

**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.)

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Prepared By: The Professional Staff of the Committee on Education

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BILL: CS/HB 7055

INTRODUCER: Appropriations Committee; Education Committee; and Representatives Bileca and Diaz

SUBJECT: Education

DATE: February 19, 2018

REVISED: 02/21/18

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	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Androff, Bouck, Olenick	Graf	ED	<b>Fav /1 Amendment</b>
2.			AP	

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**Please see Section IX. for Additional Information:**

AMENDMENTS - Significant amendments were recommended

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**I. Summary:**

CS/HB 7055 creates education scholarship programs and streamlines state school choice scholarship program accountability provisions; specifies district school board oversight responsibilities, and promotes education, certification, and licensure opportunities for members of the U.S. military. Specifically, the bill:

- Establishes the Hope Scholarship Program for students subjected to bullying and other specified incidents in public schools.
- Streamlines and strengthens the oversight provisions for private schools participating in state school choice scholarship programs.
- Establishes Reading Scholarship Accounts for struggling readers in grades 3-5.
- Modifies the charter school application process, charter contract term and consolidation, and due process; and revises eligibility requirements for high-performing charter schools and allows replication of up to two such schools per year.
- Provides for district-independent autonomous schools under independent governing boards; and specifies flexibilities for such boards.
- Specifies district school board oversight and fiscal transparency responsibilities; and enumerates related duties for the district school superintendents, Auditor General, and Department of Education (DOE).
- Requires employee organizations for instructional personnel to include specified information in the application for renewal of registration and specifies recertification requirements for employee organizations.

- Designates March 25 as “Medal of Honor Day;” specifies related required instruction for students in public schools; and creates mechanisms for members of the U.S. military to fulfill certain certification and licensure requirements for specified purposes.
- Requires professional development resources disseminated by the DOE through the web-based statewide performance-support system to include sample course-at-a-glance and unit overview templates that school districts may use when developing curriculum.
- Requires paper-based administration of statewide, standardized English Language Arts and mathematics assessments for grades 7-8 by the 2019-2020 school year.
- Authorizes the Commissioner of Education to coordinate with specified education entities in the event of an emergency situation to assess the need for resources and assistance.
- Requires each school district to conduct a security risk assessment at each public school and conduct a self-assessment of the school districts’ current safety and security practices using a format developed by the DOE, and deletes an outdated reference in current law to the Safety and Security Best Practices developed by the Office of Program Policy Analysis and Government Accountability.
- Modifies dual enrollment provisions relating to instructional materials for home education program students, and compensation by private schools for dual enrollment instruction provided by postsecondary education institutions.
- Deletes the obsolete July 1, 2007, deadline for the DOE to develop and operate an electronic individual education plan system for statewide use.

Additionally, the bill modifies funding provisions related to the Schools of Hope Program, supplemental academic instruction allocation, research-based reading instruction allocation, and teacher bonus for CAPE industry certifications attained by students.

The bill appropriates for the 2018-2019 fiscal year the sum of \$19,350,000 in recurring funds from the General Revenue Fund and the sum of \$850,000 in nonrecurring funds from the General Revenue Fund to implement the provisions of this act.

The bill takes effect on July 1, 2018.

## **II. Present Situation:**

The present situation for the relevant portions of the bill is discussed in the Effect of Proposed Changes section of this bill analysis.

## **III. Effect of Proposed Changes:**

### **School Choice Scholarship - Hope Scholarship**

#### *Present situation*

Florida law has established various scholarship programs to promote school choice and assist parents in the placement of their children in diverse educational settings including private schools.<sup>1</sup>

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<sup>1</sup> Sections 1002.385, 1002.39, and 1002.395, F.S.

### Bullying and Harassment

Florida law prohibits bullying or harassment of any student or employee of a public K-12 educational institution,<sup>2</sup> and requires each school district to adopt and review, at least every 3 years, a policy prohibiting bullying and harassment of a student or employee of a public K-12 educational institution.<sup>3</sup>

Currently, the School Environmental Safety Incident Reporting (SESIR) System requires all public school districts, including charter schools and traditional public schools, to report 26 types of serious safety incidents. SESIR provides data on incidents that occur, statewide and by school district, on school grounds, on school transportation, and at off-campus, school-sponsored events.<sup>4</sup>

### Motor Vehicle Taxes

Florida sales and use tax, plus any applicable discretionary sales surtax, is due at the rate of six percent on all new or used motor vehicles sold, leased, delivered into, imported into, or used in Florida, unless a specific exemption applies.<sup>5</sup>

### ***Effect of Proposed Changes***

#### Purpose and Student Eligibility

The bill creates the Hope Scholarship Program (HSP) to provide the parent of a public school student who was subjected to battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault or battery; threat or intimidation; or fighting, an opportunity to transfer the student to another public school or to request and receive from the state a scholarship for the student to attend an eligible private school. The bill also specifies that a hope scholarship must remain in force until the student returns to public school or graduates from high school, whichever occurs first.

#### School District Obligations

The bill provides that upon receipt of a report of a specified incident, the school principal must provide a copy of the report to the parent and investigate the incident to determine if the incident must be reported as required by law.<sup>6</sup> Upon conclusion of the investigation or within 15 days after the incident was reported, whichever occurs first, the school district must notify the parent of the HSP and offer that parent an opportunity to enroll his or her student in another public school or to request and receive a scholarship to attend an eligible private school, subject to available funding.

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<sup>2</sup> Section 1006.147(2), F.S.

<sup>3</sup> Section 1006.147(4), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> Sections 212.02, 212.05, 212.07, 212.08, F.S.; Rule 12A-1.007, F.A.C.; see *Florida Department of Revenue, Sales and Use Tax on Motor Vehicles*, available at [http://floridarevenue.com/Forms\\_library/current/gt800030.pdf](http://floridarevenue.com/Forms_library/current/gt800030.pdf).

<sup>6</sup> Section 1006.09 provides the duties of a school principal relating to student discipline and school safety.

### Parent and Student Responsibilities

The bill requires a parent to apply for the admission of his or her student to an eligible private school, inform the student's school district when the parent withdraws his or her student to attend an eligible private school, and ensure that the student takes norm-referenced assessments offered by the private school or the standard statewide assessments. The bill specifies that a parent who fails to comply with the responsibilities established in the bill forfeits the scholarship and that each parent and student has an obligation to comply with the private school's published policies, including attendance.

### Private School Eligibility

The bill specifies that an eligible private school may be sectarian or nonsectarian and must comply with all requirements for private schools to participate in state school choice scholarship programs.

### Department of Education Obligations

The bill requires the Department of Education (DOE) to follow all requirements in law with respect to state school choice scholarship programs.<sup>7</sup> Additionally, the bill requires the DOE to contract with an independent entity to provide an annual evaluation of the HSP, which includes a review of the school climate and code of student conduct at specified public schools to determine best practices and areas for improvement involving reporting, investigating, and communicating a parent's and student's rights. The bill directs the annual evaluation to survey participating parents and students and review student participation.

### Scholarship Funding Organization Responsibilities

The bill requires scholarship funding organizations (SFOs) to establish and distribute HSP scholarships for eligible students, notify parents and students regarding the HSP, and submit quarterly and annual reports to the DOE. Additionally, the bill requires the auditor general to conduct an annual operational audit of each SFO that participates in the program.

### Funding

The bill provides that the maximum amount awarded to a student enrolled in an eligible private school must be determined as a percentage of the unweighted full-time equivalent funding amount for that state fiscal year and thereafter as follows:

- 88 percent for a student enrolled in kindergarten through grade 5.
- 92 percent for a student enrolled in grade 6 through grade 8.
- 96 percent for a student enrolled in grade 9 through grade 12.

The bill limits the maximum amount awarded to a student enrolled in a Florida public school located outside of the district to \$750.

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<sup>7</sup> The bill references section 1002.421, F.S. This statute is also revised in CS/HB 7055, sections 20-22, 25.

### Hope Scholarship Program Tax Credit

The bill specifies that the HSP is funded by taxpayers who make an eligible contribution, limited to a single \$105 payment, at the time of a vehicle purchase or registration in Florida and authorizes a credit of 100 percent of the amount of such eligible contribution by the taxpayer against the sales and use tax on the vehicle purchase or registration. Additionally, the bill includes accountability provisions to specify that a person who, with intent to unlawfully deprive or defraud the program of its moneys or the use or benefit thereof, fails to remit a contribution collected under the HSP is guilty of the theft of charitable funds and punishable as specified in law.

### Rulemaking

The bill authorizes the State Board of Education and the Department of Revenue to adopt rules to administer the bill.

## **State School Choice Scholarship Program Accountability**

### *Present Situation*

Florida law has established various scholarship programs to promote school choice and assist parents in the placement of their children in diverse educational settings, including private schools.<sup>8</sup> Currently, the three state school choice scholarship programs available to students to attend private schools in the state include the Florida Tax Credit (FTC) Scholarship Program, the John M. McKay (McKay) Scholarship for Students with Disabilities Program, and the Gardiner Scholarship Program.<sup>9</sup>

A private school that chooses to participate in a state scholarship program must comply with certain statutory requirements, such as meeting the applicable state and local health, safety, and welfare laws, code, and rules; employing teachers who meet specified requirements; and demonstrating fiscal soundness and accountability.<sup>10</sup>

Accordingly, a private school that chooses to participate in a state scholarship program must submit to the Department of Education (DOE) a Scholarship Compliance Form,<sup>11</sup> and has 60 days to resolve any outstanding compliance issues, if applicable.<sup>12</sup> To renew the school's eligibility for participation in a state scholarship program, the participating private school must

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<sup>8</sup> Sections 1002.385, 1002.39, and 1002.395, F.S.

<sup>9</sup> *Id.*

<sup>10</sup> Section 1002.421, F.S.; *see also* ss. 1002.385, 1002.39, and 1002.395, F.S.

<sup>11</sup> The Scholarship Compliance Form delineates private school reporting requirements specified pursuant to Section 1002.42, F.S., and statutory and regulatory requirements related to the areas of school location and contact information; school ownership; affiliation; financial solvency; school administration; school staffing; school program; student health, safety, and welfare; student records; school facility; and submission of the scholarship compliance form. Rule 6A-6.03315(4), F.A.C.

<sup>12</sup> Rule 6A-6.03315(3), F.A.C.

submit the Scholarship Compliance Form, Private School Annual Survey,<sup>13</sup> and fiscal soundness documentation.<sup>14</sup>

### Site Visits

Currently, the DOE:

- May not make more than 7 site visits each year to private schools that participate in the FTC scholarship program.<sup>15</sup> However, the department may make additional site visits at any time to a school that has received a notice of noncompliance or a notice of proposed action within the previous two years.<sup>16</sup>
- May not make more than 3 random visits each year and may not make more than 1 random visit each year to the same private school that participates in the McKay Scholarship Program.<sup>17</sup>

The Gardiner Scholarship Program requirements do not address site visits.

