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LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Harrell) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 1001.2151, Florida Statutes, is created
to read:

1001.2151 LITERACY-BASED PROMOTION.—It is the intent of the
Legislature to ensure that each student's progression in
kindergarten through grade 3 is determined in part upon the
student's proficiency in reading. Local school board policies
shall facilitate this proficiency, and each student and the



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12 student's parent or legal guardian shall be informed of the
13 student's academic progress.

14 (1) Within the first 30 days of the school year, each
15 public school shall screen each student in kindergarten through
16 grade 3 for dyslexia using a dyslexia diagnostic assessment
17 screeener.

18 (2) Each public school student in kindergarten through
19 grade 3 who exhibits a substantial deficiency in reading at any
20 time, as demonstrated through his or her performance on a
21 dyslexia diagnostic assessment screener approved and developed
22 by the State Board of Education, must be placed in an intensive
23 remedial intervention program.

24 (3) The parent of any student in kindergarten through grade
25 3 who exhibits dyslexia shall be immediately notified by the
26 student's school of the student's deficiency pursuant to s.
27 1008.25(5) and the parent shall be provided a progress report
28 issued at 2-week intervals while the student continues to
29 exhibit dyslexia. The parent shall also be notified in writing
30 by the school of the process to request a special education
31 evaluation.

32 (4) The dyslexia diagnostic assessment screener may be
33 repeated at midyear and at the end of the school year to
34 determine student progression in reading. If it is determined
35 that the student continues to exhibit a reading deficiency, he
36 or she must be provided with continued intensive remedial
37 intervention by the school district until the deficiency is
38 remedied. Every public school must provide intensive
39 interventions for every student in kindergarten through grade 3
40 identified with a deficiency in reading or with dyslexia to



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41 ameliorate the student's specific deficiency.

42 (5) The intensive remedial intervention program must
43 include evidence-based interventions specifically designed for
44 dyslexia utilizing a structured literacy, speech to print, or
45 structured word inquiry approach to assist the student in
46 becoming a successful reader able to read at or above grade
47 level and ready for promotion to the next grade. The intensive
48 remedial intervention program must be continued until the
49 student can maintain grade level performance in decoding,
50 encoding, reading fluency, and reading comprehension without
51 continued supportive intervention and services.

52 (6) Every public school must employ one or more full-time
53 personnel certified through a nationally recognized organization
54 specializing in reading instruction for students with dyslexia
55 to provide structured literacy, speech to print, or structured
56 word inquiry intervention.

57 (7) The State Board of Education shall adopt rules that
58 require students to be evaluated for phonological awareness to
59 determine whether a student has a specific learning disability.

60 Section 2. Section 1003.01, Florida Statutes, is amended to
61 read:

62 1003.01 Definitions.—As used in this chapter, the term:

63 (6)~~(1)~~ "District school board" means the members who are
64 elected by the voters of a school district created and existing
65 pursuant to s. 4, Art. IX of the State Constitution to operate
66 and control public K-12 education within the school district.

67 (18)~~(2)~~ "School" means an organization of students for
68 instructional purposes on an elementary, middle or junior high
69 school, secondary or high school, or other public school level



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70 authorized under rules of the State Board of Education.
71 (8) "Dyscalculia" means a specific learning disability that
72 is:
73 (a) Neurological in origin;
74 (b) Characterized by difficulties with learning and
75 comprehending arithmetic, understanding numbers, performing
76 mathematical calculations, and learning mathematics; and
77 (c) Often unexpected in relation to other cognitive
78 abilities and the provision of effective classroom instruction.
79 (9) "Dysgraphia" means a specific learning disability that
80 is:
81 (a) Neurological in origin;
82 (b) Characterized by difficulties with accurate writing
83 abilities, spelling, handwriting, and putting thoughts on paper;
84 and
85 (c) Often unexpected in relation to other cognitive
86 abilities and the provision of effective classroom instruction.
87 (10) "Dyslexia" means a specific learning disability that
88 is:
89 (a) Neurological in origin;
90 (b) Characterized by difficulties with accurate and fluent
91 word recognition, spelling, and decoding which typically result
92 from a deficit in the phonological component of language; and
93 (c) Often unexpected in relation to other cognitive
94 abilities and the provision of effective classroom instruction.
95 Secondary consequences may include problems in reading
96 comprehension and reduced reading experience that can impede
97 growth of vocabulary and background knowledge.
98 (11)-(3)-(a) "Exceptional student" means any student who has



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99 been determined eligible for a special program in accordance
100 with rules of the State Board of Education. The term includes
101 students who are gifted and students with disabilities who have
102 an intellectual disability; autism spectrum disorder; a speech
103 impairment; a language impairment; an orthopedic impairment; any
104 ~~an~~ other health impairment; traumatic brain injury; a visual
105 impairment; an emotional or behavioral disability; or a specific
106 learning disability, including, but not limited to, dyslexia,
107 dyscalculia, or developmental aphasia; students who are deaf or
108 hard of hearing or dual sensory impaired; students who are
109 hospitalized or homebound; children with developmental delays
110 ages birth through 5 years, or children, ages birth through 2
111 years, with established conditions that are identified in State
112 Board of Education rules pursuant to s. 1003.21(1)(e).

113 (b) "Special education services" means specially designed
114 instruction and such related services as are necessary for an
115 exceptional student to benefit from education. Such services may
116 include: transportation; diagnostic and evaluation services;
117 social services; physical and occupational therapy; speech and
118 language pathology services; job placement; orientation and
119 mobility training; braillists, typists, and readers for the
120 blind; interpreters and auditory amplification; services
121 provided by a certified listening and spoken language
122 specialist; rehabilitation counseling; transition services;
123 mental health services; guidance and career counseling;
124 specified materials, assistive technology devices, and other
125 specialized equipment; and other such services as approved by
126 rules of the state board.

127 (2)~~(4)~~ "Career education" means education that provides



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128 instruction for the following purposes:

129 (a) At the elementary, middle, and high school levels,
130 exploratory courses designed to give students initial exposure
131 to a broad range of occupations to assist them in preparing
132 their academic and occupational plans, and practical arts
133 courses that provide generic skills that may apply to many
134 occupations but are not designed to prepare students for entry
135 into a specific occupation. Career education provided before
136 high school completion must be designed to strengthen both
137 occupational awareness and academic skills integrated throughout
138 all academic instruction.

