

By Senator Harrell

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1                   A bill to be entitled  
2       An act relating to dyslexia; creating s. 1001.2151,  
3       F.S.; providing legislative intent; requiring public  
4       schools to screen all students in kindergarten through  
5       grade 3 for dyslexia within a certain timeframe;  
6       requiring public school students with a substantial  
7       deficiency in reading to be placed in an intensive  
8       remedial intervention program; requiring parental  
9       notification of dyslexia diagnoses and bi-weekly  
10      progress reports; providing for subsequent diagnostic  
11      assessment; requiring that intensive remedial  
12      intervention meet certain requirements; requiring  
13      remedial intervention to continue until the student  
14      can perform at a certain level; requiring public  
15      schools to have at least one person on staff trained  
16      in the instruction of students with dyslexia;  
17      requiring the State Board of Education to adopt rules;  
18      amending s. 1003.01, F.S.; defining the terms  
19      "dyscalculia," "dysgraphia," and "dyslexia"; creating  
20      the Dyslexia Task Force within the Department of  
21      Education; specifying the purpose and membership of  
22      the task force; requiring the task force to be  
23      appointed and to hold its first meeting within a  
24      certain timeframe; providing that task force members  
25      serve without compensation, but may receive  
26      reimbursement for certain expenses; amending ss.  
27      11.45, 39.0016, 414.1251, 1002.01, 1002.20, 1002.3105,  
28      1002.33, 1002.385, 1002.42, 1002.43, 1003.03, 1003.21,  
29      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.

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

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

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

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

(3) The parent of any student in kindergarten through grade  
3 who exhibits dyslexia shall be immediately notified by the  
student's school of the student's deficiency pursuant to s.  
1008.25(5) and the parent shall be provided a progress report  
issued at 2 week intervals while the child continues to exhibit

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59 dyslexia. The parent shall also be notified in writing by the  
60 school of the process to request a special education evaluation.

61 (4) The dyslexia diagnostic assessment screener may be  
62 repeated at midyear and at the end of the school year to  
63 determine student progression in reading. If it is determined  
64 that the student continues to exhibit a reading deficiency, he  
65 or she must be provided with continued intensive remedial  
66 intervention by the school district until the deficiency is  
67 remedied. Every public school must provide intensive  
68 interventions for every student in kindergarten through grade 3  
69 identified with a deficiency in reading or with dyslexia to  
70 ameliorate the student's specific deficiency.

71 (5) The intensive remedial intervention program must  
72 include effective instructional strategies and appropriate  
73 teaching methodologies to assist the student in becoming a  
74 successful reader able to read at or above grade level and ready  
75 for promotion to the next grade. The intensive remedial  
76 intervention program must be continued until the student can  
77 maintain grade level performance in decoding, encoding, reading  
78 fluency, and reading comprehension without continued supportive  
79 intervention and services.

80 (6) Every public school is required to have employed on  
81 staff at least one person trained in the instruction of students  
82 with dyslexia.

83 (7) The State Board of Education shall adopt rules that  
84 require students to be evaluated for phonological awareness to  
85 determine whether the student has a specific learning  
86 disability.

87 Section 2. Section 1003.01, Florida Statutes, is amended to

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88 read:

89 1003.01 Definitions.—As used in this chapter, the term:

90 (6)~~(1)~~ "District school board" means the members who are  
91 elected by the voters of a school district created and existing  
92 pursuant to s. 4, Art. IX of the State Constitution to operate  
93 and control public K-12 education within the school district.

94 (18)~~(2)~~ "School" means an organization of students for  
95 instructional purposes on an elementary, middle or junior high  
96 school, secondary or high school, or other public school level  
97 authorized under rules of the State Board of Education.

98 (8) "Dyscalculia" means a specific learning disability that  
99 is:

100 (a) Neurological in origin;

101 (b) Characterized by difficulties with learning and  
102 comprehending arithmetic, understanding numbers, performing  
103 mathematical calculations, and learning mathematics; and

104 (c) Often unexpected in relation to other cognitive  
105 abilities and the provision of effective classroom instruction.

106 (9) "Dysgraphia" means a specific learning disability that  
107 is:

108 (a) Neurological in origin;

109 (b) Characterized by difficulties with accurate writing  
110 abilities, spelling, handwriting, and putting thoughts on paper;  
111 and

112 (c) Often unexpected in relation to other cognitive  
113 abilities and the provision of effective classroom instruction.

114 (10) "Dyslexia" means a specific learning disability that  
115 is:

116 (a) Neurological in origin;

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117 (b) Characterized by difficulties with accurate and fluent  
118 word recognition, spelling, and decoding which typically result  
119 from a deficit in the phonological component of language; and

120 (c) Often unexpected in relation to other cognitive  
121 abilities and the provision of effective classroom instruction.  
122 Secondary consequences may include problems in reading  
123 comprehension and reduced reading experience that can impede  
124 growth of vocabulary and background knowledge.

125 (11)~~(3)~~(a) "Exceptional student" means any student who has  
126 been determined eligible for a special program in accordance  
127 with rules of the State Board of Education. The term includes  
128 students who are gifted and students with disabilities who have  
129 an intellectual disability; autism spectrum disorder; a speech  
130 impairment; a language impairment; an orthopedic impairment; any  
131 ~~an~~ other health impairment; traumatic brain injury; a visual  
132 impairment; an emotional or behavioral disability; or a specific  
133 learning disability, including, but not limited to, dyslexia,  
134 dyscalculia, or developmental aphasia; students who are deaf or  
135 hard of hearing or dual sensory impaired; students who are  
136 hospitalized or homebound; children with developmental delays  
137 ages birth through 5 years, or children, ages birth through 2  
138 years, with established conditions that are identified in State  
139 Board of Education rules pursuant to s. 1003.21(1)(e).