### Teacher Qualifications

A private school that participates in a state scholarship program must employ or contract with teachers who:<sup>18</sup>

- Hold baccalaureate or higher degrees;
- Have at least 3 years of experience in public or private schools; or
- Have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

### Safety Inspection Reporting Requirements

Florida law specifies the requirements for private schools to participate in state school choice scholarship programs.<sup>19</sup> The requirements include, but are not limited to, fire safety and building safety.<sup>20</sup>

Currently, fire safety inspections of the private schools that participate in state scholarship programs are conducted by local fire departments.<sup>21</sup> The fire safety inspection reports are submitted by the private schools to the DOE.<sup>22</sup>

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<sup>13</sup> The Department of Education must organize, maintain, and annually update a database of educational institutions within the state coming within the provisions of this section. There must be included in the database of each institution the name, address, and telephone number of the institution; the type of institution; the names of administrative officers; the enrollment by grade or special group (e.g., career education and exceptional child education); the number of graduates; the number of instructional and administrative personnel. Section 1002.42(2)(a), F.S.

<sup>14</sup> Fiscal soundness is demonstrated by filing with the Department of Education a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter. Section 1002.421(f)(1), F.S.

<sup>15</sup> Section 1002.395(9)(n)1., F.S.

<sup>16</sup> Section 1002.395(9)(n)1., F.S.

<sup>17</sup> Section 1002.385(6)(f)1., F.S.

<sup>18</sup> Section 1002.421(2)(h), F.S.

<sup>19</sup> Section 1002.421, F.S.

<sup>20</sup> *Id.* at (2)(g), F.S.

<sup>21</sup> Email, Florida Department of Education (Jan. 11, 2018); *see also* Rule 6A-6.03315(4), F.A.C.

<sup>22</sup> *Id.*

### Financial Reporting Requirements

Florida law specifies financial reporting requirements for private schools and scholarship funding organizations (SFOs).

A private school that participates in the FTC scholarship program must provide a report from an independent certified public accountant, who performs the agreed-upon procedures developed pursuant to the law if the private school receives more than \$250,000 in funds in a state fiscal year from that scholarship program.<sup>23</sup> Florida law specifies a similar provision for the Gardiner Scholarship Program.<sup>24</sup>

SFOs administer both the FTC scholarship program and the Gardiner Scholarship Program.<sup>25</sup> Currently, under the FTC scholarship program, an SFO must participate in the joint development of agreed-upon procedures to be performed by an independent certified accountant if the SFO provided more than \$250,000 in scholarship funds to an eligible private school under the FTC scholarship program during the 2009-2010 state fiscal year.<sup>26</sup>

### ***Effect of Proposed Changes***

The bill clarifies and strengthens the accountability provisions for private schools that participate in state school choice scholarship programs; and consolidates common provisions regarding private school participation requirements, the DOE's obligations, and commissioner's authority under s. 1002.421, F.S.

### Site Visits

The bill:

- Requires the DOE to conduct site visits to private schools entering a scholarship program for the first time and specifies that beginning with the 2019-2020 school year, a private school is not eligible to receive scholarship payments until a satisfactory site visit has been conducted and the private school is in compliance with the specified requirements in law.
- Authorizes the DOE to conduct site visits to any school participating in a scholarship program that has received a complaint about a violation of state law or State Board of Education rule or has received a notice of noncompliance or a notice of proposed action within the previous 2 years.

### Teacher Qualifications

The bill modifies the private school eligibility requirements for participation in state scholarship programs to require such schools to publish on the schools' websites, or in a written format, information for parents regarding the school including, but not limited to, programs, services, and the qualifications of classroom teachers.

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<sup>23</sup> Section 1002.395(8)(e), F.S.

<sup>24</sup> Section 1002.385(8)(e), F.S.

<sup>25</sup> Sections 1002.385 and 1002.395, F.S.

<sup>26</sup> Section 1002.395(6)(o)1.a., F.S.

### Safety Inspection Reporting Requirements

The bill requires the DOE to coordinate with the State Fire Marshal to obtain access to fire inspection reports for private schools. The bill specifies that the authority conducting the fire safety inspection must certify to the State Fire Marshal, electronically or by means directed by the State Fire Marshal, that the annual inspection has been completed and that the private school is in full compliance.

### Financial Reporting Requirements

The bill requires a private school that receives more than \$250,000 in a state fiscal year from any state scholarship program to submit an annual financial report from an independent certified public accountant to the SFO or the DOE, as applicable.

The bill also clarifies the conditions for ineligibility for private schools to participate in state scholarship programs and requires the owner or operator of a private school to meet the same background screening requirements as owners of SFOs, and report results to the DOE.

## **Reading Instruction and Scholarship**

### *Present Situation*

Any student in kindergarten through grade 3 who exhibits a substantial deficiency in reading based upon screening, diagnostic, progress monitoring, or assessment data; statewide assessments; or teacher observations must be provided intensive, explicit, systematic, and multisensory reading interventions immediately following the identification of the reading deficiency.<sup>27</sup> A school may not wait for a student to receive a failing grade at the end of a grading period to identify the student as having a substantial reading deficiency and initiate intensive reading interventions.<sup>28</sup> The student's reading proficiency must be monitored and the intensive interventions must continue until the student demonstrates grade level proficiency in a manner determined by the district, which may include achieving a Level 3 on the statewide, standardized English Language Arts (ELA) assessment.<sup>29</sup>

To be promoted to grade 4, a student must score a Level 2 or higher on the statewide, standardized ELA assessment required for grade 3.<sup>30</sup> The parent of any student who exhibits a substantial deficiency in reading, must be notified in writing of information specified in law such as a description of current services that are provided to the child and a description of the proposed intensive interventions and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency.<sup>31</sup>

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<sup>27</sup> Section 1008.25(5)(a), F.S.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.* "Achievement level," "student achievement," or "achievement" describes the level of content mastery a student has acquired in a particular subject as measured by a statewide, standardized assessment administered pursuant to s. 1008.22(3)(a) and (b). There are five achievement levels. Level 1 is the lowest achievement level, level 5 is the highest achievement level, and level 3 indicates satisfactory performance. A student passes an assessment if the student achieves a level 3, level 4, or level 5. Section 1008.34(1)(a), F.S.

<sup>30</sup> Section 1008.25(5)(b), F.S.

<sup>31</sup> *Id.* at (5)(c), F.S.

Each school district that has one or more of the 300 lowest-performing elementary schools based on the state reading assessment for the prior year must use supplemental academic instruction funds, along with the funds provided in the district's research-based reading instruction allocation<sup>32</sup> and other available funds, to provide an additional hour of instruction beyond the normal school day for each day of the entire school year for intensive reading instruction for the students in each of these schools.<sup>33</sup> The additional hour of instruction must be provided by teachers or reading specialists who have demonstrated effectiveness in teaching reading or by a K-5 mentoring reading program that is supervised by a teacher who is effective at teaching reading.<sup>34</sup> Students enrolled in these schools who have level 5 assessment scores may participate in the additional hour of instruction on an optional basis.<sup>35</sup>

The designation of the 300 lowest-performing elementary schools must be based on the state reading assessment for the prior year.<sup>36</sup> After this requirement has been met, supplemental instruction strategies may include, but are not limited to: use of a modified curriculum, reading instruction, after-school instruction, tutoring, mentoring, a reduction in class size, extended school year, intensive skills development in summer school, and other methods of improving student achievement.<sup>37</sup> Supplemental instruction may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.<sup>38</sup>

### *Effect of Proposed Changes*

The bill establishes reading scholarship accounts to provide educational options for students, and specifies that each student in grades 3 through 5 who is enrolled in a Florida public school is eligible for the reading scholarship if the student scored below a Level 3 on the grade 3 or grade 4 statewide, standardized ELA assessment in the prior school year. The eligibility requirements for students in grade 3 may apply to students who scored Level 1 on the grade 3 ELA assessment in the prior school year and were retained in grade 3. The bill authorizes an eligible nonprofit scholarship-funding organization (SFO) participating in the Florida Tax Credit Scholarship to establish reading scholarship accounts for eligible students.

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<sup>32</sup> The research-based reading instruction allocation is created to provide comprehensive reading instruction to students in kindergarten through grade 12. Section 1011.62(9)(a), F.S.

<sup>33</sup> Section 1011.62(1)(f)2., F.S. The intensive reading instruction delivered in the additional hour and for other students must include: research-based reading instruction that has been proven to accelerate progress of students exhibiting a reading deficiency; differentiated instruction based on screening, diagnostic, progress monitoring, or student assessment data to meet students' specific reading needs; explicit and systematic reading strategies to develop phonemic awareness, phonics, fluency, vocabulary, and comprehension, with more extensive opportunities for guided practice, error correction, and feedback; and the integration of social studies, science, and mathematics-text reading, text discussion, and writing in response to reading. Section 1011.62(9)(a), F.S. Funds for comprehensive, research-based reading instruction must be allocated annually to each school district in the amount provided in the General Appropriations Act (GAA). Each eligible school district must receive the same minimum amount as specified in the GAA, and any remaining funds must be distributed to eligible school districts based on each school district's proportionate share of K-12 base funding. Section 1011.62(9)(b), F.S.

<sup>34</sup> Section 1011.62(1)(f)2., F.S.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

The reading scholarship account is designed for the eligible SFO to reimburse the eligible students' parents for qualifying expenditures which may include instructional materials; curriculum; tuition and fees for part-time tutoring services provided by a person who holds a baccalaureate or graduate degree in the subject area, who holds an adjunct teaching certificate, or who has a demonstrate mastery of subject area knowledge; fees for summer education programs; after-school education programs; specialized services by approved providers or by a hospital in the state which is selected by the parents including, but not limited to, services provided by speech language pathologists, occupational therapists, and physical therapists.

The bill also specifies responsibilities for parents of eligible students, school districts, Department of Education, and eligible SFOs.

Finally, the bill provides that no state liability arises from the award or use of the reading scholarship account.

## **Charter Schools**

### ***Present Situation***

#### Charter School Application Process

Florida law establishes an application and review process for establishing a new charter school.<sup>39</sup> After a charter school application is approved by the sponsor, the initial startup commences with the beginning of the public school calendar for the district in which the charter is granted.<sup>40</sup> A charter school may defer the opening of the school's operations for up to 2 years to provide time for adequate facility planning.<sup>41</sup>

#### Charter Contract Term and Consolidation

The initial term of a charter contract is for 4 or 5 years.<sup>42</sup> A charter contract may be modified by the consolidation of multiple charters into a single charter if the charters are operated under the same governing board and physically located on the same campus, regardless of the renewal cycle.<sup>43</sup>

#### Due Process

A charter school sponsor is authorized to not renew or terminate a charter contract for one of the following reasons:<sup>44</sup>

- Failure to participate in the state's educational accountability system or meet student performance requirements.
- Failure to meet generally accepted standards of fiscal management.
- Violation of law.
- Other good cause shown.

