

By Senator Stargel

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1 A bill to be entitled
2 An act relating to students with disabilities;
3 creating s. 1002.385, F.S.; establishing the Florida
4 Personalized Accounts for Learning; defining terms;
5 specifying criteria for students who are eligible to
6 participate in the program; identifying certain
7 students who are not eligible to participate in the
8 program; authorizing the use of awarded funds for
9 specific purposes; prohibiting specific providers,
10 schools, institutions, school districts, and other
11 entities from sharing, refunding, or rebating program
12 funds; specifying the terms of the program; requiring
13 a school district to notify the parent regarding the
14 option to participate in the program; specifying the
15 school district's responsibilities for completing a
16 matrix of services and notifying the Department of
17 Education of the completion of the matrix; requiring
18 the department to notify the parent and the Chief
19 Financial Officer regarding the amount of the awarded
20 funds; authorizing the school district to change the
21 matrix under certain circumstances; requiring the
22 school district in which a student resides to provide
23 locations and times to take all statewide assessments;
24 requiring the school district to notify parents of the
25 availability of a reevaluation; specifying the duties
26 of the Department of Education relating to the
27 program; requiring the Commissioner of Education to
28 deny, suspend, or revoke participation in the program
29 or use of program funds under certain circumstances;

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30 providing additional factors under which the
31 commissioner may deny, suspend, or revoke a
32 participation in the program or program funds;
33 requiring a parent to sign an agreement with the
34 Department of Education to enroll his or her child in
35 the program which specifies the responsibilities of a
36 parent or student for using funds in an account and
37 for submitting a compliance statement to the
38 department; providing that a parent who fails to
39 comply with the responsibilities of the agreement
40 forfeits the personalized account for learning;
41 providing for funding and payments; requiring the
42 department to request from the Department of Financial
43 Services a sample of payments from the authorized
44 financial institution for specified purposes;
45 providing for the closing of a student's account and
46 reversion of funds to the state; requiring the Chief
47 Financial Officer to make payments to the personalized
48 accounts for learning at the authorized financial
49 institution, select an authorized financial
50 institution through a competitive bidding process to
51 administer the personalized accounts for learning, and
52 require audits of the authorized financial
53 institution's personalized accounts for learning;
54 providing that the state is not liable for the award
55 or use of awarded funds; providing for the scope of
56 authority of the act; requiring the State Board of
57 Education to adopt rules to administer the program;
58 requiring the Chief Financial Officer to adopt rules

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59 to administer its responsibilities under the program;
60 amending s. 1003.4282, F.S.; providing standard high
61 school diploma requirements for a student with a
62 disability; authorizing certain students with
63 disabilities to continue to receive certain
64 instructions and services; requiring an independent
65 review and a parent's approval to waive statewide,
66 standardized assessment requirements by the IEP team;
67 amending s. 1003.4285, F.S.; including the Specialty
68 designation as one of the designations for a standard
69 high school diploma; repealing s. 1003.438, F.S.,
70 relating to special high school graduation
71 requirements for certain exceptional students;
72 creating s. 1003.5716, F.S.; providing that certain
73 students with disabilities have a right to free,
74 appropriate public education; requiring an individual
75 education plan (IEP) team to begin the process of, and
76 to develop an IEP for, identifying transition services
77 needs for a student with a disability before the
78 student attains a specified age; providing
79 requirements for the process; requiring certain
80 statements to be included and annually updated in the
81 IEP; providing changes in the goals specified in an
82 IEP are subject to independent review and parental
83 approval; requiring the school district to reconvene
84 the IEP team to identify alternative strategies to
85 meet transition objectives if a participating agency
86 fails to provide transition services specified in the
87 IEP; providing that the agency's failure does not

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88 relieve the agency of the responsibility to provide or
89 pay for the transition services that the agency
90 otherwise would have provided; amending s. 1003.572,
91 F.S.; prohibiting a school district from charging fees
92 or imposing additional requirements on private
93 instructional personnel; creating s. 1008.2121, F.S.;
94 requiring the Commissioner of Education to permanently
95 exempt certain students with disabilities from taking
96 statewide, standardized assessments; requiring the
97 State Board of Education to adopt rules; amending s.
98 1008.25, F.S.; requiring written notification relating
99 to portfolios to a parent of a student with a
100 substantial reading deficiency; amending ss. 120.81,
101 409.1451, and 1007.263, F.S.; conforming cross-
102 references; providing effective dates.

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

106 Section 1. Section 1002.385, Florida Statutes, is created
107 to read:

108 1002.385 Florida Personalized Accounts for Learning.-

109 (1) ESTABLISHMENT OF PROGRAM.-The Florida Personalized
110 Accounts for Learning is established to provide the option for a
111 parent to better meet the individual educational needs of his or
112 her eligible child.