140 (b) "Special education services" means specially designed  
141 instruction and such related services as are necessary for an  
142 exceptional student to benefit from education. Such services may  
143 include: transportation; diagnostic and evaluation services;  
144 social services; physical and occupational therapy; speech and  
145 language pathology services; job placement; orientation and

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146 mobility training; braillists, typists, and readers for the  
147 blind; interpreters and auditory amplification; services  
148 provided by a certified listening and spoken language  
149 specialist; rehabilitation counseling; transition services;  
150 mental health services; guidance and career counseling;  
151 specified materials, assistive technology devices, and other  
152 specialized equipment; and other such services as approved by  
153 rules of the state board.

154 (2)~~(4)~~ "Career education" means education that provides  
155 instruction for the following purposes:

156 (a) At the elementary, middle, and high school levels,  
157 exploratory courses designed to give students initial exposure  
158 to a broad range of occupations to assist them in preparing  
159 their academic and occupational plans, and practical arts  
160 courses that provide generic skills that may apply to many  
161 occupations but are not designed to prepare students for entry  
162 into a specific occupation. Career education provided before  
163 high school completion must be designed to strengthen both  
164 occupational awareness and academic skills integrated throughout  
165 all academic instruction.

166 (b) At the secondary school level, job-preparatory  
167 instruction in the competencies that prepare students for  
168 effective entry into an occupation, including diversified  
169 cooperative education, work experience, and job-entry programs  
170 that coordinate directed study and on-the-job training.

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

174 (19)~~(5)~~ (a) "Suspension," also referred to as out-of-school

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175 suspension, means the temporary removal of a student from all  
176 classes of instruction on public school grounds and all other  
177 school-sponsored activities, except as authorized by the  
178 principal or the principal's designee, for a period not to  
179 exceed 10 school days and remanding of the student to the  
180 custody of the student's parent with specific homework  
181 assignments for the student to complete.

182 (b) "In-school suspension" means the temporary removal of a  
183 student from the student's regular school program and placement  
184 in an alternative program, such as that provided in s. 1003.53,  
185 under the supervision of district school board personnel, for a  
186 period not to exceed 10 school days.

187 (12)~~(6)~~ "Expulsion" means the removal of the right and  
188 obligation of a student to attend a public school under  
189 conditions set by the district school board, and for a period of  
190 time not to exceed the remainder of the term or school year and  
191 1 additional year of attendance. Expulsions may be imposed with  
192 or without continuing educational services and shall be reported  
193 accordingly.

194 (5)~~(7)~~ "Corporal punishment" means the moderate use of  
195 physical force or physical contact by a teacher or principal as  
196 may be necessary to maintain discipline or to enforce school  
197 rule. However, the term "corporal punishment" does not include  
198 the use of such reasonable force by a teacher or principal as  
199 may be necessary for self-protection or to protect other  
200 students from disruptive students.

201 (14)~~(8)~~ "Habitual truant" means a student who has 15  
202 unexcused absences within 90 calendar days with or without the  
203 knowledge or consent of the student's parent, is subject to

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204 compulsory school attendance under s. 1003.21(1) and (2)(a), and  
205 is not exempt under s. 1003.21(3) or s. 1003.24, or by meeting  
206 the criteria for any other exemption specified by law or rules  
207 of the State Board of Education. Such a student must have been  
208 the subject of the activities specified in ss. 1003.26 and  
209 1003.27(3), without resultant successful remediation of the  
210 truancy problem before being dealt with as a child in need of  
211 services according to the provisions of chapter 984.

212 (7)~~(9)~~ "Dropout" means a student who meets any one or more  
213 of the following criteria:

214 (a) The student has voluntarily removed himself or herself  
215 from the school system before graduation for reasons that  
216 include, but are not limited to, marriage, or the student has  
217 withdrawn from school because he or she has failed the statewide  
218 student assessment test and thereby does not receive any of the  
219 certificates of completion;

220 (b) The student has not met the relevant attendance  
221 requirements of the school district pursuant to State Board of  
222 Education rules, or the student was expected to attend a school  
223 but did not enter as expected for unknown reasons, or the  
224 student's whereabouts are unknown;

225 (c) The student has withdrawn from school, but has not  
226 transferred to another public or private school or enrolled in  
227 any career, adult, home education, or alternative educational  
228 program;

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



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

236  
237 The State Board of Education may adopt rules to implement the  
238 provisions of this subsection.

239 (1)~~(10)~~ "Alternative measures for students with special  
240 needs" or "special programs" means measures designed to meet the  
241 special needs of a student that cannot be met by regular school  
242 curricula.

243 (15)~~(11)~~ (a) "Juvenile justice education programs or  
244 schools" means programs or schools operating for the purpose of  
245 providing educational services to youth in Department of  
246 Juvenile Justice programs, for a school year comprised of 250  
247 days of instruction distributed over 12 months. At the request  
248 of the provider, a district school board may decrease the  
249 minimum number of days of instruction by up to 10 days for  
250 teacher planning for residential programs and up to 20 days for  
251 teacher planning for nonresidential programs, subject to the  
252 approval of the Department of Juvenile Justice and the  
253 Department of Education.