139 (b) At the secondary school level, job-preparatory
140 instruction in the competencies that prepare students for
141 effective entry into an occupation, including diversified
142 cooperative education, work experience, and job-entry programs
143 that coordinate directed study and on-the-job training.

144 (c) At the postsecondary education level, courses of study
145 that provide competencies needed for entry into specific
146 occupations or for advancement within an occupation.

147 ~~(19)(5)~~(a) "Suspension," also referred to as out-of-school
148 suspension, means the temporary removal of a student from all
149 classes of instruction on public school grounds and all other
150 school-sponsored activities, except as authorized by the
151 principal or the principal's designee, for a period not to
152 exceed 10 school days and remanding of the student to the
153 custody of the student's parent with specific homework
154 assignments for the student to complete.

155 (b) "In-school suspension" means the temporary removal of a
156 student from the student's regular school program and placement



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157 in an alternative program, such as that provided in s. 1003.53,
158 under the supervision of district school board personnel, for a
159 period not to exceed 10 school days.

160 (12)~~(6)~~ "Expulsion" means the removal of the right and
161 obligation of a student to attend a public school under
162 conditions set by the district school board, and for a period of
163 time not to exceed the remainder of the term or school year and
164 1 additional year of attendance. Expulsions may be imposed with
165 or without continuing educational services and shall be reported
166 accordingly.

167 (5)~~(7)~~ "Corporal punishment" means the moderate use of
168 physical force or physical contact by a teacher or principal as
169 may be necessary to maintain discipline or to enforce school
170 rule. However, the term "corporal punishment" does not include
171 the use of such reasonable force by a teacher or principal as
172 may be necessary for self-protection or to protect other
173 students from disruptive students.

174 (14)~~(8)~~ "Habitual truant" means a student who has 15
175 unexcused absences within 90 calendar days with or without the
176 knowledge or consent of the student's parent, is subject to
177 compulsory school attendance under s. 1003.21(1) and (2)(a), and
178 is not exempt under s. 1003.21(3) or s. 1003.24, or by meeting
179 the criteria for any other exemption specified by law or rules
180 of the State Board of Education. Such a student must have been
181 the subject of the activities specified in ss. 1003.26 and
182 1003.27(3), without resultant successful remediation of the
183 truancy problem before being dealt with as a child in need of
184 services according to the provisions of chapter 984.

185 (7)~~(9)~~ "Dropout" means a student who meets any one or more



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186 of the following criteria:

187 (a) The student has voluntarily removed himself or herself
188 from the school system before graduation for reasons that
189 include, but are not limited to, marriage, or the student has
190 withdrawn from school because he or she has failed the statewide
191 student assessment test and thereby does not receive any of the
192 certificates of completion;

193 (b) The student has not met the relevant attendance
194 requirements of the school district pursuant to State Board of
195 Education rules, or the student was expected to attend a school
196 but did not enter as expected for unknown reasons, or the
197 student's whereabouts are unknown;

198 (c) The student has withdrawn from school, but has not
199 transferred to another public or private school or enrolled in
200 any career, adult, home education, or alternative educational
201 program;

202 (d) The student has withdrawn from school due to hardship,
203 unless such withdrawal has been granted under the provisions of
204 s. 322.091, court action, expulsion, medical reasons, or
205 pregnancy; or

206 (e) The student is not eligible to attend school because of
207 reaching the maximum age for an exceptional student program in
208 accordance with the district's policy.

209
210 The State Board of Education may adopt rules to implement the
211 provisions of this subsection.

212 (1)~~(10)~~ "Alternative measures for students with special
213 needs" or "special programs" means measures designed to meet the
214 special needs of a student that cannot be met by regular school



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215 curricula.

216 ~~(15)-(11)~~(a) "Juvenile justice education programs or
217 schools" means programs or schools operating for the purpose of
218 providing educational services to youth in Department of
219 Juvenile Justice programs, for a school year comprised of 250
220 days of instruction distributed over 12 months. At the request
221 of the provider, a district school board may decrease the
222 minimum number of days of instruction by up to 10 days for
223 teacher planning for residential programs and up to 20 days for
224 teacher planning for nonresidential programs, subject to the
225 approval of the Department of Juvenile Justice and the
226 Department of Education.

227 (b) "Juvenile justice provider" means the Department of
228 Juvenile Justice, the sheriff, or a private, public, or other
229 governmental organization under contract with the Department of
230 Juvenile Justice or the sheriff that provides treatment, care
231 and custody, or educational programs for youth in juvenile
232 justice intervention, detention, or commitment programs.

233 ~~(3)-(12)~~ "Children and youths who are experiencing
234 homelessness," for programs authorized under subtitle B,
235 Education for Homeless Children and Youths, of Title VII of the
236 McKinney-Vento Homeless Assistance Act, 42 U.S.C. ss. 11431 et
237 seq., means children and youths who lack a fixed, regular, and
238 adequate nighttime residence, and includes:

239 (a) Children and youths who are sharing the housing of
240 other persons due to loss of housing, economic hardship, or a
241 similar reason; are living in motels, hotels, travel trailer
242 parks, or camping grounds due to the lack of alternative
243 adequate accommodations; are living in emergency or transitional



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244 shelters; are abandoned in hospitals; or are awaiting foster
245 care placement.

246 (b) Children and youths who have a primary nighttime
247 residence that is a public or private place not designed for or
248 ordinarily used as a regular sleeping accommodation for human
249 beings.

250 (c) Children and youths who are living in cars, parks,
251 public spaces, abandoned buildings, bus or train stations, or
252 similar settings.

253 (d) Migratory children who are living in circumstances
254 described in paragraphs (a)-(c).

255 (17) ~~(13)~~ "Regular school attendance" means the actual
256 attendance of a student during the school day as defined by law
257 and rules of the State Board of Education. Regular attendance
258 within the intent of s. 1003.21 may be achieved by attendance
259 in:

260 (a) A public school supported by public funds;

261 (b) A parochial, religious, or denominational school;

262 (c) A private school supported in whole or in part by
263 tuition charges or by endowments or gifts;

264 (d) A home education program that meets the requirements of
265 chapter 1002; or

266 (e) A private tutoring program that meets the requirements
267 of chapter 1002.

