
 28 assessments, and administration schedules; amending s.
 29 1008.30, F.S.; providing that the PSAT, SAT, and ACT

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30 are tests that may be accepted in lieu of a common
 31 placement test to assess student college readiness;
 32 authorizing, rather than requiring, high schools to
 33 evaluate student college readiness using the results
 34 of the test prescribed in this section under certain
 35 circumstances; amending s. 1008.31, F.S.; revising
 36 legislative intent regarding the state K-20 education
 37 performance accountability system; requiring the
 38 commissioner to notify the United States Department of
 39 Education regarding the transition period required to
 40 implement the new performance accountability system;
 41 requiring the system to be implemented in the 2016-
 42 2017 school year; requiring school grades to be held
 43 in abeyance until the system is implemented; creating
 44 s. 1008.311, F.S.; providing legislative findings and
 45 intent regarding the state's transition to the new
 46 system; amending s. 1008.34, F.S.; requiring that
 47 specified school grades and school improvement ratings
 48 be held in abeyance; authorizing the commissioner to
 49 reduce or eliminate intervention and support services
 50 for a school or an approved provider under certain
 51 circumstances; authorizing school districts to use
 52 other measures of student performance or concordant
 53 scores for certain purposes; removing a future repeal
 54 relating to the transition of the school grading
 55 system; amending s. 1008.345, F.S.; requiring the
 56 commissioner to continue his or her responsibility for
 57 implementing and maintaining a system of intensive
 58 school improvement and stringent education

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59 accountability during the transition period for
 60 implementing the new performance accountability
 61 system; amending s. 1008.385, F.S.; requiring the
 62 commissioner to publish technology requirements for
 63 school districts to facilitate online assessments;
 64 prohibiting the implementation of certain online
 65 assessments until certain technology infrastructure,
 66 connectivity, and capacity has been tested, verified,
 67 and certified as ready; requiring the commissioner to
 68 provide an alternative, nonelectronic option for the
 69 administration and reporting of assessments under
 70 certain circumstances, to submit a report on the
 71 implementation of technology requirements by school
 72 districts to the Legislature, and to recommend the
 73 level of funding for such technology requirements to
 74 the Legislature annually; requiring school districts
 75 to implement technology requirements for administering
 76 online assessments and to report to the commissioner
 77 its compliance with such requirements; amending s.
 78 1012.34, F.S.; revising the personnel evaluation
 79 procedures and criteria, including student learning
 80 assessments; authorizing school districts to measure
 81 student learning and performance using certain
 82 formulas; revising the rulemaking requirements the
 83 State Board of Education must adopt relating to
 84 evaluations; requiring the standards for each
 85 performance level to be established within a certain
 86 timeframe; amending s. 1012.3401, F.S.; revising
 87 personnel performance evaluations in relation to

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88 student learning or achievement; amending ss. 1001.03,
 89 1002.451, 1004.04, 1004.85, 1007.271, 1008.37,
 90 1012.22, 1012.341, and 1012.56, F.S.; conforming
 91 provisions to changes made by the act; providing an
 92 effective date.
 93

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

95
 96 Section 1. Present subsection (4) of section 1003.41,
 97 Florida Statutes, is redesignated as subsection (5), and a new
 98 subsection (4) is added to that section, to read:

99 1003.41 Next Generation Sunshine State Standards.—

100 (4) Full implementation of online assessments for Next
 101 Generation Sunshine State Standards in English Language Arts and
 102 mathematics adopted under this section shall occur only after
 103 the technology infrastructure, connectivity, and capacity of all
 104 public schools and school districts have been load tested,
 105 independently verified, and certified by the district school
 106 superintendents as ready for successful deployment and
 107 implementation. If a district school superintendent certifies
 108 that the school district or schools within that district are not
 109 ready to deploy and implement the online assessments, the
 110 Commissioner of Education shall provide an alternative,
 111 nonelectronic option to the school district for the successful
 112 and timely administration of assessments and the reporting of
 113 such assessment results to the Department of Education.

114 Section 2. Subsection (1), paragraphs (a) and (d) of
 115 subsection (3), and subsections (4) and (6) of section 1008.22,
 116 Florida Statutes, are amended to read:

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117 1008.22 Student assessment program for public schools.-
 118 (1) PURPOSE.—The primary purpose of the student assessment
 119 program is to provide student academic achievement and learning
 120 gains data to students, parents, teachers, school
 121 administrators, and school district staff. This data is to be
 122 used by districts to improve instruction; by students, parents,
 123 and teachers to guide learning objectives; by education
 124 researchers to assess national and international education
 125 comparison data; and by the public to assess the cost benefit of
 126 the expenditure of taxpayer dollars. State and local student
 127 assessment programs must use the minimum amount of state and
 128 local testing required for students to accomplish the purposes
 129 of the program. The program must be designed to:
 130 (a) Assess the achievement level and annual learning gains
 131 of each student in English Language Arts and mathematics and the
 132 achievement level in all other subjects assessed.
 133 (b) Provide data for making decisions regarding school
 134 accountability, recognition, and improvement of operations and
 135 management, including schools operating for the purpose of
 136 providing educational services to youth in Department of
 137 Juvenile Justice programs.
 138 (c) Identify the educational strengths and needs of
 139 students and the readiness of students to be promoted to the
 140 next grade level or to graduate from high school.
 141 (d) Assess how well educational goals and curricular
 142 standards are met at the school, district, state, national, and
 143 international levels.
 144 (e) Provide information to aid in the evaluation and
 145 development of educational programs and policies.

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146 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
 147 Commissioner of Education shall design and implement a
 148 statewide, standardized assessment program aligned to the core
 149 curricular content established in the Next Generation Sunshine
 150 State Standards. The commissioner also must develop or select
 151 and implement a common battery of assessment tools that will be
 152 used in all juvenile justice education programs in the state.
 153 These tools must accurately measure the core curricular content
 154 established in the Next Generation Sunshine State Standards.
 155 Participation in the assessment program is mandatory for all
 156 school districts and all students attending public schools,
 157 including adult students seeking a standard high school diploma
 158 under s. 1003.4282 and students in Department of Juvenile
 159 Justice education programs, except as otherwise provided by law.
 160 If a student does not participate in the assessment program, the
 161 school district must notify the student's parent and provide the
 162 parent with information regarding the implications of such
 163 nonparticipation. The statewide, standardized assessment program
 164 shall be designed and implemented as follows:
 165 (a) *Statewide, standardized comprehensive assessments.*—The
 166 English Language Arts (ELA) assessment, including the statewide,
 167 ~~standardized Reading assessment shall be administered annually~~
 168 ~~in grades 3 through 10. The statewide, standardized Writing~~
 169 ~~component, assessment shall be administered annually at least~~
 170 ~~once at the elementary, middle, and high school levels. When the~~
 171 ~~Reading and Writing assessments are replaced by English Language~~
 172 ~~Arts (ELA) assessments, ELA assessments shall be administered~~
 173 annually to students in grades 3 through 10 ~~11~~. Retake
 174 opportunities for the ~~grade 10 Reading assessment or, upon~~

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175 ~~implementation, the grade 10 ELA assessment must be provided.~~
 176 Students taking the ELA assessments ~~may shall~~ not take the
 177 statewide, standardized assessments in ~~Reading or Writing.~~ ELA
 178 assessments ~~may be, but are not required to be, shall be~~
 179 administered online. The statewide, standardized Mathematics
 180 assessments shall be administered annually in grades 3 through
 181 8. Students taking a revised Mathematics assessment ~~may shall~~
 182 not take the discontinued assessment. The statewide,
 183 standardized Science assessment shall be administered ~~annually~~
 184 at least once annually at the elementary grades level and the
 185 middle grades levels. In order to earn a standard high school
 186 diploma, a student who has not earned a passing score on the
 187 ~~grade 10 Reading assessment or, upon implementation, the grade~~
 188 10 ELA assessment must earn a passing score on the assessment
 189 retake or earn a concordant score as authorized under subsection
 190 (7).

191 1. The ELA assessment may not be used as a requirement for
 192 graduation, promotion, or retention during the transition period
 193 from the administration of the FCAT to a statewide, standardized
 194 ELA assessment. The 2016-2017 school year is the first year that
 195 the ELA assessment may be used for graduation, promotion, or
 196 retention purposes. Until the 2016-2017 school year, a
 197 concordant score may be used as provided in subsection (7) to
 198 satisfy high school graduation requirements. For promotion and
 199 retention purposes, the school district may use a variety of
 200 assessments to quantify student performance in English Language
 201 Arts or reading.

202 2. The Mathematics assessment administered in grades 3
 203 through 8 may not be used as a requirement for promotion or

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204 retention during the transition period from the administration
 205 of the FCAT to a statewide, standardized Mathematics assessment.
 206 The 2016-2017 school year is the first year that the Mathematics
 207 assessment may be used for promotion or retention purposes.
 208 Until the 2016-2017 school year, the school district may use a
 209 variety of assessments to quantify student performance in
 210 mathematics.

211 3. Until the 2016-2017 school year, the commissioner shall
 212 provide an alternative, nonelectronic option for the
 213 administration of the ELA statewide, standardized assessment,
 214 including Writing, and the Mathematics statewide, standardized
 215 assessment. The nonelectronic option shall be provided in order
 216 to ensure that students have adequate time to develop the word
 217 processing and computer skills to take the statewide,
 218 standardized assessment and that districts have the capacity on
 219 both the school and district levels to administer the assessment
 220 as an online assessment.

221 (d) Implementation schedule.-

222 1. The Commissioner of Education shall establish and
 223 publish on the department's website an implementation schedule
 224 to transition from the statewide, standardized Reading and
 225 Writing assessments to the ELA assessments and to the revised
 226 Mathematics assessments, including the Algebra I and Geometry
 227 EOC assessments. The schedule must take into consideration
 228 funding, sufficient field and baseline data, access to
 229 assessments, instructional alignment, and school district
 230 readiness to administer the assessments online.