<sup>39</sup> Section 1011.62(6)(a), F.S.

<sup>40</sup> Section 1002.33(6)(b)3.c.5., F.S.

<sup>41</sup> *Id.* at (6), F.S.

<sup>42</sup> *Id.* at (6)(a)12., F.S.

<sup>43</sup> *Id.* at (7)(d), F.S.

<sup>44</sup> *Id.* at (8)(a), F.S.

At least 90 days before a nonrenewal or termination of a charter contract, the sponsor must notify the governing board of the charter school of the proposed action in writing.<sup>45</sup> The notice must state in reasonable detail the grounds for the proposed action, and stipulate that the school's governing board may, within 14 days after receiving the notice, request a hearing to be conducted by the sponsor or an administrative law judge assigned by the Division of Administrative Hearings, at the sponsor's election.<sup>46</sup> If the sponsor conducts the hearing, the sponsor must decide upon nonrenewal or termination by majority vote and such decision is the final order.<sup>47</sup> If the sponsor chooses to have a hearing conducted by an administrative law judge, the judge must submit a recommended order to the sponsor.<sup>48</sup> A majority vote by the sponsor must be required to adopt or modify the administrative law judge's recommended order.<sup>49</sup> The sponsor must issue a final order.<sup>50</sup>

Florida law also authorizes a dispute resolution hearing before the Charter School Appeal Commission<sup>51</sup> if goods and services are made available to the charter school through the contract with the school district.<sup>52</sup>

#### High-Performing Charter School Designation, Replication, and Facility Capacity

Charter schools and operators of systems of charter schools with a track record of academic excellence and financial stability may earn "high-performing" status.<sup>53</sup> A high-performing charter school is a charter school that during each of the three previous years:<sup>54</sup>

- Received at least two school grades of "A" and no school grade below "B;"
- Has received an unqualified opinion<sup>55</sup> on each annual financial audit; and
- Has not received an annual financial audit that reveals a financial emergency condition in the most recent 3 fiscal years for which the audits are available.<sup>56</sup>

Among other benefits, the operator of a high-performing charter school may submit a streamlined application in any Florida school district to establish and operate a new charter school that substantially replicates its educational program.<sup>57</sup> A high-performing charter school may not be replicated more than once within the state in any given year and may not replicate again until each charter school established achieves "high-performing" status.<sup>58</sup>

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<sup>45</sup> *Id.* at (8)(b), F.S.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.* at (8)(b)1., F.S.

<sup>48</sup> *Id.* at (8)(b)2., F.S.

<sup>49</sup> Section 1002.33(8)(b)2., F.S.

<sup>50</sup> *Id.*

<sup>51</sup> The Charter School Appeal Commission Members are appointed by the Commissioner of Education. One-half of the members represent currently operating charter schools, and one half of the members represent sponsors. Section 1002.33(6)(e)3., F.S.

<sup>52</sup> Section 1002.33(20)(b), F.S.

<sup>53</sup> Section 1002.331(1), F.S. provides the eligibility criteria for the "high-performing" designation.

<sup>54</sup> Section 1002.331(1), F.S.

<sup>55</sup> An unqualified audit opinion means that the charter school's financial statements are materially correct. Telephone interview with Florida Auditor General staff (Mar. 24, 2011).

<sup>56</sup> *See* s. 218.503(1), F.S. (financial emergency conditions).

<sup>57</sup> Section 1002.331(3)(a)1., F.S.

<sup>58</sup> *Id.* at (3)(b), F.S.

A “high-performing” charter school is also authorized to increase its enrollment once per school year to more than the capacity identified in the charter school contract.<sup>59</sup> However, student enrollment may not exceed current facility capacity.<sup>60</sup>

#### School Leader Preparation Programs

School leader preparation programs are intended to enable aspiring school leaders to obtain a certificate in educational leadership.<sup>61</sup> School leader preparation programs must be competency-based, aligned to the principal leadership standards adopted by the State Board of Education, and open to individuals employed by public schools, including charter schools and virtual schools.<sup>62</sup> The Department of Education is required to establish a process for the approval of Level I and Level II school leader preparation programs.<sup>63</sup> There are two types of such programs:<sup>64</sup>

- Level I programs may be offered by school districts and postsecondary institutions and lead to initial certification in educational leadership to prepare individuals to serve as school administrators.
- Level II programs may be offered by school districts, build upon Level I training, and lead to renewal certification as a school principal.

#### *Effect of Proposed Changes*

##### Charter School Application Process

The bill extends, from 2 years to 3 years, the authority of charter schools to defer the opening of a school’s operations.

##### Charter Contract Term and Consolidation

The bill extends the initial term of a charter contract from 4 or 5 years, as specified in law, to 5 years, excluding 1 planning year.

The bill authorizes a charter school to consolidate, during any term, multiple charters that are not in the same physical location into a single charter if the charters are operated under the same governing board, regardless of the renewal cycle. The bill requires the school district to report a charter school with a grade “C” or higher that closes as part of a consolidation, as a consolidation.

##### Due Process

The bill revises the sponsor’s authority to not renew or terminate a charter contract to specify that the sponsor may do so only after finding clear and convincing evidence of the disqualifying grounds specified in law.<sup>65</sup> The bill also modifies such disqualifying grounds to provide that a violation of law must be material.

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<sup>59</sup> *Id.* at (2)(a), F.S.

<sup>60</sup> *Id.*

<sup>61</sup> Section 1012.562, F.S.

<sup>62</sup> *Id.*

<sup>63</sup> Section 1012.562, F.S.

<sup>64</sup> *Id.*

<sup>65</sup> Such grounds are provided in section 1002.33(8)(a), F.S.

The bill eliminates the opportunity for a charter school governing board to request a direct hearing before the sponsor based on the nonrenewal or termination of its charter contract, effectively providing that such hearing must be before an administrative law judge. The bill also deletes the requirement that a recommended order of an administrative law judge be adopted or modified by the sponsor and requires the administrative law judge to award reasonable attorney fees and costs to the prevailing party.

The bill also modifies the process by which the charter school can resolve disputes over contracted goods and services by eliminating the dispute resolution hearing before the Charter School Appeal Commission. Instead, the bill authorizes a party to appeal to an administrative law judge appointed by the Division of Administrative Hearings, who is granted final order authority to rule on the dispute. The bill provides that the prevailing party must be awarded reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals.

#### High-Performing Charter School Designation, Replication, and Facility Capacity

The bill revises the criteria for determining a high-performing charter school by also allowing a school that receives two consecutive grades of “A” to be determined a high-performing charter school. For schools qualifying under this provision, the bill revises the financial eligibility requirements to require only 2 years of financial audits that received an unqualified opinion and no state of financial emergency. The bill also specifies that a high-performing charter school system must comply with application requirements for such systems, in addition to requirements for high-performing charter schools.

The bill also authorizes a high-performing charter school to replicate to two charter schools within the state in any year.

The bill specifies that student enrollment may not exceed capacity of the facility at the time of enrollment, effectively allowing a high-performing charter school that has expanded its original facility or has access to additional facilities, to increase student enrollment without being limited to the original facility’s capacity.<sup>66</sup>

#### School Leader Preparation Programs

The bill adds charters schools and charter management organizations to the entities authorized to offer Level I or Level II school leader preparation programs.

### **Autonomous Schools and Independent Boards**

#### *Present situation*

##### Principal Autonomy Program

In 2016,<sup>67</sup> the Legislature established the Principal Autonomy Pilot Program Initiative (PAPPI) within the Department of Education (DOE) to provide the highly effective principal of a

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<sup>66</sup> The bill provides that facility capacity for purposes of grade level expansion must include any improvements to an existing facility or any new facility in which a majority of the students of the high-performing charter school will enroll.

<sup>67</sup> Chapter 2016-223, L.O.F.

participating school with increased autonomy and authority to operate schools in a way that improves student achievement and school management.<sup>68</sup> The PAPI was initially launched in 7 school districts (Broward, Duval, Jefferson, Madison, Palm Beach, Pinellas, and Seminole Counties) and an evaluation of the performance of all participating schools is required at the end of the 3 years.<sup>69</sup> A participating school is exempt from the school code except for specified laws related to assessments, civil rights, students with disabilities, compensation and salary schedules, educational facilities, and other topics.<sup>70</sup> School districts are authorized to participate in the PAPI for a period of 3 years upon approval of the principal autonomy proposal and are required to submit an annual report to the State Board of Education.<sup>71</sup>

### *Effect of Proposed Changes*

#### Principal Autonomy Program Initiative

Beginning with the 2018-2019 school year, the bill expands the principal autonomy program from a pilot authorized for three 3 years in 7 school districts to a statewide program. The bill also deletes the requirement for a 3-year evaluation of program effectiveness to be performed by the Commissioner of Education and annual reporting requirements for participating schools. The bill specifies that a school retains the exemptions from law provided in the Principal Autonomy Program Initiative (PAPI) as long as the school maintains a grade of “B” or higher.

#### District-Independent Autonomous Schools and Independent Governing Boards

The bill establishes district-independent autonomous schools to expand the impact of principals participating in the principal autonomy program to manage multiple schools under an independent governing board.

The bill also authorizes a district school superintendent to recommend the organization and operation of schools by an independent governing board, which are required to operate in accordance with the contract between the independent governing board and the district school board and the exemptions in law provided in the PAPI. The bill specifies that a school retains such exemptions from law beyond the term of the PAPI as long as the school maintains a grade of “B” or higher.

The bill authorizes a principal participating in the PAPI who successfully completes specified training to manage one or more schools that are operated by an independent governing board through a contract with the school board. The bill specifies that members of the governing board may not be employees of the school district or any school operated by the governing board. The bill also specifies that the salary supplement for each eligible participating principal may not exceed \$10,000 for three years.

The bill provides that for tort liability purposes, the independent governing board, district-independent autonomous school, and its employees are governed by the waiver of state sovereign

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<sup>68</sup> Section 1011.6202, F.S.

<sup>69</sup> *Id.* at (1).

<sup>70</sup> Section 1011.6202(3)(b), F.S.

<sup>71</sup> Section 1011.6202(5) and (6), F.S.

immunity contained in law.<sup>72</sup> Additionally, the bill clarifies that the school board is not liable for civil damages under state law for the employment action or personal injury, property damage, or death resulting from an act or omission of an independent governing board, district-independent autonomous school, and its employees or agents.

Additionally, the bill provides that the district-independent autonomous school may be a private or public employer. The bill specifies that as a public employer, the district-independent autonomous school may participate in the Florida Retirement System upon application and approval as a covered group. If a district-independent autonomous school participates in the Florida Retirement System (FRS), the autonomous school's employees must be compulsory members of the FRS.

