



PreK-12 Innovation Subcommittee

January 23, 2018

9:00 a.m.

Mashburn Hall (306 HOB)

Meeting Packet

**Richard Corcoran
Speaker**

**Chris Latvala
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

PreK-12 Innovation Subcommittee

Start Date and Time: Tuesday, January 23, 2018 09:00 am
End Date and Time: Tuesday, January 23, 2018 11:00 am
Location: Mashburn Hall (306 HOB)
Duration: 2.00 hrs

Consideration of the following bill(s):

HB 839 The Display of the State Motto by Daniels, Ponder

HB 1035 Personalized Education by Sullivan

HB 1213 Computer Science Instruction by Porter

HB 1299 Public School Transportation by Raburn

Consideration of the following bill(s) with proposed committee substitute(s):

PCS for HB 829 -- The John M. McKay Scholarships for Students with Disabilities Program

NOTICE FINALIZED on 01/19/2018 4:21PM by Jones.Missy

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 829 The John M. McKay Scholarships for Students with Disabilities Program
SPONSOR(S): PreK-12 Innovation Subcommittee
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1080

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: PreK-12 Innovation Subcommittee		Dehmer	Healy

SUMMARY ANALYSIS

The McKay Scholarship for Students with Disabilities Program (McKay Scholarship) provides scholarships for eligible students with disabilities to attend a public or private school of their choice. A student with a disability may receive a McKay Scholarship to attend a public or private school if he or she has an Individual Education Plan (IEP) or a 504 Accommodation Plan (504 Plan) and:

- received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year; or
- spent the *prior school year in attendance* at a Florida public school or the Florida School for the Deaf and the Blind.

The term "prior school year in attendance" means the student was enrolled and reported by a school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through grade 12.

The bill extends McKay Scholarship eligibility to students who receive a diagnosis of a qualifying disability from a licensed physician or psychologist and to students who are enrolled and counted for funding in a public school's October or February FEFP survey immediately prior to participation, instead of enrollment for an entire school year.

The bill also requires parents to provide school districts with documentation of a physician's diagnosis of a student's disability and requires school districts to notify the Department of Education of receipt of the diagnosis when the parent requests a McKay Scholarship from the school district.

See fiscal comments.

The bill takes effect July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The McKay Scholarship for Students with Disabilities Program (McKay Scholarship) provides scholarships for eligible students with disabilities to attend a public or private school of their choice. Students with disabilities include K-12 students who are documented as having an intellectual disability; a speech impairment; a language impairment; a hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic impairment; an other health impairment; an emotional or behavioral disability; a specific learning disability, including but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay or autism spectrum disorder.¹

A student with a disability may receive a McKay Scholarship to attend a public or private school if he or she has an Individual Educational Plan (IEP) or a 504 Accommodation Plan (504 plan)² and:

- received specialized instructional services under the Voluntary Prekindergarten Education Program³ during the previous school year; or
- spent the *prior school year in attendance* at a Florida public school or the Florida School for the Deaf and the Blind.⁴

For purposes of scholarship eligibility, the term “prior school year in attendance” means the student was enrolled and reported by:

- a school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through grade 12, which includes time spent in a Department of Juvenile Justice commitment program if funded under the FEFP;
- the Florida School for the Deaf and the Blind during the preceding October and February student membership surveys in kindergarten through grade 12; or
- a school district for funding during the preceding October and February FEFP surveys and the student was at least four years old when enrolled and reported and eligible for services under the school attendance requirements for prekindergarten aged children with disabilities.⁵

The parent of an eligible student with disabilities may choose from several options including:

- attendance at another public school within the school district,⁶
- attendance at an eligible public school in an adjacent school district that has space and provides the services identified in the student’s IEP⁷ or 504 Plan,⁸ or

¹ Section 1002.39(1), F.S.

² A student’s 504 plan must be at least six months in duration in order for the student to be eligible for a scholarship. Rule 6A-6.0970(1)(b)3.a., F.S.

³ A child who has a disability is eligible for specialized instructional services if the child is eligible for the VPK Program and has a current IEP developed by the district school board. Section 1002.66, F.S.; *see also* s. 1002.53, F.S.

⁴ Section 1002.39(2)(a), F.S.