231 2. The Department of Education shall publish minimum and
 232 recommended technology requirements that include specifications

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233 for hardware, software, networking, security, and broadband
 234 capacity to facilitate school district compliance with the
 235 requirement that assessments be administered online.

236 3. The technology infrastructure, connectivity, and
 237 capacity of all public schools and school districts that
 238 administer statewide standardized assessments pursuant to this
 239 section, including online assessments, shall be load tested,
 240 independently verified as appropriate, and certified by the
 241 district school superintendent as adequate, efficient, and
 242 sustainable. If a district school superintendent certifies that
 243 the school district or schools within that district are not
 244 ready, the Commissioner of Education shall provide an
 245 alternative, nonelectronic option to the school district for the
 246 successful and timely administration of assessments and the
 247 reporting of such assessment results to the Department of
 248 Education.

249 (4) SCHOOL ASSESSMENT PROGRAMS.—Each public school shall
 250 participate in the statewide, standardized assessment program in
 251 accordance with the assessment and reporting schedules and the
 252 minimum and recommended technology requirements published by the
 253 Commissioner of Education. However, if a district school
 254 superintendent certifies that the school district or schools
 255 within that district are not ready, the commissioner shall
 256 provide an alternative, nonelectronic option to the school
 257 district for the successful and timely administration of
 258 assessments and the reporting of such assessment results to the
 259 Department of Education. District school boards ~~may~~ shall not
 260 establish school calendars that conflict with or jeopardize
 261 implementation of the assessment program. All district school

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262 boards shall report assessment results as required by the state
 263 management information system. Performance data shall be
 264 analyzed and reported to parents, the community, and the state.
 265 Student performance data shall be used by districts in
 266 developing objectives for the school improvement plan,
 267 evaluating instructional personnel and administrative personnel,
 268 assigning staff, allocating resources, acquiring instructional
 269 materials and technology, implementing performance-based
 270 budgeting, and promoting and assigning students to educational
 271 programs. The analysis of student performance data must also
 272 identify strengths and needs in the educational program and
 273 trends over time. The analysis must be used in conjunction with
 274 the budgetary planning processes developed pursuant to s.
 275 1008.385 and the development of remediation programs.

(6) LOCAL ASSESSMENTS.—

277 (a) Measurement of student performance is the
 278 responsibility of school districts except in those subjects and
 279 grade levels measured under the statewide, standardized
 280 assessment program described in this section in all subjects and
 281 grade levels, except those subjects and grade levels measured
 282 under the statewide, standardized assessment program described
 283 in this section, is the responsibility of the school districts.

284 (b) ~~Except for those subjects and grade levels measured~~
 285 ~~under the statewide, standardized assessment program, beginning~~
 286 ~~with the 2014-2015 school year, each school district shall~~
 287 ~~administer for each course offered in the district a local~~
 288 ~~assessment that measures student mastery of course content at~~
 289 ~~the necessary level of rigor for the course. As adopted pursuant~~
 290 ~~to State Board of Education rule, course content is set forth in~~

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291 the state standards required by s. 1003.41 and in the course
 292 description. Local assessments that measure course content set
 293 forth in the state standards may include:

- 294 1. Statewide assessments.
- 295 2. Other standardized assessments, including nationally
 296 recognized standardized assessments.
- 297 3. Industry certification assessments.
- 298 4. District-developed or district-selected end-of-course
 299 assessments.
- 300 5. Teacher-selected or principal-selected assessments.

301 (c) Each district school board must adopt policies for
 302 selection, development, administration, and scoring of local
 303 assessments and for collection of assessment results. Local
 304 assessments implemented under subparagraphs (b)4. and 5. may
 305 include a variety of assessment formats, including, but not
 306 limited to, project-based assessments, adjudicated performances,
 307 and practical application assignments. Teacher-selected or
 308 principal-selected end-of-course assessments used for all
 309 English Language Arts, mathematics, science, and social studies
 310 courses offered in the district that are used to meet graduation
 311 requirements under s. 1002.3105, s. 1003.4281, or s. 1003.4282
 312 and that are not otherwise assessed by statewide, standardized
 313 assessments must be approved by the district school
 314 superintendent or his or her designee ~~For all English Language~~
 315 ~~Arts, mathematics, science, and social studies courses offered~~
 316 ~~in the district that are used to meet graduation requirements~~
 317 ~~under s. 1002.3105, s. 1003.4281, or s. 1003.4282 and that are~~
 318 ~~not otherwise assessed by statewide, standardized assessments,~~
 319 ~~the district school board must select the assessments described~~

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320 ~~in subparagraphs (b)1.-4.~~

321 (d) The Commissioner of Education shall identify methods to
 322 assist and support districts in the development and acquisition
 323 of assessments required under this subsection. Methods may
 324 include developing item banks, facilitating the sharing of
 325 developed tests among school districts, acquiring assessments
 326 from state and national curriculum-area organizations, and
 327 providing technical assistance in best professional practices of
 328 test development based upon state-adopted curriculum standards,
 329 administration, and security.

330 (e) Each school district shall establish schedules for the
 331 administration of any state- and district-mandated assessment.
 332 The schedules must identify the statutory requirement for all
 333 mandated assessments. Each school district shall ~~and~~ approve the
 334 schedules as an agenda item at a district school board meeting.
 335 The school district shall publish the testing schedules on its
 336 website, clearly specifying the state- and district-mandated
 337 assessments, and report the schedules to the Department of
 338 Education by October 1 of each year.

339 Section 3. Section 1008.30, Florida Statutes, is amended to
 340 read:

341 1008.30 Postsecondary readiness ~~Common placement testing~~
 342 ~~for public postsecondary education.-~~

343 (1) The State Board of Education, in conjunction with the
 344 Board of Governors, shall develop and implement a common
 345 placement test for the purpose of assessing the basic
 346 computation and communication skills of students who intend to
 347 enter a degree program at any public postsecondary educational
 348 institution. Alternative assessments that may be accepted in

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349 lieu of the common placement test shall also be identified in
 350 rule. The PSAT, SAT, and ACT are tests that may be used. Public
 351 postsecondary educational institutions shall provide appropriate
 352 modifications of the test instruments or test procedures for
 353 students with disabilities.

354 (2) The ~~test must common placement testing program shall~~
 355 include the capacity to diagnose basic competencies in the areas
 356 of English, reading, and mathematics which are essential for
 357 success in meta-majors and to provide test information to
 358 students on the specific skills the student needs to attain.

359 (3) The State Board of Education shall adopt rules that
 360 authorize ~~require~~ high schools to evaluate before the beginning
 361 of grade 12 the college readiness of each student who scores
 362 Level 2 or Level 3 on grade 10 FCAT Reading or the English
 363 Language Arts assessment under s. 1008.22, as applicable, or
 364 Level 2, Level 3, or Level 4 on the Algebra I assessment under
 365 s. 1008.22. High schools may ~~shall~~ perform this evaluation using
 366 results from the ~~corresponding component of the common placement~~
 367 ~~test prescribed in this section, or an alternative test~~
 368 ~~identified by the State Board of Education.~~ The high school may
 369 ~~shall~~ use the results of the test to advise the students of any
 370 identified deficiencies and to provide 12th grade students with,
 371 and strongly encourage ~~require~~ them to complete, appropriate
 372 postsecondary preparatory instruction before high school
 373 graduation. The curriculum provided under this subsection shall
 374 be identified in rule by the State Board of Education and
 375 encompass Florida's Postsecondary Readiness Competencies. Other
 376 elective courses may not be substituted for the selected
 377 postsecondary mathematics, reading, writing, or English Language

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378 Arts preparatory course unless the elective course covers the
 379 same competencies included in the postsecondary mathematics,
 380 reading, writing, or English Language Arts preparatory course.

381 (4) By October 31, 2013, the State Board of Education shall
 382 establish by rule the test scores a student must achieve to
 383 demonstrate readiness to perform college-level work, and the
 384 rules must specify the following:

385 (a) A student who entered 9th grade in a Florida public
 386 school in the 2003-2004 school year, or any year thereafter, and
 387 earned a Florida standard high school diploma or a student who
 388 is serving as an active duty member of any branch of the United
 389 States Armed Services may ~~shall~~ not be required to take the
 390 ~~common placement~~ test and may ~~shall~~ not be required to enroll in
 391 developmental education instruction in a Florida College System
 392 institution. However, a student who is not required to take the
 393 ~~common placement~~ test and is not required to enroll in
 394 developmental education under this paragraph may opt to be
 395 assessed and to enroll in developmental education instruction,
 396 and the college shall provide such assessment and instruction
 397 upon the student's request.

398 (b) A student who takes the ~~common placement~~ test and whose
 399 score on the test indicates a need for developmental education
 400 must be advised of all the developmental education options
 401 offered at the institution and, after advisement, shall be
 402 allowed to enroll in the developmental education option of his
 403 or her choice.

404 (c) A student who demonstrates readiness by achieving or
 405 exceeding the test scores established by the state board and
 406 enrolls in a Florida College System institution within 2 years

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407 after achieving such scores ~~may shall~~ not be required to retest
 408 or complete developmental education when admitted to any Florida
 409 College System institution.

410 (5) By December 31, 2013, the State Board of Education, in
 411 consultation with the Board of Governors, shall approve a series
 412 of meta-majors and the academic pathways that identify the
 413 gateway courses associated with each meta-major. Florida College
 414 System institutions shall use placement test results to
 415 determine the extent to which each student demonstrates
 416 sufficient communication and computation skills to indicate
 417 readiness for his or her chosen meta-major. Florida College
 418 System institutions shall counsel students into college credit
 419 courses as quickly as possible, with developmental education
 420 limited to that content needed for success in the meta-major.