## **District School Board Oversight and Responsibility**

### ***Present Situation***

#### **Investigation and Audit Requirements**

The Auditor General (AG) or a Certificated Public Accountant (CPA) is required to perform annual financial audits of district school board, the scope of which includes an examination of the financial statements, the issuance of a report on compliance and internal control in accordance with generally accepted government auditing standards, and the issuance of a report on compliance and internal control for each major Federal program.<sup>73</sup> The AG also conducts operational audits of district school boards in accordance with Government Auditing Standards at least every 3 years.<sup>74</sup> Operational audits must include an evaluation of management's performance in establishing and maintaining internal controls, including controls designed to prevent and detect fraud, waste, and abuse, and in administering assigned responsibilities.<sup>75</sup>

The Department of Education's (DOE's) Inspector General is responsible for promoting accountability, efficiency, and effectiveness and detecting fraud and abuse within school districts.<sup>76</sup> If the Commissioner of Education (commissioner) determines that the district school board is unwilling or unable to address substantiated allegations made by any person relating to waste, fraud, or financial mismanagement, the office must conduct, coordinate, or request investigations into such substantiated allegations.<sup>77</sup>

Currently, district school boards are permitted, but not required to employ an internal auditor to perform ongoing financial verification of the financial records of the school district.<sup>78</sup>

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<sup>72</sup> Section 768.28, F.S. provides the specifications of the waiver of sovereign immunity in tort actions.

<sup>73</sup> State of Florida Auditor General, *Summary of Significant Findings and Financial Trends Identified in District School Board Audit Reports for the Fiscal Year Ended June 30, 2016*, at 1, available at [https://flauditor.gov/pages/pdf\\_files/2018-030.pdf](https://flauditor.gov/pages/pdf_files/2018-030.pdf). Section 11.45(1)(c), F.S.

<sup>74</sup> *Id.* Section 11.45(2)(f), F.S.

<sup>75</sup> *Id.* at (1)(g).

<sup>76</sup> Section 1001.20(4)(e), F.S.

<sup>77</sup> *Id.*

<sup>78</sup> Section 1001.42(12)(l), F.S.

## Budget, Expenditures, and Financial Disclosure Requirements

### *District School Board Budget*

Florida law requires district school boards to prepare, adopt, and submit an annual budget to the commissioner,<sup>79</sup> and post a plain language version of each proposed, tentative, and official budget on their website and describe each budget item in terms that are easily understandable to the public.<sup>80</sup>

### *Expenditures*

Florida law provides that district school board expenditures must be limited to amounts budgeted and no expenditures can be authorized or obligations incurred in excess of the budgetary appropriation.<sup>81</sup> However, a district school board may establish policies that allow expenditures to exceed amounts budgeted if the district school board approves the expenditure and amends the budget.<sup>82</sup>

### *Financial Disclosure*

Currently, the Commission on Ethics (COE or commission) determines whether a person owing a public financial disclosure fine is a public officer or public employee.<sup>83</sup> If the COE determines that the person is a current public officer or public employee, the commission may notify the Chief Financial Officer (CFO) or governing body of the amount owed.<sup>84</sup>

## Lobbying, Travel, and Compensation

### *Lobbying*

A person who has been elected to a school district office may not personally lobby the school district for compensation for a period of 2 years after vacating that office.<sup>85</sup>

### *Travel*

Each member of a district school board is allowed, from the district school fund, reimbursement of travel expenses as authorized in law.<sup>86</sup> Any travel outside the district is governed by the rules of the State Board of Education.<sup>87</sup>

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<sup>79</sup> Section 1011.01(3)(a), F.S.

<sup>80</sup> Section 1011.035(2), F.S.

<sup>81</sup> Section 1011.06, F.S. It is the duty of the superintendent and district school board to take whatever action is necessary during the fiscal year to keep expenditures and obligations within the budgeted income. Rules 6A-1.007(1) and 6A-1.007(2), F.A.C. The school board must approve amendments to the budget whenever budget changes occur. *Id.*

<sup>82</sup> Section 1011.06(2), F.S.

<sup>83</sup> Sections 112.3144(5) and (7), and 112.3145(7), F.S.

<sup>84</sup> S. 112.31455(1), F.S.

<sup>85</sup> Section 112.313(14), F.S.

<sup>86</sup> Section 1001.39(1), F.S. Florida law establishes standard travel reimbursement rates, procedures, and limitations. Section 112.061, F.S.

<sup>87</sup> Rule 6A-1.056, F.A.C.

### *Compensation*

Each member of the district school board receives a base salary based on the population of the county the district school board member serves.<sup>88</sup> However, for the 2010-2011 fiscal year, the salary of each district school board member is the amount calculated based on district population or the district's beginning salary for teachers who hold baccalaureate degrees, whichever is less.<sup>89</sup>

### Equity in School Level Funding

Title I, Part A of the Elementary and Secondary Education Act, provides federal funds to LEAs and schools with high numbers or high percentages of children from low-income families to help ensure that all children meet challenging state academic standards.<sup>90</sup> In 2017, the Legislature amended the equity in school level funding act to require school districts to provide Title I funds directly to all eligible schools and limit the amount the district may withhold as follows:<sup>91</sup>

- One percent for parent involvement.
- A necessary and reasonable amount for administration not to exceed eight percent.
- A reasonable and necessary amount to provide:
  - Homeless programs;
  - Delinquent and neglected programs;
  - Prekindergarten programs and activities;
  - Private school equitable services; and
  - Transportation for foster care children to their school of origin or choice program.

After providing Title I funds to schools above the 75 percent poverty threshold, the district must distribute all remaining Title I funds to all eligible schools in accordance with federal law and regulation.<sup>92</sup>

### District School Tax

Each district school board may levy up to 1.5 mills against the taxable value for fixed capital outlay for district schools, including charter schools at the discretion of the school board, to be used for purposes specified in law.<sup>93</sup> Additionally, district school boards are authorized to withhold an administrative fee for certain administrative and educational services provided to charter schools.<sup>94</sup>

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<sup>88</sup> Section 1001.395(1), F.S.

<sup>89</sup> *Id.* at (3).

<sup>90</sup> U.S. Department of Education, *Improving Basic Programs Operated by Local Educational Agencies (Title I, Part A)*, <https://www2.ed.gov/programs/titleiparta/index.html?exp=0> (last visited Feb. 18, 2018).

<sup>91</sup> Section 1011.69(5), F.S.

<sup>92</sup> *Id.*

<sup>93</sup> Section 1011.71(2), F.S.

<sup>94</sup> Section 1002.33(20)(a)2., F.S.

Charter School Capital Outlay Funding

Florida law provides that charter school capital outlay funding must consist of revenue which results from the discretionary millage district school boards are authorized to levy,<sup>95</sup> and state funds when such funds are appropriated in the General Appropriations Act.<sup>96</sup>

District Personnel Policies

A district school board member may not employ or appoint a relative to work under his or her direct supervision.<sup>97</sup>

Disposal of Property

Florida law requires that tangible personal property that has been properly classified as surplus by a district school board or Florida College System institution board of trustees to be disposed of in accordance with disposal procedures contained in law.<sup>98</sup>

Construction Flexibility

A district school board may, with a supermajority vote at a public meeting that begins no earlier than 5 p.m., adopt a resolution to implement one or more of the exceptions to the educational facilities construction requirements specified in law.<sup>99</sup>

Before voting on the resolution, a district school board must conduct a cost-benefit analysis prepared according to a professionally accepted methodology that describes how each exception selected by the district school board achieves cost savings, improves the efficient use of school district resources, and impacts the life-cycle costs and life span for each educational facility to be constructed, as applicable, and demonstrates that implementation of the exception will not compromise student safety or the quality of student instruction.<sup>100</sup> The district school board must conduct at least one public workshop to discuss and receive public comment on the proposed resolution and cost-benefit analysis.<sup>101</sup>

District school boards may adopt a resolution to implement exceptions to requirements of the uniform statewide building code for the planning and construction of public educational and ancillary plants adopted pursuant to Florida law relating to:<sup>102</sup>

- Interior non-load-bearing walls, by approving the use of fire-rated wood stud walls;
- Paved walkways, roadways, driveways, and parking areas, by approving the use of designated, stabilized, and well-drained gravel or grassed student parking areas;
- Standards for relocatables used as classroom space, by approving construction specifications for installation of relocatable buildings that do not have covered walkways leading to the permanent buildings onsite; and
- Site lighting by approving construction specifications regarding site lighting.

<sup>95</sup> Section 1011.71(2), F.S. authorizes district school boards to levy specified discretionary millage.

<sup>96</sup> Section 1012.62(2), F.S.

<sup>97</sup> Section 1012.23(2), F.S.

<sup>98</sup> Section 1013.28(2)(a), F.S.

<sup>99</sup> Section 1013.385(1), F.S.

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> Section 1013.385(2), F.S.

District school boards must adhere to the State Requirements for Educational Facilities (SREF),<sup>103</sup> the uniform statewide building code for the planning and construction of public educational and ancillary plants, when planning and constructing educational facilities and ancillary plants. Facilities for non-conversion charter schools must meet the requirements of the uniform statewide building code, except for the SREF.<sup>104</sup>

### *Effect of Proposed Changes*

#### Investigation and Audit Requirements

The bill specifies responsibilities for the AG, the DOE, district school boards, and district school superintendents.

The bill requires the AG to contact each district school board regarding operational audit findings and recommendations, and to contact the Legislative Auditing Committee (LAC) about a district school board's failure or inability to comply within the specified timeframe. The bill requires the DOE's Office of Inspector General to investigate allegations or reports of possible fraud or abuse against a district school board by any member of the Cabinet, presiding officer of the Legislature, Chair of a substantive committee with jurisdiction, or the member of a board for which an investigation is sought.

Additionally, the bill requires the DOE to contract with an independent third party to conduct an investigation of all accounts and records if certain financial conditions existed in the 2015-2016 school year or thereafter. Such investigation must include a detailed review and analysis of specified documents and the results of the investigation must include recommendations for corrective action and controls to avoid a reoccurrence of future budget shortfalls. A final report must be provided to the district, DOE, LAC, and the district's financial emergency board, if applicable.

Additionally, the bill requires district school boards to:

- Provide evidence of the initiation of corrective action within 45 days after the date the action is requested by the AG and the evidence of completion of such action within 180 days.
- Employ an internal auditor to perform specified duties including the oversight of every functional and program area of the school system, if a school district receives more than \$500 million annually in federal, state, and local funds.
- Conduct an audit overview at a public meeting if an audit contains a significant deficiency or material weakness, including the corrective action to be taken and a timeline for the completion of such action.

The bill also authorizes an individual school board member to request budget documents and related information, which must be provided to such board member.

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<sup>103</sup> Rule 6A-2.0010, F.A.C.

<sup>104</sup> Section 1002.33(18)(a), F.S.

The bill also requires the district school superintendent to reduce the district's administrative expenditures if a school district's approved operating budget general fund falls below 3 percent of projected general revenue funds for two consecutive fiscal years.