113 (2) DEFINITIONS.-As used in this section, the term:

114 (a) "Authorized financial institution" means the
115 institution that is designated in writing by the parent to
116 receive payment of program funds into the parent's personalized

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117 account for learning at such institution.

118 (b) "Chief Financial Officer" means the chief fiscal
119 officer of this state, as defined in s. 17.001.

120 (c) "Curriculum" means a complete course of study for a
121 particular content area or grade level, including any required
122 supplemental materials.

123 (d) "Department" means the Department of Education.

124 (e) "Disability" means, for a student in kindergarten to
125 grade 12, autism, as defined in s. 393.063(3); cerebral palsy,
126 as defined in s. 393.063(4); Down syndrome, as defined in s.
127 393.063(13); an intellectual disability, as defined in s.
128 393.063(21); Prader-Willi syndrome, as defined in s.
129 393.063(25); or Spina bifida, as defined in s. 393.063(36); and,
130 for a student in kindergarten, being a high-risk child, as
131 defined in s. 393.063(20) (a).

132 (f) "Eligible postsecondary educational institution" means
133 a Florida College System institution, a state university, a
134 school district technical center, a school district adult
135 general education center, or an accredited nonpublic
136 postsecondary educational institution, as defined in s. 1005.02,
137 which is licensed to operate in the state pursuant to
138 requirements specified in part III of chapter 1005.

139 (g) "Eligible private school" means a private school, as
140 defined in s. 1002.01, which is located in this state, which
141 offers an education to students in any grade from kindergarten
142 to grade 12, and which meets requirements of ss. 1002.42 and
143 1002.421.

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

145 (i) "Parent" means a resident of this state who is a

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146 parent, as defined in s. 1000.21.

147 (j) "Program" means the Florida Personalized Accounts for
148 Learning established in this section.

149 (3) PROGRAM ELIGIBILITY.—A parent of a student with a
150 disability may request and receive from the state a Florida
151 personalized account for learning for the purposes specified in
152 subsection (5) if:

153 (a) The student:

154 1. Is a resident of this state;

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

157 3. Has a disability as defined in paragraph (2) (e) and is
158 eligible for Level 3 to Level 5 services; and

159 4. Is the subject of an IEP written in accordance with
160 rules of the State Board of Education; and

161 (b) The parent has requested from the department a
162 participation in the program at least 60 days before the date of
163 the first payment. The request must be communicated directly to
164 the department or electronic record of the request and the date
165 of receipt of the request. The department must notify the
166 district of the parent's intent upon receipt of the parent's
167 request.

168 (4) PROGRAM PROHIBITIONS.—

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

171 1. Enrolled in a public school, including, but not limited
172 to, the Florida School for the Deaf and the Blind, the Florida
173 Virtual School, the College-Preparatory Boarding Academy, a
174 developmental research school authorized under s. 1002.32, a

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175 charter school authorized under s. 1002.33, s. 1002.331, or s.
176 1002.332, or a virtual education program authorized under s.
177 1002.45;

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

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

185 4. Receiving an educational scholarship pursuant to this
186 chapter.

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

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

191 2. The student's participation in the program has been
192 denied or revoked by the Commissioner of Education pursuant to
193 subsection (9); or

194 3. The student's parent has forfeited participation in the
195 program for failure to comply with requirements pursuant to
196 subsection (10).

197 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds may be
198 spent for the following purposes, as specified in the student's
199 IEP or the portion of the IEP regarding the transition of the
200 student to postsecondary education and career opportunities
201 pursuant to s. 1003.5716:

202 (a) Instructional materials, including digital devices,
203 digital periphery devices, and assistive technology devices that

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204 allow a student to access instruction or instructional content.

205 (b) Curriculum as defined in paragraph (2)(c).

206 (c) Specialized services selected by the parent and
207 specified in the student's IEP. These specialized services may
208 include, but are not limited to:

209 1. Applied behavior analysis services as provided in ss.
210 627.6686 and 641.31098.

211 2. Services provided by speech-language pathologists as
212 defined in s. 468.1125.

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

214 4. Services provided by physical therapists as defined in
215 s. 486.021.

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

220 (d) Enrollment in, or tuition or fees associated with
221 enrollment in, an eligible private school, an eligible
222 postsecondary educational institution, a private tutoring
223 program authorized under s. 1002.43, a virtual program offered
224 by a department-approved private online provider that meets the
225 provider qualifications specified in s. 1002.45(2)(a), or an
226 approved online course offered pursuant to ss. 1003.499 or
227 1004.0961.