254 (b) "Juvenile justice provider" means the Department of  
255 Juvenile Justice, the sheriff, or a private, public, or other  
256 governmental organization under contract with the Department of  
257 Juvenile Justice or the sheriff that provides treatment, care  
258 and custody, or educational programs for youth in juvenile  
259 justice intervention, detention, or commitment programs.

260 (3)~~(12)~~ "Children and youths who are experiencing  
261 homelessness," for programs authorized under subtitle B,

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262 Education for Homeless Children and Youths, of Title VII of the  
263 McKinney-Vento Homeless Assistance Act, 42 U.S.C. ss. 11431 et  
264 seq., means children and youths who lack a fixed, regular, and  
265 adequate nighttime residence, and includes:

266 (a) Children and youths who are sharing the housing of  
267 other persons due to loss of housing, economic hardship, or a  
268 similar reason; are living in motels, hotels, travel trailer  
269 parks, or camping grounds due to the lack of alternative  
270 adequate accommodations; are living in emergency or transitional  
271 shelters; are abandoned in hospitals; or are awaiting foster  
272 care placement.

273 (b) Children and youths who have a primary nighttime  
274 residence that is a public or private place not designed for or  
275 ordinarily used as a regular sleeping accommodation for human  
276 beings.

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

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

282 (17)~~(13)~~ "Regular school attendance" means the actual  
283 attendance of a student during the school day as defined by law  
284 and rules of the State Board of Education. Regular attendance  
285 within the intent of s. 1003.21 may be achieved by attendance  
286 in:

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

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

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

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

293 (e) A private tutoring program that meets the requirements  
294 of chapter 1002.

295 (4) ~~(14)~~ "Core-curricula courses" means:

296 (a) Courses in language arts/reading, mathematics, social  
297 studies, and science in prekindergarten through grade 3,  
298 excluding extracurricular courses pursuant to subsection (13)  
299 ~~subsection (15)~~;

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

304 (c) Courses in grades 9 through 12 in subjects that are  
305 measured by state assessment at any grade level and courses that  
306 are specifically identified by name in statute as required for  
307 high school graduation and that are not measured by state  
308 assessment, excluding extracurricular courses pursuant to  
309 subsection (13) ~~subsection (15)~~;

310 (d) Exceptional student education courses; and

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

312

313 The term is limited in meaning and used for the sole purpose of  
314 designating classes that are subject to the maximum class size  
315 requirements established in s. 1, Art. IX of the State  
316 Constitution. This term does not include courses offered under  
317 ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, 1002.45, and  
318 1003.499.

319 (13) ~~(15)~~ "Extracurricular courses" means all courses that

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320 are not defined as "core-curricula courses," which may include,  
321 but are not limited to, physical education, fine arts,  
322 performing fine arts, career education, and courses that may  
323 result in college credit. The term is limited in meaning and  
324 used for the sole purpose of designating classes that are not  
325 subject to the maximum class size requirements established in s.  
326 1, Art. IX of the State Constitution.

327 (16) "Physical education" means the development or  
328 maintenance of skills related to strength, agility, flexibility,  
329 movement, and stamina, including dance; the development of  
330 knowledge and skills regarding teamwork and fair play; the  
331 development of knowledge and skills regarding nutrition and  
332 physical fitness as part of a healthy lifestyle; and the  
333 development of positive attitudes regarding sound nutrition and  
334 physical activity as a component of personal well-being.

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

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

340 (a) Recommendations on how to identify dyslexia,  
341 dysgraphia, and dyscalculia;

342 (b) Recommendations for appropriate goal writing for  
343 individual education plans (IEPs) for students with dyslexia,  
344 dysgraphia, or dyscalculia;

345 (c) Recommendations for interventions for dyslexia,  
346 dysgraphia, and dyscalculia;

347 (d) Recommendations for provision of assistive technology  
348 guidelines; and

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

351 (2) The task force shall recommend amendments to uniform  
352 IEP documents to require a drop down menu under specific  
353 learning disabilities that allows child study teams to check all  
354 learning disabilities that are exhibited by the student,  
355 including dyslexia, dysgraphia, and dyscalculia.

356 (3) The task force shall consist of the following five  
357 members appointed by the Commissioner of Education:

358 (a) A member of an organization focused on dyslexia.

359 (b) A member of an organization focused on dysgraphia.

360 (c) A member of an organization focused on dyscalculia.

361 (d) A public school teacher.

362 (e) A public school principal.

363 (4) Within 90 days after the effective date of this act, a  
364 majority of the members of the task force must be appointed and  
365 the task force shall hold its first meeting. The task force  
366 shall elect one of its members to serve as chair. Members of the  
367 task force shall serve for the duration of the existence of the  
368 task force. Any vacancy that occurs shall be filled in the same  
369 manner as the original appointment. Task force members shall  
370 serve without compensation, but are entitled to reimbursement  
371 for per diem and travel expenses as provided in s. 112.061,  
372 Florida Statutes.

373 Section 4. Paragraph (k) of subsection (2) of section  
374 11.45, Florida Statutes, is amended to read:

375 11.45 Definitions; duties; authorities; reports; rules.—

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

377 (k) Contact each district school board, as defined in s.

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378 1003.01 ~~s. 1003.01(1)~~, with the findings and recommendations  
379 contained within the Auditor General's previous operational  
380 audit report. The district school board shall provide the  
381 Auditor General with evidence of the initiation of corrective  
382 action within 45 days after the date it is requested by the  
383 Auditor General and evidence of completion of corrective action  
384 within 180 days after the date it is requested by the Auditor  
385 General. If the district school board fails to comply with the  
386 Auditor General's request or is unable to take corrective action  
387 within the required timeframe, the Auditor General shall notify  
388 the Legislative Auditing Committee.