268 (4) ~~(14)~~ "Core-curricula courses" means:

269 (a) Courses in language arts/reading, mathematics, social
270 studies, and science in prekindergarten through grade 3,
271 excluding extracurricular courses pursuant to subsection (13)
272 ~~subsection (15)~~;



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273 (b) Courses in grades 4 through 8 in subjects that are
274 measured by state assessment at any grade level and courses
275 required for middle school promotion, excluding extracurricular
276 courses pursuant to subsection (13) ~~subsection (15)~~;

277 (c) Courses in grades 9 through 12 in subjects that are
278 measured by state assessment at any grade level and courses that
279 are specifically identified by name in statute as required for
280 high school graduation and that are not measured by state
281 assessment, excluding extracurricular courses pursuant to
282 subsection (13) ~~subsection (15)~~;

283 (d) Exceptional student education courses; and

284 (e) English for Speakers of Other Languages courses.

285

286 The term is limited in meaning and used for the sole purpose of
287 designating classes that are subject to the maximum class size
288 requirements established in s. 1, Art. IX of the State
289 Constitution. This term does not include courses offered under
290 ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, 1002.45, and
291 1003.499.

292 ~~(13)(15)~~ "Extracurricular courses" means all courses that
293 are not defined as "core-curricula courses," which may include,
294 but are not limited to, physical education, fine arts,
295 performing fine arts, career education, and courses that may
296 result in college credit. The term is limited in meaning and
297 used for the sole purpose of designating classes that are not
298 subject to the maximum class size requirements established in s.
299 1, Art. IX of the State Constitution.

300 (16) "Physical education" means the development or
301 maintenance of skills related to strength, agility, flexibility,



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302 movement, and stamina, including dance; the development of
303 knowledge and skills regarding teamwork and fair play; the
304 development of knowledge and skills regarding nutrition and
305 physical fitness as part of a healthy lifestyle; and the
306 development of positive attitudes regarding sound nutrition and
307 physical activity as a component of personal well-being.

308 Section 3. The Dyslexia Task Force, a task force as defined
309 in s. 20.03, Florida Statutes, is established within the
310 Department of Education.

311 (1) The task force shall develop a dyslexia handbook that
312 must include, but is not limited to, the following:

313 (a) Recommendations on how to identify dyslexia,
314 dysgraphia, and dyscalculia;

315 (b) Recommendations for appropriate goal writing for
316 individual education plans (IEPs) for students with dyslexia,
317 dysgraphia, or dyscalculia;

318 (c) Recommendations for interventions for dyslexia,
319 dysgraphia, and dyscalculia;

320 (d) Recommendations for provision of assistive technology
321 guidelines; and

322 (e) Recommendations for the creation of a parent handbook
323 regarding dyslexia, dysgraphia, and dyscalculia.

324 (2) The task force shall recommend amendments to uniform
325 IEP documents to require a drop-down menu under specific
326 learning disabilities which allows child study teams to check
327 all learning disabilities that are exhibited by the student,
328 including dyslexia, dysgraphia, and dyscalculia.

329 (3) The task force shall consist of the following nine
330 members appointed by the Commissioner of Education:



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331 (a) Three members of organizations or nonprofits focused on
332 dyslexia and other specific learning disabilities.

333 (b) A faculty member or researcher from a university with a
334 program or department devoted to dyslexia and reading disorders.

335 (c) A neuropsychologist or clinical psychologist who
336 specializes in dyslexia evaluation and identification.

337 (d) A speech language pathologist with expertise in
338 dyslexia, phonological deficits, and language disorders.

339 (e) A parent of a child with dyslexia.

340 (f) A public school teacher.

341 (g) A public school principal.

342 (4) Within 90 days after the effective date of this act, a
343 majority of the members of the task force must be appointed and
344 the task force shall hold its first meeting. The task force
345 shall elect one of its members to serve as chair. Members of the
346 task force shall serve for the duration of the existence of the
347 task force. Any vacancy that occurs shall be filled in the same
348 manner as the original appointment. Task force members shall
349 serve without compensation, but are entitled to reimbursement
350 for per diem and travel expenses as provided in s. 112.061,
351 Florida Statutes.

352 Section 4. Paragraph (k) of subsection (2) of section
353 11.45, Florida Statutes, is amended to read:

354 11.45 Definitions; duties; authorities; reports; rules.—

355 (2) DUTIES.—The Auditor General shall:

356 (k) Contact each district school board, as defined in s.
357 1003.01 ~~s. 1003.01(1)~~, with the findings and recommendations
358 contained within the Auditor General's previous operational
359 audit report. The district school board shall provide the



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360 Auditor General with evidence of the initiation of corrective
361 action within 45 days after the date it is requested by the
362 Auditor General and evidence of completion of corrective action
363 within 180 days after the date it is requested by the Auditor
364 General. If the district school board fails to comply with the
365 Auditor General's request or is unable to take corrective action
366 within the required timeframe, the Auditor General shall notify
367 the Legislative Auditing Committee.

368
369 The Auditor General shall perform his or her duties
370 independently but under the general policies established by the
371 Legislative Auditing Committee. This subsection does not limit
372 the Auditor General's discretionary authority to conduct other
373 audits or engagements of governmental entities as authorized in
374 subsection (3).

375 Section 5. Paragraph (b) of subsection (3) of section
376 39.0016, Florida Statutes, is amended to read:

377 39.0016 Education of abused, neglected, and abandoned
378 children; agency agreements; children having or suspected of
379 having a disability.—

380 (3) CHILDREN HAVING OR SUSPECTED OF HAVING A DISABILITY.—

381 (b)1. Each district school superintendent or dependency
382 court must appoint a surrogate parent for a child known to the
383 department who has or is suspected of having a disability, as
384 defined in s. 1003.01(11) (a) ~~s. 1003.01(3)~~, when:

385 a. After reasonable efforts, no parent can be located; or

386 b. A court of competent jurisdiction over a child under
387 this chapter has determined that no person has the authority
388 under the Individuals with Disabilities Education Act, including



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389 the parent or parents subject to the dependency action, or that
390 no person has the authority, willingness, or ability to serve as
391 the educational decisionmaker for the child without judicial
392 action.

