

1 A bill to be entitled
2 An act relating to education; amending s. 11.45, F.S.;
3 revising the frequency of specified audits conducted
4 by the Auditor General; amending s. 1002.385, F.S.;
5 authorizing certain students who turn 3 years of age
6 after a certain date to receive a Gardiner Scholarship
7 under certain circumstances; revising student
8 ineligibility criteria for participation in the
9 program; revising the conditions necessary for program
10 funds to revert to the state; authorizing certain
11 students to continue using scholarship funds from
12 prior years; requiring certain student's accounts to
13 be closed if his or her parent fails to procure
14 specified services; providing that certain students
15 are ineligible for a scholarship; deleting a provision
16 allowing certain students to become eligible for a
17 scholarship; amending s. 1002.394, F.S.; revising
18 student priority criteria for an award under the
19 Family Empowerment Scholarship Program; requiring
20 requests for such scholarship to be provided directly
21 to an eligible nonprofit scholarship-funding
22 organization; deleting a notification requirement;
23 requiring the maximum household income level to be
24 increased under certain circumstances; revising
25 student ineligibility criteria and school district

26 obligations for such scholarship; requiring the
27 Department of Education to maintain a specified list
28 and notify such organizations of a specified deadline;
29 requiring participating private schools to annually
30 report certain scores to a state university; revising
31 such organization's obligations; requiring, rather
32 than authorizing, an annual specified increase in the
33 maximum number of students participating in such
34 program; amending s. 1002.395, F.S.; revising student
35 eligibility criteria for initial and renewal awards
36 under the Florida Tax Credit Scholarship Program;
37 requiring that certain students be given priority for
38 such program; authorizing eligible nonprofit
39 scholarship-funding organizations to use certain
40 income for specified purposes; amending s. 1002.40,
41 F.S.; revising the criteria for a public school to
42 have a specified entity evaluate its bullying
43 prevention education program, climate, and code of
44 student conduct under the Hope Scholarship Program;
45 amending s. 1003.4282, F.S.; deleting obsolete
46 language; requiring certain students to take a
47 specified assessment relating to civic literacy;
48 providing that such assessment meets certain
49 postsecondary requirements under specified
50 circumstances; amending s. 1006.33, F.S.; authorizing

51 the department to establish timeframes for specified
52 purposes relating to instructional materials for a
53 certain adoption cycle; amending s. 1008.212, F.S.;
54 conforming cross-references to changes made by the
55 act; amending s. 1008.22, F.S.; deleting obsolete
56 language; discontinuing a specified English Language
57 Arts assessment at a certain time; requiring certain
58 statewide, standardized assessments to be administered
59 in a paper-based format; requiring school districts to
60 provide the SAT or ACT to certain grade 11 students
61 beginning in a specified school year; deleting
62 specified reporting requirements; authorizing the
63 commissioner to discontinue the Geometry end-of-course
64 assessment under certain circumstances; amending ss.
65 1008.34 and 1008.3415, F.S.; conforming cross-
66 references to changes made by the act; requiring the
67 Commissioner of Education to submit to certain
68 entities by a specified date a report with
69 recommendations relating to the implementation of the
70 Pathways in Technology Early College High School
71 program or a similar program; providing requirements
72 for such program and report; providing for expiration;
73 providing effective dates.

74
75 Be It Enacted by the Legislature of the State of Florida:

76
 77 Section 1. Paragraph (1) of subsection (2) of section
 78 11.45, Florida Statutes, is amended to read:
 79 11.45 Definitions; duties; authorities; reports; rules.—
 80 (2) DUTIES.—The Auditor General shall:
 81 (1) At least every 3 years, ~~Annually~~ conduct operational
 82 audits of the accounts and records of eligible nonprofit
 83 scholarship-funding organizations receiving eligible
 84 contributions under s. 1002.395, including any contracts for
 85 services with related entities, to determine compliance with the
 86 provisions of that section. Such audits shall include, but not
 87 be limited to, a determination of the eligible nonprofit
 88 scholarship-funding organization's compliance with s.
 89 1002.395(6)(j). The Auditor General shall provide its report on
 90 the results of the audits to the Governor, the President of the
 91 Senate, the Speaker of the House of Representatives, the Chief
 92 Financial Officer, and the Legislative Auditing Committee,
 93 within 30 days of completion of the audit.
 94
 95 The Auditor General shall perform his or her duties
 96 independently but under the general policies established by the
 97 Legislative Auditing Committee. This subsection does not limit
 98 the Auditor General's discretionary authority to conduct other
 99 audits or engagements of governmental entities as authorized in
 100 subsection (3).

101 Section 2. Paragraph (a) of subsection (3), paragraphs
102 (c), (d), and (e) of subsection (4), paragraph (b) of subsection
103 (6), paragraphs (e) and (f) of subsection (11), and paragraph
104 (j) of subsection (12) of section 1002.385, Florida Statutes,
105 are amended to read:

106 1002.385 The Gardiner Scholarship.—

107 (3) PROGRAM ELIGIBILITY.—A parent of a student with a
108 disability may request and receive from the state a Gardiner
109 Scholarship for the purposes specified in subsection (5) if:

110 (a) The student:

111 1. Is a resident of this state;

112 2. Is 3 or 4 years of age on or before September 1 of the
113 year in which the student applies for program participation, or
114 is eligible to enroll in kindergarten through grade 12 in a
115 public school in this state;

116 3. Has a disability as defined in paragraph (2)(d); and

117 4. Is the subject of an IEP written in accordance with
118 rules of the State Board of Education or with the applicable
119 rules of another state or has received a diagnosis of a
120 disability from a physician who is licensed under chapter 458 or
121 chapter 459, a psychologist who is licensed under chapter 490,
122 or a physician who holds an active license issued by another
123 state or territory of the United States, the District of
124 Columbia, or the Commonwealth of Puerto Rico.

125

126 A student with a disability who meets the requirements of this
127 paragraph, but who turns 3 years of age after September 1, may
128 be determined to be eligible for a Gardiner Scholarship on or
129 after his or her third birthday and may be awarded a scholarship
130 if program funds are available.

131 (4) PROGRAM PROHIBITIONS.—A student is not eligible for
132 the program if he or she is:

133 (c) ~~Receiving an a scholarship pursuant to the Florida Tax~~
134 ~~Credit Scholarship Program under s. 1002.395 or the John M.~~
135 ~~McKay Scholarships for Students with Disabilities Program under~~
136 ~~s. 1002.39.~~

137 ~~(d) Receiving any other educational scholarship pursuant~~
138 ~~to this chapter.~~

139 ~~(e) Enrolled in the Florida School for the Deaf and the~~
140 ~~Blind.~~

141 (6) TERM OF THE PROGRAM.—For purposes of continuity of
142 educational choice and program integrity:

143 (b)1. A student's scholarship account must be closed and
144 any remaining funds, including, but not limited to,
145 contributions made to the Stanley G. Tate Florida Prepaid
146 College Program or earnings from or contributions made to the
147 Florida College Savings Program using program funds pursuant to
148 paragraph (5) (f), shall revert to the state after:

149 a. Denial or revocation of program eligibility by the
150 commissioner for fraud or abuse, including, but not limited to,

151 the student or student's parent accepting any payment, refund,
152 or rebate, in any manner, from a provider of any services
153 received pursuant to subsection (5);

154 b. Any period of 3 consecutive years after high school
155 completion or graduation during which the student has not been
156 enrolled in an eligible postsecondary educational institution or
157 a program offered by the institution; or

158 c. Two ~~Three~~ consecutive fiscal years in which an account
159 has been inactive.