### Budget, Expenditures, and Financial Disclosure Requirements

#### *District School Board Budget*

The bill adds to the school district's budget reporting requirements, which must be published on the district's website, to include graphical representations, for each public school within the district, of a summary financial of efficiency data and 3-year fiscal trend information on the:

- Ratio of full-time equivalent (FTE) students to FTE instructional personnel
- Ratio of FTE students to FTE administrative personnel.
- Total operating expenses per FTE student.
- Total instructional expenditures per FTE student.
- General administrative expenses as a percent of the total budget.
- Rate of change in the general fund's ending fund balance which is not classified as restricted.

The bill requires the district school board budget website to include a link to a fiscal transparency tool, to be developed by the DOE, for taxpayers to evaluate and compare the financial efficiency of school districts.

The bill also requires the district school board to provide a full explanation of any budget amendments at the board's scheduled public meeting.

#### *Expenditures*

The bill establishes a penalty that requires withholding of the salary of each school board member and district school superintendent if certain financial conditions, specified in law, exist, until such conditions are corrected.<sup>105</sup> The bill also restricts district school boards' travel expenditures under specified financial circumstances.

The bill requires the district school board to reimburse the cost of background screening for charter schools if the district school board does not notify the charter school of the employment eligibility of governing board members and instructional and noninstructional personnel within 14 days after the charter school submits the fingerprints.

#### *Financial Disclosure*

The bill:

- Adds district school boards to the entities whom the COE may contact regarding owed fines.
- Modifies collection methods for fines for failure to timely file disclosure of financial interest to require district school boards to withhold a specified amount of funding from employee salaries.
- Authorizes district school boards to retain a portion of the withheld funds to cover administrative costs.

<sup>105</sup> Section 2018.503(1), F.S. specifies such financial conditions.

## Lobbying, Travel, and Compensation

### *Lobbying*

The bill applies the restriction on lobbying for 2 years after vacating office to appointed school district superintendents,<sup>106</sup> which currently applies to locally elected school district officers.

### *Travel*

The bill requires prior approval from the district school board for reimbursement of travel expenses for travel outside the district by a district school board member. The bill also requires a detailed, itemized list of travel-related expenses for travel outside the state, after public hearing on the request.

### *Compensation*

The bill aligns school board member salaries with the beginning teacher salaries or the amount calculated by statute, whichever is less. In fiscal year 2016-17, the average salary for district school board member exceeded the beginning average salary for teachers in the following 12 of the 67 school districts in the state: Alachua (\$782), Broward (\$739), Dade (\$850), Duval (\$1,810), Hillsborough (\$3,554), Lee (\$1,525), Leon (\$434), Marion (\$528), Orange (\$1,091), Palm Beach (\$747), Pinellas (\$544), and Volusia (\$416).<sup>107</sup>

## Equity in School Level Funding

The bill clarifies that when school districts distribute Title I funds to schools above the 75 percent poverty threshold, the 75 percent may include high schools above the 50 percent threshold as permitted by federal law.

The bill also provides that a district may also withhold a necessary and reasonable amount of Title I funds, not to exceed 1 percent, for eligible schools to provide:

- Extended learning opportunities, such as summer school, before-school and after-school programs, and additional class periods of instruction during the school day; and
- Supplemental academic and enrichment services as well as wrap-around services.

The bill excludes from the above specified 1 percent cap on the amount that a district may withhold for administration, Title I funds used for district-level educational services provided by the school district.

## District School Tax

The bill prohibits a district school board from withholding administrative fees authorized in law from any charter school operating in the school district if payments under a lease-purchase agreement entered into by the district school board in the aggregate, including agreements entered into before June 30, 2009, exceed three-fourths of the proceeds from the discretionary millage.

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<sup>106</sup> Currently, there are 26 appointed district school superintendents and 41 elected district school superintendents. Florida Department of Education, *Florida Public School Superintendents*, <http://www.fl DOE.org/accountability/data-sys/school-dis-data/superintendents.stml> (last visited Feb. 19, 2018).

<sup>107</sup> Email, Florida Department of Education (Feb. 19, 2018).

### Charter School Capital Outlay Funding

The bill deletes the requirement that charter school capital outlay must consist of the revenue which results from the discretionary millage district school boards are authorized to levy. Instead, the bill provides that such revenue must only be included in charter school capital outlay if the amount of state funds appropriated for charter school capital outlay in any fiscal year is not equal to or is less than the average charter school capital outlay funds per unweighted full-time equivalent student for the 2018-2019 fiscal year, and adjusted by changes in the Consumer Price Index from the previous year.

The bill also requires each school district to certify to the DOE, by October 1, the amount of debt service and participation requirements that can be reduced from the total discretionary millage revenue. The bill requires the AG to verify compliance with this provision during annual school board audits.

### District Personnel Policies

The bill prohibits a district school superintendent from appointing or employing a relative to work under his or her direct supervision. The bill also clarifies that the prohibition does not apply to employees appointed or employed before the election or appointment of the board member of superintendent. The bill also requires the COE to accept and investigate any alleged violations of this prohibition.

### Disposal of Property

The bill requires any tangible personal property that has been properly classified as surplus, marked for disposal, or otherwise unused by a district school board to be provided for a charter school's use on the same basis as it is made available to other public schools in the district. The bill prohibits a charter school that receives such property from selling or disposing of the property without the written permission of the school district.

### Construction Flexibility

The bill expands the available exceptions a district school board may adopt to include any other provisions in SREF that limit the ability of a school to operate in a facility on the same basis as a charter school. To adopt the exception, the regional planning council must determine that there is sufficient shelter capacity within the school district as documented in the Statewide Emergency Shelter Plan.<sup>108</sup>

## **Collective Bargaining**

### ***Present Situation***

Florida law authorizes employees to bargain collectively through representatives of their own choosing.<sup>109</sup> Legislative intent directs that district school boards have flexibility through the

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<sup>108</sup> See s. 252.385(2)(b), F.S.

<sup>109</sup> Section 447.03, F.S.

collective bargaining process to assign teachers more equitably across the schools in the district.<sup>110</sup>

Every employee organization seeking to become a certified bargaining agent for public employees must submit an application for registration which must be renewed annually by filling a renewal application under oath with the Public Employees Relations Commission (commission).<sup>111</sup> If recognized by the public employer, the organization must immediately petition the commission for certification and the commission must certify the organization if the unit is appropriate.<sup>112</sup> The organization, if not recognized by the public employer, may file a petition for certification with the commission accompanied by signed, dated statements of 30 percent of the employees in the unit indicating a desire to be represented for collective bargaining purposes by the organization.<sup>113</sup> The commission is required to investigate the petition for sufficiency, provide for an appropriate hearing, and if found to be sufficient, order an election by secret ballot for certification.<sup>114</sup> The commission must certify an organization that is selected by a majority of employees voting in an election.<sup>115</sup>

### ***Effect of Proposed Changes***

The bill requires an employee organization that has been certified as the bargaining agent for a unit of instructional personnel<sup>116</sup> to include the following additional information in its annual registration renewal application:

- Number of employees in the bargaining unit who are eligible for representation by the employee organization.
- Number of employees represented by the organization, specifying the number of employees who pay dues and the number of members who do not pay dues.

The bill also requires an employee organization whose dues paying membership is less than 50 percent of the employees eligible for representation by the organization to petition the commission for recertification<sup>117</sup> as the exclusive representative of all employees in the unit, within 1 month after the date on which the organization applies for registration renewal. The bill specifies that the certification of an employee organization is revoked if the organization does not comply with the specified requirements.

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<sup>110</sup> Section 1012.2315(1), F.S.

<sup>111</sup> Section 447.305(1)-(2), F.S.

<sup>112</sup> Section 447.307(1)(a), F.S.

<sup>113</sup> *Id.* at (2).

<sup>114</sup> *Id.* at (3)(a), F.S.

<sup>115</sup> *Id.* at (3)(b), F.S.

<sup>116</sup> Instructional personnel means any K-12 staff member whose function includes the provision of direct instructional services to students or to provide direct support in the learning process of students. Section 1012.01(2), F.S.

<sup>117</sup> Section 447.307(2) and (3), F.S. provide the process for employee organization certification.

## Recognition of and Educational Opportunities for Members of the U.S. Military

### *Present Situation*

#### Medal of Honor Day and Required Instruction

Florida law specifies required instruction for students in public schools.<sup>118</sup> Instructional staff must teach specified courses of study such as:<sup>119</sup>

- A character development program in kindergarten through grade 12; and
- The sacrifices that veterans have made in serving our country and protecting democratic values worldwide, in order to encourage patriotism.<sup>120</sup>

The State Board of Education (SBE) is encouraged to adopt standards and pursue assessment of specified required instruction.<sup>121</sup>

#### Training and Licensure

##### *Military Training to Meet Education and Licensure Requirements*

Florida law provides for the award of college credit for military training and education.<sup>122</sup> Additionally, Florida law requires that for specified professions, to the fullest extent possible, military experience, training, or education must apply toward the requirements for licensure if such training is substantially similar to the experience, training, or education required for licensure.<sup>123</sup>

##### *Apprenticeship Programs*

The Department of Education (DOE) is responsible for administering apprenticeship<sup>124</sup> and preapprenticeship<sup>125</sup> programs and standards.<sup>126</sup>

#### Temporary Certificates

##### *Temporary Certificate in Educational Leadership*

The SBE is required to establish certification requirements for all school personnel.<sup>127</sup> Additionally, the SBE must adopt rules to allow an individual who meets the following criteria to be eligible for a temporary certificate in educational leadership:<sup>128</sup>

<sup>118</sup> Section 1003.42, F.S.

<sup>119</sup> *Id.* at (2).

<sup>120</sup> Instructional staff are encouraged to use the assistance of local veterans when practicable. *Id.* at (2)(t).

<sup>121</sup> *Id.*

<sup>122</sup> Section 1004.096, F.S.

<sup>123</sup> Such requirement applies to the professions of construction contractor (s. 489.1131, F.S.), electrical contractor (s. 489.511, F.S.), and private investigation or security officer (s. 493.61035(1), F.S.).

<sup>124</sup> An apprenticeship program is an organized course of instruction, registered and approved by the DOE, which contains all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices including the requirements for a written apprenticeship agreement. Section 446.021(6), F.S.

<sup>125</sup> A preapprenticeship program is an organized course of instruction in the public school system or elsewhere, which is designed to prepare a person 16 years of age or older to become an apprentice and which is approved by and registered with the DOE and sponsored by a registered apprenticeship program. Section 446.021(5), F.S.

<sup>126</sup> Section 446.041, F.S. *See* ss. 446.011 to 446.092, F.S.

<sup>127</sup> Section 1012.55(1)(b), F.S.

<sup>128</sup> *Id.* at (1)(d), F.S.

