By the Committee on Education; and Senators Harrell and Perry

A bill to be entitled
An act relating to dyslexia; creating s. 1001.2151, F.S.; providing legislative intent; requiring public schools to screen all students in kindergarten through grade 3 for dyslexia within a certain timeframe; requiring public school students with a substantial deficiency in reading to be placed in an intensive remedial intervention program; requiring parental notification of dyslexia diagnoses and biweekly progress reports; providing for subsequent diagnostic assessment; requiring that intensive remedial intervention meet certain requirements; requiring remedial intervention to continue until the student can perform at a certain level; requiring public schools to have at least one person on staff with specified certification in reading instruction for students with dyslexia; requiring the State Board of Education to adopt rules; amending s. 1003.01, F.S.; defining the terms “dyscalculia,” “dysgraphia,” and “dyslexia”; creating the Dyslexia Task Force within the Department of Education; specifying the purpose and membership of the task force; requiring the task force members to be appointed by the Commissioner of Education; requiring task force to consist of nine members of certain backgrounds; requiring task force to hold its first meeting within a certain timeframe; providing that task force members serve without compensation, but may receive reimbursement for certain expenses; amending s. 1003.26, F.S.; removing
a requirement for district school superintendents to
refer parents to a home education review committee;
removing a penalty for parents failing to provide a
portfolio to such committee; amending ss. 11.45,
39.0016, 414.1251, 1002.01, 1002.20, 1002.3105,
1002.33, 1002.385, 1002.42, 1002.43, 1003.03, 1003.21,
1003.26, 1003.4282, 1003.52, 1003.575, 1006.07,
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
tool.

(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 student continues to exhibit dyslexia. The parent shall also be notified in writing by the school of the process to request a special education evaluation.

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

(5) The intensive remedial intervention program must include evidence-based interventions specifically designed for dyslexia utilizing a structured literacy, speech to print, or structured word inquiry approach to assist the student in becoming a successful reader able to read at or above grade level and ready for promotion to the next grade. The intensive remedial intervention program must be continued until the student can maintain grade level performance in decoding, encoding, reading fluency, and reading comprehension without
(6) Every public school must employ one or more full-time personnel certified through a nationally recognized organization specializing in reading instruction for students with dyslexia to provide structured literacy, speech to print, or structured word inquiry intervention.

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

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

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

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

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

(8) “Dyscalculia” means a specific learning disability that is:

(a) Neurological in origin;

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

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

(9) “Dysgraphia” means a specific learning disability that
is:

   (a) Neurological in origin;
   (b) Characterized by difficulties with accurate writing abilities, spelling, handwriting, and putting thoughts on paper; and
   (c) Often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction.

(10) “Dyslexia” means a specific learning disability that is:

   (a) Neurological in origin;
   (b) Characterized by difficulties with accurate and fluent word recognition, spelling, and decoding which typically result from a deficit in the phonological component of language; and
   (c) Often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction.

Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

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

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

(2) "Career education" means education that provides instruction for the following purposes:

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

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

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

(a) “Suspension,” also referred to as out-of-school suspension, means the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, except as authorized by the principal or the principal’s designee, for a period not to exceed 10 school days and remanding of the student to the custody of the student’s parent with specific homework assignments for the student to complete.

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

“Expulsion” means the removal of the right and obligation of a student to attend a public school under conditions set by the district school board, and for a period of time not to exceed the remainder of the term or school year and 1 additional year of attendance. Expulsions may be imposed with or without continuing educational services and shall be reported accordingly.
“(5) "Corporal punishment" means the moderate use of physical force or physical contact by a teacher or principal as may be necessary to maintain discipline or to enforce school rule. However, the term "corporal punishment" does not include the use of such reasonable force by a teacher or principal as may be necessary for self-protection or to protect other students from disruptive students.

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

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

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

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

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

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

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

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

(10) “Alternative measures for students with special
needs” or “special programs” means measures designed to meet the
special needs of a student that cannot be met by regular school
curricula.