160 2. The commissioner must notify the parent and the
161 organization when a Gardiner Scholarship account is closed and
162 program funds revert to the state.

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

173 (e) The parent must annually renew participation in the
174 program in order for a student to be eligible to receive
175 funding. A student whose participation in the program is not

176 renewed may continue to spend scholarship funds that are in his
177 or her account from prior years unless the account must be
178 closed pursuant to paragraph (6) (b). Notwithstanding any changes
179 to the student's IEP, a student who was previously eligible for
180 participation in the program shall remain eligible to apply for
181 renewal. However, for a high-risk child to continue to
182 participate in the program in the school year after he or she
183 reaches 6 years of age, the child's application for renewal of
184 program participation must contain documentation that the child
185 has a disability defined in paragraph (2) (d) other than high-
186 risk status.

187 (f) The parent is responsible for procuring the services
188 necessary to educate the student. If a parent does not procure
189 the necessary educational services for the student and the
190 student's account has been inactive for 2 consecutive fiscal
191 years, the student is ineligible and the student's account must
192 be closed pursuant to paragraph (6) (b) ~~for additional~~
193 ~~scholarship payments until the scholarship funding organization~~
194 ~~verifies that expenditures from the account have occurred.~~ When
195 the student receives a Gardiner Scholarship, the district school
196 board is not obligated to provide the student with a free
197 appropriate public education. For purposes of s. 1003.57 and the
198 Individuals with Disabilities in Education Act, a participating
199 student has only those rights that apply to all other
200 unilaterally parentally placed students, except that, when

201 requested by the parent, school district personnel must develop
 202 an individual education plan or matrix level of services.

203
 204 A parent who fails to comply with this subsection forfeits the
 205 Gardiner Scholarship.

206 (12) OBLIGATIONS OF SCHOLARSHIP-FUNDING ORGANIZATIONS.—An
 207 organization may establish Gardiner Scholarships for eligible
 208 students by:

209 (j) Documenting each scholarship student's eligibility for
 210 a fiscal year before granting a scholarship for that fiscal year
 211 pursuant to paragraph (3) (b). A student is ineligible for a
 212 scholarship if the student's account has been inactive for 2
 213 consecutive fiscal years and the student's account must be
 214 closed pursuant to paragraph (6) (b). ~~However, once an eligible~~
 215 ~~expenditure is made pursuant to paragraph (11) (f), the student~~
 216 ~~is eligible for a scholarship based on available funds.~~

217 Section 3. Subsection (3), paragraph (f) of subsection
 218 (5), paragraph (a) of subsection (6), paragraph (c) of
 219 subsection (8), paragraph (a) of subsection (10), and paragraph
 220 (a) of subsection (11) of section 1002.394, Florida Statutes,
 221 are amended, and paragraphs (c) and (d) are added to subsection
 222 (7) of that section, to read:

223 1002.394 The Family Empowerment Scholarship Program.—

224 (3) INITIAL SCHOLARSHIP ELIGIBILITY.—A student is eligible
 225 for a Family Empowerment Scholarship under this section if the

226 student meets the following criteria:

227 (a)1. The student is on the direct certification list
228 pursuant to s. 1002.395(2)(c) or the student's household income
229 level does not exceed 300 percent of the federal poverty level;
230 or

231 2. The student is currently placed, or during the previous
232 state fiscal year was placed, in foster care or in out-of-home
233 care as defined in s. 39.01.

234

235 Eligible students who received a Family Empowerment Scholarship
236 during the previous school year ~~Priority~~ shall be given first
237 priority. New applicants ~~to students~~ whose household income
238 levels do not exceed 185 percent of the federal poverty level,
239 ~~or~~ who are in foster care or out-of-home care, or who are a
240 dependent child of a member of the United States Armed Forces
241 shall be given priority among new applicants. A student who
242 initially receives a scholarship based on eligibility under
243 subparagraph 2. remains eligible to participate until the
244 student graduates from high school or attains the age of 21
245 years, whichever occurs first, regardless of the student's
246 household income level. A sibling of a student who is
247 participating in the scholarship program under this subsection
248 is eligible for a scholarship if the student resides in the same
249 household as the sibling.

250 (b) The student is eligible to enroll in kindergarten

251 through second grade, ~~or has~~ spent the prior school year in
252 attendance at a Florida public school, or received a scholarship
253 pursuant to s. 1002.395 during the previous school year and,
254 before initial receipt of such scholarship, spent the prior
255 school year in attendance at a Florida public school. For
256 purposes of this paragraph, prior school year in attendance
257 means that the student was enrolled and reported by a school
258 district for funding during the preceding October and February
259 Florida Education Finance Program surveys in kindergarten
260 through grade 12, which includes time spent in a Department of
261 Juvenile Justice commitment program if funded under the Florida
262 Education Finance Program. However, a dependent child of a
263 member of the United States Armed Forces who transfers to a
264 school in this state from out of state or from a foreign country
265 due to a parent's permanent change of station orders or a foster
266 child is exempt from the prior public school attendance
267 requirement under this paragraph, but must meet the other
268 eligibility requirements specified under this section to
269 participate in the program.

270 (c) The parent has obtained acceptance for admission of
271 the student to a private school that is eligible for the program
272 under subsection (8), and the parent has requested a scholarship
273 from an eligible nonprofit scholarship-funding organization ~~the~~
274 ~~Department of Education~~ at least 60 days before the date of the
275 first scholarship payment. The request must be communicated

276 directly to an eligible nonprofit scholarship-funding
277 organization ~~the department~~ in a manner that creates a written
278 or electronic record of the request and the date of receipt of
279 the request. ~~The department must notify the school district of~~
280 ~~the parent's intent upon receipt of the parent's request.~~

281 (d) The maximum household income level shall be increased
282 by 25 percent in the fiscal year following any fiscal year in
283 which more than 5 percent of the available scholarships
284 authorized under subsection (11) have not been awarded.

285 (5) SCHOLARSHIP PROHIBITIONS.—A student is not eligible
286 for a Family Empowerment Scholarship while he or she is:

287 (f) Participating in a virtual school, correspondence
288 school, or distance learning program that receives state funding
289 pursuant to the student's participation, unless the
290 participation is limited to no more than two courses per school
291 year.

292 (6) SCHOOL DISTRICT OBLIGATIONS.—

293 (a) By February ~~July 15, 2019,~~ and by April 1 of each year
294 ~~thereafter~~, a school district shall inform all households within
295 the district receiving free or reduced-priced meals under the
296 National School Lunch Act of their eligibility to apply to an
297 eligible nonprofit scholarship-funding organization ~~the~~
298 ~~department~~ for a Family Empowerment Scholarship. The form of
299 such notice shall be provided by the department, and the school
300 district shall include the provided form in any normal

301 correspondence with eligible households. Such notice is limited
302 to once a year.