421 (6) (a) Each Florida College System institution board of
 422 trustees shall develop a plan to implement the developmental
 423 education strategies defined in s. 1008.02 and rules established
 424 by the State Board of Education. The plan must be submitted to
 425 the Chancellor of the Florida College System for approval no
 426 later than March 1, 2014, for implementation no later than the
 427 fall semester 2014. Each plan must include, at a minimum, local
 428 policies that outline:

429 1. Documented student achievements such as grade point
 430 averages, work history, military experience, participation in
 431 juried competitions, career interests, degree major declaration,
 432 or any combination of such achievements that the institution may
 433 consider, in addition to ~~common placement~~ test scores, for
 434 advising students regarding enrollment options.

435 2. Developmental education strategies available to

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436 students.

437 3. A description of student costs and financial aid
 438 opportunities associated with each option.

439 4. Provisions for the collection of student success data.

440 5. A comprehensive plan for advising students into
 441 appropriate developmental education strategies based on student
 442 success data.

443 (b) Beginning October 31, 2015, each Florida College System
 444 institution shall annually prepare an accountability report that
 445 includes student success data relating to each developmental
 446 education strategy implemented by the institution. The report
 447 shall be submitted to the Division of Florida Colleges by
 448 October 31 in a format determined by the Chancellor of the
 449 Florida College System. By December 31, the chancellor shall
 450 compile and submit the institutional reports to the Governor,
 451 the President of the Senate, the Speaker of the House of
 452 Representatives, and the State Board of Education.

453 (c) A university board of trustees may contract with a
 454 Florida College System institution board of trustees for the
 455 Florida College System institution to provide developmental
 456 education on the state university campus. Any state university
 457 in which the percentage of incoming students requiring
 458 developmental education equals or exceeds the average percentage
 459 of such students for the Florida College System may offer
 460 developmental education without contracting with a Florida
 461 College System institution; however, any state university
 462 offering college-preparatory instruction as of January 1, 1996,
 463 may continue to provide such services.

464 (7) A student may not be enrolled in a college credit

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465 mathematics or English course on a dual enrollment basis unless
 466 the student has demonstrated adequate precollegiate preparation
 467 on the section of the basic computation and communication skills
 468 assessment required pursuant to subsection (1) that is
 469 appropriate for successful student participation in the course.

470 Section 4. Subsection (1) of section 1008.31, Florida
 471 Statutes, is amended to read:

472 1008.31 Florida's K-20 education performance accountability
 473 system; legislative intent; mission, goals, and systemwide
 474 measures; data quality improvements.—

475 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
 476 that:

477 (a) The performance accountability system implemented to
 478 assess the effectiveness of Florida's seamless K-20 education
 479 delivery system provide answers to the following questions in
 480 relation to its mission and goals:

481 1. What is the public receiving in return for funds it
 482 invests in education?

483 2. How effectively is Florida's K-20 education system
 484 educating its students?

485 3. How effectively are the major delivery sectors promoting
 486 student achievement?

487 4. How are individual schools and postsecondary education
 488 institutions performing their responsibility to educate their
 489 students as measured by how students are performing and how much
 490 they are learning?

491 (b) The K-20 education performance accountability system be
 492 established as a single, unified accountability system with
 493 multiple components, including, but not limited to, student

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494 performance in public schools and school and district grades.

495 (c) The K-20 education performance accountability system
 496 comply with the requirements of the "No Child Left Behind Act of
 497 2001," Pub. L. No. 107-110, and the Individuals with
 498 Disabilities Education Act (IDEA). The Commissioner of Education
 499 shall notify the United States Department of Education regarding
 500 the transition period required to implement the new performance
 501 accountability system in order to maintain compliance with or be
 502 granted a waiver from the requirements of the "No Child Left
 503 Behind Act of 2001."

504 (d) Notwithstanding any other law, the K-12 education
 505 performance accountability system is in transition for the 2014-
 506 2015 and 2015-2016 school years, and the new performance
 507 accountability system shall be fully implemented during the
 508 2016-2017 school year. During the 2-year transition period,
 509 school grades shall be held in abeyance.

510 (e) ~~(d)~~ The State Board of Education and the Board of
 511 Governors of the State University System recommend to the
 512 Legislature systemwide performance standards; the Legislature
 513 establish systemwide performance measures and standards; and the
 514 systemwide measures and standards provide Floridians with
 515 information on what the public is receiving in return for the
 516 funds it invests in education and how well the K-20 system
 517 educates its students.

518 ~~(f)~~ ~~(e)~~ 1. The State Board of Education establish performance
 519 measures and set performance standards for individual public
 520 schools and Florida College System institutions, with measures
 521 and standards based primarily on student achievement.

522 2. The Board of Governors of the State University System

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523 establish performance measures and set performance standards for
524 individual state universities, including actual completion
525 rates.

526 Section 5. Section 1008.311, Florida Statutes, is created
527 to read:

528 1008.311 Transition education accountability system.—

529 (1) LEGISLATIVE FINDINGS.—The Legislature finds that:

530 (a) Public education is a critical component to this
531 state's continued economic growth.

532 (b) This state has been a leader in the development and
533 implementation of a rigorous education accountability system.
534 This system is an important component to ensuring that students
535 are prepared for the world of work and postsecondary education
536 and is the foundation for an evaluation and performance pay
537 system for teachers and administrators and for the issuance of
538 school and district grades.

539 (c) One of the consequences of using a new statewide,
540 standardized assessment with the accompanying teacher evaluation
541 system and school grades is the outcry by parents and teachers
542 of too much testing. While testing is a critical component of
543 education and one way of measuring student learning, testing
544 should not define the system.

545 (d) This state's accountability system continues to be in
546 transition with the implementation of new salary schedules for
547 teachers and performance pay for teachers and administrators;
548 the administration of a new statewide, standardized assessment
549 in spring 2015; and the issuance of school grades in fall 2015.

550 (e) The infrastructure of the accountability system is not
551 yet in place, including appropriate professional development,

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552 availability of instructional materials tied to the standards,
553 availability and mastery of technology for students to be
554 successful on the new statewide assessment, and the capacity for
555 districts to administer the assessment.

556 (f) School districts have not had the resources or the
557 technical assistance necessary to develop valid and reliable
558 local assessments both to measure student performance and to
559 apply them as part of the teacher evaluation system.

560 (2) LEGISLATIVE INTENT.—Therefore, it is the intent of the
561 Legislature that:

562 (a) The transition to a new accountability system continue
563 by affording students, teachers, and school districts more time
564 to implement the various components of the accountability
565 system.

566 (b) The assessment requirements shall be refined to reduce
567 the number of required state and district assessments.

568 (c) The grade 11 statewide, standardized English Language
569 Arts assessment, including Writing, shall be eliminated since
570 the grade 10 assessment is the high school graduation
571 requirement.

572 (d) The PSAT, ACT, or SAT may be used in lieu of the common
573 placement test.

574 (e) The overall number of assessments shall be reduced by
575 modifying the teacher evaluation system.

576 (f) A new accountability system shall be implemented during
577 a 2-year transition period in order to ensure that the new
578 standards are thoroughly incorporated in all grades and subject
579 areas; that instructional materials are available and aligned to
580 the standards; that technology is available for instruction in,

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581 and assessment on, the new standards; that teachers and
 582 administrators receive sufficient professional development in
 583 the new standards; and that the new assessment is aligned to the
 584 new standards. Student performance on the new assessment shall
 585 be reported and used to make decisions on graduation, promotion,
 586 and retention. However, performance on the new assessment may
 587 not be the sole determinant for graduation, promotion, or
 588 retention. A new performance accountability system shall be in
 589 place for the 2016-2017 school year.

590 (g) The school grading system shall be held in abeyance for
 591 the 2014-2015 and 2015-2016 school years. However, student
 592 performance on the new assessment and other statewide
 593 assessments shall be reported to the public in a format that is
 594 easily understood. Low-performing schools must continue to
 595 receive additional focus and resources.

596 (h) The teacher evaluation system shall be modified to
 597 reflect the implementation of the new performance accountability
 598 system. The percentage of the evaluation based on student
 599 performance shall be modified. Performance pay requirements may
 600 be suspended, but school districts may continue or implement
 601 performance pay systems that have been adopted.

602 Section 6. Paragraphs (b) and (c) of subsection (1),
 603 paragraph (b) of subsection (3), and subsection (7) of section
 604 1008.34, Florida Statutes, are amended to read:

605 1008.34 School grading system; school report cards;
 606 district grade.—

607 (1) DEFINITIONS.—For purposes of the statewide,
 608 standardized assessment program and school grading system, the
 609 following terms are defined:

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610 (b) "Learning Gains," "annual learning gains," or "student
 611 learning gains" means the degree of student learning ~~growth~~
 612 occurring from one school year to the next as required by state
 613 board rule for purposes of calculating school grades under this
 614 section.

615 (c) "Student performance," "student academic performance,"
 616 or "academic performance" includes, but is not limited to,
 617 student learning ~~growth~~, achievement levels, and Learning Gains
 618 on statewide, standardized assessments administered pursuant to
 619 s. 1008.22.

620 (3) DESIGNATION OF SCHOOL GRADES.—

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

624 a. The percentage of eligible students passing statewide,
 625 standardized assessments in English Language Arts under s.
 626 1008.22(3).

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

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

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

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

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

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

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

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

655
656 In calculating Learning Gains for the components listed in sub-
657 subparagraphs e.-h., the State Board of Education shall require
658 that learning ~~growth~~ toward achievement levels 3, 4, and 5 is
659 demonstrated by students who scored below each of those levels
660 in the prior year. In calculating the components in sub-
661 subparagraphs a.-d., the state board shall include the
662 performance of English language learners only if they have been
663 enrolled in a school in the United States for more than 2 years.