228 (e) Fees for nationally standardized, norm-referenced
229 achievement tests, Advanced Placement Examinations, industry
230 certification examinations, assessments related to postsecondary
231 education, or other assessments specified in the student's IEP.

232 (f) Contributions to a Coverdell education savings account

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233 established pursuant to 26 U.S.C. s. 530 of the Internal Revenue
234 Code for the benefit of the eligible student.

235 (g) Contracted services provided by a public school or
236 school district, including classes and extracurricular programs
237 for the services specified in the IEP or additional services. A
238 student who receives services under a contract under this
239 paragraph shall not be considered to be enrolled in a public
240 school for eligibility purposes as specified in subsection (4).

241
242 A specialized service provider, eligible private school,
243 eligible postsecondary educational institution, private tutoring
244 program provider, online or virtual program provider, public
245 school, school district, or other entity receiving payments
246 pursuant to this subsection may not share, refund, or rebate any
247 moneys from the Florida Personalized Account for Learning with
248 the parent or participating student in any manner.

249 (6) TERM OF THE PROGRAM.—For purposes of continuity of
250 educational choice, the program payments made under this section
251 shall remain in force until a student participating in the
252 program participates in any of the prohibited activities
253 specified in subsection (4), has funds revoked by the
254 Commissioner of Education pursuant to subsection (9), or returns
255 to a public school, graduates from high school, or reaches 22
256 years of age, whichever occurs first. A participating student
257 who enrolls in a public school or public school program is
258 considered to have returned to a public school for the purpose
259 of determining the end of the program's term.

260 (7) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

261 (a) By April 1 of each year and within 10 days after an IEP

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262 meeting, a school district shall notify the parent of the
263 student who meets eligibility requirements under subsection (3)
264 of the option to participate in the program.

265 (b)1. For a student with a disability who does not have a
266 matrix of services under s. 1011.62(1)(e), the school district
267 shall complete a matrix that assigns the student to one of the
268 levels of service as they existed before the 2000-2001 school
269 year.

270 2.a. Within 10 school days after a school district receives
271 notification of a parent's request for participation in the
272 program under this section, the school district shall notify the
273 student's parent if the matrix of services has not been
274 completed and inform the parent that the district is required to
275 complete the matrix within 30 days after receiving notice of the
276 parent's request for participation. This notice must include the
277 required completion date for the matrix.

278 b. The school district shall complete the matrix of
279 services for a student who is participating in the program and
280 shall notify the department of the student's matrix level within
281 30 days after receiving notification of a request to participate
282 in the program. The school district must provide the student's
283 parent with the student's matrix level within 10 school days
284 after its completion.

285 c. The department shall notify the parent and the Chief
286 Financial Officer of the amount of the funds awarded within 10
287 days after receiving the school district's notification of the
288 student's matrix level.

289 d. A school district may change a matrix of services only
290 if the change is to correct a technical, typographical, or

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291 calculation error.

292 (c) For each student participating in the program who takes
293 statewide, standardized assessments under s. 1008.22, the school
294 district in which the student resides must notify the student
295 and his or her parent about the locations and times to take all
296 statewide, standardized assessments.

297 (d) For each student participating in the program, a school
298 district shall notify the parent about the availability of a
299 reevaluation at least every 3 years.

300 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
301 shall:

302 (a) Establish an annual enrollment period and a process in
303 which a parent may apply to enroll his or her student in the
304 program. The enrollment period shall begin on July 1 and end on
305 May 1 of each year for applications for the following state
306 fiscal year. All applications must be approved by June 1 of each
307 year for program participation for the following fiscal year.

308 (b) Conduct or contract for annual audits of the program to
309 ensure compliance with this section.

310 (c) Notify the authorized financial institution of students
311 who are approved to participate in the program. The notice must
312 be made annually by June 1, after the department processes all
313 applications to participate in the program.

314 (d) Establish a process by which a person may notify the
315 department of any violation of laws or rules relating to
316 participation in the program. The department shall conduct an
317 inquiry of all signed, written, and legally sufficient
318 complaints that allege a violation of this section or make a
319 referral to the appropriate agency for an investigation. A

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320 complaint is legally sufficient if it contains ultimate facts
321 showing that a violation of this section or a violation of a
322 rule adopted under this section has occurred. In order to
323 determine legal sufficiency, the department may require
324 supporting information or documentation from the complainant. A
325 department inquiry is not subject to the requirements of chapter
326 120.

327 (e) Compare the list of students participating in the
328 program with the public school enrollment lists before each
329 program payment to avoid duplicate payments.

330 (f) Select an independent research organization, which may
331 be a public or private entity or university, to which
332 participating entities must report the scores of students
333 participating in the program on the statewide, standardized
334 assessments administered by the schools as specified in the IEP.