303 (7) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
304 shall:

305 (c) Maintain a list of nationally norm-referenced tests
306 identified for purposes of satisfying the testing requirement in
307 subparagraph (8) (c)1. The tests must meet industry standards of
308 quality in accordance with state board rule.

309 (d) Notify eligible nonprofit scholarship-funding
310 organizations of the deadline for submitting the verified list
311 of students determined to be eligible for a scholarship.

312 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
313 eligible to participate in the Family Empowerment Scholarship
314 Program, a private school may be sectarian or nonsectarian and
315 must:

316 (c)1. Annually administer or make provision for students
317 participating in the program in grades 3 through 10 to take one
318 of the nationally norm-referenced tests identified by the
319 department or to take the statewide assessments pursuant to s.
320 1008.22. Students with disabilities for whom standardized
321 testing is not appropriate are exempt from this requirement. A
322 participating private school shall report a student's scores to
323 his or her parent. By August 15 of each year, a participating
324 private school must report the scores of all participating
325 students to a state university as described in s.

326 1002.395(9)(f).

327 2. Administer the statewide assessments pursuant to s.
328 1008.22 if the private school chooses to offer the statewide
329 assessments. A participating private school may choose to offer
330 and administer the statewide assessments to all students who
331 attend the private school in grades 3 through 10 and must submit
332 a request in writing to the department by March 1 of each year
333 in order to administer the statewide assessments in the
334 subsequent school year.

335

336 If a private school fails to meet the requirements of this
337 subsection or s. 1002.421, the commissioner may determine that
338 the private school is ineligible to participate in the
339 scholarship program.

340 (10) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
341 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
342 organization:

343 (a) Shall verify the household income level of students
344 pursuant to subparagraph (3)(a)1. and submit to the department
345 the verified list of students and related documentation to
346 enable the department to determine student eligibility pursuant
347 to paragraph (7)(b). The department must notify the school
348 district of the parent's intent to participate in the
349 scholarship program upon receipt of the verified list.

350 (11) SCHOLARSHIP FUNDING AND PAYMENT.—

351 (a) The scholarship is established for up to 18,000
352 students annually on a first-come, first-served basis beginning
353 ~~in with~~ the 2019-2020 school year. Beginning in the 2020-2021
354 school year, the maximum number of students participating in the
355 scholarship program under this section shall ~~may~~ annually
356 increase by 1.0 ~~0.25~~ percent of the state's total public school
357 student enrollment.

358 Section 4. Subsections (3) and (6) of section 1002.395,
359 Florida Statutes, are amended to read:

360 1002.395 Florida Tax Credit Scholarship Program.—

361 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

362 (a) The Florida Tax Credit Scholarship Program is
363 established.

364 (b) A student is eligible for a Florida tax credit
365 scholarship under this section if the student meets one or more
366 of the following criteria:

367 1. The student is on the direct certification list or the
368 student's household income level does not exceed 260 ~~185~~ percent
369 of the federal poverty level; or

370 2. The student is currently placed, or during the previous
371 state fiscal year was placed, in foster care or in out-of-home
372 care as defined in s. 39.01.

373 ~~3. The student's household income level is greater than~~
374 ~~185 percent of the federal poverty level but does not exceed 260~~
375 ~~percent of the federal poverty level.~~

376
377 For purposes of continuity of educational choice, a student who
378 ~~initially~~ receives a scholarship under this section ~~based on~~
379 ~~eligibility under subparagraph (b)2.~~ remains eligible to
380 participate until the student enrolls in a Florida public
381 school, graduates from high school, or attains the age of 21
382 years, whichever occurs first. However, if a student enters a
383 Department of Juvenile Justice detention center for a period of
384 no more than 21 days, the student is not considered to have
385 returned to a Florida public school, ~~regardless of the student's~~
386 ~~household income level.~~ ~~A student who initially received a~~
387 ~~scholarship based on income eligibility before the 2019-2020~~
388 ~~school year remains eligible to participate until he or she~~
389 ~~graduates from high school, attains the age of 21 years, or the~~
390 ~~student's household income level exceeds 260 percent of the~~
391 ~~federal poverty level, whichever occurs first.~~ A sibling of a
392 student who is participating in the scholarship program under
393 this subsection is eligible for a scholarship if the student
394 resides in the same household as the sibling.

395 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
396 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
397 organization:

398 (a) Must comply with the antidiscrimination provisions of
399 42 U.S.C. s. 2000d.

400 (b) Must comply with the following background check

401 requirements:

402 1. All owners and operators as defined in subparagraph
403 (2)(i)1. are, before employment or engagement to provide
404 services, subject to level 2 background screening as provided
405 under chapter 435. The fingerprints for the background screening
406 must be electronically submitted to the Department of Law
407 Enforcement and can be taken by an authorized law enforcement
408 agency or by an employee of the eligible nonprofit scholarship-
409 funding organization or a private company who is trained to take
410 fingerprints. However, the complete set of fingerprints of an
411 owner or operator may not be taken by the owner or operator. The
412 results of the state and national criminal history check shall
413 be provided to the Department of Education for screening under
414 chapter 435. The cost of the background screening may be borne
415 by the eligible nonprofit scholarship-funding organization or
416 the owner or operator.

417 2. Every 5 years following employment or engagement to
418 provide services or association with an eligible nonprofit
419 scholarship-funding organization, each owner or operator must
420 meet level 2 screening standards as described in s. 435.04, at
421 which time the nonprofit scholarship-funding organization shall
422 request the Department of Law Enforcement to forward the
423 fingerprints to the Federal Bureau of Investigation for level 2
424 screening. If the fingerprints of an owner or operator are not
425 retained by the Department of Law Enforcement under subparagraph

426 3., the owner or operator must electronically file a complete
427 set of fingerprints with the Department of Law Enforcement. Upon
428 submission of fingerprints for this purpose, the eligible
429 nonprofit scholarship-funding organization shall request that
430 the Department of Law Enforcement forward the fingerprints to
431 the Federal Bureau of Investigation for level 2 screening, and
432 the fingerprints shall be retained by the Department of Law
433 Enforcement under subparagraph 3.

434 3. Fingerprints submitted to the Department of Law
435 Enforcement as required by this paragraph must be retained by
436 the Department of Law Enforcement in a manner approved by rule
437 and entered in the statewide automated biometric identification
438 system authorized by s. 943.05(2)(b). The fingerprints must
439 thereafter be available for all purposes and uses authorized for
440 arrest fingerprints entered in the statewide automated biometric
441 identification system pursuant to s. 943.051.

442 4. The Department of Law Enforcement shall search all
443 arrest fingerprints received under s. 943.051 against the
444 fingerprints retained in the statewide automated biometric
445 identification system under subparagraph 3. Any arrest record
446 that is identified with an owner's or operator's fingerprints
447 must be reported to the Department of Education. The Department
448 of Education shall participate in this search process by paying
449 an annual fee to the Department of Law Enforcement and by
450 informing the Department of Law Enforcement of any change in the

451 employment, engagement, or association status of the owners or
452 operators whose fingerprints are retained under subparagraph 3.
453 The Department of Law Enforcement shall adopt a rule setting the
454 amount of the annual fee to be imposed upon the Department of
455 Education for performing these services and establishing the
456 procedures for the retention of owner and operator fingerprints
457 and the dissemination of search results. The fee may be borne by
458 the owner or operator of the nonprofit scholarship-funding
459 organization.