- Earn a passing score on the Florida Educational Leadership Examination;
- Document three years of successful experience in an executive management or leadership position; and
- Document receipt of a bachelor's degree or higher from an accredited institution of higher learning.

There are two types of school leader preparation programs:<sup>129</sup>

- Level I programs may be offered by school districts and postsecondary institutions and lead to initial certification in educational leadership to prepare individuals to serve as school administrators.
- Level II programs may be offered by school districts, build upon Level I training, and lead to renewal certification as a school principal.

#### *Temporary Educator Certificate Validity Period*

Each temporary certificate is valid for 3 school fiscal years and is nonrenewable.<sup>130</sup> The SBE may authorize the DOE in rule to extend the validity period of a temporary certificate for 2 years when the requirements for the professional certificate<sup>131</sup> were not completed due to the serious illness or injury of the applicant or other extraordinary extenuating circumstances or for 1 year if the temporary certificateholder is rated effective or highly effective based solely on a student learning growth formula approved by the Commissioner of Education.<sup>132</sup>

#### Junior Reserve Officer Training Instructors

A commissioned or noncommissioned military officer who is an instructor of junior reserve officer training is exempt from requirements for teacher certification, subject to conditions specified in law.<sup>133</sup>

#### Fee Waiver

The SBE is required to adopt, by rule, separate fees for applications, examinations, certification, certification renewal, late renewal, recordmaking, and recordkeeping.<sup>134</sup> Florida initial teacher certification examination fees are as follows:<sup>135</sup>

- General Knowledge Test, First-Time Registration      \$130.00
- Professional Education Test, First-Time Registration      \$150.00
- Subject Area Examination, First-Time Registration      \$200.00

Additionally, the fee for an initial temporary or professional certificate is \$75.<sup>136</sup>

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<sup>129</sup> Section 1012.562, F.S.

<sup>130</sup> Section 1012.56(7), F.S.

<sup>131</sup> The requirements for issuance of a professional certificate are established in law. Section 1012.56(7), F.S.

<sup>132</sup> Section 1012.56(7), F.S.

<sup>133</sup> Section 1012.55(4), F.S.

<sup>134</sup> Section 1012.59(1), F.S.

<sup>135</sup> Rule 6A-4.0021(4)(b), F.A.C.

<sup>136</sup> Rule 6A-4.0012(1)(a), F.A.C.

### Enrollment in the Florida Virtual School

The Florida Virtual School (FLVS) is intended to develop and deliver online and distance learning education.<sup>137</sup> The school must serve any student in the state who meets the profile for success<sup>138</sup> in the online educational environment and must give priority to:<sup>139</sup>

- Students who need expanded access to courses in order to meet their educational goals, such as home education students and students in inner-city and rural high schools who do not have access to higher-level courses.
- Students seeking accelerated access in order to obtain a high school diploma at least one semester early.

Military families living outside the state may enroll, but must maintain their Florida residency.<sup>140</sup>

Public school students receiving full-time instruction in kindergarten through grade 12 by the FLVS must take all statewide assessments.<sup>141</sup> Unless alternate sites are agreed to, such statewide assessments must be taken at the school to which the student would be assigned according to district school board attendance areas.<sup>142</sup> A school district must provide the student with access to the school's testing facilities.<sup>143</sup>

### ***Effect of Proposed Changes***

#### Medal of Honor Day and Required Instruction

The bill designates March 25 of each year as “Medal of Honor Day” and authorizes the Governor to annually issue a proclamation as such, and call upon public officials and specified entities to commemorate the day and honor Medal of Honor<sup>144</sup> recipients.

The bill specifies that a character development program that incorporates the values of the recipients of the Congressional Medal of Honor and that is offered as part of a social studies, English Language Arts, or other schoolwide character building and veteran awareness initiative meets the required instruction related to character development and the sacrifices of veterans.

#### Training and Licensure

##### *Military Training to Meet Education and Licensure Requirements*

The bill requires a board of examiners or other qualification board regulated under general law to accept periods of training and practical experience in the Florida National Guard (FNG) or the

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<sup>137</sup> Section 1002.37(1)(a), F.S.

<sup>138</sup> The FLVS has identified hard and soft skills and other requirements that facilitate student success in online instruction. Such skills include written and oral communication, academic honesty, self-motivation, computer literacy, time management, reading competency, personal commitment, and access to technology. Email, Florida Virtual School (Jan. 9, 2018).

<sup>139</sup> *Id.*

<sup>140</sup> Florida Virtual School, *FLVS Student Progression Plan, 2017-18 School Year* (August 2017), available at [https://www.flvs.net/docs/default-source/district/student-progression-plan.pdf?sfvrsn=d3437f2a\\_4](https://www.flvs.net/docs/default-source/district/student-progression-plan.pdf?sfvrsn=d3437f2a_4), at 14 and 44.

<sup>141</sup> Section 1002.37(9)(a), F.S.

<sup>142</sup> Section 1002.37(9)(c), F.S.

<sup>143</sup> *Id.*

<sup>144</sup> The Medal of Honor is the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States. Congressional Medal of Honor Society, *The Medal of Honor*, <http://www.cmohs.org/> (last visited Feb. 19, 2018).

United States Armed Forces Reserves (ASAFR) in place of any interrupted or delayed periods of training, study, apprenticeship, or practical experience if a member of the FNG or USAFR is called to active duty. The training or practical experience must be accepted if the board finds the standard and type of work or training performed in the FNG or USAFR to be substantially the same as the standard and type required under the laws of this state. Additionally, the bill requires that such members must request licensure or qualification by the respective board of examiners or other qualification board within 6 months after release from active duty.

#### *Apprenticeship Programs*

The bill requires the DOE to lead and coordinate outreach efforts to educate veterans about apprenticeship and career opportunities. Additionally, the bill specifies that any laws related to apprenticeship and preapprenticeship programs, adopted rules, or rules within approved apprenticeship agreements do not invalidate any special provisions for veterans, minority persons, or women in the standards, qualifications, or operations of apprenticeship programs.

#### Temporary Certificates

##### *Temporary Certificate in Educational Leadership*

The bill creates a pathway for veterans to become school principals. The bill requires the DOE to issue a 3-year temporary certificate in educational leadership to an individual who:

- Has earned a passing score on the Florida Educational Leadership Examination;
- Served as a commissioned or noncommissioned military officer in the U.S. Armed Forces for at least 3 years;
- Has been honorably discharged or has retired from the U.S. Armed forces; and
- Is employed fulltime in a position for which a Florida educator certificate is required in a Florida public school, state-supported school, or nonpublic school that has a Level II program.

The bill also requires that a Level II program must admit applicants who hold such temporary certificate and requires the DOE to issue a permanent school principal certificate to an individual who holds the temporary certificate and successfully completes the Level II program.

##### *Temporary Educator Certificate Validity Period*

The bill adds military service of an applicant's spouse as a circumstance for which the validity of a temporary certificate may be extended by the DOE, which must be adopted in SBE rule.

### Junior Reserve Officer Training Instructors

The bill authorizes junior reserve officer training instructors to be eligible to receive funding through the Florida Teachers Classroom Supply Assistance program.<sup>145</sup> However, such instructors do not meet the definition of a classroom teacher<sup>146</sup> under the program.

### Fee Waiver

The bill requires the SBE to waive initial general knowledge, professional education, and subject area examination fees and certification fees for:

- A member of the United States Armed Forces (USAF) or a reserve component who is serving or has served on active duty and the spouse of such a member.
- The surviving spouse of a member of the USAF or a reserve component who was serving on active duty at the time of death.
- An honorably discharged veteran of the USAF or a veteran of a reserve component who served on active duty and the spouse or surviving spouse of such a veteran.

### Enrollment in the Florida Virtual School

The bill adds to the list of student groups who must receive priority for FLVS services. Specifically, the bill requires the FLVS to also give priority to children of an active duty member of the USAF who is not stationed in this state whose home of record<sup>147</sup> or state of legal residence<sup>148</sup> is Florida.

Additionally, the bill requires that industry certification examinations, national assessments, and statewide assessments offered by the school district to be available to all FLVS students. The bill also requires the school district to provide to the student the date and time of the administration of the examination or assessment.

## **Professional Development**

### *Present Situation*

The Department of Education (department), public postsecondary educational institutions, public school districts, public schools, state education foundations, consortia, and professional organizations in this state must work collaboratively to establish a coordinated system of

<sup>145</sup> The Florida Teachers Classroom Supply Assistance Program is a fund for public school classroom teachers to purchase classroom materials and supplies for the public school students assigned to them. For purposes of the program, “classroom teacher” means a certified teacher employed by a public school district or a public charter school in that district. Section 1012.71 F.S.

<sup>146</sup> For purposes of the Florida Teachers Classroom Supply Assistance Program, the term “classroom teacher” means a certified teacher employed by a public school district or a public charter school in that district on or before September 1 of each year whose full-time or job-share responsibility is the classroom instruction of students in prekindergarten through grade 12, including full-time media specialists and certified school counselors serving students in prekindergarten through grade 12, who are funded through the Florida Education Finance Program. Section 1012.71(1), F.S.

<sup>147</sup> The home of record is defined as the state where a servicemember first enlisted or received a commission from one of the branches of armed services. Military.com, *HOR vs. SLR: What’s the Difference?* <https://www.military.com/money/personal-finance/taxes/home-of-legal-record-for-taxes.html> (last visited Feb 19, 2018).

<sup>148</sup> The state of legal residence is considered the servicemember’s permanent home, the legal residence for state income tax purposes, qualification for in-state tuition rates, eligibility to vote for federal and state elections, for a will to be probated, and where the servicemember intends to live after separation from the military. *Id.*

professional development.<sup>149</sup> The purpose of the professional development system is to increase student achievement, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum, and prepare students for continuing education and the workforce.<sup>150</sup> The system of professional development must align to the standards adopted by the state and support the framework for standards adopted by the National Staff Development Council.<sup>151</sup>

The department must disseminate to the school community proven model professional development programs that have demonstrated success in increasing rigorous and relevant content, increasing student achievement and engagement, meeting identified student needs, and providing effective mentorship activities to new teachers and training to teacher mentors.<sup>152</sup> The methods of dissemination must include a web-based statewide performance-support system including a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available technical assistance.<sup>153</sup>

### ***Effect of Proposed Changes***

The bill specifies that professional development resources must include sample course-at-a-glance and unit overview templates that school districts may use when developing curriculum. The templates must provide an organized structure for addressing the Florida Standards, grade-level expectations, evidence outcomes, and 21<sup>st</sup> century skills that build to student's mastery of the standards at each grade level. Each template must support teaching to greater intellectual depth and emphasize transfer and application of concepts, content, and skills. The bill requires the template to, at least, provide courses or year-long sequencing on concept-based unit overviews based on Florida Standards, describe the knowledge and vocabulary necessary for comprehension, and promote the instructional shifts required within the standards.