389  
390 The Auditor General shall perform his or her duties  
391 independently but under the general policies established by the  
392 Legislative Auditing Committee. This subsection does not limit  
393 the Auditor General's discretionary authority to conduct other  
394 audits or engagements of governmental entities as authorized in  
395 subsection (3).

396 Section 5. Paragraph (b) of subsection (3) of section  
397 39.0016, Florida Statutes, is amended to read:

398 39.0016 Education of abused, neglected, and abandoned  
399 children; agency agreements; children having or suspected of  
400 having a disability.—

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

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

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

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407           b. A court of competent jurisdiction over a child under  
408 this chapter has determined that no person has the authority  
409 under the Individuals with Disabilities Education Act, including  
410 the parent or parents subject to the dependency action, or that  
411 no person has the authority, willingness, or ability to serve as  
412 the educational decisionmaker for the child without judicial  
413 action.

414           2. A surrogate parent appointed by the district school  
415 superintendent or the court must be at least 18 years old and  
416 have no personal or professional interest that conflicts with  
417 the interests of the student to be represented. Neither the  
418 district school superintendent nor the court may appoint an  
419 employee of the Department of Education, the local school  
420 district, a community-based care provider, the Department of  
421 Children and Families, or any other public or private agency  
422 involved in the education or care of the child as appointment of  
423 those persons is prohibited by federal law. This prohibition  
424 includes group home staff and therapeutic foster parents.  
425 However, a person who acts in a parental role to a child, such  
426 as a foster parent or relative caregiver, is not prohibited from  
427 serving as a surrogate parent if he or she is employed by such  
428 agency, willing to serve, and knowledgeable about the child and  
429 the exceptional student education process. The surrogate parent  
430 may be a court-appointed guardian ad litem or a relative or  
431 nonrelative adult who is involved in the child's life regardless  
432 of whether that person has physical custody of the child. Each  
433 person appointed as a surrogate parent must have the knowledge  
434 and skills acquired by successfully completing training using  
435 materials developed and approved by the Department of Education

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436 to ensure adequate representation of the child.

437       3. If a guardian ad litem has been appointed for a child,  
438 the district school superintendent must first consider the  
439 child's guardian ad litem when appointing a surrogate parent.  
440 The district school superintendent must accept the appointment  
441 of the court if he or she has not previously appointed a  
442 surrogate parent. Similarly, the court must accept a surrogate  
443 parent duly appointed by a district school superintendent.

444       4. A surrogate parent appointed by the district school  
445 superintendent or the court must be accepted by any subsequent  
446 school or school district without regard to where the child is  
447 receiving residential care so that a single surrogate parent can  
448 follow the education of the child during his or her entire time  
449 in state custody. Nothing in this paragraph or in rule shall  
450 limit or prohibit the continuance of a surrogate parent  
451 appointment when the responsibility for the student's  
452 educational placement moves among and between public and private  
453 agencies.

454       5. For a child known to the department, the responsibility  
455 to appoint a surrogate parent resides with both the district  
456 school superintendent and the court with jurisdiction over the  
457 child. If the court elects to appoint a surrogate parent, notice  
458 shall be provided as soon as practicable to the child's school.  
459 At any time the court determines that it is in the best  
460 interests of a child to remove a surrogate parent, the court may  
461 appoint a new surrogate parent for educational decisionmaking  
462 purposes for that child.

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



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465 a. The child is determined to no longer be eligible or in  
466 need of special programs, except when termination of special  
467 programs is being contested.

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

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

473 d. The appointed surrogate no longer wishes to represent  
474 the child or is unable to represent the child.

475 e. The superintendent of the school district in which the  
476 child is attending school, the Department of Education contract  
477 designee, or the court that appointed the surrogate determines  
478 that the appointed surrogate parent no longer adequately  
479 represents the child.

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

482 7. The appointment and termination of appointment of a  
483 surrogate under this paragraph shall be entered as an order of  
484 the court with a copy of the order provided to the child's  
485 school as soon as practicable.

486 8. The person appointed as a surrogate parent under this  
487 paragraph must:

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

490 b. Represent the child in all matters relating to  
491 identification, evaluation, and educational placement and the  
492 provision of a free and appropriate education to the child.

493 c. Represent the interests and safeguard the rights of the

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494 child in educational decisions that affect the child.

495 9. The responsibilities of the person appointed as a  
496 surrogate parent shall not extend to the care, maintenance,  
497 custody, residential placement, or any other area not  
498 specifically related to the education of the child, unless the  
499 same person is appointed by the court for such other purposes.

500 10. A person appointed as a surrogate parent shall enjoy  
501 all of the procedural safeguards afforded a parent with respect  
502 to the identification, evaluation, and educational placement of  
503 a student with a disability or a student who is suspected of  
504 having a disability.