460 5. A nonprofit scholarship-funding organization whose
461 owner or operator fails the level 2 background screening is not
462 eligible to provide scholarships under this section.

463 6. A nonprofit scholarship-funding organization whose
464 owner or operator in the last 7 years has filed for personal
465 bankruptcy or corporate bankruptcy in a corporation of which he
466 or she owned more than 20 percent shall not be eligible to
467 provide scholarships under this section.

468 7. In addition to the offenses listed in s. 435.04, a
469 person required to undergo background screening pursuant to this
470 part or authorizing statutes must not have an arrest awaiting
471 final disposition for, must not have been found guilty of, or
472 entered a plea of nolo contendere to, regardless of
473 adjudication, and must not have been adjudicated delinquent, and
474 the record must not have been sealed or expunged for, any of the
475 following offenses or any similar offense of another

- 476 jurisdiction:
- 477 a. Any authorizing statutes, if the offense was a felony.
 - 478 b. This chapter, if the offense was a felony.
 - 479 c. Section 409.920, relating to Medicaid provider fraud.
 - 480 d. Section 409.9201, relating to Medicaid fraud.
 - 481 e. Section 741.28, relating to domestic violence.
 - 482 f. Section 817.034, relating to fraudulent acts through
 - 483 mail, wire, radio, electromagnetic, photoelectronic, or
 - 484 photooptical systems.
 - 485 g. Section 817.234, relating to false and fraudulent
 - 486 insurance claims.
 - 487 h. Section 817.505, relating to patient brokering.
 - 488 i. Section 817.568, relating to criminal use of personal
 - 489 identification information.
 - 490 j. Section 817.60, relating to obtaining a credit card
 - 491 through fraudulent means.
 - 492 k. Section 817.61, relating to fraudulent use of credit
 - 493 cards, if the offense was a felony.
 - 494 l. Section 831.01, relating to forgery.
 - 495 m. Section 831.02, relating to uttering forged
 - 496 instruments.
 - 497 n. Section 831.07, relating to forging bank bills, checks,
 - 498 drafts, or promissory notes.
 - 499 o. Section 831.09, relating to uttering forged bank bills,
 - 500 checks, drafts, or promissory notes.

501 p. Section 831.30, relating to fraud in obtaining
502 medicinal drugs.

503 q. Section 831.31, relating to the sale, manufacture,
504 delivery, or possession with the intent to sell, manufacture, or
505 deliver any counterfeit controlled substance, if the offense was
506 a felony.

507 (c) Must not have an owner or operator who owns or
508 operates an eligible private school that is participating in the
509 scholarship program.

510 (d) Must provide scholarships, from eligible
511 contributions, to eligible students for the cost of:

- 512 1. Tuition and fees for an eligible private school; or
- 513 2. Transportation to a Florida public school in which a
514 student is enrolled and that is different from the school to
515 which the student was assigned or to a lab school as defined in
516 s. 1002.32.

517 (e) Must give first priority to eligible students who
518 received a scholarship from an eligible nonprofit scholarship-
519 funding organization or from the State of Florida during the
520 previous school year. ~~Beginning in the 2016-2017 school year, an~~
521 ~~eligible nonprofit scholarship funding organization shall give~~
522 ~~priority to~~ New applicants whose household income levels do not
523 exceed 185 percent of the federal poverty level or who are in
524 foster care or out-of-home care shall be given priority among
525 new applicants.

526 (f) Must provide a scholarship to an eligible student on a
527 first-come, first-served basis unless the student qualifies for
528 priority pursuant to paragraph (e).

529 (g) May not restrict or reserve scholarships for use at a
530 particular private school or provide scholarships to a child of
531 an owner or operator.

532 (h) Must allow a student in foster care or out-of-home
533 care or a dependent child of a parent who is a member of the
534 United States Armed Forces to apply for a scholarship at any
535 time.

536 (i) Must allow an eligible student to attend any eligible
537 private school and must allow a parent to transfer a scholarship
538 during a school year to any other eligible private school of the
539 parent's choice.

540 (j)1. May use eligible contributions received pursuant to
541 this section and ss. 212.099, 212.1832, and 1002.40 during the
542 state fiscal year in which such contributions are collected and
543 the income earned from such contributions for administrative
544 expenses if the organization has operated as an eligible
545 nonprofit scholarship-funding organization for at least the
546 preceding 3 fiscal years and did not have any findings of
547 material weakness or material noncompliance in its most recent
548 audit under paragraph (m). Administrative expenses from eligible
549 contributions may not exceed 3 percent of the total amount of
550 all scholarships awarded by an eligible nonprofit scholarship-

551 funding organization under this chapter. Such administrative
552 expenses must be reasonable and necessary for the organization's
553 management and distribution of scholarships awarded under this
554 chapter. ~~No~~ Funds authorized under this subparagraph may not
555 ~~shall~~ be used for lobbying or political activity or expenses
556 related to lobbying or political activity. Up to one-third of
557 the funds authorized for administrative expenses under this
558 subparagraph may be used for expenses related to the recruitment
559 of contributions from taxpayers. An eligible nonprofit
560 scholarship-funding organization may not charge an application
561 fee.

562 2. Must expend for annual or partial-year scholarships an
563 amount equal to or greater than 75 percent of the net eligible
564 contributions remaining after administrative expenses during the
565 state fiscal year in which such contributions are collected. No
566 more than 25 percent of such net eligible contributions may be
567 carried forward to the following state fiscal year. All amounts
568 carried forward, for audit purposes, must be specifically
569 identified for particular students, by student name and the name
570 of the school to which the student is admitted, subject to the
571 requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g,
572 and the applicable rules and regulations issued pursuant
573 thereto. Any amounts carried forward shall be expended for
574 annual or partial-year scholarships in the following state
575 fiscal year. No later than September 30 of each year, net

576 eligible contributions remaining on June 30 of each year that
577 are in excess of the 25 percent that may be carried forward
578 shall be used to provide scholarships to eligible students or
579 transferred to other eligible nonprofit scholarship-funding
580 organizations to provide scholarships for eligible students. All
581 transferred funds must be deposited by each eligible nonprofit
582 scholarship-funding organization receiving such funds into its
583 scholarship account. All transferred amounts received by any
584 eligible nonprofit scholarship-funding organization must be
585 separately disclosed in the annual financial audit required
586 under paragraph (m).

587 3. Must, before granting a scholarship for an academic
588 year, document each scholarship student's eligibility for that
589 academic year. A scholarship-funding organization may not grant
590 multiyear scholarships in one approval process.

591
592 ~~Information and documentation provided to the Department of~~
593 ~~Education and the Auditor General relating to the identity of a~~
594 ~~taxpayer that provides an eligible contribution under this~~
595 ~~section shall remain confidential at all times in accordance~~
596 ~~with s. 213.053.~~

597 (k) Must maintain separate accounts for scholarship funds
598 and operating funds.