393 2. A surrogate parent appointed by the district school
394 superintendent or the court must be at least 18 years old and
395 have no personal or professional interest that conflicts with
396 the interests of the student to be represented. Neither the
397 district school superintendent nor the court may appoint an
398 employee of the Department of Education, the local school
399 district, a community-based care provider, the Department of
400 Children and Families, or any other public or private agency
401 involved in the education or care of the child as appointment of
402 those persons is prohibited by federal law. This prohibition
403 includes group home staff and therapeutic foster parents.
404 However, a person who acts in a parental role to a child, such
405 as a foster parent or relative caregiver, is not prohibited from
406 serving as a surrogate parent if he or she is employed by such
407 agency, willing to serve, and knowledgeable about the child and
408 the exceptional student education process. The surrogate parent
409 may be a court-appointed guardian ad litem or a relative or
410 nonrelative adult who is involved in the child's life regardless
411 of whether that person has physical custody of the child. Each
412 person appointed as a surrogate parent must have the knowledge
413 and skills acquired by successfully completing training using
414 materials developed and approved by the Department of Education
415 to ensure adequate representation of the child.

416 3. If a guardian ad litem has been appointed for a child,
417 the district school superintendent must first consider the



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418 child's guardian ad litem when appointing a surrogate parent.
419 The district school superintendent must accept the appointment
420 of the court if he or she has not previously appointed a
421 surrogate parent. Similarly, the court must accept a surrogate
422 parent duly appointed by a district school superintendent.

423 4. A surrogate parent appointed by the district school
424 superintendent or the court must be accepted by any subsequent
425 school or school district without regard to where the child is
426 receiving residential care so that a single surrogate parent can
427 follow the education of the child during his or her entire time
428 in state custody. Nothing in this paragraph or in rule shall
429 limit or prohibit the continuance of a surrogate parent
430 appointment when the responsibility for the student's
431 educational placement moves among and between public and private
432 agencies.

433 5. For a child known to the department, the responsibility
434 to appoint a surrogate parent resides with both the district
435 school superintendent and the court with jurisdiction over the
436 child. If the court elects to appoint a surrogate parent, notice
437 shall be provided as soon as practicable to the child's school.
438 At any time the court determines that it is in the best
439 interests of a child to remove a surrogate parent, the court may
440 appoint a new surrogate parent for educational decisionmaking
441 purposes for that child.

442 6. The surrogate parent shall continue in the appointed
443 role until one of the following occurs:

444 a. The child is determined to no longer be eligible or in
445 need of special programs, except when termination of special
446 programs is being contested.



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447 b. The child achieves permanency through adoption or legal
448 guardianship and is no longer in the custody of the department.

449 c. The parent who was previously unknown becomes known,
450 whose whereabouts were unknown is located, or who was
451 unavailable is determined by the court to be available.

452 d. The appointed surrogate no longer wishes to represent
453 the child or is unable to represent the child.

454 e. The superintendent of the school district in which the
455 child is attending school, the Department of Education contract
456 designee, or the court that appointed the surrogate determines
457 that the appointed surrogate parent no longer adequately
458 represents the child.

459 f. The child moves to a geographic location that is not
460 reasonably accessible to the appointed surrogate.

461 7. The appointment and termination of appointment of a
462 surrogate under this paragraph shall be entered as an order of
463 the court with a copy of the order provided to the child's
464 school as soon as practicable.

465 8. The person appointed as a surrogate parent under this
466 paragraph must:

467 a. Be acquainted with the child and become knowledgeable
468 about his or her disability and educational needs.

469 b. Represent the child in all matters relating to
470 identification, evaluation, and educational placement and the
471 provision of a free and appropriate education to the child.

472 c. Represent the interests and safeguard the rights of the
473 child in educational decisions that affect the child.

474 9. The responsibilities of the person appointed as a
475 surrogate parent shall not extend to the care, maintenance,



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476 custody, residential placement, or any other area not
477 specifically related to the education of the child, unless the
478 same person is appointed by the court for such other purposes.

479 10. A person appointed as a surrogate parent shall enjoy
480 all of the procedural safeguards afforded a parent with respect
481 to the identification, evaluation, and educational placement of
482 a student with a disability or a student who is suspected of
483 having a disability.

484 11. A person appointed as a surrogate parent shall not be
485 held liable for actions taken in good faith on behalf of the
486 student in protecting the special education rights of the child.

487 Section 6. Subsection (1) of section 414.1251, Florida
488 Statutes, is amended to read:

489 414.1251 Learnfare program.—

490 (1) The department shall reduce the temporary cash
491 assistance for a participant's eligible dependent child or for
492 an eligible teenage participant who has not been exempted from
493 education participation requirements, if the eligible dependent
494 child or eligible teenage participant has been identified either
495 as a habitual truant, pursuant to s. 1003.01 ~~s. 1003.01(8)~~, or
496 as a dropout, pursuant to s. 1003.01 ~~s. 1003.01(9)~~. For a
497 student who has been identified as a habitual truant, the
498 temporary cash assistance must be reinstated after a subsequent
499 grading period in which the child's attendance has substantially
500 improved. For a student who has been identified as a dropout,
501 the temporary cash assistance must be reinstated after the
502 student enrolls in a public school, receives a high school
503 diploma or its equivalency, enrolls in preparation for the high
504 school equivalency examination, or enrolls in other educational



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505 activities approved by the district school board. Good cause
506 exemptions from the rule of unexcused absences include the
507 following:

508 (a) The student is expelled from school and alternative
509 schooling is not available.

510 (b) No licensed day care is available for a child of teen
511 parents subject to Learnfare.

512 (c) Prohibitive transportation problems exist (e.g., to and
513 from day care).

514

515 Within 10 days after sanction notification, the participant
516 parent of a dependent child or the teenage participant may file
517 an internal fair hearings process review procedure appeal, and
518 no sanction shall be imposed until the appeal is resolved.

519 Section 7. Section 1002.01, Florida Statutes, is amended to
520 read:

521 1002.01 Definitions.—

522 (1) A "home education program" means the sequentially
523 progressive instruction of a student directed by his or her
524 parent in order to satisfy the attendance requirements of ss.
525 1002.41, 1003.01(17) ~~1003.01(13)~~, and 1003.21(1).