335 1. The independent research organization shall annually
336 issue a report to the department which includes:

337 a. The year-to-year learning gains of students
338 participating in the program.

339 b. To the extent possible, a comparison of the learning
340 gains of students in the program to the statewide learning gains
341 of public school students having backgrounds similar to those of
342 the students in the program. In order to minimize the costs and
343 time that the independent research organization requires for
344 analysis and evaluation, the department shall conduct analyses
345 of assessment data from matched students in public schools and
346 shall calculate the learning gains of control groups using a
347 methodology outlined in the contract with the independent
348 research organization.

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349 c. The aggregate year-to-year learning gains of students in
350 the program in each participating entity in which there are at
351 least 30 participating students that have scores for tests for 2
352 consecutive years at that entity.

353 2. The sharing and reporting of the learning gains of
354 students pursuant to this paragraph must be in accordance with
355 the Family Educational Rights and Privacy Act, 20 U.S.C. s.
356 1232g, and shall be for the sole purpose of creating the annual
357 report required under subparagraph 1. All parties shall preserve
358 the confidentiality of such information as required by law. The
359 independent research organization may not disaggregate data in
360 its annual report to a level that identifies individual
361 participating entities, except as required under sub-
362 subparagraph 1.c., or disclose the academic level of individual
363 students.

364 3. The department shall publish on its website the annual
365 report required by subparagraph 1.

366 (g) Coordinate with state-funded or federally funded
367 benefits programs to advise a parent about the possible effect
368 his or her child's participation in the program under this
369 section may have on the child's eligibility for participating in
370 those state-funded or federally funded benefits programs.

371 (h) Issue a report by December 15, 2014, and annually
372 thereafter to the Governor, the President of the Senate, and the
373 Speaker of the House of Representatives describing the
374 implementation of accountability mechanisms for the program,
375 identifying any substantial allegations and violations of a law
376 or rule governing the program, and describing the corrective
377 actions taken by the department relating to violations of a law

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378 or rule governing the program.

379 (9) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

380 (a) The Commissioner of Education:

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

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

387 3. May deny, suspend, or revoke an authorized use of
388 program funds for material failure to comply with this section
389 and applicable department rules if the noncompliance is
390 correctable within a reasonable period of time. Otherwise, the
391 commissioner shall deny, suspend, or revoke an authorized use
392 for failure to materially comply with the law and rules adopted
393 under this section.

394 4. Shall require compliance by the appropriate party by a
395 date certain for all nonmaterial failures to comply with this
396 section and applicable department rules. The commissioner may
397 deny, suspend, or revoke program participation under this
398 section thereafter.

399 (b) In determining whether to deny, suspend, or revoke in
400 accordance with this subsection, the commissioner may consider
401 factors that include, but are not limited to, acts or omissions
402 by a participating entity which led to a previous denial or
403 revocation of participation in an education scholarship program;
404 failure to reimburse the department for program funds improperly
405 received or retained by the entity; imposition of a prior
406 criminal sanction related to the entity or its officers or

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407 employees; imposition of a civil fine or administrative fine,
408 license revocation or suspension, or program eligibility
409 suspension, termination, or revocation related to an entity's
410 management or operation; or other types of criminal proceedings
411 in which the entity or its officers or employees were found
412 guilty of, regardless of adjudication, or entered a plea of nolo
413 contendere or guilty to, any offense involving fraud, deceit,
414 dishonesty, or moral turpitude.

415 (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
416 PARTICIPATION.—A parent who applies for program participation
417 under this section is exercising his or her parental option to
418 determine the appropriate placement or services that best meet
419 the needs of his or her student. To enroll an eligible student
420 in the program, the parent must sign an agreement with the
421 department and annually submit a notarized, sworn compliance
422 statement to the department to:

423 (a) Affirm that the student meets minimum student
424 attendance requirements as provided in s. 1003.21.

425 (b) Use the program funds only for authorized purposes, as
426 described in subsection (5).

427 (c) Affirm that the student takes all appropriate
428 standardized assessments as specified in the student's IEP. The
429 parent is responsible for transporting the student to the
430 assessment site designated by the school district.

431 (d) Request participation in the program at least 60 days
432 before the date of the first program payment.

433 (e) Affirm that the student remains in good standing with
434 the provider or school if those options are selected by the
435 parent.

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436 (f) Apply for admission of his or her child if the private
437 school option is selected by the parent.

438 (g) Annually renew participation in the program.
439 Notwithstanding any changes to the student's IEP, a student who
440 was previously eligible for participation in the program shall
441 remain eligible to apply for renewal as provided in subsection
442 (6).