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

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

510 414.1251 Learnfare program.—

511 (1) The department shall reduce the temporary cash  
512 assistance for a participant's eligible dependent child or for  
513 an eligible teenage participant who has not been exempted from  
514 education participation requirements, if the eligible dependent  
515 child or eligible teenage participant has been identified either  
516 as a habitual truant, pursuant to s. 1003.01 ~~s. 1003.01(8)~~, or  
517 as a dropout, pursuant to s. 1003.01 ~~s. 1003.01(9)~~. For a  
518 student who has been identified as a habitual truant, the  
519 temporary cash assistance must be reinstated after a subsequent  
520 grading period in which the child's attendance has substantially  
521 improved. For a student who has been identified as a dropout,  
522 the temporary cash assistance must be reinstated after the

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523 student enrolls in a public school, receives a high school  
524 diploma or its equivalency, enrolls in preparation for the high  
525 school equivalency examination, or enrolls in other educational  
526 activities approved by the district school board. Good cause  
527 exemptions from the rule of unexcused absences include the  
528 following:

529 (a) The student is expelled from school and alternative  
530 schooling is not available.

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

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

535

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

540 Section 7. Section 1002.01, Florida Statutes, is amended to  
541 read:

542 1002.01 Definitions.—

543 (1) A "home education program" means the sequentially  
544 progressive instruction of a student directed by his or her  
545 parent in order to satisfy the attendance requirements of ss.  
546 1002.41, 1003.01(17) ~~1003.01(13)~~, and 1003.21(1).

547 (2) A "private school" is a nonpublic school defined as an  
548 individual, association, copartnership, or corporation, or  
549 department, division, or section of such organizations, that  
550 designates itself as an educational center that includes  
551 kindergarten or a higher grade or as an elementary, secondary,

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552 business, technical, or trade school below college level or any  
553 organization that provides instructional services that meet the  
554 intent of s. 1003.01(17) ~~s. 1003.01(13)~~ or that gives  
555 preemployment or supplementary training in technology or in  
556 fields of trade or industry or that offers academic, literary,  
557 or career training below college level, or any combination of  
558 the above, including an institution that performs the functions  
559 of the above schools through correspondence or extension, except  
560 those licensed under the provisions of chapter 1005. A private  
561 school may be a parochial, religious, denominational, for-  
562 profit, or nonprofit school. This definition does not include  
563 home education programs conducted in accordance with s. 1002.41.

564 Section 8. Paragraph (b) of subsection (2) of section  
565 1002.20, Florida Statutes, is amended to read:

566 1002.20 K-12 student and parent rights.—Parents of public  
567 school students must receive accurate and timely information  
568 regarding their child's academic progress and must be informed  
569 of ways they can help their child to succeed in school. K-12  
570 students and their parents are afforded numerous statutory  
571 rights including, but not limited to, the following:

572 (2) ATTENDANCE.—

573 (b) *Regular school attendance.*—Parents of students who have  
574 attained the age of 6 years by February 1 of any school year but  
575 who have not attained the age of 16 years must comply with the  
576 compulsory school attendance laws. Parents have the option to  
577 comply with the school attendance laws by attendance of the  
578 student in a public school; a parochial, religious, or  
579 denominational school; a private school; a home education  
580 program; or a private tutoring program, in accordance with the

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581 provisions of s. 1003.01(17) ~~s. 1003.01(13)~~.

582 Section 9. Paragraph (d) of subsection (3) of section  
583 1002.3105, Florida Statutes, is amended to read:

584 1002.3105 Academically Challenging Curriculum to Enhance  
585 Learning (ACCEL) options.—

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

589 (d) Recommendations from one or more of the student's  
590 teachers in core-curricula courses as defined in s. 1003.01 ~~s.~~  
591 ~~1003.01(14)(a)–(e)~~.

592 Section 10. Paragraph (a) of subsection (20) of section  
593 1002.33, Florida Statutes, is amended to read:

594 1002.33 Charter schools.—

595 (20) SERVICES.—

596 (a)1. A sponsor shall provide certain administrative and  
597 educational services to charter schools. These services shall  
598 include contract management services; full-time equivalent and  
599 data reporting services; exceptional student education  
600 administration services; services related to eligibility and  
601 reporting duties required to ensure that school lunch services  
602 under the National School Lunch Program, consistent with the  
603 needs of the charter school, are provided by the school district  
604 at the request of the charter school, that any funds due to the  
605 charter school under the National School Lunch Program be paid  
606 to the charter school as soon as the charter school begins  
607 serving food under the National School Lunch Program, and that  
608 the charter school is paid at the same time and in the same  
609 manner under the National School Lunch Program as other public

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610 schools serviced by the sponsor or the school district; test  
611 administration services, including payment of the costs of  
612 state-required or district-required student assessments;  
613 processing of teacher certificate data services; and information  
614 services, including equal access to student information systems  
615 that are used by public schools in the district in which the  
616 charter school is located. Student performance data for each  
617 student in a charter school, including, but not limited to, FCAT  
618 scores, standardized test scores, previous public school student  
619 report cards, and student performance measures, shall be  
620 provided by the sponsor to a charter school in the same manner  
621 provided to other public schools in the district.

622 2. A sponsor may withhold an administrative fee for the  
623 provision of such services which shall be a percentage of the  
624 available funds defined in paragraph (17)(b) calculated based on  
625 weighted full-time equivalent students. If the charter school  
626 serves 75 percent or more exceptional education students as  
627 defined in s. 1003.01 ~~s. 1003.01(3)~~, the percentage shall be  
628 calculated based on unweighted full-time equivalent students.  
629 The administrative fee shall be calculated as follows:

630 a. Up to 5 percent for:

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

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

635 (A) Includes conversion charter schools and nonconversion  
636 charter schools.

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

638 (C) Has a total enrollment exceeding the total enrollment

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639 of at least one school district in the state.