(11) “Juvenile justice education programs or
schools” means programs or schools operating for the purpose of
providing educational services to youth in Department of
Juvenile Justice programs, for a school year comprised of 250
days of instruction distributed over 12 months. At the request
of the provider, a district school board may decrease the
minimum number of days of instruction by up to 10 days for
teacher planning for residential programs and up to 20 days for
teacher planning for nonresidential programs, subject to the
approval of the Department of Juvenile Justice and the
Department of Education.

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

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

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

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

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

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

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

(a) A public school supported by public funds;
(b) A parochial, religious, or denominational school;
(c) A private school supported in whole or in part by tuition charges or by endowments or gifts;
(d) A home education program that meets the requirements of chapter 1002; or
(e) A private tutoring program that meets the requirements of chapter 1002.

(4) "Core-curricula courses" means:
(a) Courses in language arts/reading, mathematics, social studies, and science in prekindergarten through grade 3, excluding extracurricular courses pursuant to subsection (13) subsection (15);
(b) Courses in grades 4 through 8 in subjects that are measured by state assessment at any grade level and courses required for middle school promotion, excluding extracurricular courses pursuant to subsection (13) subsection (15);
(c) Courses in grades 9 through 12 in subjects that are measured by state assessment at any grade level and courses that are specifically identified by name in statute as required for high school graduation and that are not measured by state assessment, excluding extracurricular courses pursuant to subsection (13) subsection (15);
(d) Exceptional student education courses; and
(e) English for Speakers of Other Languages courses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) A parent of a child with dyslexia.

(f) A public school teacher.
(g) A public school principal.

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

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

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

(2) DUTIES.—The Auditor General shall:

(k) Contact each district school board, as defined in s. 1003.01(1), with the findings and recommendations contained within the Auditor General’s previous operational audit report. The district school board shall provide the Auditor General with evidence of the initiation of corrective action within 45 days after the date it is requested by the Auditor General and evidence of completion of corrective action within 180 days after the date it is requested by the Auditor General. If the district school board fails to comply with the Auditor General’s request or is unable to take corrective action within the required timeframe, the Auditor General shall notify the Legislative Auditing Committee.

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

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

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

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

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

a. After reasonable efforts, no parent can be located; or
b. A court of competent jurisdiction over a child under this chapter has determined that no person has the authority under the Individuals with Disabilities Education Act, including the parent or parents subject to the dependency action, or that no person has the authority, willingness, or ability to serve as the educational decisionmaker for the child without judicial action.

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

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

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

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

6. The surrogate parent shall continue in the appointed
role until one of the following occurs:
   a. The child is determined to no longer be eligible or in
      need of special programs, except when termination of special
      programs is being contested.
   b. The child achieves permanency through adoption or legal
      guardianship and is no longer in the custody of the department.
   c. The parent who was previously unknown becomes known,
      whose whereabouts were unknown is located, or who was
      unavailable is determined by the court to be available.
   d. The appointed surrogate no longer wishes to represent
      the child or is unable to represent the child.
   e. The superintendent of the school district in which the
      child is attending school, the Department of Education contract
      designee, or the court that appointed the surrogate determines
that the appointed surrogate parent no longer adequately represents the child.

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

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

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

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

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

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

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

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

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

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

414.1251 Learnfare program.—

(1) The department shall reduce the temporary cash assistance for a participant’s eligible dependent child or for an eligible teenage participant who has not been exempted from education participation requirements, if the eligible dependent child or eligible teenage participant has been identified either as a habitual truant, pursuant to s. 1003.01(8), or as a dropout, pursuant to s. 1003.01(9). For a student who has been identified as a habitual truant, the temporary cash assistance must be reinstated after a subsequent grading period in which the child’s attendance has substantially improved. For a student who has been identified as a dropout, the temporary cash assistance must be reinstated after the student enrolls in a public school, receives a high school diploma or its equivalency, enrolls in preparation for the high school equivalency examination, or enrolls in other educational activities approved by the district school board. Good cause exemptions from the rule of unexcused absences include the following:

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

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

(c) Prohibitive transportation problems exist (e.g., to and from day care).
Within 10 days after sanction notification, the participant
parent of a dependent child or the teenage participant may file
an internal fair hearings process review procedure appeal, and
no sanction shall be imposed until the appeal is resolved.