443 (h) Designate in writing the authorized financial
444 institution to receive payment of program funds and maintain a
445 separate personalized account for learning at that institution.

446 (i) Affirm that the parent will not transfer any college
447 savings funds to another beneficiary.

448 (j) Affirm that the parent will not take possession of any
449 funding contributed by the state.

450
451 A parent who fails to comply with this subsection forfeits the
452 personalized account for learning.

453 (11) FUNDING AND PAYMENT.—

454 (a)1. The maximum funding amount granted for an eligible
455 student with a disability, pursuant to subsection (3), shall be
456 equivalent to the base student allocation in the Florida
457 Education Finance Program multiplied by the appropriate cost
458 factor for the educational program which would have been
459 provided for the student in the district school to which he or
460 she would have been assigned, multiplied by the district cost
461 differential.

462 2. In addition, an amount equivalent to a share of the
463 guaranteed allocation for exceptional students in the Florida
464 Education Finance Program shall be determined and added to the

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465 amount in subparagraph 1. The calculation shall be based on the
466 methodology and the data used to calculate the guaranteed
467 allocation for exceptional students for each district in chapter
468 2000-166, Laws of Florida. Except as provided in subparagraph
469 3., the calculation shall be based on the student's grade, the
470 matrix level of services, and the difference between the 2000-
471 2001 basic program and the appropriate level of services cost
472 factor, multiplied by the 2000-2001 base student allocation and
473 the 2000-2001 district cost differential for the sending
474 district. The calculated amount must also include an amount
475 equivalent to the per-student share of supplemental academic
476 instruction funds, instructional materials funds, technology
477 funds, and other categorical funds as provided in the General
478 Appropriations Act.

479 3. Until the school district completes the matrix required
480 under paragraph (7)(b), the calculation shall be based on the
481 matrix that assigns the student to support level 3 of services.
482 When the school district completes the matrix, the amount of the
483 payment shall be adjusted as needed.

484 (b) The amount of the awarded funds shall be 90 percent of
485 the calculated amount.

486 (c) The school district shall report all students who are
487 participating in the program. The participating students who
488 have previously been included in the Florida Education Finance
489 Program and are included in public school enrollment counts
490 shall be reported separately from other students reported for
491 purposes of the Florida Education Finance Program. Participating
492 students who have been enrolled in nonpublic schools shall also
493 be reported separately.

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494 (d) Following notification on July 1, September 1, December
495 1, or February 1 of the number of program participants:

496 1. For students who have been enrolled in public schools
497 and are included in public school enrollment counts, the
498 department shall transfer, from General Revenue funds only, the
499 amount of the awarded program funds calculated pursuant to
500 paragraph (b) from the school district's total funding
501 entitlement under the Florida Education Finance Program and from
502 authorized categorical accounts to a separate account for the
503 program for quarterly disbursement to the personalized account
504 for learning at an authorized financial institution on behalf of
505 the parent and student; and

506 2. For students who have been and will continue to be
507 enrolled in nonpublic schools, the department shall also
508 transfer from an appropriation for the program the amount
509 calculated under paragraph (b) to a separate account for the
510 program for quarterly disbursement to the personalized account
511 for learning at an authorized financial institution on behalf of
512 the parent and student. Nonpublic school students shall be
513 provided awarded funds on a first-come, first-served basis.

514 (e) When a student enters the program, the department must
515 receive, at least 30 days before the first quarterly program
516 payment is made to the personalized account for learning for the
517 student, all documentation required for the student's
518 participation in the program.

519 (f) Upon notification by the department that it has
520 received the documentation required under paragraph (d), the
521 Chief Financial Officer shall make payments in four equal
522 amounts no later than September 1, November 1, February 1, and

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523 April 1 of each academic year in which the awarded funds are in
524 force. The initial payment shall be made after department
525 verification of the establishment of the personalized account
526 for learning at an authorized financial institution, and
527 subsequent payments shall be made upon verification of parental
528 obligations under subsection (10). Payment must be by individual
529 warrant made payable to the personalized account for learning on
530 behalf of the parent and student. The authorized financial
531 institution shall mail or electronically process payments as
532 directed by the parent for authorized uses.

533 (g) Subsequent to each payment, the department shall
534 request from the Department of Financial Services a sample of
535 payments from the authorized financial institution for
536 authorized uses to endorsed warrants to review and confirm
537 compliance with this section.

538 (h) Upon an eligible student's graduation from an eligible
539 postsecondary educational institution or after any period of 4
540 consecutive years after high school graduation in which the
541 student is not enrolled in an eligible postsecondary educational
542 institution, the student's personalized account for learning
543 shall be closed, and any remaining funds shall revert to the
544 state.