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

667 a. The 4-year high school graduation rate of the school as

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668 defined by state board rule.

669 b. The percentage of students who were eligible to earn
670 college and career credit through College Board Advanced
671 Placement examinations, International Baccalaureate
672 examinations, dual enrollment courses, or Advanced International
673 Certificate of Education examinations; or who, at any time
674 during high school, earned national industry certification
675 identified in the Industry Certification Funding List, pursuant
676 to rules adopted by the state board.

677 (7) TRANSITION.—School grades and school improvement
678 ratings pursuant to s. 1008.341 shall be held in abeyance for
679 the 2014-2015 and 2015-2016 school years. Performance on the new
680 statewide, standardized assessments administered pursuant to s.
681 1008.22 shall serve as an informational baseline for diagnostic
682 purposes in working toward improved performance in future years.
683 School grades and school improvement ratings pursuant to s.
684 1008.341 for the 2013-2014 school year shall be calculated based
685 on statutes and rules in effect on June 30, 2014. ~~To assist in~~
686 ~~the transition to 2014-2015 school grades, calculated based on~~
687 ~~new statewide, standardized assessments administered pursuant to~~
688 ~~s. 1008.22, the 2014-2015 school grades shall serve as an~~
689 ~~informational baseline for schools to work toward improved~~
690 ~~performance in future years.~~ Accordingly, notwithstanding any
691 other provision of law:

692 (a) A school may not be required to select and implement a
693 turnaround option pursuant to s. 1008.33 in the 2015-2016 or
694 2016-2017 school year school year based on the school's 2014-
695 2015 grade or school improvement rating under s. 1008.341, as
696 applicable.

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697 (b)1. A school or approved provider under s. 1002.45 ~~that~~
 698 ~~receives the same or a lower school grade or school improvement~~
 699 ~~rating for the 2014-2015 school year compared to the 2013-2014~~
 700 ~~school year~~ is not subject to sanctions or penalties that would
 701 otherwise occur as a result of the 2014-2015 or 2015-2016 school
 702 grades or ratings ~~grade or rating~~. A charter school system or a
 703 school district designated as high performing may not lose the
 704 designation due to the school grades being held in abeyance for
 705 the 2014-2015 and 2015-2016 school years for based on the 2014-
 706 2015 school grades of any of the schools within the charter
 707 school system or school district, as applicable.

708 2. The Commissioner of Education may reduce or eliminate
 709 intervention and support services required pursuant to s.
 710 1008.33 for the 2015-2016 and 2016-2017 school years, based upon
 711 quantifiable increases in student performance for a school or
 712 approved provider under s. 1002.45.

713 3.2. The Florida School Recognition Program established
 714 under s. 1008.36 shall continue to be implemented as otherwise
 715 provided in the General Appropriations Act.

716 (c) For purposes of determining grade 3 retention pursuant
 717 to s. 1008.25(5) and high school graduation pursuant to s.
 718 1003.4282, student performance on the 2014-2015 statewide,
 719 standardized assessments shall be linked to 2013-2014 student
 720 performance expectations. School districts may also use other
 721 quantifiable measures of student performance or concordant
 722 scores on approved examinations for purposes of determining
 723 grade 3 retention pursuant to s. 1008.25(5) and high school
 724 graduation pursuant to s. 1003.4282.
 725

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726 ~~This subsection is repealed July 1, 2017.~~

727 Section 7. Subsection (1), paragraphs (a), (b), and (c) of
 728 subsection (5), and paragraph (d) of subsection (6) of section
 729 1008.345, Florida Statutes, are amended to read:

730 1008.345 Implementation of state system of school
 731 improvement and education accountability.-

732 (1) The Commissioner of Education is responsible for
 733 implementing and maintaining a system of intensive school
 734 improvement and stringent education accountability and must
 735 continue to do so during the transition period for implementing
 736 the new performance accountability system pursuant to s.
 737 1008.31(1). The system of intensive school improvement and
 738 stringent education accountability must, which shall include
 739 policies and programs to implement the following:

740 (a) A system of data collection and analysis that will
 741 improve information about the educational success of individual
 742 students and schools, including schools operating for the
 743 purpose of providing educational services to youth in Department
 744 of Juvenile Justice programs. The information and analyses must
 745 be capable of identifying educational programs or activities in
 746 need of improvement, and reports prepared pursuant to this
 747 paragraph shall be distributed to the appropriate district
 748 school boards prior to distribution to the general public. This
 749 provision shall not preclude access to public records as
 750 provided in chapter 119.

751 (b) A program of school improvement that will analyze
 752 information to identify schools, including schools operating for
 753 the purpose of providing educational services to youth in
 754 Department of Juvenile Justice programs, educational programs,

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755 or educational activities in need of improvement.

756 (c) A method of delivering services to assist school
757 districts and schools to improve, including schools operating
758 for the purpose of providing educational services to youth in
759 Department of Juvenile Justice programs.

760 (d) A method of coordinating with the state educational
761 goals and school improvement plans any other state program that
762 creates incentives for school improvement.

763 (5) The commissioner shall report to the Legislature and
764 recommend changes in state policy necessary to foster school
765 improvement and education accountability. The report shall
766 include:

767 (a) For each school district:

768 1. The percentage of students, by school and grade level,
769 demonstrating learning ~~growth~~ in English Language Arts and
770 mathematics.

771 2. The percentage of students, by school and grade level,
772 in both the highest and lowest quartiles demonstrating learning
773 ~~growth~~ in English Language Arts and mathematics.

774 (b) Intervention and support strategies used by school
775 boards whose students in both the highest and lowest quartiles
776 exceed the statewide average learning ~~growth~~ for students in
777 those quartiles.

778 (c) Intervention and support strategies used by school
779 boards whose schools provide educational services to youth in
780 Department of Juvenile Justice programs that demonstrate
781 learning ~~growth~~ in English Language Arts and mathematics that
782 exceeds the statewide average learning ~~growth~~ for students in
783 those subjects.

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784 School reports shall be distributed pursuant to this subsection
785 and s. 1001.42(18)(c) and according to rules adopted by the
786 State Board of Education.

787
788 (6)

789 (d) The commissioner shall assign a community assessment
790 team to each school district or governing board with a school
791 that earned a grade of "F" or three consecutive grades of "D"
792 pursuant to s. 1008.34 or that is determined to be low-
793 performing by the commissioner during the transition period for
794 implementing the new performance accountability system under s.
795 1008.31(1) to review the school performance data and determine
796 causes for the low performance, including the role of school,
797 area, and district administrative personnel. The community
798 assessment team shall review a high school's graduation rate
799 calculated without high school equivalency diploma recipients
800 for the past 3 years, disaggregated by student ethnicity. The
801 team shall make recommendations to the school board or the
802 governing board and to the State Board of Education which
803 address the causes of the school's low performance and may be
804 incorporated into the school improvement plan. The assessment
805 team shall include, but not be limited to, a department
806 representative, parents, business representatives, educators,
807 representatives of local governments, and community activists,
808 and shall represent the demographics of the community from which
809 they are appointed.

810 Section 8. Paragraphs (a) and (b) of subsection (2) of
811 section 1008.385, Florida Statutes, are amended to read:

812 1008.385 Educational planning and information systems.-

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813 (2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.—The
 814 Commissioner of Education shall develop and implement an
 815 integrated information system for educational management. The
 816 system must be designed to collect, via electronic transfer, all
 817 student and school performance data required to ascertain the
 818 degree to which schools and school districts are meeting state
 819 performance standards, and must be capable of producing data for
 820 a comprehensive annual report on school and district
 821 performance. In addition, the system shall support, as feasible,
 822 the management decisions to be made in each division of the
 823 department and at the individual school and district levels.
 824 Similar data elements among divisions and levels shall be
 825 compatible. The system shall be based on an overall conceptual
 826 design; the information needed for such decisions, including
 827 fiscal, student, program, personnel, facility, community,
 828 evaluation, and other relevant data; and the relationship
 829 between cost and effectiveness. The system shall be managed and
 830 administered by the commissioner and shall include a district
 831 subsystem component to be administered at the district level,
 832 with input from the reports-and-forms control management
 833 committees. Each district school system with a unique management
 834 information system shall assure that compatibility exists
 835 between its unique system and the district component of the
 836 state system so that all data required as input to the state
 837 system is made available via electronic transfer and in the
 838 appropriate input format.