599 (l) With the prior approval of the Department of
600 Education, may transfer funds to another eligible nonprofit

601 scholarship-funding organization if additional funds are
602 required to meet scholarship demand at the receiving nonprofit
603 scholarship-funding organization. A transfer is limited to the
604 greater of \$500,000 or 20 percent of the total contributions
605 received by the nonprofit scholarship-funding organization
606 making the transfer. All transferred funds must be deposited by
607 the receiving nonprofit scholarship-funding organization into
608 its scholarship accounts. All transferred amounts received by
609 any nonprofit scholarship-funding organization must be
610 separately disclosed in the annual financial and compliance
611 audit required in this section.

612 (m) Must provide to the Auditor General and the Department
613 of Education a report on the results of an annual financial
614 audit of its accounts and records conducted by an independent
615 certified public accountant in accordance with auditing
616 standards generally accepted in the United States, government
617 auditing standards, and rules promulgated by the Auditor
618 General. The audit report must include a report on financial
619 statements presented in accordance with generally accepted
620 accounting principles. Audit reports must be provided to the
621 Auditor General and the Department of Education within 180 days
622 after completion of the eligible nonprofit scholarship-funding
623 organization's fiscal year. The Auditor General shall review all
624 audit reports submitted pursuant to this paragraph. The Auditor
625 General shall request any significant items that were omitted in

626 violation of a rule adopted by the Auditor General. The items
627 must be provided within 45 days after the date of the request.
628 If the scholarship-funding organization does not comply with the
629 Auditor General's request, the Auditor General shall notify the
630 Legislative Auditing Committee.

631 (n) Must prepare and submit quarterly reports to the
632 Department of Education pursuant to paragraph (9)(i). In
633 addition, an eligible nonprofit scholarship-funding organization
634 must submit in a timely manner any information requested by the
635 Department of Education relating to the scholarship program.

636 (o)1.a. Must participate in the joint development of
637 agreed-upon procedures during the 2009-2010 state fiscal year.
638 The agreed-upon procedures must uniformly apply to all private
639 schools and must determine, at a minimum, whether the private
640 school has been verified as eligible by the Department of
641 Education under s. 1002.421; has an adequate accounting system,
642 system of financial controls, and process for deposit and
643 classification of scholarship funds; and has properly expended
644 scholarship funds for education-related expenses. During the
645 development of the procedures, the participating scholarship-
646 funding organizations shall specify guidelines governing the
647 materiality of exceptions that may be found during the
648 accountant's performance of the procedures. The procedures and
649 guidelines shall be provided to private schools and the
650 Commissioner of Education by March 15, 2011.

651 b. Must participate in a joint review of the agreed-upon
652 procedures and guidelines developed under sub-subparagraph a.,
653 by February of each biennium, if the scholarship-funding
654 organization provided more than \$250,000 in scholarship funds to
655 an eligible private school under this chapter during the state
656 fiscal year preceding the biennial review. If the procedures and
657 guidelines are revised, the revisions must be provided to
658 private schools and the Commissioner of Education by March 15 of
659 the year in which the revisions were completed. The revised
660 agreed-upon procedures shall take effect the subsequent school
661 year. For the 2018-2019 school year only, the joint review of
662 the agreed-upon procedures must be completed and the revisions
663 submitted to the commissioner no later than September 15, 2018.
664 The revised procedures are applicable to the 2018-2019 school
665 year.

666 c. Must monitor the compliance of a private school with s.
667 1002.421(1)(q) if the scholarship-funding organization provided
668 the majority of the scholarship funding to the school. For each
669 private school subject to s. 1002.421(1)(q), the appropriate
670 scholarship-funding organization shall annually notify the
671 Commissioner of Education by October 30 of:

672 (I) A private school's failure to submit a report required
673 under s. 1002.421(1)(q); or

674 (II) Any material exceptions set forth in the report
675 required under s. 1002.421(1)(q).

676 2. Must seek input from the accrediting associations that
677 are members of the Florida Association of Academic Nonpublic
678 Schools and the Department of Education when jointly developing
679 the agreed-upon procedures and guidelines under sub-subparagraph
680 1.a. and conducting a review of those procedures and guidelines
681 under sub-subparagraph 1.b.

682 (p) Must maintain the surety bond or letter of credit
683 required by subsection (15). The amount of the surety bond or
684 letter of credit may be adjusted quarterly to equal the actual
685 amount of undisbursed funds based upon submission by the
686 organization of a statement from a certified public accountant
687 verifying the amount of undisbursed funds. The requirements of
688 this paragraph are waived if the cost of acquiring a surety bond
689 or letter of credit exceeds the average 10-year cost of
690 acquiring a surety bond or letter of credit by 200 percent. The
691 requirements of this paragraph are waived for a state
692 university; or an independent college or university which is
693 eligible to participate in the William L. Boyd, IV, Effective
694 Access to Student Education Grant Program, located and chartered
695 in this state, is not for profit, and is accredited by the
696 Commission on Colleges of the Southern Association of Colleges
697 and Schools.

698 (q) Must provide to the Auditor General any information or
699 documentation requested in connection with an operational audit
700 of a scholarship funding organization conducted pursuant to s.

701 11.45.

702

703 Information and documentation provided to the Department of
 704 Education and the Auditor General relating to the identity of a
 705 taxpayer that provides an eligible contribution under this
 706 section shall remain confidential at all times in accordance
 707 with s. 213.053.

708 Section 5. Paragraph (d) of subsection (8) of section
 709 1002.40, Florida Statutes, is amended to read:

710 1002.40 The Hope Scholarship Program.—

711 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
 712 shall:

713 (d) Contract with an independent entity to provide an
 714 annual evaluation of the program by:

715 1. Reviewing the school bullying prevention education
 716 program, climate, and code of student conduct of each public
 717 school from which 10 or more students transferred to another
 718 public school or private school using the Hope scholarship in a
 719 single academic year to determine areas in the school or school
 720 district procedures involving reporting, investigating, and
 721 communicating a parent's and student's rights that are in need
 722 of improvement. At a minimum, the review must include:

723 a. An assessment of the investigation time and quality of
 724 the response of the school and the school district.

725 b. An assessment of the effectiveness of communication

726 | procedures with the students involved in an incident, the
727 | students' parents, and the school and school district personnel.

728 | c. An analysis of school incident and discipline data.

729 | d. The challenges and obstacles relating to implementing
730 | recommendations from the review.

731 | 2. Reviewing the school bullying prevention education
732 | program, climate, and code of student conduct of each public
733 | school to which a student transferred if the student was from a
734 | school identified in subparagraph 1. in order to identify best
735 | practices and make recommendations to a public school at which
736 | the incidents occurred.

737 | 3. Reviewing the performance of participating students
738 | enrolled in a private school in which at least 51 percent of the
739 | total enrolled students in the prior school year participated in
740 | the program and in which there are at least 10 participating
741 | students who have scores for tests administered.

742 | 4. Surveying the parents of participating students to
743 | determine academic, safety, and school climate satisfaction and
744 | to identify any challenges to or obstacles in addressing the
745 | incident or relating to the use of the scholarship.