545 (12) CHIEF FINANCIAL OFFICER OBLIGATIONS.—The Chief
546 Financial Officer shall:

547 (a) Make payments to fund personalized accounts for
548 learning at the authorized financial institution pursuant to
549 this section.

550 (b) Select through the state's competitive bidding process
551 an authorized financial institution to administer personalized

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552 accounts for learning.

553 (c) Require audits of the authorized financial
554 institution's personalized accounts for learning.

555 (13) LIABILITY.—The state is not liable for the award or
556 any use of awarded funds under this section.

557 (14) SCOPE OF AUTHORITY.—This section does not expand the
558 regulatory authority of this state, its officers, or any school
559 district to impose additional regulation on participating
560 private schools, nonpublic postsecondary educational
561 institutions, and private providers beyond those reasonably
562 necessary to enforce requirements expressly set forth in this
563 section.

564 (15) RULES.—

565 (a) The State Board of Education shall adopt rules pursuant
566 to ss. 120.536(1) and 120.54 to administer this section. The
567 rules must identify the appropriate school district personnel
568 who must complete the matrix of services.

569 (b) The Chief Financial Officer shall adopt rules pursuant
570 to ss. 120.536(1) and 120.54 to administer this section.

571 Section 2. Present subsection (10) of section 1003.4282,
572 Florida Statutes, is renumbered as subsection (11), and a new
573 subsection (10) is added to that section, to read:

574 1003.4282 Requirements for a standard high school diploma.—

575 (10) STUDENTS WITH DISABILITIES.—Beginning with students
576 entering grade 9 in the 2014-2015 school year, this subsection
577 applies to a student with a disability.

578 (a) A parent of a student with a disability shall, in
579 collaboration with the individual education plan team pursuant
580 to s. 1003.5716, declare an intent for the student to graduate

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581 from high school with either a standard high school diploma or a
582 certificate of completion. A student with a disability who does
583 not satisfy the standard high school diploma requirements
584 pursuant to this section shall be awarded a certificate of
585 completion.

586 (b) The following options, in addition to the other options
587 specified in this section, may be used to satisfy the standard
588 high school diploma requirements, as specified in the student's
589 individual education plan:

590 1. A combination of course substitutions, assessments,
591 industry certifications, and other acceleration options
592 appropriate to the student's unique skills and abilities that
593 meet the criteria established by State Board of Education rule.

594 2. A portfolio of quantifiable evidence that documents a
595 student's mastery of academic standards through rigorous metrics
596 established by State Board of Education rule. A portfolio may
597 include, but is not limited to, documentation of work
598 experience, internships, community service, and postsecondary
599 credit.

600 (c) A student with a disability who meets the standard high
601 school diploma requirements in this section may defer the
602 receipt of a standard high school diploma if the student:

603 1. Has an individual education plan that prescribes special
604 education, transition planning, transition services, or related
605 services through age 21; and

606 2. Is enrolled in accelerated college credit instruction
607 pursuant to s. 1007.27, industry certification courses that lead
608 to college credit, a collegiate high school program, courses
609 necessary to satisfy the Scholar designation requirements, or a

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610 structured work-study, internship, or pre-apprenticeship
611 program.

612 (d) A student with a disability who receives a certificate
613 of completion and has an individual education plan that
614 prescribes special education, transition planning, transition
615 services, or related services through 21 years of age may
616 continue to receive the specified instruction and services.

617 (e) Any waiver of the statewide, standardized assessment
618 requirements by the individual education plan team, pursuant to
619 s. 1008.22(3)(c), must be approved by the parent and is subject
620 to verification for appropriateness by an independent reviewer
621 selected by the parent as provided for in s. 1003.572.

622 Section 3. Paragraph (c) is added to subsection (1) of
623 section 1003.4285, Florida Statutes, to read:

624 1003.4285 Standard high school diploma designations.—

625 (1) Each standard high school diploma shall include, as
626 applicable, the following designations if the student meets the
627 criteria set forth for the designation:

628 (c) Specialty designation.—In addition to the requirements
629 of s. 1003.4282, in order to earn the Specialty designation, a
630 student must, beginning with students entering grade 9 in the
631 2015-2016 school year:

632 1. Be a student with a disability, as defined in s.
633 1003.01(3);

634 2. Have an individual education plan (IEP) indicating that
635 the student fully met all requirements of s. 1003.4282 through a
636 portfolio established in the IEP pursuant to s. 1003.4282(10)(b)
637 and s. 1003.5716(2)(b); and

638 3. Earn two or more digital tools industry certifications

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639 from the list established under s. 1003.492.