839 (a) The specific responsibilities of the commissioner shall
 840 include:

841 1. Consulting with school district representatives in the

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842 development of the system design model and implementation plans
 843 for the management information system for public school
 844 education management;

845 2. Providing operational definitions for the proposed
 846 system, including criteria for issuing and revoking master
 847 school identification numbers to support the maintenance of
 848 education records, to enforce and support education
 849 accountability, to support the distribution of funds to school
 850 districts, to support the preparation and analysis of school
 851 district financial reports, and to assist the commissioner in
 852 carrying out the duties specified in ss. 1001.10 and 1001.11;

853 3. Determining the information and specific data elements
 854 required for the management decisions made at each educational
 855 level, recognizing that the primary unit for information input
 856 is the individual school and recognizing that time and effort of
 857 instructional personnel expended in collection and compilation
 858 of data should be minimized;

859 4. Developing standardized terminology and procedures to be
 860 followed at all levels of the system;

861 5. Developing a standard transmittal format to be used for
 862 collection of data from the various levels of the system;

863 6. Developing appropriate computer programs to assure
 864 integration of the various information components dealing with
 865 students, personnel, facilities, fiscal, program, community, and
 866 evaluation data;

867 7. Developing the necessary programs to provide statistical
 868 analysis of the integrated data provided in subparagraph 6. in
 869 such a way that required reports may be disseminated,
 870 comparisons may be made, and relationships may be determined in

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871 order to provide the necessary information for making management
872 decisions at all levels;

873 8. Developing output report formats which will provide
874 district school systems with information for making management
875 decisions at the various educational levels;

876 9. Developing a phased plan for distributing computer
877 services equitably among all public schools and school districts
878 in the state as rapidly as possible. The plan shall describe
879 alternatives available to the state in providing such computing
880 services and shall contain estimates of the cost of each
881 alternative, together with a recommendation for action. In
882 developing the plan, the feasibility of shared use of computing
883 hardware and software by school districts, Florida College
884 System institutions, and universities shall be examined. Laws or
885 administrative rules regulating procurement of data processing
886 equipment, communication services, or data processing services
887 by state agencies shall not be construed to apply to local
888 agencies which share computing facilities with state agencies;

889 10. Assisting the district school systems in establishing
890 their subsystem components and assuring compatibility with
891 current district systems;

892 11. Establishing procedures for continuous evaluation of
893 system efficiency and effectiveness;

894 12. Initiating a reports-management and forms-management
895 system to ascertain that duplication in collection of data does
896 not exist and that forms and reports for reporting under state
897 and federal requirements and other forms and reports are
898 prepared in a logical and uncomplicated format, resulting in a
899 reduction in the number and complexity of required reports,

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900 particularly at the school level; ~~and~~

901 13. Publishing minimum recommended technology requirements
902 that include specifications for hardware, software, networking,
903 security, and broadband capacity to facilitate all school
904 districts' compliance with the requirement that assessments be
905 administered online. Full implementation of online assessments
906 for the statewide standards in English Language Arts and
907 mathematics adopted pursuant to s. 1003.41 for all K-12 public
908 school students shall occur only after the technology
909 infrastructure, connectivity, and capacity of all public schools
910 and school districts are load tested, independently verified,
911 and certified by the district school superintendents as ready
912 for successful deployment and implementation. If a district
913 school superintendent certifies that the school district or
914 schools within that district are not ready, the commissioner
915 shall provide an alternative, nonelectronic option to the school
916 district for the successful and timely administration of
917 assessments and the reporting of such assessment results to the
918 department. The commissioner shall submit a report on the
919 implementation of the technology requirements by school
920 districts, including any implementation and funding issues
921 reported by district school superintendents, to the Governor,
922 the President of the Senate, and the Speaker of the House of
923 Representatives by January 15 of each year;

924 14. Providing a nonelectronic option for the administration
925 of the new ELA statewide, standardized assessment, including the
926 Writing component, and the Mathematics statewide, standardized
927 assessment until the 2016-2017 school year in order to ensure
928 that students have the word processing and computer skills to

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929 take the new statewide, standardized assessments and districts
 930 have the capacity to administer the assessments as online
 931 assessments;

932 15. Recommending annually to the State Board of Education,
 933 the Governor, the President of the Senate, and the Speaker of
 934 the House of Representatives the level of funding needed by
 935 school districts to implement and maintain technology
 936 requirements based upon the technology plans submitted and
 937 updated annually by school districts; and

938 ~~16.13.~~ Initiating such other actions as are necessary to
 939 carry out the intent of the Legislature that a management
 940 information system for public school management needs be
 941 implemented. Such other actions shall be based on criteria
 942 including, but not limited to:

- 943 a. The purpose of the reporting requirement;
- 944 b. The origination of the reporting requirement;
- 945 c. The date of origin of the reporting requirement; and
- 946 d. The date of repeal of the reporting requirement.

947 (b) The specific responsibilities of each district school
 948 system shall include:

- 949 1. Establishing, at the district level, a reports-control
 950 and forms-control management system committee composed of school
 951 administrators and classroom teachers. The district school board
 952 shall appoint school administrator members and classroom teacher
 953 members or, in school districts where appropriate, the classroom
 954 teacher members shall be appointed by the bargaining agent.
 955 Teachers shall constitute a majority of the committee
 956 membership. The committee shall periodically recommend
 957 procedures to the district school board for eliminating,

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958 reducing, revising, and consolidating paperwork and data
 959 collection requirements and shall submit to the district school
 960 board an annual report of its findings.

961 2. With assistance from the commissioner, developing
 962 systems compatibility between the state management information
 963 system and unique local systems.

964 3. Providing, with the assistance of the department,
 965 inservice training dealing with management information system
 966 purposes and scope, a method of transmitting input data, and the
 967 use of output report information.

968 4. Establishing a plan for continuous review and evaluation
 969 of local management information system needs and procedures.

970 5. Advising the commissioner of all district management
 971 information needs.

972 6. Transmitting required data input elements to the
 973 appropriate processing locations in accordance with guidelines
 974 established by the commissioner.

975 7. Determining required reports, comparisons, and
 976 relationships to be provided to district school systems by the
 977 system output reports, continuously reviewing these reports for
 978 usefulness and meaningfulness, and submitting recommended
 979 additions, deletions, and change requirements in accordance with
 980 the guidelines established by the commissioner.

981 8. Being responsible for the accuracy of all data elements
 982 transmitted to the department.

983 9. Implementing the technology requirements for
 984 administering assessments online. Each district school
 985 superintendent shall submit a report to the commissioner which
 986 specifies whether the school district is in compliance with the

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 987 technology requirements, outstanding implementation issues, and
 988 funding requirements to implement and maintain the technology
 989 requirements for instruction and administration of all
 990 assessments. If a district school superintendent certifies that
 991 the school district or schools within that district do not have
 992 the required technology to administer the assessment, the
 993 commissioner shall provide an alternative, nonelectronic option
 994 to the school district for the successful and timely
 995 administration of assessments and the reporting of such
 996 assessment results to the department.

Section 9. Paragraph (a) of subsection (2), paragraph (a) of subsection (3), and subsections (7) through (10) of section 1012.34, Florida Statutes, are amended to read:

1012.34 Personnel evaluation procedures and criteria.—

(2) EVALUATION SYSTEM REQUIREMENTS.—The evaluation systems for instructional personnel and school administrators must:

(a) Be designed to support effective instruction and student learning ~~growth~~, and performance evaluation results must be used when developing district and school level improvement plans.

In addition, each district school board may establish a peer assistance process. This process may be a part of the regular evaluation system or used to assist employees placed on performance probation, newly hired classroom teachers, or employees who request assistance.

(3) EVALUATION PROCEDURES AND CRITERIA.—Instructional personnel and school administrator performance evaluations must be based upon the performance of students assigned to their

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 1016 classrooms or schools, as provided in this section. Pursuant to
 1017 this section, a school district's performance evaluation is not
 1018 limited to basing unsatisfactory performance of instructional
 1019 personnel and school administrators solely upon student
 1020 performance, but may include other criteria approved to evaluate
 1021 instructional personnel and school administrators' performance,
 1022 or any combination of student performance and other approved
 1023 criteria. Evaluation procedures and criteria must comply with,
 1024 but are not limited to, the following:

(a) A performance evaluation must be conducted for each employee at least once a year, except that a classroom teacher, as defined in s. 1012.01(2)(a), excluding substitute teachers, who is newly hired by the district school board must be observed and evaluated at least twice in the first year of teaching in the school district. The performance evaluation must be based upon sound educational principles and contemporary research in effective educational practices. The evaluation criteria must include:

1. Performance of students.—~~Thirty~~ At least 50 percent of a performance evaluation must be based upon data and indicators of student learning ~~growth~~ assessed annually by statewide assessments or, for subjects and grade levels not measured by statewide assessments, by school district assessments as provided in s. 1008.22(6). School districts may use more than one assessment listed in s. 1008.22(6) to meet the 30 percent requirement for subjects and grade levels not measured by statewide assessments ~~Each school district must use the formula adopted pursuant to paragraph (7)(a) for measuring student learning growth in all courses associated with statewide~~

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1045 ~~assessments and must select an equally appropriate formula for~~
 1046 ~~measuring student learning growth for all other grades and~~
 1047 ~~subjects, except as otherwise provided in subsection (7).~~

1048 ~~a. For classroom teachers, as defined in s. 1012.01(2) (a),~~
 1049 ~~excluding substitute teachers, the student learning growth~~
 1050 ~~portion of the evaluation must include growth data for students~~
 1051 ~~assigned to the teacher over the course of at least 3 years. If~~
 1052 ~~less than 3 years of data are available, the years for which~~
 1053 ~~data are available must be used and the percentage of the~~
 1054 ~~evaluation based upon student learning growth may be reduced to~~
 1055 ~~not less than 40 percent.~~

1056 ~~b. For instructional personnel who are not classroom~~
 1057 ~~teachers, the student learning growth portion of the evaluation~~
 1058 ~~must include growth data on statewide assessments for students~~
 1059 ~~assigned to the instructional personnel over the course of at~~
 1060 ~~least 3 years, or may include a combination of student learning~~
 1061 ~~growth data and other measurable student outcomes that are~~
 1062 ~~specific to the assigned position, provided that the student~~
 1063 ~~learning growth data accounts for not less than 30 percent of~~
 1064 ~~the evaluation. If less than 3 years of student growth data are~~
 1065 ~~available, the years for which data are available must be used~~
 1066 ~~and the percentage of the evaluation based upon student learning~~
 1067 ~~growth may be reduced to not less than 20 percent.~~

1068 ~~c. For school administrators, the student learning growth~~
 1069 ~~portion of the evaluation must include growth data for students~~
 1070 ~~assigned to the school over the course of at least 3 years. If~~
 1071 ~~less than 3 years of data are available, the years for which~~
 1072 ~~data are available must be used and the percentage of the~~
 1073 ~~evaluation based upon student learning growth may be reduced to~~

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1074 ~~not less than 40 percent.~~

1075 2. Instructional practice.—Evaluation criteria used when
 1076 annually observing classroom teachers, as defined in s.
 1077 1012.01(2) (a), excluding substitute teachers, must include
 1078 indicators based upon each of the Florida Educator Accomplished
 1079 Practices adopted by the State Board of Education. For
 1080 instructional personnel who are not classroom teachers,
 1081 evaluation criteria must be based upon indicators of the Florida
 1082 Educator Accomplished Practices and may include specific job
 1083 expectations related to student support.