746 | Section 6. Paragraphs (a) and (d) of subsection (3) and
747 | paragraph (e) of subsection (10) of section 1003.4282, Florida
748 | Statutes, are amended to read:

749 | 1003.4282 Requirements for a standard high school
750 | diploma.—

751 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT
752 REQUIREMENTS.—

753 (a) Four credits in English Language Arts (ELA).—The four
754 credits must be in ELA I, II, III, and IV. A student must pass
755 the statewide, standardized grade 10 ~~Reading assessment or, when~~
756 ~~implemented, the grade 10~~ ELA assessment, or earn a concordant
757 score, in order to earn a standard high school diploma.

758 (d) Three credits in social studies.—A student must earn
759 one credit in United States History; one credit in World
760 History; one-half credit in economics; and one-half credit in
761 United States Government. The United States History EOC
762 assessment constitutes 30 percent of the student's final course
763 grade. Beginning with the 2020-2021 school year, all students in
764 grade 12 shall take the assessment of civic literacy identified
765 by the State Board of Education under s. 1007.25(4). A student
766 who earns a passing score on the assessment is exempt from the
767 postsecondary civic literacy assessment required by s.
768 1007.25(4).

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

772 (e) Any waiver of the statewide, standardized assessment
773 requirements by the individual education plan team, pursuant to
774 s. 1008.22(3)(d) ~~s. 1008.22(3)(e)~~, must be approved by the
775 parent and is subject to verification for appropriateness by an

776 independent reviewer selected by the parent as provided for in
 777 s. 1003.572.

778
 779 The State Board of Education shall adopt rules under ss.
 780 120.536(1) and 120.54 to implement this subsection, including
 781 rules that establish the minimum requirements for students
 782 described in this subsection to earn a standard high school
 783 diploma. The State Board of Education shall adopt emergency
 784 rules pursuant to ss. 120.536(1) and 120.54.

785 Section 7. Effective upon this act becoming a law,
 786 subsection (5) is added to section 1006.33, Florida Statutes, to
 787 read:

788 1006.33 Bids or proposals; advertisement and its
 789 contents.—

790 (5) Notwithstanding the requirements of this section and
 791 rules adopted to implement this section, for the 2020 adoption
 792 cycle, the department may establish timeframes for the
 793 advertisement and submission of bids for instructional
 794 materials.

795 Section 8. Paragraph (a) of subsection (1) and subsection
 796 (2) of section 1008.212, Florida Statutes, are amended to read:

797 1008.212 Students with disabilities; extraordinary
 798 exemption.—

799 (1) As used in this section, the term:

800 (a) "Circumstance" means a situation in which

801 accommodations allowable for use on the statewide standardized
802 assessment, a statewide standardized end-of-course assessment,
803 or an alternate assessment pursuant to s. 1008.22(3)(d) ~~s.~~
804 ~~1008.22(3)(e)~~ are not offered to a student during the current
805 year's assessment administration due to technological
806 limitations in the testing administration program which lead to
807 results that reflect the student's impaired sensory, manual, or
808 speaking skills rather than the student's achievement of the
809 benchmarks assessed by the statewide standardized assessment, a
810 statewide standardized end-of-course assessment, or an alternate
811 assessment.

812 (2) A student with a disability for whom the individual
813 education plan (IEP) team determines is prevented by a
814 circumstance or condition from physically demonstrating the
815 mastery of skills that have been acquired and are measured by
816 the statewide standardized assessment, a statewide standardized
817 end-of-course assessment, or an alternate assessment pursuant to
818 s. 1008.22(3)(d) ~~s. 1008.22(3)(e)~~ shall be granted an
819 extraordinary exemption from the administration of the
820 assessment. A learning, emotional, behavioral, or significant
821 cognitive disability, or the receipt of services through the
822 homebound or hospitalized program in accordance with rule 6A-
823 6.03020, Florida Administrative Code, is not, in and of itself,
824 an adequate criterion for the granting of an extraordinary
825 exemption.

826 Section 9. Paragraphs (a) and (b), present paragraph (c),
827 and paragraphs (d) and (g) of subsection (3) and paragraphs (a)
828 and (c) of subsection (7) of section 1008.22, Florida Statutes,
829 are amended, a new paragraph (c) is added to subsection (3), and
830 paragraph (h) is added to subsection (3) of that section, to
831 read:

832 1008.22 Student assessment program for public schools.—

833 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
834 Commissioner of Education shall design and implement a
835 statewide, standardized assessment program aligned to the core
836 curricular content established in the Next Generation Sunshine
837 State Standards. The commissioner also must develop or select
838 and implement a common battery of assessment tools that will be
839 used in all juvenile justice education programs in the state.
840 These tools must accurately measure the core curricular content
841 established in the Next Generation Sunshine State Standards.
842 Participation in the assessment program is mandatory for all
843 school districts and all students attending public schools,
844 including adult students seeking a standard high school diploma
845 under s. 1003.4282 and students in Department of Juvenile
846 Justice education programs, except as otherwise provided by law.
847 If a student does not participate in the assessment program, the
848 school district must notify the student's parent and provide the
849 parent with information regarding the implications of such
850 nonparticipation. The statewide, standardized assessment program

851 shall be designed and implemented as follows:

852 (a) Statewide, standardized comprehensive assessments.—The
853 statewide, standardized ~~Reading assessment shall be administered~~
854 ~~annually in grades 3 through 10. The statewide, standardized~~
855 ~~Writing assessment shall be administered annually at least once~~
856 ~~at the elementary, middle, and high school levels. When the~~
857 ~~Reading and Writing assessments are replaced by English Language~~
858 ~~Arts (ELA) assessments, ELA assessments shall be administered to~~
859 ~~students in grades 3 through 8 and grade 10. The grade 9 ELA~~
860 ~~assessment shall be last administered in the 2021-2022 school~~
861 ~~year. Retake opportunities for the ~~grade 10 Reading assessment~~~~
862 ~~or, upon implementation, the grade 10 ELA assessment must be~~
863 ~~provided. Students taking the ELA assessments shall not take the~~
864 ~~statewide, standardized assessments in Reading or Writing.~~
865 Reading passages and writing prompts for ELA assessments shall
866 incorporate grade-level core curricula content from social
867 studies. The statewide, standardized Mathematics assessments
868 shall be administered annually in grades 3 through 8. ~~Students~~
869 ~~taking a revised Mathematics assessment shall not take the~~
870 ~~discontinued assessment.~~ The statewide, standardized Science
871 assessment shall be administered annually at least once at the
872 elementary and middle grades levels. In order to earn a standard
873 high school diploma, a student who has not earned a passing
874 score on the ~~grade 10 Reading assessment or, upon~~
875 ~~implementation, the grade 10 ELA assessment must earn a passing~~

876 | score on the assessment retake or earn a concordant score as
877 | authorized under subsection (9). Statewide, standardized ELA and
878 | mathematics assessments in grades 3 through 6 must be delivered
879 | in a paper-based format.

880 | (b) End-of-course (EOC) assessments.—EOC assessments must
881 | be statewide, standardized, and developed or approved by the
882 | Department of Education as follows:

883 | 1. EOC assessments for Algebra I, Geometry, Biology I,
884 | United States History, and Civics shall be administered to
885 | students enrolled in such courses as specified in the course
886 | code directory. The Geometry EOC assessment shall be
887 | administered to students enrolled in such courses as specified
888 | in the course code directory until it is discontinued under
889 | paragraph (h).