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

641 (E) Does not contract with a for-profit service provider  
642 for management of school operations.

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

645 b. Up to 2 percent for enrollment of up to and including  
646 250 students in a high-performing charter school as defined in  
647 s. 1002.331.

648 3. A sponsor may not charge charter schools any additional  
649 fees or surcharges for administrative and educational services  
650 in addition to the maximum percentage of administrative fees  
651 withheld pursuant to this paragraph.

652 4. A sponsor shall provide to the department by September  
653 15 of each year the total amount of funding withheld from  
654 charter schools pursuant to this subsection for the prior fiscal  
655 year. The department must include the information in the report  
656 required under sub-sub-subparagraph (5)(b)1.k.(III).

657 Section 11. Paragraph (h) of subsection (5) and paragraph  
658 (a) of subsection (11) of section 1002.385, Florida Statutes,  
659 are amended to read:

660 1002.385 The Gardiner Scholarship.—

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

664 (h) Tuition and fees for part-time tutoring services  
665 provided by a person who holds a valid Florida educator's  
666 certificate pursuant to s. 1012.56; a person who holds an  
667 adjunct teaching certificate pursuant to s. 1012.57; a person

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668 who has a bachelor's degree or a graduate degree in the subject  
669 area in which instruction is given; or a person who has  
670 demonstrated a mastery of subject area knowledge pursuant to s.  
671 1012.56(5). As used in this paragraph, the term "part-time  
672 tutoring services" does not qualify as regular school attendance  
673 as defined in s. 1003.01 ~~s. 1003.01(13)(e)~~.

674

675 A provider of any services receiving payments pursuant to this  
676 subsection may not share, refund, or rebate any moneys from the  
677 Gardiner Scholarship with the parent or participating student in  
678 any manner. A parent, student, or provider of any services may  
679 not bill an insurance company, Medicaid, or any other agency for  
680 the same services that are paid for using Gardiner Scholarship  
681 funds.

682 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
683 PARTICIPATION.—A parent who applies for program participation  
684 under this section is exercising his or her parental option to  
685 determine the appropriate placement or the services that best  
686 meet the needs of his or her child. The scholarship award for a  
687 student is based on a matrix that assigns the student to support  
688 Level III services. If a parent receives an IEP and a matrix of  
689 services from the school district pursuant to subsection (7),  
690 the amount of the payment shall be adjusted as needed, when the  
691 school district completes the matrix.

692 (a) To satisfy or maintain program eligibility, including  
693 eligibility to receive and spend program payments, the parent  
694 must sign an agreement with the organization and annually submit  
695 a notarized, sworn compliance statement to the organization to:

696 1. Affirm that the student is enrolled in a program that



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697 meets regular school attendance requirements as provided in s.  
 698 1003.01(17)(b)-(d) ~~s. 1003.01(13)(b)-(d)~~.

699 2. Affirm that the program funds are used only for  
 700 authorized purposes serving the student's educational needs, as  
 701 described in subsection (5).

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

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

706 b. Providing an annual evaluation in accordance with s.  
 707 1002.41(1)(f); or

708 c. Requiring the child to take any preassessments and  
 709 postassessments selected by the provider if the child is 4 years  
 710 of age and is enrolled in a program provided by an eligible  
 711 Voluntary Prekindergarten Education Program provider. A student  
 712 with disabilities for whom a preassessment and postassessment is  
 713 not appropriate is exempt from this requirement. A participating  
 714 provider shall report a student's scores to the parent.

715 4. Affirm that the student remains in good standing with  
 716 the provider or school if those options are selected by the  
 717 parent.

718

719 A parent who fails to comply with this subsection forfeits the  
 720 Gardiner Scholarship.

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

723 1002.42 Private schools.—

724 (7) ATTENDANCE REQUIREMENTS.—Attendance of a student at a  
 725 private, parochial, religious, or denominational school

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726 satisfies the attendance requirements of ss. 1003.01(17) ~~ss.~~  
727 ~~1003.01(13)~~ and 1003.21(1).

728 Section 13. Subsection (1) of section 1002.43, Florida  
729 Statutes, is amended to read:

730 1002.43 Private tutoring programs.—

731 (1) Regular school attendance as defined in s. 1003.01 ~~s.~~  
732 ~~1003.01(13)~~ may be achieved by attendance in a private tutoring  
733 program if the person tutoring the student meets the following  
734 requirements:

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

737 (b) Keeps all records and makes all reports required by the  
738 state and district school board and makes regular reports on the  
739 attendance of students in accordance with the provisions of s.  
740 1003.23(2).

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

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

745 1003.03 Maximum class size.—

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

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

754 1003.21 School attendance.—

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755 (4) Before admitting a child to kindergarten, the principal  
756 shall require evidence that the child has attained the age at  
757 which he or she should be admitted in accordance with the  
758 provisions of subparagraph (1)(a)2. The district school  
759 superintendent may require evidence of the age of any child who  
760 is being enrolled in public school and who the district school  
761 superintendent believes to be within the limits of compulsory  
762 attendance as provided for by law; however, the district school  
763 superintendent may not require evidence from any child who meets  
764 regular attendance requirements by attending a school or program  
765 listed in s. 1003.01(17)(b)-(e) ~~s. 1003.01(13)(b)-(e)~~. If the  
766 first prescribed evidence is not available, the next evidence  
767 obtainable in the order set forth below shall be accepted:

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

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

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

776 (d) A bona fide contemporary religious record of the  
777 child's birth accompanied by an affidavit sworn to by the  
778 parent;

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

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

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784 (g) If none of these evidences can be produced, an  
785 affidavit of age sworn to by the parent, accompanied by a  
786 certificate of age signed by a public health officer or by a  
787 public school physician, or, if these are not available in the  
788 county, by a licensed practicing physician designated by the  
789 district school board, which states that the health officer or  
790 physician has examined the child and believes that the age as  
791 stated in the affidavit is substantially correct. Children and  
792 youths who are experiencing homelessness and children who are  
793 known to the department, as defined in s. 39.0016, shall be  
794 given temporary exemption from this section for 30 school days.