1084 3. Instructional leadership.—For school administrators,
 1085 evaluation criteria must include indicators based upon each of
 1086 the leadership standards adopted by the State Board of Education
 1087 under s. 1012.986, including performance measures related to the
 1088 effectiveness of classroom teachers in the school, the
 1089 administrator's appropriate use of evaluation criteria and
 1090 procedures, recruitment and retention of effective and highly
 1091 effective classroom teachers, improvement in the percentage of
 1092 instructional personnel evaluated at the highly effective or
 1093 effective level, and other leadership practices that result in
 1094 student learning growth. The system may include a means to give
 1095 parents and instructional personnel an opportunity to provide
 1096 input into the administrator's performance evaluation.

1097 4. Professional and job responsibilities.—For instructional
 1098 personnel and school administrators, other professional and job
 1099 responsibilities must be included as adopted by the State Board
 1100 of Education. The district school board may identify additional
 1101 professional and job responsibilities.

1102 (7) MEASUREMENT OF STUDENT LEARNING GROWTH.—

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1103 (a) The Commissioner of Education ~~may shall~~ approve a
 1104 formula to measure individual student learning ~~growth~~ on the
 1105 statewide, standardized assessments in English Language Arts and
 1106 mathematics administered under s. 1008.22. The formula must take
 1107 into consideration each student's prior academic performance.
 1108 The formula must not set different expectations for student
 1109 learning ~~growth~~ based upon a student's gender, race, ethnicity,
 1110 or socioeconomic status. In the development of the formula, the
 1111 commissioner shall consider other factors such as a student's
 1112 attendance record, disability status, or status as an English
 1113 language learner. The commissioner shall select additional
 1114 formulas as appropriate for the remainder of the statewide
 1115 assessments included under s. 1008.22 and continue to select
 1116 formulas as new assessments are implemented in the state system.
 1117 After the commissioner approves the formula to measure
 1118 individual student learning ~~growth~~, the State Board of Education
 1119 shall adopt these formulas in rule.

1120 (b) Each school district ~~may shall~~ measure student learning
 1121 ~~growth~~ using the formulas approved by the commissioner under
 1122 paragraph (a) for courses associated with the statewide,
 1123 standardized assessments administered under s. 1008.22 no later
 1124 than the school year immediately following the year the formula
 1125 is approved by the commissioner. For grades and subjects not
 1126 assessed by statewide, standardized assessments but otherwise
 1127 assessed as required under s. 1008.22(6), each school district
 1128 ~~may shall~~ measure performance of students using a methodology
 1129 determined by the district. The department shall provide models
 1130 for measuring performance of students which school districts may
 1131 adopt.

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1132 (c) For a course that is not measured by a statewide,
 1133 standardized assessment, a school district may ~~request, through~~
 1134 ~~the evaluation system approval process,~~ to use a student's
 1135 achievement level rather than student learning ~~growth~~ if
 1136 achievement is demonstrated to be a more appropriate measure of
 1137 classroom teacher performance and is to be used as part of such
 1138 evaluation. A school district may also ~~request to~~ use a
 1139 combination of student learning ~~growth~~ and achievement, if
 1140 appropriate.

1141 (d) For a course that is not measured by a statewide,
 1142 standardized assessment, a school district may provide request,
 1143 ~~through the evaluation system approval process,~~ that the
 1144 performance evaluation, if applicable, for the classroom teacher
 1145 assigned to that course include the learning ~~growth~~ of his or
 1146 her students on one or more of the assessments listed in s.
 1147 1008.22(6) statewide, standardized assessments. ~~The request must~~
 1148 ~~clearly explain the rationale supporting the request.~~

1149 (e) For purposes of this section ~~and only for the 2014-2015~~
 1150 ~~school year,~~ a school district may use measurable learning
 1151 targets on local assessments administered under s. 1008.22(6) to
 1152 evaluate the performance of students portion of a classroom
 1153 teacher's evaluation, if applicable, for courses that are not
 1154 assessed by statewide, standardized assessments. Learning
 1155 targets must be approved by the school principal. A district
 1156 school superintendent may assign to instructional personnel in
 1157 an instructional team the student learning ~~growth~~ of the
 1158 instructional team's students on statewide, standardized
 1159 assessments. ~~This paragraph expires July 1, 2015.~~

1160 (8) RULEMAKING.—The State Board of Education shall adopt

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1161 rules pursuant to ss. 120.536(1) and 120.54 which establish
 1162 uniform procedures for the submission, review, and approval of
 1163 district evaluation systems and reporting requirements for the
 1164 annual evaluation of instructional personnel and school
 1165 administrators; ~~specific, discrete standards for each~~
 1166 ~~performance level required under subsection (2) to ensure clear~~
 1167 ~~and sufficient differentiation in the performance levels and to~~
 1168 ~~provide consistency in meaning across school districts; the~~
 1169 ~~measurement of student learning growth and associated~~
 1170 ~~implementation procedures required under subsection (7); and a~~
 1171 ~~process for monitoring school district implementation of~~
 1172 ~~evaluation systems in accordance with this section.~~
 1173 Specifically, the rules shall establish student performance
 1174 levels that if not met will result in the employee receiving an
 1175 unsatisfactory performance evaluation rating. In like manner,
 1176 the rules shall establish a student performance level that must
 1177 be met in order for an employee to receive a highly effective
 1178 rating and a student learning growth standard that must be met
 1179 in order for an employee to receive an effective rating.

1180 (9) TRANSITION TO NEW STATEWIDE, STANDARDIZED ASSESSMENTS.-
 1181 Standards for each performance level required under subsection
 1182 (2) shall be established by the State Board of Education after
 1183 the administration of the statewide, standardized assessment in
 1184 spring 2016. The standards for each performance level must be
 1185 implemented before the administration of the statewide,
 1186 standardized assessment in spring 2017 beginning with the 2015-
 1187 2016 school year.

1188 (10) DISTRICT BONUS REWARDS FOR PERFORMANCE PAY BASED ON
 1189 EVALUATION PROGRESS.-School districts are eligible for bonus

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1190 rewards as provided for in the ~~2014~~ General Appropriations Act
 1191 for making outstanding progress toward educator effectiveness,
 1192 including implementation of instructional personnel salaries
 1193 based on performance results under s. 1012.34 and the use of
 1194 local assessment results in personnel evaluations when
 1195 statewide, standardized assessments are not administered.

1196 Section 10. Section 1012.3401, Florida Statutes, is amended
 1197 to read:

1198 1012.3401 Requirements for measuring student performance in
 1199 instructional personnel and school administrator performance
 1200 evaluations; performance evaluation of personnel for purposes of
 1201 performance salary schedule.-Notwithstanding any provision to
 1202 the contrary in ss. 1012.22 and 1012.34 regarding the
 1203 performance salary schedule and personnel evaluation procedures
 1204 and criteria:

1205 (1) Thirty ~~At least 50~~ percent of a classroom teacher's or
 1206 school administrator's performance evaluation, ~~or 40 percent if~~
 1207 ~~less than 3 years of student performance data are available,~~
 1208 shall be based upon learning ~~growth~~ or achievement of a
 1209 significant number of the teacher's students for which a valid
 1210 evaluation may be attained or, for a school administrator, the
 1211 students attending that school; the remaining portion shall be
 1212 based upon factors identified in district-determined, state-
 1213 approved evaluation system plans. ~~Student achievement measures~~
 1214 ~~for courses associated with statewide assessments may be used~~
 1215 ~~only if a statewide growth formula has not been approved for~~
 1216 ~~that assessment or, for courses associated with school district~~
 1217 ~~assessments, if achievement is demonstrated to be a more~~
 1218 ~~appropriate measure of teacher performance.~~

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1219 (2) The student performance data used in the performance
 1220 evaluation of nonclassroom instructional personnel shall be
 1221 based on student outcome data that reflects the actual
 1222 contribution of such personnel to the performance of the
 1223 students assigned to the individual in the individual's areas of
 1224 responsibility.

1225 (3) For purposes of the performance salary schedule in s.
 1226 1012.22, the student assessment data in the performance
 1227 evaluation must be from the statewide assessments or ~~district-~~
 1228 ~~determined assessments~~ as required in s. 1008.22(6) in the
 1229 subject areas taught.

1230 Section 11. Subsection (10) of section 1001.03, Florida
 1231 Statutes, is amended to read:

1232 1001.03 Specific powers of State Board of Education.—

1233 (10) ~~COMMON PLACEMENT~~ TESTING FOR PUBLIC POSTSECONDARY
 1234 EDUCATION.—The State Board of Education, in conjunction with the
 1235 Board of Governors, shall develop and implement a ~~common~~
 1236 ~~placement~~ test to assess the basic computation and communication
 1237 skills of students who intend to enter a degree program at any
 1238 Florida College System institution or state university.

1239 Section 12. Paragraph (d) of subsection (2) of section
 1240 1002.451, Florida Statutes, is amended to read:

1241 1002.451 District innovation school of technology program.—

1242 (2) GUIDING PRINCIPLES.—An innovation school of technology
 1243 shall be guided by the following principles:

1244 (d) Measure student performance based on student learning
 1245 ~~growth~~, or based on student achievement if student learning
 1246 ~~growth~~ cannot be measured.