890 | 2. Students enrolled in a course, as specified in the
891 | course code directory, with an associated statewide,
892 | standardized EOC assessment must take the EOC assessment for
893 | such course and may not take the corresponding subject or grade-
894 | level statewide, standardized assessment pursuant to paragraph
895 | (a). Sections 1003.4156 and 1003.4282 govern the use of
896 | statewide, standardized EOC assessment results for students.

897 | 3. The commissioner may select one or more nationally
898 | developed comprehensive examinations, which may include
899 | examinations for a College Board Advanced Placement course,
900 | International Baccalaureate course, or Advanced International

901 Certificate of Education course, or industry-approved
902 examinations to earn national industry certifications identified
903 in the CAPE Industry Certification Funding List, for use as EOC
904 assessments under this paragraph if the commissioner determines
905 that the content knowledge and skills assessed by the
906 examinations meet or exceed the grade-level expectations for the
907 core curricular content established for the course in the Next
908 Generation Sunshine State Standards. Use of any such examination
909 as an EOC assessment must be approved by the state board in
910 rule.

911 4. Contingent upon funding provided in the General
912 Appropriations Act, including the appropriation of funds
913 received through federal grants, the commissioner may establish
914 an implementation schedule for the development and
915 administration of additional statewide, standardized EOC
916 assessments that must be approved by the state board in rule. If
917 approved by the state board, student performance on such
918 assessments constitutes 30 percent of a student's final course
919 grade.

920 5. All statewide, standardized EOC assessments must be
921 administered online except as otherwise provided in paragraph
922 (d) ~~(e)~~.

923 6. A student enrolled in an Advanced Placement (AP),
924 International Baccalaureate (IB), or Advanced International
925 Certificate of Education (AICE) course who takes the respective

926 AP, IB, or AICE assessment and earns the minimum score necessary
927 to earn college credit, as identified in s. 1007.27(2), meets
928 the requirements of this paragraph and does not have to take the
929 EOC assessment for the corresponding course.

930 (c) Nationally recognized high school assessments.—
931 Subject to legislative appropriation, each school district
932 shall, beginning with the 2021-2022 school year, select either
933 the SAT or ACT for districtwide administration to each public
934 school student in grade 11, including students attending public
935 high schools, alternative schools, and centers of the Department
936 of Juvenile Justice.

937 (d) ~~(e)~~ Students with disabilities; Florida Alternate
938 Assessment.—

939 1. Each district school board must provide instruction to
940 prepare students with disabilities in the core content knowledge
941 and skills necessary for successful grade-to-grade progression
942 and high school graduation.

943 2. A student with a disability, as defined in s. 1007.02,
944 for whom the individual education plan (IEP) team determines
945 that the statewide, standardized assessments under this section
946 cannot accurately measure the student's abilities, taking into
947 consideration all allowable accommodations, shall have
948 assessment results waived for the purpose of receiving a course
949 grade and a standard high school diploma. Such waiver shall be
950 designated on the student's transcript. The statement of waiver

951 shall be limited to a statement that performance on an
952 assessment was waived for the purpose of receiving a course
953 grade or a standard high school diploma, as applicable.

954 3. The State Board of Education shall adopt rules, based
955 upon recommendations of the commissioner, for the provision of
956 assessment accommodations for students with disabilities and for
957 students who have limited English proficiency.

958 a. Accommodations that negate the validity of a statewide,
959 standardized assessment are not allowed during the
960 administration of the assessment. However, instructional
961 accommodations are allowed in the classroom if identified in a
962 student's IEP. Students using instructional accommodations in
963 the classroom that are not allowed on a statewide, standardized
964 assessment may have assessment results waived if the IEP team
965 determines that the assessment cannot accurately measure the
966 student's abilities.

967 b. If a student is provided with instructional
968 accommodations in the classroom that are not allowed as
969 accommodations for statewide, standardized assessments, the
970 district must inform the parent in writing and provide the
971 parent with information regarding the impact on the student's
972 ability to meet expected performance levels. A parent must
973 provide signed consent for a student to receive classroom
974 instructional accommodations that would not be available or
975 permitted on a statewide, standardized assessment and

976 acknowledge in writing that he or she understands the
977 implications of such instructional accommodations.

978 c. If a student's IEP states that online administration of
979 a statewide, standardized assessment will significantly impair
980 the student's ability to perform, the assessment shall be
981 administered in hard copy.

982 4. For students with significant cognitive disabilities,
983 the Department of Education shall provide for implementation of
984 the Florida Alternate Assessment to accurately measure the core
985 curricular content established in the Next Generation Sunshine
986 State Standards.

987 ~~(d) Implementation schedule.—~~

988 ~~1. The Commissioner of Education shall establish and~~
989 ~~publish on the department's website an implementation schedule~~
990 ~~to transition from the statewide, standardized Reading and~~
991 ~~Writing assessments to the ELA assessments and to the revised~~
992 ~~Mathematics assessments, including the Algebra I and Geometry~~
993 ~~EOC assessments. The schedule must take into consideration~~
994 ~~funding, sufficient field and baseline data, access to~~
995 ~~assessments, instructional alignment, and school district~~
996 ~~readiness to administer the assessments online. All such~~
997 ~~assessments must be delivered through computer-based testing,~~
998 ~~however, the following assessments must be delivered in a~~
999 ~~computer-based format, as follows: the grade 3 Mathematics~~
1000 ~~assessment beginning in the 2016-2017 school year; the grade 4~~

1001 ~~ELA assessment, beginning in the 2015-2016 school year; and the~~
1002 ~~grade 4 Mathematics assessment, beginning in the 2016-2017~~
1003 ~~school year. Notwithstanding the requirements of this~~
1004 ~~subparagraph, statewide, standardized ELA and mathematics~~
1005 ~~assessments in grades 3 through 6 must be delivered only in a~~
1006 ~~paper-based format, beginning with the 2017-2018 school year,~~
1007 ~~and all such assessments must be paper-based no later than the~~
1008 ~~2018-2019 school year.~~

1009 ~~2. The Department of Education shall publish minimum and~~
1010 ~~recommended technology requirements that include specifications~~
1011 ~~for hardware, software, networking, security, and broadband~~
1012 ~~capacity to facilitate school district compliance with the~~
1013 ~~requirements of this section.~~

1014 (g) Contracts for assessments.-

1015 ~~1.~~ The commissioner shall provide for the assessments to
1016 be developed or obtained, as appropriate, through contracts and
1017 project agreements with private vendors, public vendors, public
1018 agencies, postsecondary educational institutions, or school
1019 districts. The commissioner may enter into contracts for the
1020 continued administration of the assessments authorized and
1021 funded by the Legislature. Contracts may be initiated in 1
1022 fiscal year and continue into the next fiscal year and may be
1023 paid from the appropriations of either or both fiscal years. The
1024 commissioner may negotiate for the sale or lease of tests,
1025 scoring protocols, test scoring services, and related materials

1026 developed pursuant to law.