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

1002.01 Definitions.—
(1) A “home education program” means the sequentially
progressive instruction of a student directed by his or her
parent in order to satisfy the attendance requirements of ss.
1002.41, 1003.01(17) 1003.01(13), and 1003.21(1).
(2) A “private school” is a nonpublic school defined as an
individual, association, copartnership, or corporation, or
department, division, or section of such organizations, that
designates itself as an educational center that includes
kindergarten or a higher grade or as an elementary, secondary,
business, technical, or trade school below college level or any
organization that provides instructional services that meet the
intent of s. 1003.01(17) 1003.01(13) or that gives
preemployment or supplementary training in technology or in
fields of trade or industry or that offers academic, literary,
or career training below college level, or any combination of
the above, including an institution that performs the functions
of the above schools through correspondence or extension, except
those licensed under the provisions of chapter 1005. A private
school may be a parochial, religious, denominational, for-
profit, or nonprofit school. This definition does not include
home education programs conducted in accordance with s. 1002.41.
1002.20, Florida Statutes, is amended to read:

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

(2) ATTENDANCE.—

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

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

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

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

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

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

(20) SERVICES.—

(a)1. A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the National School Lunch Program, consistent with the needs of the charter school, are provided by the school district at the request of the charter school, that any funds due to the charter school under the National School Lunch Program be paid to the charter school as soon as the charter school begins serving food under the National School Lunch Program, and that the charter school is paid at the same time and in the same manner under the National School Lunch Program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to student information systems that are used by public schools in the district in which the charter school is located. Student performance data for each student in a charter school, including, but not limited to, FCAT scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same manner provided to other public schools in the district.

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

a. Up to 5 percent for:

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

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

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

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

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

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

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

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

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

3. A sponsor may not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum percentage of administrative fees withheld pursuant to this paragraph.
4. A sponsor shall provide to the department by September 15 of each year the total amount of funding withheld from charter schools pursuant to this subsection for the prior fiscal year. The department must include the information in the report required under sub-sub-subparagraph (5)(b)1.k.(III).

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

1002.385 The Gardiner Scholarship.—

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

(h) Tuition and fees for part-time tutoring services provided by a person who holds a valid Florida educator’s certificate pursuant to s. 1012.56; a person who holds an adjunct teaching certificate pursuant to s. 1012.57; a person who has a bachelor’s degree or a graduate degree in the subject area in which instruction is given; or a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5). As used in this paragraph, the term “part-time tutoring services” does not qualify as regular school attendance as defined in s. 1003.01 s. 1003.01(13)(a).

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

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

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

1. Affirm that the student is enrolled in a program that meets regular school attendance requirements as provided in ss. 1003.01(17)(b)-(d) and 1003.01(13)(b)-(d).

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

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

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

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

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

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

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

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

1002.42 Private schools.—

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

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

1002.43 Private tutoring programs.—

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

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

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

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

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

1003.03 Maximum class size.—

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

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

1003.21 School attendance.—

(4) Before admitting a child to kindergarten, the principal shall require evidence that the child has attained the age at which he or she should be admitted in accordance with the provisions of subparagraph (1)(a)2. The district school superintendent may require evidence of the age of any child who is being enrolled in public school and who the district school superintendent believes to be within the limits of compulsory attendance as provided for by law; however, the district school superintendent may not require evidence from any child who meets regular attendance requirements by attending a school or program listed in s. 1003.01(17)(b)-(e) s. 1003.01(13)(b)-(e). If the first prescribed evidence is not available, the next evidence obtainable in the order set forth below shall be accepted:
(a) A duly attested transcript of the child’s birth record filed according to law with a public officer charged with the duty of recording births;