795 Section 16. Paragraph (f) of subsection (1) of section  
796 1003.26, Florida Statutes, is amended to read:

797 1003.26 Enforcement of school attendance.—The Legislature  
798 finds that poor academic performance is associated with  
799 nonattendance and that school districts must take an active role  
800 in promoting and enforcing attendance as a means of improving  
801 student performance. It is the policy of the state that each  
802 district school superintendent be responsible for enforcing  
803 school attendance of all students subject to the compulsory  
804 school age in the school district and supporting enforcement of  
805 school attendance by local law enforcement agencies. The  
806 responsibility includes recommending policies and procedures to  
807 the district school board that require public schools to respond  
808 in a timely manner to every unexcused absence, and every absence  
809 for which the reason is unknown, of students enrolled in the  
810 schools. District school board policies shall require the parent  
811 of a student to justify each absence of the student, and that  
812 justification will be evaluated based on adopted district school

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813 board policies that define excused and unexcused absences. The  
814 policies must provide that public schools track excused and  
815 unexcused absences and contact the home in the case of an  
816 unexcused absence from school, or an absence from school for  
817 which the reason is unknown, to prevent the development of  
818 patterns of nonattendance. The Legislature finds that early  
819 intervention in school attendance is the most effective way of  
820 producing good attendance habits that will lead to improved  
821 student learning and achievement. Each public school shall  
822 implement the following steps to promote and enforce regular  
823 school attendance:

824 (1) CONTACT, REFER, AND ENFORCE.—

825 (f)1. If the parent of a child who has been identified as  
826 exhibiting a pattern of nonattendance enrolls the child in a  
827 home education program pursuant to chapter 1002, the district  
828 school superintendent shall provide the parent a copy of s.  
829 1002.41 and the accountability requirements of this paragraph.  
830 The district school superintendent shall also refer the parent  
831 to a home education review committee composed of the district  
832 contact for home education programs and at least two home  
833 educators selected by the parent from a district list of all  
834 home educators who have conducted a home education program for  
835 at least 3 years and who have indicated a willingness to serve  
836 on the committee. The home education review committee shall  
837 review the portfolio of the student, as defined by s. 1002.41,  
838 every 30 days during the district's regular school terms until  
839 the committee is satisfied that the home education program is in  
840 compliance with s. 1002.41(1)(d). The first portfolio review  
841 must occur within the first 30 calendar days of the

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842 establishment of the program. The provisions of subparagraph 2.  
843 do not apply once the committee determines the home education  
844 program is in compliance with s. 1002.41(1)(d).

845 2. If the parent fails to provide a portfolio to the  
846 committee, the committee shall notify the district school  
847 superintendent. The district school superintendent shall then  
848 terminate the home education program and require the parent to  
849 enroll the child in an attendance option that meets the  
850 definition of "regular school attendance" under s.  
851 1003.01(17)(a), (b), (c), or (e) ~~s. 1003.01(13)(a), (b), (c), or~~  
852 ~~(e)~~, within 3 days. Upon termination of a home education program  
853 pursuant to this subparagraph, the parent shall not be eligible  
854 to reenroll the child in a home education program for 180  
855 calendar days. Failure of a parent to enroll the child in an  
856 attendance option as required by this subparagraph after  
857 termination of the home education program pursuant to this  
858 subparagraph shall constitute noncompliance with the compulsory  
859 attendance requirements of s. 1003.21 and may result in criminal  
860 prosecution under s. 1003.27(2). Nothing contained herein shall  
861 restrict the ability of the district school superintendent, or  
862 the ability of his or her designee, to review the portfolio  
863 pursuant to s. 1002.41(1)(e).

864 Section 17. Paragraph (b) of subsection (1) of section  
865 1003.4282, Florida Statutes, is amended to read:

866 1003.4282 Requirements for a standard high school diploma.—

867 (1) TWENTY-FOUR CREDITS REQUIRED.—

868 (b) The required credits may be earned through equivalent,  
869 applied, or integrated courses or career education courses as  
870 defined in s. 1003.01 ~~s. 1003.01(4)~~, including work-related

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871 internships approved by the State Board of Education and  
872 identified in the course code directory. However, any must-pass  
873 assessment requirements must be met. An equivalent course is one  
874 or more courses identified by content-area experts as being a  
875 match to the core curricular content of another course, based  
876 upon review of the Next Generation Sunshine State Standards for  
877 that subject. An applied course aligns with Next Generation  
878 Sunshine State Standards and includes real-world applications of  
879 a career and technical education standard used in business or  
880 industry. An integrated course includes content from several  
881 courses within a content area or across content areas.