1247 Section 13. Paragraph (d) of subsection (2), paragraph (a)

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1248 of subsection (4), and paragraphs (a) and (b) of subsection (5)
 1249 of section 1004.04, Florida Statutes, are amended to read:

1250 1004.04 Public accountability and state approval for
 1251 teacher preparation programs.—

1252 (2) UNIFORM CORE CURRICULA AND CANDIDATE ASSESSMENT.—

1253 (d) Before program completion, each candidate must
 1254 demonstrate his or her ability to positively impact student
 1255 learning ~~growth~~ in the candidate's area or areas of program
 1256 concentration during a prekindergarten through grade 12 field
 1257 experience and must pass each portion of the Florida Teacher
 1258 Certification Examination required for a professional
 1259 certificate in the area or areas of program concentration.

1260 (4) CONTINUED PROGRAM APPROVAL.—Continued approval of a
 1261 teacher preparation program shall be based upon evidence that
 1262 the program continues to implement the requirements for initial
 1263 approval and upon significant, objective, and quantifiable
 1264 measures of the program and the performance of the program
 1265 completers.

1266 (a) The criteria for continued approval must include each
 1267 of the following:

1268 1. Documentation from the program that each program
 1269 candidate met the admission requirements provided in subsection
 1270 (3).

1271 2. Documentation from the program that the program and each
 1272 program completer have met the requirements provided in
 1273 subsection (2).

1274 3. Evidence of performance in each of the following areas:

1275 a. Placement rate of program completers into instructional
 1276 positions in Florida public schools and private schools, if

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1277 available.

1278 b. Rate of retention for employed program completers in

1279 instructional positions in Florida public schools.

1280 c. Performance of students in prekindergarten through grade

1281 12 who are assigned to in-field program completers on statewide

1282 assessments using the results of the student learning ~~growth~~

1283 formula adopted under s. 1012.34.

1284 d. Performance of students in prekindergarten through grade

1285 12 who are assigned to in-field program completers aggregated by

1286 student subgroup, as defined in the federal Elementary and

1287 Secondary Education Act (ESEA), 20 U.S.C. s.

1288 6311(b)(2)(C)(v)(II), as a measure of how well the program

1289 prepares teachers to work with a diverse population of students

1290 in a variety of settings in Florida public schools.

1291 e. Results of program completers' annual evaluations in

1292 accordance with the timeline as set forth in s. 1012.34.

1293 f. Production of program completers in statewide critical

1294 teacher shortage areas as identified in s. 1012.07.

1295 (5) PRESERVICE FIELD EXPERIENCE.—All postsecondary

1296 instructors, school district personnel and instructional

1297 personnel, and school sites preparing instructional personnel

1298 through preservice field experience courses and internships

1299 shall meet special requirements. District school boards may pay

1300 student teachers during their internships.

1301 (a) All individuals in postsecondary teacher preparation

1302 programs who instruct or supervise preservice field experience

1303 courses or internships in which a candidate demonstrates his or

1304 her impact on student learning ~~growth~~ shall have the following:

1305 specialized training in clinical supervision; at least 3 years

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1306 of successful, relevant prekindergarten through grade 12

1307 teaching, student services, or school administration experience;

1308 and an annual demonstration of experience in a relevant

1309 prekindergarten through grade 12 school setting as defined by

1310 State Board of Education rule.

1311 (b)1. All school district personnel and instructional

1312 personnel who supervise or direct teacher preparation students

1313 during field experience courses or internships taking place in

1314 this state in which candidates demonstrate an impact on student

1315 learning ~~growth~~ must have evidence of "clinical educator"

1316 training, a valid professional certificate issued pursuant to s.

1317 1012.56, and at least 3 years of teaching experience in

1318 prekindergarten through grade 12 and must have earned an

1319 effective or highly effective rating on the prior year's

1320 performance evaluation under s. 1012.34 or be a peer evaluator

1321 under the district's evaluation system approved under s.

1322 1012.34. The State Board of Education shall approve the training

1323 requirements.

1324 2. All instructional personnel who supervise or direct

1325 teacher preparation students during field experience courses or

1326 internships in another state, in which a candidate demonstrates

1327 his or her impact on student learning ~~growth~~, through a Florida

1328 online or distance program must have received "clinical

1329 educator" training or its equivalent in that state, hold a valid

1330 professional certificate issued by the state in which the field

1331 experience takes place, and have at least 3 years of teaching

1332 experience in prekindergarten through grade 12.

1333 3. All instructional personnel who supervise or direct

1334 teacher preparation students during field experience courses or

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1335 internships, in which a candidate demonstrates his or her impact
 1336 on student learning ~~growth~~, on a United States military base in
 1337 another country through a Florida online or distance program
 1338 must have received "clinical educator" training or its
 1339 equivalent, hold a valid professional certificate issued by the
 1340 United States Department of Defense or a state or territory of
 1341 the United States, and have at least 3 years teaching experience
 1342 in prekindergarten through grade 12.

1343 Section 14. Paragraph (b) of subsection (3), paragraph (b)
 1344 of subsection (4), and subsection (6) of section 1004.85,
 1345 Florida Statutes, are amended to read:

1346 1004.85 Postsecondary educator preparation institutes.—

1347 (3) Educator preparation institutes approved pursuant to
 1348 this section may offer competency-based certification programs
 1349 specifically designed for noneducation major baccalaureate
 1350 degree holders to enable program participants to meet the
 1351 educator certification requirements of s. 1012.56. An educator
 1352 preparation institute choosing to offer a competency-based
 1353 certification program pursuant to the provisions of this section
 1354 must implement a program previously approved by the Department
 1355 of Education for this purpose or a program developed by the
 1356 institute and approved by the department for this purpose.
 1357 Approved programs shall be available for use by other approved
 1358 educator preparation institutes.

1359 (b) Each program participant must:

1360 1. Meet certification requirements pursuant to s.
 1361 1012.56(1) by obtaining a statement of status of eligibility in
 1362 the certification subject area of the educational plan and meet
 1363 the requirements of s. 1012.56(2) (a)-(f).

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1364 2. Participate in coursework and field experiences that are
 1365 appropriate to his or her educational plan prepared under
 1366 paragraph (a).

1367 3. Before completion of the program, fully demonstrate his
 1368 or her ability to teach the subject area for which he or she is
 1369 seeking certification by documenting a positive impact on
 1370 student learning ~~growth~~ in a prekindergarten through grade 12
 1371 setting and achieving a passing score on the professional
 1372 education competency examination, the basic skills examination,
 1373 and the subject area examination for the subject area
 1374 certification which is required by state board rule.

1375 (4) Continued approval of each program approved pursuant to
 1376 this section shall be determined by the Commissioner of
 1377 Education based upon a periodic review of the following areas:

1378 (b) Evidence of performance in each of the following areas:

1379 1. Placement rate of program completers into instructional
 1380 positions in Florida public schools and private schools, if
 1381 available.

1382 2. Rate of retention for employed program completers in
 1383 instructional positions in Florida public schools.

1384 3. Performance of students in prekindergarten through grade
 1385 12 who are assigned to in-field program completers on statewide
 1386 assessments using the results of the student learning ~~growth~~
 1387 formula adopted under s. 1012.34.

1388 4. Performance of students in prekindergarten through grade
 1389 12 who are assigned to in-field program completers aggregated by
 1390 student subgroups, as defined in the federal Elementary and
 1391 Secondary Education Act (ESEA), 20 U.S.C. s.
 1392 6311(b) (2) (C) (v) (II), as a measure of how well the program

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1393 prepares teachers to work with a diverse population of students
1394 in a variety of settings in Florida public schools.

1395 5. Results of program completers' annual evaluations in
1396 accordance with the timeline as set forth in s. 1012.34.

1397 6. Production of program completers in statewide critical
1398 teacher shortage areas as identified in s. 1012.07.

1399 (6) Instructors and supervisors of field experiences in
1400 which participants demonstrate an impact on student learning
1401 ~~growth~~ for a certification program approved pursuant to this
1402 section must meet the same qualifications as those required in
1403 s. 1004.04(5).

1404 Section 15. Subsection (3) of section 1007.271, Florida
1405 Statutes, is amended to read:

1406 1007.271 Dual enrollment programs.—

1407 (3) Student eligibility requirements for initial enrollment
1408 in college credit dual enrollment courses must include a 3.0
1409 unweighted high school grade point average and the minimum score
1410 on a ~~common placement~~ test adopted by the State Board of
1411 Education which indicates that the student is ready for college-
1412 level coursework. Student eligibility requirements for continued
1413 enrollment in college credit dual enrollment courses must
1414 include the maintenance of a 3.0 unweighted high school grade
1415 point average and the minimum postsecondary grade point average
1416 established by the postsecondary institution. Regardless of
1417 meeting student eligibility requirements for continued
1418 enrollment, a student may lose the opportunity to participate in
1419 a dual enrollment course if the student is disruptive to the
1420 learning process such that the progress of other students or the
1421 efficient administration of the course is hindered. Student

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1422 eligibility requirements for initial and continued enrollment in
1423 career certificate dual enrollment courses must include a 2.0
1424 unweighted high school grade point average. Exceptions to the
1425 required grade point averages may be granted on an individual
1426 student basis if the educational entities agree and the terms of
1427 the agreement are contained within the dual enrollment
1428 articulation agreement established pursuant to subsection (21).
1429 Florida College System institution boards of trustees may
1430 establish additional initial student eligibility requirements,
1431 which shall be included in the dual enrollment articulation
1432 agreement, to ensure student readiness for postsecondary
1433 instruction. Additional requirements included in the agreement
1434 may not arbitrarily prohibit students who have demonstrated the
1435 ability to master advanced courses from participating in dual
1436 enrollment courses.