### **Statewide, Standardized Assessment Program**

The purpose of Florida's student assessment program is to improve instruction; provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff; and assess the cost benefit of the expenditure of taxpayer dollars.<sup>154</sup>

### ***Present Situation***

#### **Statewide, Standardized Assessment Requirements**

The statewide, standardized assessment program consists of:

- Statewide, standardized comprehensive assessments.<sup>155</sup>

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<sup>149</sup> Section 1012.98(1), F.S.

<sup>150</sup> *Id.*

<sup>151</sup> *Id.*

<sup>152</sup> Section 1012.98(11), F.S.

<sup>153</sup> *Id.*

<sup>154</sup> Section 1008.22(1), F.S.

<sup>155</sup> Section 1008.22(3)(a), F.S. Federal law requires students to be tested in reading or language arts and mathematics in each of grades 3 through 8 and not less than once in grades 10 through 12. With respect to science, students must be tested once during grades 3 through 5, grades 6 through 9, and grades 10 through 12. 20 U.S.C. s. 6311(b)(3). The Florida Department of Education posts the Statewide Assessment Schedule on its website. Florida Department of Education, *Florida Statewide*

- English Language Arts (ELA) (grades 3 through 10);
- Mathematics (grades 3-8); and
- Science (once at the elementary grade level and once at the middle grade level).<sup>156</sup>
- End-of-Course (EOC) assessments:<sup>157</sup>
  - Algebra I EOC;
  - Geometry EOC;
  - Biology I EOC;
  - U.S. History EOC; and
  - Civics (at the middle grade level).

Additionally, the statewide, standardized assessment program also includes the Florida Alternate Assessment (FAA) to assess students with disabilities in the content knowledge and skills necessary for successful grade-to-grade progression and high school graduation.<sup>158</sup>

### Implementation Schedule

The Commissioner of Education (commissioner) must establish and publish on the department's website an implementation schedule for the ELA assessments and to the Mathematics assessments, including the Algebra I and Geometry EOC assessments.<sup>159</sup> All such assessments must be delivered through computer-based testing, however, the following assessments must be delivered in a computer-based format, as follows: the grade 3 Mathematics assessment beginning in the 2016-2017 school year; the grade 4 ELA assessment, beginning in the 2015-2016 school year; and the grade 4 Mathematics assessment, beginning in the 2016-2017 school year.<sup>160</sup> Notwithstanding the requirements specified in law, statewide, standardized ELA and mathematics assessments in grades 3 through 6 must be delivered only in a paper-based format, beginning with the 2017-2018 school year, and all such assessments must be paper-based no later than the 2018-2019 school year.<sup>161</sup>

### Publication of Assessments

The DOE must publish each statewide standardized assessment and EOC assessment, excluding assessment retakes, at least once on a triennial basis pursuant to a schedule determined by the commissioner.<sup>162</sup> Each assessment, when published, must have been administered during the most recent school year.

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*Assessment Program 2016-2017 Schedule*, available at <https://info.fldoe.org/docushare/dsweb/Get/Document-7514/dps-2015-175a.pdf>

<sup>156</sup> Rule 6A-1.09422(3)(c), F.A.C., requires all eligible students in grades five and eight to take the statewide Science assessment.

<sup>157</sup> Section 1008.22(3)(b)1., F.S.

<sup>158</sup> *Id.* at (3)(c)1., F.S. A child with medical complexity may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment. Section 1008.22(11), F.S.

<sup>159</sup> *Id.* at (3)(d), F.S.

<sup>160</sup> Section 1008.22(3)(d), F.S.

<sup>161</sup> *Id.*

<sup>162</sup> Section 1008.22(8)(a), F.S.

### *Effect of Proposed Changes*

The bill requires all statewide, standardized ELA and math assessments in grades 7 and 8 to be administered in a paper-based format by the 2019-2020 school year. The bill also requires that reading passages and writing prompts used in statewide, standardized ELA assessments incorporate grade-level Social Studies core curricular content.

Additionally, the bill specifies that the statewide, standardized assessments published by the DOE must be in a format that facilitates sharing of assessment items.

### **Other Provisions**

#### *Present Situation*

##### Emergency Coordination

The Commissioner of Education (commissioner) is appointed by the SBE<sup>163</sup> and serves as the Executive Director of the Department of Education (DOE).<sup>164</sup> The DOE is responsible for coordinating, when necessary, the use of educational facilities during emergency activations among federal and state agencies, local school districts, colleges and universities.<sup>165</sup> The DOE also serves as the primary liaison in coordinating all phases of emergency response from pre-disaster planning through post disaster recovery of educational facilities.<sup>166</sup> Currently, DOE staff members are assigned to serve as contacts (called “Emergency Management (EM) Buddies”) to provide the direct communications conduit between the DOE, district school superintendents, Florida College System (FCS) institution presidents, and state and local emergency operations centers.<sup>167</sup>

##### Electronic Individual Education Plan

In 2006,<sup>168</sup> the Legislature enacted legislation to require the DOE to develop and have an operating electronic individual education plan (IEP) in place for potential statewide use by July 1, 2007.<sup>169</sup> The law required the statewide system to be developed collaboratively with school districts and include input from school districts at that time developing or operating electronic IEP systems.<sup>170</sup>

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<sup>163</sup> Art. IX, s. 2, Fla. Const.

<sup>164</sup> Section 20.15(2), F.S.

<sup>165</sup> Florida Division of Emergency Management, *The State of Florida 2016 Comprehensive Emergency Management Plan, 2016 Draft Revision*, [http://www.floridadisaster.org/documents/CEMP/2016/2016%20State%20CEMP%20\(COMPLETE%20FINAL%20DRAFT\).pdf](http://www.floridadisaster.org/documents/CEMP/2016/2016%20State%20CEMP%20(COMPLETE%20FINAL%20DRAFT).pdf), at 10 of ESF 6 Appendix.

<sup>166</sup> Florida Division of Emergency Management, *The State of Florida 2016 Comprehensive Emergency Management Plan, 2016 Draft Revision*, [http://www.floridadisaster.org/documents/CEMP/2016/2016%20State%20CEMP%20\(COMPLETE%20FINAL%20DRAFT\).pdf](http://www.floridadisaster.org/documents/CEMP/2016/2016%20State%20CEMP%20(COMPLETE%20FINAL%20DRAFT).pdf), at 10 of ESF 6 Appendix.

<sup>167</sup> Florida Department of Education, Presentation to the Senate Committee on Education, *Emergency Coordination of State and Local Entities (Oct, 9, 2017)*, available at <http://www.flsenate.gov/Committees/Show/ED/Meeting%20Packet/3952>, at 3.

<sup>168</sup> Section 31, ch. 2006-74, L.O.F.

<sup>169</sup> Section 1003.576, F.S.

<sup>170</sup> *Id.*

### Student Discipline and Safety

Each district school board is required to use the Safety and Security Best Practices developed by the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a self-assessment of the school districts' current safety and security practices.<sup>171</sup>

Based on these self-assessment findings, the district school superintendent must provide recommendations to the district school board which identify strategies and activities to improve school safety and security.<sup>172</sup>

### Dual Enrollment

The dual enrollment articulation agreement required between postsecondary education institution and private schools in its geographic service area governs available courses and programs, student responsibilities, and costs, and must include provisions:<sup>173</sup>

- Expressing that costs associated with tuition and fees, including registration, and laboratory fees, will not be passed along to the student.
- Stating whether the private school will compensate the postsecondary institution for the standard tuition rate per credit hour for each dual enrollment course taken by its students.

Students who participate in dual enrollment from a home education program or private school are responsible for providing their own instructional materials, as specified in the dual enrollment articulation agreements for private schools and for home education programs.<sup>174</sup>

### ***Effect of Proposed Changes***

#### Emergency Coordination

The bill authorizes the commissioner to coordinate with school districts, FCS institutions, and the satellite offices of the Division of Blind Services and the Division of Vocational Rehabilitation to assess their need for resources and assistance in the event of an emergency situation. According to the DOE, the expanded authority will likely be helpful in securing necessary information in a timely manner before, during, and after any emergency situation.<sup>175</sup>

#### Electronic Individual Education Plan

The bill deletes an obsolete July 1, 2007, deadline for the DOE to develop and operate an electronic individual education plan (IEP) system for statewide use. The DOE has developed the required IEP system.<sup>176</sup>

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<sup>171</sup> Section 1006.07(6), F.S.

<sup>172</sup> *Id.*

<sup>173</sup> *Id.*

<sup>174</sup> Section 1007.271(13)(a) and (24)(a), F.S. Instructional materials assigned for use within dual enrollment courses must be made available to dual enrollment students from Florida public high schools free of charge. *Id.* at (17), F.S.

<sup>175</sup> Email, Florida Department of Education (March 17, 2017).

<sup>176</sup> Email, Florida Department of Education (Jan. 17, 2018). The electronic IEP system developed by the DOE is within the Portal to Exceptional Education Resources (PEER). *Id.*

### Student Discipline and Safety

The bill requires each school district to conduct a security risk assessment at each public school and conduct a self-assessment of the school districts' current safety and security practices using a format developed by the DOE and deletes an outdated reference in current law to the Safety and Security Best Practices developed by the OPPAGA.<sup>177</sup> Consequently, the public may be informed about school districts' safety and security practices.

### Dual Enrollment

The bill modifies the dual enrollment eligibility requirements for home education program students and the related dual enrollment articulation agreement to remove the requirement that home education program students are responsible for their own instructional materials. The bill also appropriates \$550,000 for instructional materials.

Additionally, the bill removes the requirement for the articulation agreement between a postsecondary education institution and a private school to include a provision indicating whether a private school will compensate a public postsecondary institution for dual enrollment instruction provided by the postsecondary institution to the private school's students. The bill, however, does not specify that the public postsecondary institution may not charge tuition and fees to the private school for the dual enrollment of its students.

## **Funding**

### *Present Situation*

#### Schools of Hope Grant Funds

In 2017, the Legislature created the Schools of Hope Program to provide funds to eligible schools of hope for specified purposes and to up to 25 traditional public schools that are required to submit a district managed turnaround plan for implementation.<sup>178</sup>

#### Supplemental Academic Instruction Allocation

Each school district that has one or more of the 300 lowest-performing elementary schools based on the state reading assessment for the prior year must use supplemental academic instruction funds, along with the funds provided in the district's research-based reading instruction allocation<sup>179</sup> and other available funds, to provide an additional hour of instruction beyond the normal school day for each day of the entire school year for intensive reading instruction for the students in each of these schools.<sup>180</sup>

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<sup>177</sup> In 2014, the Legislature repealed the Best Financial Management Practices Review that authorized the Office of Program Policy Analysis and Government Accountability to develop best practices. Section 76, ch. 2014-39, L.O.F.

<sup>178</sup> Section 1002.333(10), F.S.