526 (2) A "private school" is a nonpublic school defined as an
527 individual, association, copartnership, or corporation, or
528 department, division, or section of such organizations, that
529 designates itself as an educational center that includes
530 kindergarten or a higher grade or as an elementary, secondary,
531 business, technical, or trade school below college level or any
532 organization that provides instructional services that meet the
533 intent of s. 1003.01(17) ~~s. 1003.01(13)~~ or that gives



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534 preemployment or supplementary training in technology or in
535 fields of trade or industry or that offers academic, literary,
536 or career training below college level, or any combination of
537 the above, including an institution that performs the functions
538 of the above schools through correspondence or extension, except
539 those licensed under the provisions of chapter 1005. A private
540 school may be a parochial, religious, denominational, for-
541 profit, or nonprofit school. This definition does not include
542 home education programs conducted in accordance with s. 1002.41.

543 Section 8. Paragraph (b) of subsection (2) of section
544 1002.20, Florida Statutes, is amended to read:

545 1002.20 K-12 student and parent rights.—Parents of public
546 school students must receive accurate and timely information
547 regarding their child's academic progress and must be informed
548 of ways they can help their child to succeed in school. K-12
549 students and their parents are afforded numerous statutory
550 rights including, but not limited to, the following:

551 (2) ATTENDANCE.—

552 (b) *Regular school attendance.*—Parents of students who have
553 attained the age of 6 years by February 1 of any school year but
554 who have not attained the age of 16 years must comply with the
555 compulsory school attendance laws. Parents have the option to
556 comply with the school attendance laws by attendance of the
557 student in a public school; a parochial, religious, or
558 denominational school; a private school; a home education
559 program; or a private tutoring program, in accordance with the
560 provisions of s. 1003.01(17) ~~s. 1003.01(13)~~.

561 Section 9. Paragraph (d) of subsection (3) of section
562 1002.3105, Florida Statutes, is amended to read:



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563 1002.3105 Academically Challenging Curriculum to Enhance
564 Learning (ACCEL) options.—

565 (3) STUDENT ELIGIBILITY CONSIDERATIONS.—When establishing
566 student eligibility requirements, principals and school
567 districts must consider, at a minimum:

568 (d) Recommendations from one or more of the student's
569 teachers in core-curricula courses as defined in s. 1003.01 ~~s.~~
570 ~~1003.01(14)(a)–(e)~~.

571 Section 10. Paragraph (a) of subsection (20) of section
572 1002.33, Florida Statutes, is amended to read:

573 1002.33 Charter schools.—

574 (20) SERVICES.—

575 (a)1. A sponsor shall provide certain administrative and
576 educational services to charter schools. These services shall
577 include contract management services; full-time equivalent and
578 data reporting services; exceptional student education
579 administration services; services related to eligibility and
580 reporting duties required to ensure that school lunch services
581 under the National School Lunch Program, consistent with the
582 needs of the charter school, are provided by the school district
583 at the request of the charter school, that any funds due to the
584 charter school under the National School Lunch Program be paid
585 to the charter school as soon as the charter school begins
586 serving food under the National School Lunch Program, and that
587 the charter school is paid at the same time and in the same
588 manner under the National School Lunch Program as other public
589 schools serviced by the sponsor or the school district; test
590 administration services, including payment of the costs of
591 state-required or district-required student assessments;



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592 processing of teacher certificate data services; and information
593 services, including equal access to student information systems
594 that are used by public schools in the district in which the
595 charter school is located. Student performance data for each
596 student in a charter school, including, but not limited to, FCAT
597 scores, standardized test scores, previous public school student
598 report cards, and student performance measures, shall be
599 provided by the sponsor to a charter school in the same manner
600 provided to other public schools in the district.

601 2. A sponsor may withhold an administrative fee for the
602 provision of such services which shall be a percentage of the
603 available funds defined in paragraph (17)(b) calculated based on
604 weighted full-time equivalent students. If the charter school
605 serves 75 percent or more exceptional education students as
606 defined in s. 1003.01 ~~s. 1003.01(3)~~, the percentage shall be
607 calculated based on unweighted full-time equivalent students.
608 The administrative fee shall be calculated as follows:

609 a. Up to 5 percent for:

610 (I) Enrollment of up to and including 250 students in a
611 charter school as defined in this section.

612 (II) Enrollment of up to and including 500 students within
613 a charter school system which meets all of the following:

614 (A) Includes conversion charter schools and nonconversion
615 charter schools.

616 (B) Has all of its schools located in the same county.

617 (C) Has a total enrollment exceeding the total enrollment
618 of at least one school district in the state.

619 (D) Has the same governing board for all of its schools.

620 (E) Does not contract with a for-profit service provider



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621 for management of school operations.

622 (III) Enrollment of up to and including 250 students in a
623 virtual charter school.

624 b. Up to 2 percent for enrollment of up to and including
625 250 students in a high-performing charter school as defined in
626 s. 1002.331.

627 3. A sponsor may not charge charter schools any additional
628 fees or surcharges for administrative and educational services
629 in addition to the maximum percentage of administrative fees
630 withheld pursuant to this paragraph.

631 4. A sponsor shall provide to the department by September
632 15 of each year the total amount of funding withheld from
633 charter schools pursuant to this subsection for the prior fiscal
634 year. The department must include the information in the report
635 required under sub-sub-subparagraph (5)(b)1.k.(III).

636 Section 11. Paragraph (h) of subsection (5) and paragraph
637 (a) of subsection (11) of section 1002.385, Florida Statutes,
638 are amended to read:

639 1002.385 The Gardiner Scholarship.—

640 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be
641 used to meet the individual educational needs of an eligible
642 student and may be spent for the following purposes:

643 (h) Tuition and fees for part-time tutoring services
644 provided by a person who holds a valid Florida educator's
645 certificate pursuant to s. 1012.56; a person who holds an
646 adjunct teaching certificate pursuant to s. 1012.57; a person
647 who has a bachelor's degree or a graduate degree in the subject
648 area in which instruction is given; or a person who has
649 demonstrated a mastery of subject area knowledge pursuant to s.