1437 Section 16. Subsection (2) of section 1008.37, Florida
1438 Statutes, is amended to read:

1439 1008.37 Postsecondary feedback of information to high
1440 schools.—

1441 (2) The Commissioner of Education shall report, by high
1442 school, to the State Board of Education, the Board of Governors,
1443 and the Legislature, no later than November 30 of each year, on
1444 the number of prior year Florida high school graduates who
1445 enrolled for the first time in public postsecondary education in
1446 this state during the previous summer, fall, or spring term,
1447 indicating the number of students whose scores on the ~~common~~
1448 ~~placement~~ test indicated the need for developmental education
1449 under s. 1008.30 or for applied academics for adult education
1450 under s. 1004.91.

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1451 Section 17. Paragraph (c) of subsection (1) of section
 1452 1012.22, Florida Statutes, is amended to read:
 1453 1012.22 Public school personnel; powers and duties of the
 1454 district school board.—The district school board shall:
 1455 (1) Designate positions to be filled, prescribe
 1456 qualifications for those positions, and provide for the
 1457 appointment, compensation, promotion, suspension, and dismissal
 1458 of employees as follows, subject to the requirements of this
 1459 chapter:

1460 (c) *Compensation and salary schedules.*—
 1461 1. Definitions.—As used in this paragraph, the term:
 1462 a. "Adjustment" means an addition to the base salary
 1463 schedule that is not a bonus and becomes part of the employee's
 1464 permanent base salary and shall be considered compensation under
 1465 s. 121.021(22).
 1466 b. "Grandfathered salary schedule" means the salary
 1467 schedule or schedules adopted by a district school board before
 1468 July 1, 2014, pursuant to subparagraph 4.
 1469 c. "Instructional personnel" means instructional personnel
 1470 as defined in s. 1012.01(2)(a)-(d), excluding substitute
 1471 teachers.
 1472 d. "Performance salary schedule" means the salary schedule
 1473 or schedules adopted by a district school board pursuant to
 1474 subparagraph 5.
 1475 e. "Salary schedule" means the schedule or schedules used
 1476 to provide the base salary for district school board personnel.
 1477 f. "School administrator" means a school administrator as
 1478 defined in s. 1012.01(3)(c).
 1479 g. "Supplement" means an annual addition to the base salary

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1480 for the term of the negotiated supplement as long as the
 1481 employee continues his or her employment for the purpose of the
 1482 supplement. A supplement does not become part of the employee's
 1483 continuing base salary but shall be considered compensation
 1484 under s. 121.021(22).
 1485 2. Cost-of-living adjustment.—A district school board may
 1486 provide a cost-of-living salary adjustment if the adjustment:
 1487 a. Does not discriminate among comparable classes of
 1488 employees based upon the salary schedule under which they are
 1489 compensated.
 1490 b. Does not exceed 50 percent of the annual adjustment
 1491 provided to instructional personnel rated as effective.
 1492 3. Advanced degrees.—A district school board may not use
 1493 advanced degrees in setting a salary schedule for instructional
 1494 personnel or school administrators hired on or after July 1,
 1495 2011, unless the advanced degree is held in the individual's
 1496 area of certification and is only a salary supplement.
 1497 4. Grandfathered salary schedule.—
 1498 a. The district school board shall adopt a salary schedule
 1499 or salary schedules to be used as the basis for paying all
 1500 school employees hired before July 1, 2014. Instructional
 1501 personnel on annual contract as of July 1, 2014, shall be placed
 1502 on the performance salary schedule adopted under subparagraph 5.
 1503 Instructional personnel on continuing contract or professional
 1504 service contract may opt into the performance salary schedule if
 1505 the employee relinquishes such contract and agrees to be
 1506 employed on an annual contract under s. 1012.335. Such an
 1507 employee shall be placed on the performance salary schedule and
 1508 may not return to continuing contract or professional service

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1509 contract status. Any employee who opts into the performance
1510 salary schedule may not return to the grandfathered salary
1511 schedule.

1512 b. In determining the grandfathered salary schedule for
1513 instructional personnel, a district school board must base a
1514 portion of each employee's compensation upon performance
1515 demonstrated under s. 1012.34 and shall provide differentiated
1516 pay for both instructional personnel and school administrators
1517 based upon district-determined factors, including, but not
1518 limited to, additional responsibilities, school demographics,
1519 critical shortage areas, and level of job performance
1520 difficulties.

1521 5. Performance salary schedule.—By July 1, 2014, the
1522 district school board shall adopt a performance salary schedule
1523 that provides annual salary adjustments for instructional
1524 personnel and school administrators based upon performance
1525 determined under s. 1012.34. Employees hired on or after July 1,
1526 2014, or employees who choose to move from the grandfathered
1527 salary schedule to the performance salary schedule shall be
1528 compensated pursuant to the performance salary schedule once
1529 they have received the appropriate performance evaluation for
1530 this purpose. However, a classroom teacher whose performance
1531 evaluation ~~uses~~ utilizes student learning ~~growth~~ measures
1532 established under s. 1012.34(7)(e) shall remain under the
1533 grandfathered salary schedule until his or her teaching
1534 assignment changes to a subject for which there is an assessment
1535 or the school district establishes equally appropriate measures
1536 of student learning ~~growth~~ as defined under s. 1012.34 and rules
1537 of the State Board of Education.

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1538 a. Base salary.—The base salary shall be established as
1539 follows:

1540 (I) The base salary for instructional personnel or school
1541 administrators who opt into the performance salary schedule
1542 shall be the salary paid in the prior year, including
1543 adjustments only.

1544 (II) Beginning July 1, 2014, instructional personnel or
1545 school administrators new to the district, returning to the
1546 district after a break in service without an authorized leave of
1547 absence, or appointed for the first time to a position in the
1548 district in the capacity of instructional personnel or school
1549 administrator shall be placed on the performance salary
1550 schedule.

1551 b. Salary adjustments.—Salary adjustments for highly
1552 effective or effective performance shall be established as
1553 follows:

1554 (I) The annual salary adjustment under the performance
1555 salary schedule for an employee rated as highly effective must
1556 be greater than the highest annual salary adjustment available
1557 to an employee of the same classification through any other
1558 salary schedule adopted by the district.

1559 (II) The annual salary adjustment under the performance
1560 salary schedule for an employee rated as effective must be equal
1561 to at least 50 percent and no more than 75 percent of the annual
1562 adjustment provided for a highly effective employee of the same
1563 classification.

1564 (III) The performance salary schedule ~~may shall~~ not provide
1565 an annual salary adjustment for an employee who receives a
1566 rating other than highly effective or effective for the year.

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1567 c. Salary supplements.—In addition to the salary
1568 adjustments, each district school board shall provide for salary
1569 supplements for activities that must include, but are not
1570 limited to:

1571 (I) Assignment to a Title I eligible school.

1572 (II) Assignment to a school that earned a grade of "F" or
1573 three consecutive grades of "D" pursuant to s. 1008.34 such that
1574 the supplement remains in force for at least 1 year following
1575 improved performance in that school.

1576 (III) Certification and teaching in critical teacher
1577 shortage areas. Statewide critical teacher shortage areas shall
1578 be identified by the State Board of Education under s. 1012.07.
1579 However, the district school board may identify other areas of
1580 critical shortage within the school district for purposes of
1581 this sub-sub-subparagraph and may remove areas identified by the
1582 state board which do not apply within the school district.

1583 (IV) Assignment of additional academic responsibilities.

1584
1585 If budget constraints in any given year limit a district school
1586 board's ability to fully fund all adopted salary schedules, the
1587 performance salary schedule shall not be reduced on the basis of
1588 total cost or the value of individual awards in a manner that is
1589 proportionally greater than reductions to any other salary
1590 schedules adopted by the district.

1591 Section 18. Paragraph (b) of subsection (2) of section
1592 1012.341, Florida Statutes, is amended to read:

1593 1012.341 Exemption from performance evaluation system and
1594 compensation and salary schedule requirements.—

1595 (2) By October 1, 2014, and by October 1 annually

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1596 thereafter, the superintendent of Hillsborough County School
1597 District shall attest, in writing, to the Commissioner of
1598 Education that:

1599 (b) The instructional personnel and school administrator
1600 evaluation systems adopt the Commissioner of Education's student
1601 learning ~~growth~~ formula for statewide assessments as provided
1602 under s. 1012.34(7).

1603
1604 This section is repealed August 1, 2017, unless reviewed and
1605 reenacted by the Legislature.

1606 Section 19. Paragraph (c) of subsection (8) of section
1607 1012.56, Florida Statutes, is amended to read:

1608 1012.56 Educator certification requirements.—

1609 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION
1610 COMPETENCY PROGRAM.—

1611 (c) The Commissioner of Education shall determine the
1612 continued approval of programs implemented under paragraph (a)
1613 based upon the department's periodic review of the following:

1614 1. Evidence that the requirements in paragraph (a) are
1615 consistently met; and

1616 2. Evidence of performance in each of the following areas:
1617 a. Rate of retention for employed program completers in
1618 instructional positions in Florida public schools.

1619 b. Performance of students in prekindergarten through grade
1620 12 who are assigned to in-field program completers on statewide
1621 assessments using the results of the student learning ~~growth~~
1622 formula adopted under s. 1012.34.

1623 c. Performance of students in prekindergarten through grade
1624 12 who are assigned to in-field program completers aggregated by

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1625 student subgroups, as defined in the federal Elementary and
1626 Secondary Education Act (ESEA), 20 U.S.C. s.
1627 6311(b)(2)(C)(v)(II), as a measure of how well the program
1628 prepares teachers to work with a variety of students in Florida
1629 public schools.

1630 d. Results of program completers' annual evaluations in
1631 accordance with the timeline as set forth in s. 1012.34.

1632 e. Production of program completers in statewide critical
1633 teacher shortage areas as defined in s. 1012.07.

1634 Section 20. This act shall take effect upon becoming a law.