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

884 1003.52 Educational services in Department of Juvenile  
885 Justice programs.—

886 (4) Educational services shall be provided at times of the  
887 day most appropriate for the juvenile justice program. School  
888 programming in juvenile justice detention, prevention, day  
889 treatment, and residential programs shall be made available by  
890 the local school district during the juvenile justice school  
891 year, as provided in s. 1003.01(15) ~~s. 1003.01(11)~~. In addition,  
892 students in juvenile justice education programs shall have  
893 access to courses offered pursuant to ss. 1002.37, 1002.45, and  
894 1003.498. The Department of Education and the school districts  
895 shall adopt policies necessary to provide such access.

896 Section 19. Section 1003.575, Florida Statutes, is amended  
897 to read:

898 1003.575 Assistive technology devices; findings;  
899 interagency agreements.—Accessibility, utilization, and

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900 coordination of appropriate assistive technology devices and  
901 services are essential as a young person with disabilities moves  
902 from early intervention to preschool, from preschool to school,  
903 from one school to another, from school to employment or  
904 independent living, and from school to home and community. If an  
905 individual education plan team makes a recommendation in  
906 accordance with State Board of Education rule for a student with  
907 a disability, as defined in s. 1003.01(11) ~~s. 1003.01(3)~~, to  
908 receive an assistive technology assessment, that assessment must  
909 be completed within 60 school days after the team's  
910 recommendation. To ensure that an assistive technology device  
911 issued to a young person as part of his or her individualized  
912 family support plan, individual support plan, individualized  
913 plan for employment, or individual education plan remains with  
914 the individual through such transitions, the following agencies  
915 shall enter into interagency agreements, as appropriate, to  
916 ensure the transaction of assistive technology devices:

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

919 (2) The Division of Blind Services, the Bureau of  
920 Exceptional Education and Student Services, the Office of  
921 Independent Education and Parental Choice, and the Division of  
922 Vocational Rehabilitation of the Department of Education.

923 (3) The Voluntary Prekindergarten Education Program  
924 administered by the Department of Education and the Office of  
925 Early Learning.

926

927 Interagency agreements entered into pursuant to this section  
928 shall provide a framework for ensuring that young persons with



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929 disabilities and their families, educators, and employers are  
930 informed about the utilization and coordination of assistive  
931 technology devices and services that may assist in meeting  
932 transition needs, and shall establish a mechanism by which a  
933 young person or his or her parent may request that an assistive  
934 technology device remain with the young person as he or she  
935 moves through the continuum from home to school to postschool.

936 Section 20. Paragraph (d) of subsection (2) of section  
937 1006.07, Florida Statutes, is amended to read:

938 1006.07 District school board duties relating to student  
939 discipline and school safety.—The district school board shall  
940 provide for the proper accounting for all students, for the  
941 attendance and control of students at school, and for proper  
942 attention to health, safety, and other matters relating to the  
943 welfare of students, including:

944 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student  
945 conduct for elementary schools and a code of student conduct for  
946 middle and high schools and distribute the appropriate code to  
947 all teachers, school personnel, students, and parents, at the  
948 beginning of every school year. Each code shall be organized and  
949 written in language that is understandable to students and  
950 parents and shall be discussed at the beginning of every school  
951 year in student classes, school advisory council meetings, and  
952 parent and teacher association or organization meetings. Each  
953 code shall be based on the rules governing student conduct and  
954 discipline adopted by the district school board and shall be  
955 made available in the student handbook or similar publication.  
956 Each code shall include, but is not limited to:

957 (d)1. An explanation of the responsibilities of each

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958 student with regard to appropriate dress, respect for self and  
959 others, and the role that appropriate dress and respect for self  
960 and others has on an orderly learning environment. Each district  
961 school board shall adopt a dress code policy that prohibits a  
962 student, while on the grounds of a public school during the  
963 regular school day, from wearing clothing that exposes underwear  
964 or body parts in an indecent or vulgar manner or that disrupts  
965 the orderly learning environment.

966 2. Any student who violates the dress policy described in  
967 subparagraph 1. is subject to the following disciplinary  
968 actions:

969 a. For a first offense, a student shall be given a verbal  
970 warning and the school principal shall call the student's parent  
971 or guardian.

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

976 c. For a third or subsequent offense, a student shall  
977 receive an in-school suspension pursuant to s. 1003.01 ~~s.~~  
978 ~~1003.01(5)~~ for a period not to exceed 3 days, the student is  
979 ineligible to participate in any extracurricular activity for a  
980 period not to exceed 30 days, and the school principal shall  
981 call the student's parent or guardian and send the parent or  
982 guardian a written letter regarding the student's in-school  
983 suspension and ineligibility to participate in extracurricular  
984 activities.

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

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987 1008.24 Test administration and security; public records  
988 exemption.—

989 (5) Exceptional students with disabilities, as defined in  
990 s. 1003.01 ~~s. 1003.01(3)~~, shall have access to testing sites.  
991 The Department of Education and each school district shall adopt  
992 policies that are necessary to ensure such access.

993 Section 22. Paragraph (c) of subsection (6) of section  
994 1012.2315, Florida Statutes, is amended to read:

995 1012.2315 Assignment of teachers.—

996 (6) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE  
997 EVALUATIONS.—

998 (c) For a student enrolling in an extracurricular course as  
999 defined in s. 1003.01 ~~s. 1003.01(15)~~, a parent may choose to  
1000 have the student taught by a teacher who received a performance  
1001 evaluation of "needs improvement" or "unsatisfactory" in the  
1002 preceding school year if the student and the student's parent  
1003 receive an explanation of the impact of teacher effectiveness on  
1004 student learning and the principal receives written consent from  
1005 the parent.

1006 Section 23. This act shall take effect July 1, 2020.