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650 1012.56(5). As used in this paragraph, the term "part-time
651 tutoring services" does not qualify as regular school attendance
652 as defined in s. 1003.01 ~~s. 1003.01(13)(e)~~.

653
654 A provider of any services receiving payments pursuant to this
655 subsection may not share, refund, or rebate any moneys from the
656 Gardiner Scholarship with the parent or participating student in
657 any manner. A parent, student, or provider of any services may
658 not bill an insurance company, Medicaid, or any other agency for
659 the same services that are paid for using Gardiner Scholarship
660 funds.

661 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
662 PARTICIPATION.—A parent who applies for program participation
663 under this section is exercising his or her parental option to
664 determine the appropriate placement or the services that best
665 meet the needs of his or her child. The scholarship award for a
666 student is based on a matrix that assigns the student to support
667 Level III services. If a parent receives an IEP and a matrix of
668 services from the school district pursuant to subsection (7),
669 the amount of the payment shall be adjusted as needed, when the
670 school district completes the matrix.

671 (a) To satisfy or maintain program eligibility, including
672 eligibility to receive and spend program payments, the parent
673 must sign an agreement with the organization and annually submit
674 a notarized, sworn compliance statement to the organization to:

675 1. Affirm that the student is enrolled in a program that
676 meets regular school attendance requirements as provided in s.
677 1003.01(17)(b)-(d) ~~s. 1003.01(13)(b)-(d)~~.

678 2. Affirm that the program funds are used only for



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679 authorized purposes serving the student's educational needs, as
680 described in subsection (5).

681 3. Affirm that the parent is responsible for the education
682 of his or her student by, as applicable:

683 a. Requiring the student to take an assessment in
684 accordance with paragraph (8) (b);

685 b. Providing an annual evaluation in accordance with s.
686 1002.41(1)(f); or

687 c. Requiring the child to take any preassessments and
688 postassessments selected by the provider if the child is 4 years
689 of age and is enrolled in a program provided by an eligible
690 Voluntary Prekindergarten Education Program provider. A student
691 with disabilities for whom a preassessment and postassessment is
692 not appropriate is exempt from this requirement. A participating
693 provider shall report a student's scores to the parent.

694 4. Affirm that the student remains in good standing with
695 the provider or school if those options are selected by the
696 parent.

697
698 A parent who fails to comply with this subsection forfeits the
699 Gardiner Scholarship.

700 Section 12. Subsection (7) of section 1002.42, Florida
701 Statutes, is amended to read:

702 1002.42 Private schools.—

703 (7) ATTENDANCE REQUIREMENTS.—Attendance of a student at a
704 private, parochial, religious, or denominational school
705 satisfies the attendance requirements of ss. 1003.01(17) ~~ss.~~
706 ~~1003.01(13)~~ and 1003.21(1).

707 Section 13. Subsection (1) of section 1002.43, Florida



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708 Statutes, is amended to read:

709 1002.43 Private tutoring programs.—

710 (1) Regular school attendance as defined in s. 1003.01 ~~s.~~
711 ~~1003.01(13)~~ may be achieved by attendance in a private tutoring
712 program if the person tutoring the student meets the following
713 requirements:

714 (a) Holds a valid Florida certificate to teach the subjects
715 or grades in which instruction is given.

716 (b) Keeps all records and makes all reports required by the
717 state and district school board and makes regular reports on the
718 attendance of students in accordance with the provisions of s.
719 1003.23(2).

720 (c) Requires students to be in actual attendance for the
721 minimum length of time prescribed by s. 1011.60(2).

722 Section 14. Subsection (6) of section 1003.03, Florida
723 Statutes, is amended to read:

724 1003.03 Maximum class size.—

725 (6) COURSES FOR COMPLIANCE.—Consistent with s. 1003.01(4)
726 ~~s. 1003.01(14)~~, the Department of Education shall identify from
727 the Course Code Directory the core-curricula courses for the
728 purpose of satisfying the maximum class size requirement in this
729 section. The department may adopt rules to implement this
730 subsection, if necessary.

731 Section 15. Subsection (4) of section 1003.21, Florida
732 Statutes, is amended to read:

733 1003.21 School attendance.—

734 (4) Before admitting a child to kindergarten, the principal
735 shall require evidence that the child has attained the age at
736 which he or she should be admitted in accordance with the



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737 provisions of subparagraph (1)(a)2. The district school
738 superintendent may require evidence of the age of any child who
739 is being enrolled in public school and who the district school
740 superintendent believes to be within the limits of compulsory
741 attendance as provided for by law; however, the district school
742 superintendent may not require evidence from any child who meets
743 regular attendance requirements by attending a school or program
744 listed in s. 1003.01(17)(b)-(e) ~~s. 1003.01(13)(b)-(e)~~. If the
745 first prescribed evidence is not available, the next evidence
746 obtainable in the order set forth below shall be accepted:

747 (a) A duly attested transcript of the child's birth record
748 filed according to law with a public officer charged with the
749 duty of recording births;

750 (b) A duly attested transcript of a certificate of baptism
751 showing the date of birth and place of baptism of the child,
752 accompanied by an affidavit sworn to by the parent;

753 (c) An insurance policy on the child's life that has been
754 in force for at least 2 years;

755 (d) A bona fide contemporary religious record of the
756 child's birth accompanied by an affidavit sworn to by the
757 parent;

758 (e) A passport or certificate of arrival in the United
759 States showing the age of the child;

760 (f) A transcript of record of age shown in the child's
761 school record of at least 4 years prior to application, stating
762 date of birth; or

763 (g) If none of these evidences can be produced, an
764 affidavit of age sworn to by the parent, accompanied by a
765 certificate of age signed by a public health officer or by a



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766 public school physician, or, if these are not available in the
767 county, by a licensed practicing physician designated by the
768 district school board, which states that the health officer or
769 physician has examined the child and believes that the age as
770 stated in the affidavit is substantially correct. Children and
771 youths who are experiencing homelessness and children who are
772 known to the department, as defined in s. 39.0016, shall be
773 given temporary exemption from this section for 30 school days.