640 Section 4. Effective July 1, 2015, section 1003.438,
641 Florida Statutes, is repealed.

642 Section 5. Section 1003.5716, Florida Statutes, is created
643 to read:

644 1003.5716 Transition to postsecondary education and career
645 opportunities.—All students with disabilities who are 3 years of
646 age to 21 years of age have the right to a free, appropriate
647 public education. As used in this section, the term "IEP" means
648 individual education plan.

649 (1) To ensure quality planning for a successful transition
650 of a student with a disability to postsecondary education and
651 career opportunities, an IEP team shall begin the process of,
652 and develop an IEP for, identifying the need for transition
653 services before the student with a disability attains the age of
654 14 years in order for his or her postsecondary goals and career
655 goals to be identified and in place when he or she attains the
656 age of 16 years. This process must include, but is not limited
657 to:

658 (a) Consideration of the student's need for instruction in
659 the area of self-determination and self-advocacy to assist the
660 student's active and effective participation in an IEP meeting;
661 and

662 (b) Preparation for the student to graduate from high
663 school with a standard high school diploma pursuant to s.
664 1003.4282 with a Scholar designation unless the parent chooses a
665 Merit designation or Specialty designation.

666 (2) Beginning not later than the first IEP to be in effect
667 when the student turns 16, or younger, if determined appropriate

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668 by the parent and the IEP team, the IEP must include the
669 following statements that must be updated annually:

670 (a) A statement of intent to pursue a standard high school
671 diploma and a Scholar, Merit, or Specialty designation, pursuant
672 to s. 1003.4285, as determined by the parent.

673 (b) A statement of intent to receive a standard high school
674 diploma before the student reaches the age of 22 and a
675 description of how the student will fully meet the requirements
676 in s. 1003.428 or s. 1003.4282, as applicable, including, but
677 not limited to, a portfolio pursuant to s. 1003.4282(10)(b) that
678 meets the criteria specified in State Board of Education rule.
679 The IEP must also specify the outcomes and additional benefits
680 expected by the parent and the IEP team at the time of the
681 student's graduation.

682 (c) A statement of appropriate measurable long-term
683 postsecondary education and career goals based upon age-
684 appropriate transition assessments related to training,
685 education, employment, and, if appropriate, independent living
686 skills and the transition services, including courses of study
687 needed to assist the student in reaching those goals.

688 (3) Any change in the IEP for the goals specified in
689 subsection (2) must be approved by the parent and is subject to
690 verification for appropriateness by an independent reviewer
691 selected by the parent as provided in s. 1003.572.

692 (4) If a participating agency responsible for transition
693 services, other than the school district, fails to provide the
694 transition services described in the IEP, the school district
695 shall reconvene the IEP team to identify alternative strategies
696 to meet the transition objectives for the student that are

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697 specified in the IEP. However, this does not relieve any
698 participating agency of the responsibility to provide or pay for
699 any transition service that the agency would otherwise provide
700 to students with disabilities who meet the eligibility criteria
701 of that agency.

702 Section 6. Subsection (3) of section 1003.572, Florida
703 Statutes, is amended to read:

704 1003.572 Collaboration of public and private instructional
705 personnel.—

706 (3) Private instructional personnel who are hired or
707 contracted by parents to collaborate with public instructional
708 personnel must be permitted to observe the student in the
709 educational setting, collaborate with instructional personnel in
710 the educational setting, and provide services in the educational
711 setting according to the following requirements:

712 (a) The student's public instructional personnel and
713 principal consent to the time and place.

714 (b) The private instructional personnel satisfy the
715 requirements of s. 1012.32 or s. 1012.321.

716

717 For the purpose of implementing this subsection, a school
718 district may not impose any requirements beyond those
719 requirements specified in this subsection or charge any fees.

720 Section 7. Section 1008.2121, Florida Statutes, is created
721 to read:

722 1008.2121 Students with severe cognitive or physical
723 disabilities; permanent exemption.—Based on information that a
724 reasonably prudent person would rely upon, including, but not
725 limited to, facts contained within an individual education plan

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726 under s. 1008.212, documentation from an appropriate health care
727 provider, or certification from the district school board
728 superintendent, the Commissioner of Education shall
729 perfunctorily grant a permanent exemption to a student who
730 suffers from such a severe cognitive disability or physical
731 disability that the student permanently lacks the capacity to
732 take statewide, standardized assessments. The State Board of
733 Education shall adopt rules to administer this section,
734 including, but not limited to, expediting the exemption process
735 to demonstrate the utmost compassion and consideration for
736 meeting the parent's and student's needs.

737 Section 8. Paragraph (c) of subsection (5) of section
738 1008.25, Florida Statutes, is amended to read:

739 1008.25 Public school student progression; remedial
740 instruction; reporting requirements.-

741 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.-

742 (c) The parent of any student who exhibits a substantial
743 deficiency in reading, as described in paragraph (a), must be
744 notified in writing of the following:

745 1. That his or her child has been identified as having a
746 substantial deficiency in reading.