1027 ~~2. A student's performance results on statewide,~~
1028 ~~standardized assessments, EOC assessments, and Florida~~
1029 ~~Alternative Assessments administered pursuant to this subsection~~
1030 ~~must be provided to the student's teachers and parents by the~~
1031 ~~end of the school year, unless the commissioner determines that~~
1032 ~~extenuating circumstances exist and reports the extenuating~~
1033 ~~circumstances to the State Board of Education. This subparagraph~~
1034 ~~does not apply to existing contracts for such assessments, but~~
1035 ~~shall apply to new contracts and any renewal of existing~~
1036 ~~contracts for such assessments.~~

1037 ~~3. If liquidated damages are applicable, the department~~
1038 ~~shall collect liquidated damages that are due in response to the~~
1039 ~~administration of the spring 2015 computer-based assessments of~~
1040 ~~the department's Florida Standards Assessment contract with~~
1041 ~~American Institutes for Research, and expend the funds to~~
1042 ~~reimburse parties that incurred damages.~~

1043 (h) Assessment flexibility.—The Department of Education
1044 shall seek approval from the United States Department of
1045 Education to use the nationally recognized high school
1046 assessments administered under paragraph (c) as the state's high
1047 school assessment in mathematics under federal law. If the
1048 department receives approval, the commissioner may discontinue
1049 the Geometry end-of-course assessment.

1050 (7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

1051 (a) The Commissioner of Education shall establish
1052 schedules for the administration of statewide, standardized
1053 assessments and the reporting of student assessment results. The
1054 commissioner shall consider the observance of religious and
1055 school holidays when developing the schedules. The assessment
1056 and reporting schedules must provide the earliest possible
1057 reporting of student assessment results to the school districts,
1058 ~~consistent with the requirements of paragraph (3)(g)~~. Assessment
1059 results for the statewide, standardized ELA and mathematics
1060 assessments and all statewide, standardized EOC assessments must
1061 be made available no later than June 30, except for results for
1062 the grade 3 statewide, standardized ELA assessment, which must
1063 be made available no later than May 31. School districts shall
1064 administer statewide, standardized assessments in accordance
1065 with the schedule established by the commissioner.

1066 (c) ~~Beginning with the 2018-2019 school year,~~ The spring
1067 administration of the statewide, standardized assessments in
1068 paragraphs (3)(a) and (b), excluding assessment retakes, must be
1069 in accordance with the following schedule:

1070 1. The grade 3 statewide, standardized ELA assessment and
1071 the writing portion of the statewide, standardized ELA
1072 assessment ~~for grades 4 through 10~~ must be administered no
1073 earlier than April 1 each year within an assessment window not
1074 to exceed 2 weeks.

1075 2. With the exception of assessments identified in

1076 subparagraph 1., any statewide, standardized assessment that is
1077 delivered in a paper-based format must be administered no
1078 earlier than May 1 each year within an assessment window not to
1079 exceed 2 weeks.

1080 3. With the exception of assessments identified in
1081 subparagraphs 1. and 2., any statewide, standardized assessment
1082 must be administered within a 4-week assessment window that
1083 opens no earlier than May 1 each year.

1084

1085 ~~Each school district shall administer the assessments identified~~
1086 ~~under subparagraphs 2. and 3. no earlier than 4 weeks before the~~
1087 ~~last day of school for the district.~~

1088 Section 10. Paragraph (a) of subsection (1) of section
1089 1008.34, Florida Statutes, is amended to read:

1090 1008.34 School grading system; school report cards;
1091 district grade.—

1092 (1) DEFINITIONS.—For purposes of the statewide,
1093 standardized assessment program and school grading system, the
1094 following terms are defined:

1095 (a) "Achievement level," "student achievement," or
1096 "achievement" describes the level of content mastery a student
1097 has acquired in a particular subject as measured by a statewide,
1098 standardized assessment administered pursuant to s.

1099 1008.22(3)(a) and (b). There are five achievement levels. Level
1100 1 is the lowest achievement level, level 5 is the highest

1101 achievement level, and level 3 indicates satisfactory
1102 performance. A student passes an assessment if the student
1103 achieves a level 3, level 4, or level 5. For purposes of the
1104 Florida Alternate Assessment administered pursuant to s.
1105 1008.22(3)(d) ~~s. 1008.22(3)(e)~~, the state board shall provide,
1106 in rule, the number of achievement levels and identify the
1107 achievement levels that are considered passing.

1108 Section 11. Subsection (2) of section 1008.3415, Florida
1109 Statutes, is amended to read:

1110 1008.3415 School grade or school improvement rating for
1111 exceptional student education centers.—

1112 (2) Notwithstanding s. 1008.34, the achievement levels and
1113 Learning Gains of a student with a disability who attends an
1114 exceptional student education center and has not been enrolled
1115 in or attended a public school other than an exceptional student
1116 education center for grades K-12 within the school district
1117 shall not be included in the calculation of the home school's
1118 grade if the student is identified as an emergent student on the
1119 alternate assessment described in s. 1008.22(3)(d) ~~s.~~
1120 ~~1008.22(3)(e)~~.

1121 Section 12. Pathways in Technology Early College High
1122 School (P-TECH) program.—

1123 (1) By December 1, 2020, the Commissioner of Education
1124 shall submit to the Governor, the President of the Senate, the
1125 Speaker of the House of Representatives, the Board of Governors,

1126 and the State Board of Education a report with recommendations
1127 that address the feasibility of implementing the Pathways in
1128 Technology Early College High School (P-TECH) program, or a
1129 similar program, in Florida. The P-TECH program must:

1130 (a) Incorporate secondary and postsecondary education with
1131 workforce education and work experience through a flexible 6-
1132 year integrated model.

1133 (b) Allow students to earn a high school diploma, an
1134 associate degree, and applicable industry certifications and
1135 gain work experience within 6 years after enrolling in the 9th
1136 grade.

1137 (c) Have an open enrollment policy that encourages a
1138 diverse student body, including students from low-income
1139 families and first-generation college students.

1140 (d) Support student success through flexible class
1141 scheduling, advising and mentoring components, and other wrap-
1142 around services.

1143 (e) Provide seamless articulation with Florida's
1144 postsecondary institutions.

1145 (2) The report must, at a minimum, include the following:

1146 (a) Timelines for implementing a P-TECH program, or a
1147 similar program, as described in subsection (1), including
1148 courses of study which support program completion in 4 to 6
1149 years and which meet regional workforce demand.

1150 (b) A funding model that provides the P-TECH program, or a

1151 similar program, at no cost to students. The funding model may
1152 incorporate K-12, postsecondary, and workforce funding, grants,
1153 scholarships, and other funding options.

1154 (c) Partnerships with industries and businesses, which
1155 include private investment, work-based training, internships,
1156 and priority placement for job opportunities upon graduation.

1157 (d) Recommendations for modifications, if any, to the
1158 school and school district accountability requirements of s.
1159 1008.34, Florida Statutes.

1160 (3) This section shall take effect upon this act becoming
1161 a law and shall expire on December 1, 2020.

1162 Section 13. Except as otherwise expressly provided in this
1163 act and except for this section, which shall take effect upon
1164 this act becoming a law, this act shall take effect July 1,
1165 2020.