774 Section 16. Paragraph (f) of subsection (1) of section
775 1003.26, Florida Statutes, is amended to read:

776 1003.26 Enforcement of school attendance.—The Legislature
777 finds that poor academic performance is associated with
778 nonattendance and that school districts must take an active role
779 in promoting and enforcing attendance as a means of improving
780 student performance. It is the policy of the state that each
781 district school superintendent be responsible for enforcing
782 school attendance of all students subject to the compulsory
783 school age in the school district and supporting enforcement of
784 school attendance by local law enforcement agencies. The
785 responsibility includes recommending policies and procedures to
786 the district school board that require public schools to respond
787 in a timely manner to every unexcused absence, and every absence
788 for which the reason is unknown, of students enrolled in the
789 schools. District school board policies shall require the parent
790 of a student to justify each absence of the student, and that
791 justification will be evaluated based on adopted district school
792 board policies that define excused and unexcused absences. The
793 policies must provide that public schools track excused and
794 unexcused absences and contact the home in the case of an



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795 unexcused absence from school, or an absence from school for
796 which the reason is unknown, to prevent the development of
797 patterns of nonattendance. The Legislature finds that early
798 intervention in school attendance is the most effective way of
799 producing good attendance habits that will lead to improved
800 student learning and achievement. Each public school shall
801 implement the following steps to promote and enforce regular
802 school attendance:

803 (1) CONTACT, REFER, AND ENFORCE.—

804 (f) ~~1.~~ If the parent of a child who has been identified as
805 exhibiting a pattern of nonattendance enrolls the child in a
806 home education program pursuant to chapter 1002, the district
807 school superintendent shall provide the parent a copy of s.
808 1002.41 and the accountability requirements of this paragraph.
809 ~~The district school superintendent shall also refer the parent~~
810 ~~to a home education review committee composed of the district~~
811 ~~contact for home education programs and at least two home~~
812 ~~educators selected by the parent from a district list of all~~
813 ~~home educators who have conducted a home education program for~~
814 ~~at least 3 years and who have indicated a willingness to serve~~
815 ~~on the committee. The home education review committee shall~~
816 ~~review the portfolio of the student, as defined by s. 1002.41,~~
817 ~~every 30 days during the district's regular school terms until~~
818 ~~the committee is satisfied that the home education program is in~~
819 ~~compliance with s. 1002.41(1)(d). The first portfolio review~~
820 ~~must occur within the first 30 calendar days of the~~
821 ~~establishment of the program. The provisions of subparagraph 2.~~
822 ~~do not apply once the committee determines the home education~~
823 ~~program is in compliance with s. 1002.41(1)(d).~~



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824 ~~2. If the parent fails to provide a portfolio to the~~
825 ~~committee, the committee shall notify the district school~~
826 ~~superintendent. The district school superintendent shall then~~
827 ~~terminate the home education program and require the parent to~~
828 ~~enroll the child in an attendance option that meets the~~
829 ~~definition of "regular school attendance" under s.~~
830 ~~1003.01(13) (a), (b), (c), or (e), within 3 days. Upon~~
831 ~~termination of a home education program pursuant to this~~
832 ~~subparagraph, the parent shall not be eligible to reenroll the~~
833 ~~child in a home education program for 180 calendar days. Failure~~
834 ~~of a parent to enroll the child in an attendance option as~~
835 ~~required by this subparagraph after termination of the home~~
836 ~~education program pursuant to this subparagraph shall constitute~~
837 ~~noncompliance with the compulsory attendance requirements of s.~~
838 ~~1003.21 and may result in criminal prosecution under s.~~
839 ~~1003.27(2). Nothing contained herein shall restrict the ability~~
840 ~~of the district school superintendent, or the ability of his or~~
841 ~~her designee, to review the portfolio pursuant to s.~~
842 ~~1002.41(1)(c).~~

843 Section 17. Paragraph (b) of subsection (1) of section
844 1003.4282, Florida Statutes, is amended to read:

845 1003.4282 Requirements for a standard high school diploma.-

846 (1) TWENTY-FOUR CREDITS REQUIRED.-

847 (b) The required credits may be earned through equivalent,
848 applied, or integrated courses or career education courses as
849 defined in s. 1003.01 ~~s. 1003.01(4)~~, including work-related
850 internships approved by the State Board of Education and
851 identified in the course code directory. However, any must-pass
852 assessment requirements must be met. An equivalent course is one



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853 or more courses identified by content-area experts as being a
854 match to the core curricular content of another course, based
855 upon review of the Next Generation Sunshine State Standards for
856 that subject. An applied course aligns with Next Generation
857 Sunshine State Standards and includes real-world applications of
858 a career and technical education standard used in business or
859 industry. An integrated course includes content from several
860 courses within a content area or across content areas.

861 Section 18. Subsection (4) of section 1003.52, Florida
862 Statutes, is amended to read:

863 1003.52 Educational services in Department of Juvenile
864 Justice programs.—

865 (4) Educational services shall be provided at times of the
866 day most appropriate for the juvenile justice program. School
867 programming in juvenile justice detention, prevention, day
868 treatment, and residential programs shall be made available by
869 the local school district during the juvenile justice school
870 year, as provided in s. 1003.01(15) ~~s. 1003.01(11)~~. In addition,
871 students in juvenile justice education programs shall have
872 access to courses offered pursuant to ss. 1002.37, 1002.45, and
873 1003.498. The Department of Education and the school districts
874 shall adopt policies necessary to provide such access.

875 Section 19. Section 1003.575, Florida Statutes, is amended
876 to read:

877 1003.575 Assistive technology devices; findings;
878 interagency agreements.—Accessibility, utilization, and
879 coordination of appropriate assistive technology devices and
880 services are essential as a young person with disabilities moves
881 from early intervention to preschool, from preschool to school,



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882 from one school to another, from school to employment or
883 independent living, and from school to home and community. If an
884 individual education plan team makes a recommendation in
885 accordance with State Board of Education rule for a student with
886 a disability, as defined in s. 1003.01(11) ~~s. 1003.01(3)~~, to
887 receive an assistive technology assessment, that assessment must
888 be completed within 60 school days after the team's
889 recommendation. To ensure that an assistive technology device
890 issued to a young person as part of his or her individualized
891 family support plan, individual support plan, individualized
892 plan for employment, or individual education plan remains with
893 the individual through such transitions, the following agencies
894 shall enter into interagency agreements, as appropriate, to
895 ensure the transaction of assistive technology devices:

896 (1) The Early Steps Program in the Division of Children's
897 Medical Services of the Department of Health.