747 2. A description of the current services that are provided
748 to the child.

749 3. A description of the proposed supplemental instructional
750 services and supports that will be provided to the child that
751 are designed to remediate the identified area of reading
752 deficiency.

753 4. That if the child's reading deficiency is not remediated
754 by the end of grade 3, the child must be retained unless he or

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755 she is exempt from mandatory retention for good cause.

756 5. Strategies for parents to use in helping their child
757 succeed in reading proficiency.

758 6. That the Florida Comprehensive Assessment Test (FCAT) is
759 not the sole determiner of promotion and that additional
760 evaluations, portfolio reviews, and assessments are available to
761 the child to assist parents and the school district in knowing
762 when a child is reading at or above grade level and ready for
763 grade promotion.

764 7. The criteria for a portfolio review and the evidence
765 required to document a student's mastery of Florida's academic
766 standard benchmarks for English Language Arts, as well as sample
767 portfolios for a parent to use.

768 ~~8.7.~~ The district's specific criteria and policies for
769 midyear promotion. Midyear promotion means promotion of a
770 retained student at any time during the year of retention once
771 the student has demonstrated ability to read at grade level.

772 Section 9. Effective July 1, 2015, paragraph (c) of
773 subsection (1) of section 120.81, Florida Statutes, is amended
774 to read:

775 120.81 Exceptions and special requirements; general areas.-

776 (1) EDUCATIONAL UNITS.-

777 (c) Notwithstanding s. 120.52(16), any tests, test scoring
778 criteria, or testing procedures relating to student assessment
779 which are developed or administered by the Department of
780 Education pursuant to s. 1003.428, s. 1003.429, ~~s. 1003.438~~, s.
781 1008.22, or s. 1008.25, or any other statewide educational tests
782 required by law, are not rules.

783 Section 10. Effective July 1, 2015, subsection (2) of

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784 section 409.1451, Florida Statutes, is amended to read:

785 409.1451 The Road-to-Independence Program.—

786 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

787 (a) A young adult is eligible for services and support
788 under this subsection if he or she:

789 1. Was living in licensed care on his or her 18th birthday
790 or is currently living in licensed care; or was at least 16
791 years of age and was adopted from foster care or placed with a
792 court-approved dependency guardian after spending at least 6
793 months in licensed care within the 12 months immediately
794 preceding such placement or adoption;

795 2. Spent at least 6 months in licensed care before reaching
796 his or her 18th birthday;

797 3. Earned a standard high school diploma or its equivalent
798 pursuant to s. 1003.428, s. 1003.4281, s. 1003.429, or s.
799 1003.435, ~~or s. 1003.438~~;

800 4. Has been admitted for enrollment as a full-time student
801 or its equivalent in an eligible postsecondary educational
802 institution as provided in s. 1009.533. For purposes of this
803 section, the term "full-time" means 9 credit hours or the
804 vocational school equivalent. A student may enroll part-time if
805 he or she has a recognized disability or is faced with another
806 challenge or circumstance that would prevent full-time
807 attendance. A student needing to enroll part-time for any reason
808 other than having a recognized disability must get approval from
809 his or her academic advisor;

810 5. Has reached 18 years of age but is not yet 23 years of
811 age;

812 6. Has applied, with assistance from the young adult's

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813 caregiver and the community-based lead agency, for any other
814 grants and scholarships for which he or she may qualify;

815 7. Submitted a Free Application for Federal Student Aid
816 which is complete and error free; and

817 8. Signed an agreement to allow the department and the
818 community-based care lead agency access to school records.

819 Section 11. Effective July 1, 2015, subsection (4) of
820 section 1007.263, Florida Statutes, is amended to read:

821 1007.263 Florida College System institutions; admissions of
822 students.—Each Florida College System institution board of
823 trustees is authorized to adopt rules governing admissions of
824 students subject to this section and rules of the State Board of
825 Education. These rules shall include the following:

826 (4) A student who has been awarded ~~a special diploma as~~
827 ~~defined in s. 1003.438~~ or a certificate of completion as defined
828 in s. 1003.428(7)(b) is eligible to enroll in certificate career
829 education programs.

830

831 Each board of trustees shall establish policies that notify
832 students about developmental education options for improving
833 their communication or computation skills that are essential to
834 performing college-level work, including tutoring, extended time
835 in gateway courses, free online courses, adult basic education,
836 adult secondary education, or private provider instruction.

837 Section 12. Except as otherwise expressly provided in this
838 act, this act shall take effect July 1, 2014.