<sup>179</sup> The research-based reading instruction allocation is created to provide comprehensive reading instruction to students in kindergarten through grade 12. Section 1011.62(9)(a), F.S.

<sup>180</sup> Section 1011.62(1)(f)2., F.S.

### Research-based Reading Allocation

The research-based reading instruction allocation is created to provide comprehensive reading instruction to students in kindergarten through grade 12.<sup>181</sup>

### Career and Professional Education Bonus

Florida law authorizes the award of a bonus calculated as an additional full-time equivalent member based on the completion of a Career and Professional Education (CAPE) industry certification and authorizes the State Board of Education to adopt rules establishing programs, industry certifications and courses for which a student participating in such program may earn credit towards high school graduation.<sup>182</sup>

### *Effect of Proposed Changes*

#### Schools of Hope Grant Funds

The bill authorizes the carryforward, for up to 5 years after July 1 2017, of any funds allocated for the Schools of Hope Program which are not disbursed by June 30 of the fiscal year in which the funds are allocated.

#### Supplemental Academic Instruction Allocation

The bill renames the supplemental academic instruction categorical fund and revises the focus to require, beginning in the 2018-2019 school year, each school that earns a “D” or “F” grade to use the allocation to implement intervention and support strategies for school improvement and salary supplements. The bill also deletes the 300 lowest performing elementary schools from the authorized use of the allocation funds<sup>183</sup> and adds dropout prevention programs to the authorized uses of funds.

#### Research-based Reading Allocation

The bill provides priority within each school district to one or more of the 300 lowest-performing elementary schools, based on a 3-year average, to provide an additional hour per day of reading instruction. The bill authorizes permissive participation in such additional hour for students who scored a level 4 or 5 on the ELA assessment in the prior year. The bill requires the use of teachers who are certified or endorsed in reading in order to be eligible for the allocation and provides that each school district only has to submit a comprehensive reading plan for a school that earns a grade below a “B.”

#### Career and Professional Education Bonus

The bill provides that a teacher may not be awarded a CAPE industry certification bonus if the teacher fails to maintain the security of any CAPE industry certification examination or otherwise violates the security or administration protocol of any assessment instrument that may result in a bonus being awarded to the teacher. Additionally, the bill expands the authority of the

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<sup>181</sup> *Id.* at (9)(a), F.S.

<sup>182</sup> *Id.* at (1)(o), F.S.

<sup>183</sup> The bill grants these schools priority in the research-based reading allocation.

SBE to adopt rules by authorizing the SBE to establish the criteria under which a student's industry certification or grade may be rescinded.

#### Appropriations

The bill appropriates \$19,350,000 in recurring funds from the General Revenue Fund to the Department of Education for the following purposes:

- \$9,700,000 for reading scholarship accounts;
- \$300,000 for administrative fees associated with the reading scholarship accounts;
- \$2,000,000 to implement DOE obligations for the Hope Scholarship Program;
- \$5,600,000 to implement paper-based state assessment provisions;
- \$950,000 to implement the revised state scholarship accountability provisions;
- \$250,000 for a competitive grant award to a state university to review the Florida Tax Credit scholarship Program; and
- \$550,000 for dual enrollment instructional materials for home education program students.

Additionally, the bill appropriates \$850,000 in nonrecurring funds from the General Revenue Fund to the Department of Education for the following purposes:

- \$750,000 for the DOE to develop a web-based fiscal transparency tool; and
- \$100,000 for the DOE to contract with an independent third party to conduct an investigation of certain district school boards' accounts and records, as specified.

The bill takes effect July 1, 2018.

#### **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:

*School Choice Scholarship - Hope Scholarship*

The revenue estimating conference estimated proposed language similar to SB 1172,<sup>184</sup> except that the pertinent language in the proposal authorized a one-time contribution of \$20 per vehicle purchase instead of \$105 as in the current bill and contained a description of what the contribution form, on which the necessary contribution election must be made, will contain.<sup>185</sup> The contribution form description may impact the participation rate, which could affect the bill's fiscal impact.<sup>186</sup>

Based on the proposed language with a \$20 contribution amount and the form description, the revenue estimating conference estimates that the proposed language will reduce General Revenue Fund receipts by at least \$7.9 million in Fiscal Year 2018-19 and each year thereafter.<sup>187</sup> Using the revenue estimate conference estimate with a \$105 contribution amount specified in the bill, the bill may reduce General Revenue Fund receipts by at least \$41.5 million.

**B. Private Sector Impact:**

***School Choice Scholarship - Hope Scholarship***

Private schools that enroll students who receive a Hope Scholarship Program award may see an increase in revenue.<sup>188</sup>

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 11.45, 112.313, 112.31455, 213.053, 446.041, 446.081, 1001.10, 1001.20, 1001.39, 1001.395, 1001.42, 1001.51, 1002.33, 1002.331, 1002.333, 1002.37, 1002.385, 1002.39, 1002.395, 1002.421, 1003.42, 1003.576, 1006.07, 1007.271, 1008.22, 1010.20, 1010.30, 1011.01, 1011.03, 1011.035, 1011.051, 1011.06, 1011.09, 1011.10, 1011.60, 1011.62, 1011.6202, , 1011.69, 1011.71,

<sup>184</sup> SB 1172 is substantively similar to the Hope Scholarship Program provisions in HB 7055.

<sup>185</sup> Florida Office of Economic and Demographic Research, *Revenue Estimating Conference, Proposed Language -- Hope Scholarship*, (Dec. 1, 2017), available at [http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/\\_pdf/Impact1201.pdf](http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/_pdf/Impact1201.pdf) (last visited Jan. 19, 2018).

<sup>186</sup> *Id.*

<sup>187</sup> *Id.*

<sup>188</sup> Florida Department of Education, *2018 Agency Legislative Bill Analysis: HB 1*, (Nov. 3, 2017), at 12. HB 1 is substantively similar to the Hope Scholarship Program provisions in HB 7055.

1012.23, 1012.2315, 1012.28, 1012.32, 1012.55, 1012.56, 1012.562, 1012.59, 1012.98, 1013.28, 1013.385, and 1013.62.

This bill creates the following sections of the Florida Statutes: 212.1832, 250.483, 683.147, 1002.40, and 1002.411.

This bill repeals section 1011.64 of the Florida Statutes.

The bill creates two undesignated sections of Florida Law.

## 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:

#### **Barcode 903516 by Education on February 20, 2018:**

Compared to CS/HB 7055, the amendment deletes certain provisions and:

- Modifies the Hope Scholarship Program to provide the parent of a public school student who was the victim of a substantiated incident of violence or abuse an opportunity to transfer the student to another public school that has capacity or to request and receive from the state a scholarship for the student to attend an eligible private school.
- Modifies the accountability provisions for private schools that participate in state school choice scholarship programs and applies such provisions consistently to the participating schools.
- Adds the following provisions related to K-12 education enhancements:
  - Creates the mental health assistance allocation within the Florida Education Finance Program (FEFP) to provide funds for school-based mental health programs and establishes related requirements.
  - Establishes the hope supplemental services allocation within the FEFP to provide schools implementing a district-managed turnaround plan or a turnaround option specified in law with funds to offer services designed to improve the overall academic and community welfare of the schools' students and their families.
  - Establishes the funding compression allocation within the FEFP to provide additional funding to school districts and developmental research schools whose total funds per FTE in the prior year were less than the statewide average.
  - Strengthens school improvement and accountability measures in the following ways:
    - Provides that a school must complete two years of a district-managed turnaround plan before the school is designated as persistently low-performing and required to implement a turnaround option.
    - Expands the turnaround options available to a school district for a persistently low performing school to include a franchise model school that is led by a specified highly effective principal.
  - Revises the school of hope provisions to require a hope operator to submit a notice of intent containing an operations plan specifying the hope operator's intent to undertake the operations of the persistently low-performing school and

- incentivizes a hope operator to establish a school of hope at the district-owned facilities of the persistently low-performing school.
- Modifies the eligibility requirements and calculation methodology for specified charter school capital outlay provisions and revises the amount of discretionary millage that a school district may expend for specified purposes.
  - Renames the Collegiate High School Program as the Structured High School Acceleration Program and creates a bonus funding mechanism to incentivize school district interest in expanding programs.
  - Clarifies that school districts may construct or renovate facilities without a survey recommendation when using funds from specified local revenue sources.
  - Adds the following provisions related to instruction in public schools:
    - Establishes a separate one-half credit requirement in personal financial literacy, and specifies financial literacy standards and instruction for students entering grade 9 in the 2018-2019 school year and thereafter.
    - Requires each school district to provide students instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator.
  - Adds a provision to authorize an individual member of the State Legislature to visit any district school, including any charter school, in his or her legislative district, on any day and at any time at his or her pleasure.
  - Adds a provision to modify the Florida Best and Brightest Teacher Scholarship Program to deem a school district employee who, in the prior school year, was rated highly effective and met the eligibility requirements of the scholarship as a classroom teacher, as eligible to receive a scholarship award during the current school year if he or she maintains employment with the school district.
  - Adds a provision to authorize an early learning coalition to refuse to contract with a private provider of the Voluntary Prekindergarten Education Program if the provider has been cited for a class I violation.
  - Adds a provision to revise the definition of a rare disease for the purposes of the Gardiner Scholarship Program and conforms the definition of a rare disease to the definition provided by the Orphan Drug Act of 1983, Pub. L. No. 97-414.
  - Modifies school safety requirements in the following ways:
    - Requires a school district to formulate and prescribe policies and procedures for emergency drills for hostage and active shooter situations and establish model emergency management and emergency preparedness procedures for active shooter situations. The amendment specifies that active shooter situation training must be conducted by the law enforcement agency or agencies that are designated as the first responders to the school's campus.
    - Requires each school district to conduct security risk assessments at each public school and conduct a self-assessment of the school districts' current safety and security practices using a format prescribed by the Department of Education (DOE) and develop a plan that includes having a secure, single point of entry onto school grounds, using a format prescribed by the DOE.
    - Requires a district school board or a private school principal or governing board to allow the law enforcement agency or agencies that are designated as first responders to the school's or districts' campus tour such campuses once every 3 years and to document any recommended changes to school safety and emergency issues by the law enforcement agency based on a campus tour.

- Requires a district school board to establish a school resource office program.
- Modifies appropriations, for the 2018-2019 fiscal year:
  - The sum of \$2,596,560 in recurring funds from the General Revenue Fund to the DOE for the following purposes:
    - \$2 million to implement the Hope Scholarship Program.
    - \$596,560 to implement additional state scholarship oversight requirements.
  - The sum of \$392,134 in nonrecurring funds from the General Revenue Fund to the DOE for the following purposes:
    - \$142,134 to implement additional state scholarship oversight requirements.
    - \$250,000 to award a competitive grant to study student performance in the Florida Tax Credit Scholarship Program as required in law.
- Specifies a July 1, 2018, effective date, except as otherwise expressly provided.