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

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

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

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

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

(g) If none of these evidences can be produced, an affidavit of age sworn to by the parent, accompanied by a certificate of age signed by a public health officer or by a public school physician, or, if these are not available in the county, by a licensed practicing physician designated by the district school board, which states that the health officer or physician has examined the child and believes that the age as stated in the affidavit is substantially correct. Children and youths who are experiencing homelessness and children who are known to the department, as defined in s. 39.0016, shall be given temporary exemption from this section for 30 school days.
1003.26 Enforcement of school attendance.—The Legislature finds that poor academic performance is associated with nonattendance and that school districts must take an active role in promoting and enforcing attendance as a means of improving student performance. It is the policy of the state that each district school superintendent be responsible for enforcing school attendance of all students subject to the compulsory school age in the school district and supporting enforcement of school attendance by local law enforcement agencies. The responsibility includes recommending policies and procedures to the district school board that require public schools to respond in a timely manner to every unexcused absence, and every absence for which the reason is unknown, of students enrolled in the schools. District school board policies shall require the parent of a student to justify each absence of the student, and that justification will be evaluated based on adopted district school board policies that define excused and unexcused absences. The policies must provide that public schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school shall implement the following steps to promote and enforce regular school attendance:

(1) CONTACT, REFER, AND ENFORCE.—

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

2. If the parent fails to provide a portfolio to the committee, the committee shall notify the district school superintendent. The district school superintendent shall then terminate the home education program and require the parent to enroll the child in an attendance option that meets the definition of “regular school attendance” under s. 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon termination of a home education program pursuant to this subparagraph, the parent shall not be eligible to reenroll the child in a home education program for 180 calendar days. Failure
of a parent to enroll the child in an attendance option as required by this subparagraph after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. 1003.21 and may result in criminal prosecution under s. 1003.27(2). Nothing contained herein shall restrict the ability of the district school superintendent, or the ability of his or her designee, to review the portfolio pursuant to s. 1002.41(1)(e).

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

1003.4282 Requirements for a standard high school diploma.—

(1) TWENTY-FOUR CREDITS REQUIRED.—

(b) The required credits may be earned through equivalent, applied, or integrated courses or career education courses as defined in s. 1003.01, including work-related internships approved by the State Board of Education and identified in the course code directory. However, any must-pass assessment requirements must be met. An equivalent course is one or more courses identified by content-area experts as being a match to the core curricular content of another course, based upon review of the Next Generation Sunshine State Standards for that subject. An applied course aligns with Next Generation Sunshine State Standards and includes real-world applications of a career and technical education standard used in business or industry. An integrated course includes content from several courses within a content area or across content areas.

Section 18. Subsection (4) of section 1003.52, Florida Statutes, is amended to read:
1003.52 Educational services in Department of Juvenile Justice programs.—

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

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

1003.575 Assistive technology devices; findings; interagency agreements.—Accessibility, utilization, and coordination of appropriate assistive technology devices and services are essential as a young person with disabilities moves from early intervention to preschool, from preschool to school, from one school to another, from school to employment or independent living, and from school to home and community. If an individual education plan team makes a recommendation in accordance with State Board of Education rule for a student with a disability, as defined in s. 1003.01(11) or 1003.01(3), to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team’s recommendation. To ensure that an assistive technology device issued to a young person as part of his or her individualized family support plan, individual support plan, individualized
plan for employment, or individual education plan remains with the individual through such transitions, the following agencies shall enter into interagency agreements, as appropriate, to ensure the transaction of assistive technology devices:

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

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

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

Interagency agreements entered into pursuant to this section shall provide a framework for ensuring that young persons with disabilities and their families, educators, and employers are informed about the utilization and coordination of assistive technology devices and services that may assist in meeting transition needs, and shall establish a mechanism by which a young person or his or her parent may request that an assistive technology device remain with the young person as he or she moves through the continuum from home to school to postschool.

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

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

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

(d)1. An explanation of the responsibilities of each
student with regard to appropriate dress, respect for self and
others, and the role that appropriate dress and respect for self
and others has on an orderly learning environment. Each district
school board shall adopt a dress code policy that prohibits a
student, while on the grounds of a public school during the
regular school day, from wearing clothing that exposes underwear
or body parts in an indecent or vulgar manner or that disrupts
the orderly learning environment.

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

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

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

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

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

1008.24 Test administration and security; public records exemption.—

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

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

1012.2315 Assignment of teachers.—

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

(c) For a student enrolling in an extracurricular course as defined in s. 1003.01(15), a parent may choose to
have the student taught by a teacher who received a performance evaluation of “needs improvement” or “unsatisfactory” in the preceding school year if the student and the student’s parent receive an explanation of the impact of teacher effectiveness on student learning and the principal receives written consent from the parent.

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