898 (2) The Division of Blind Services, the Bureau of
899 Exceptional Education and Student Services, the Office of
900 Independent Education and Parental Choice, and the Division of
901 Vocational Rehabilitation of the Department of Education.

902 (3) The Voluntary Prekindergarten Education Program
903 administered by the Department of Education and the Office of
904 Early Learning.

905
906 Interagency agreements entered into pursuant to this section
907 shall provide a framework for ensuring that young persons with
908 disabilities and their families, educators, and employers are
909 informed about the utilization and coordination of assistive
910 technology devices and services that may assist in meeting



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911 transition needs, and shall establish a mechanism by which a
912 young person or his or her parent may request that an assistive
913 technology device remain with the young person as he or she
914 moves through the continuum from home to school to postschool.

915 Section 20. Paragraph (d) of subsection (2) of section
916 1006.07, Florida Statutes, is amended to read:

917 1006.07 District school board duties relating to student
918 discipline and school safety.—The district school board shall
919 provide for the proper accounting for all students, for the
920 attendance and control of students at school, and for proper
921 attention to health, safety, and other matters relating to the
922 welfare of students, including:

923 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
924 conduct for elementary schools and a code of student conduct for
925 middle and high schools and distribute the appropriate code to
926 all teachers, school personnel, students, and parents, at the
927 beginning of every school year. Each code shall be organized and
928 written in language that is understandable to students and
929 parents and shall be discussed at the beginning of every school
930 year in student classes, school advisory council meetings, and
931 parent and teacher association or organization meetings. Each
932 code shall be based on the rules governing student conduct and
933 discipline adopted by the district school board and shall be
934 made available in the student handbook or similar publication.
935 Each code shall include, but is not limited to:

936 (d)1. An explanation of the responsibilities of each
937 student with regard to appropriate dress, respect for self and
938 others, and the role that appropriate dress and respect for self
939 and others has on an orderly learning environment. Each district



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940 school board shall adopt a dress code policy that prohibits a
941 student, while on the grounds of a public school during the
942 regular school day, from wearing clothing that exposes underwear
943 or body parts in an indecent or vulgar manner or that disrupts
944 the orderly learning environment.

945 2. Any student who violates the dress policy described in
946 subparagraph 1. is subject to the following disciplinary
947 actions:

948 a. For a first offense, a student shall be given a verbal
949 warning and the school principal shall call the student's parent
950 or guardian.

951 b. For a second offense, the student is ineligible to
952 participate in any extracurricular activity for a period of time
953 not to exceed 5 days and the school principal shall meet with
954 the student's parent or guardian.

955 c. For a third or subsequent offense, a student shall
956 receive an in-school suspension pursuant to s. 1003.01 ~~s.~~
957 ~~1003.01(5)~~ for a period not to exceed 3 days, the student is
958 ineligible to participate in any extracurricular activity for a
959 period not to exceed 30 days, and the school principal shall
960 call the student's parent or guardian and send the parent or
961 guardian a written letter regarding the student's in-school
962 suspension and ineligibility to participate in extracurricular
963 activities.

964 Section 21. Subsection (5) of section 1008.24, Florida
965 Statutes, is amended to read:

966 1008.24 Test administration and security; public records
967 exemption.—

968 (5) Exceptional students with disabilities, as defined in



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969 s. 1003.01 ~~s. 1003.01(3)~~, shall have access to testing sites.
970 The Department of Education and each school district shall adopt
971 policies that are necessary to ensure such access.

972 Section 22. Paragraph (c) of subsection (6) of section
973 1012.2315, Florida Statutes, is amended to read:

974 1012.2315 Assignment of teachers.—

975 (6) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
976 EVALUATIONS.—

977 (c) For a student enrolling in an extracurricular course as
978 defined in s. 1003.01 ~~s. 1003.01(15)~~, a parent may choose to
979 have the student taught by a teacher who received a performance
980 evaluation of "needs improvement" or "unsatisfactory" in the
981 preceding school year if the student and the student's parent
982 receive an explanation of the impact of teacher effectiveness on
983 student learning and the principal receives written consent from
984 the parent.

985 Section 23. This act shall take effect July 1, 2020.

986

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

988 And the title is amended as follows:

989 Delete everything before the enacting clause
990 and insert:

991 A bill to be entitled
992 An act relating to dyslexia; creating s. 1001.2151,
993 F.S.; providing legislative intent; requiring public
994 schools to screen all students in kindergarten through
995 grade 3 for dyslexia within a certain timeframe;
996 requiring public school students with a substantial
997 deficiency in reading to be placed in an intensive



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998 remedial intervention program; requiring parental
999 notification of dyslexia diagnoses and biweekly
1000 progress reports; providing for subsequent diagnostic
1001 assessment; requiring that intensive remedial
1002 intervention meet certain requirements; requiring
1003 remedial intervention to continue until the student
1004 can perform at a certain level; requiring public
1005 schools to have at least one person on staff with
1006 specified certification in reading instruction for
1007 students with dyslexia; requiring the State Board of
1008 Education to adopt rules; amending s. 1003.01, F.S.;
1009 defining the terms "dyscalculia," "dysgraphia," and
1010 "dyslexia"; creating the Dyslexia Task Force within
1011 the Department of Education; specifying the purpose
1012 and membership of the task force; requiring the task
1013 force members to be appointed by the Commissioner of
1014 Education; requiring task force to consist of nine
1015 members of certain backgrounds; requiring task force
1016 to hold its first meeting within a certain timeframe;
1017 providing that task force members serve without
1018 compensation, but may receive reimbursement for
1019 certain expenses; amending s. 1003.26, F.S.; removing
1020 a requirement for district school superintendents to
1021 refer parents to a home education review committee;
1022 removing a penalty for parents failing to provide a
1023 portfolio to such committee; amending ss. 11.45,
1024 39.0016, 414.1251, 1002.01, 1002.20, 1002.3105,
1025 1002.33, 1002.385, 1002.42, 1002.43, 1003.03, 1003.21,
1026 1003.26, 1003.4282, 1003.52, 1003.575, 1006.07,



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1008.24, and 1012.2315, F.S.; conforming cross-
references; providing an effective date.