⁵ Section 1002.39(2)(a)2., F.S. Although not required to attend a public school, children with disabilities who attain the age of three years are eligible for admission to public special education programs and related services. Section 1003.21(1)(e), F.S.

⁶ Section 1002.39(5)(a)1., F.S.; rule 6A-6.0970(2), F.A.C.

⁷ An IEP is developed for students with disabilities ages three through 21. The IEP team must include the parent; at least one Exceptional Student Education (ESE) teacher of the child; at least one general education teacher of the child; a representative of the school district, and when appropriate, the student with the disability. The IEP team develops annual goals, both academic and functional, for the student based on his or her strengths, needs, and the effect of the disability. Once the goals are determined, the team decides what type of special education services and supplementary aids the student needs and how often and where the services should be provided, e.g., in the general education class or in the ESE classroom. 34 C.F.R. s. 300.320 and .321; rule 6A-6.03028(3), F.A.C.

⁸ Section 1002.39(5)(e), F.S.; rule 6A-6.0970(2), F.A.C. A 504 Plan is formulated by a team of parents, teachers, and other staff members for a student identified as an individual with a disability under the Rehabilitation Act. The Rehabilitation Act does not list

- attendance at an eligible private, sectarian or nonsectarian school.⁹

The student's parent must file a notice of intent with the Department of Education (DOE) by completing an online application using DOE's website. If the parent chooses the private school option, the notice must be filed prior to withdrawing the student from public school. Once a completed notice has been filed, the parent will receive immediate online confirmation, which includes a notice of potential eligibility or ineligibility. If a student is deemed ineligible to participate, the reason for the ineligibility and instructions for contacting the school district to address the ineligibility will be provided.¹⁰

Effect of Proposed Changes

The bill extends McKay Scholarship eligibility to students who receive a diagnosis of a qualifying disability from a licensed physician or psychologist and to students who are enrolled and counted for funding in a public school's October or February FEFP survey immediately prior to participation, instead of enrollment for an entire school year.

The bill also requires parents to provide school districts with documentation of a physician's diagnosis of a student's disability and requires school districts to notify the DOE of receipt of the diagnosis when the parent requests a McKay Scholarship from the school district.

B. SECTION DIRECTORY:

Section 1. Amends s. 1002.39, F.S. relating to the John M. McKay Scholarship Program.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

specific illnesses due to the difficulty of creating an all-inclusive list of impairments. The Act defines disability as any physical or mental impairment that "substantially limits one or more major life activities." The 504 Plan provides a description of the accommodations that the school will provide a student. Generally, a student with a 504 Plan does not have an IEP or a matrix of services. Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112, 87 Stat. 355; Florida Department of Education, *A Parent and Teacher Guide to Section 504: Frequently Asked Questions*, www.fldoe.org/core/fileparse.php/7690/urlt/0070055-504bro.pdf (last visited January 19, 2018).

⁹ Section 1002.39(2) and (8), F.S.

¹⁰ Section 1002.39(1), F.S.; rule 6A-6.0970(1)(a), F.A.C.

D. FISCAL COMMENTS:

Current law allows a parent of a student with a disability to request and receive a McKay Scholarship funded with the student's proportionate share of the FEFP, if the student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind. Prior year in attendance means that the student was enrolled and reported for funding during the preceding October and February FEFP surveys. The proposed policy change would modify this eligibility requirement and remove the prior school year in attendance requirement and replace this with being enrolled and reported for funding in the October or February FEFP survey. The effect of this proposed change would be that the student would not be included in the enrollment forecast estimate and would not have been funded in the FEFP. The net impact to the FEFP could potentially be a reduced amount of funds per public school student.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to the John M. McKay Scholarships for
 3 Students with Disabilities Program; amending s.
 4 1002.39, F.S.; removing obsolete language; revising
 5 student eligibility criteria; providing an effective
 6 date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Subsection (1), paragraph (a) of subsection (2)
 11 of section 1002.39, Florida Statutes, is amended to read:

12 1002.39 The John M. McKay Scholarships for Students with
 13 Disabilities Program. ~~There is established a program that is~~
 14 ~~separate and distinct from the Opportunity Scholarship Program~~
 15 ~~and is named the John M. McKay Scholarships for Students with~~
 16 ~~Disabilities Program.~~

17 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH
 18 DISABILITIES PROGRAM.—The John M. McKay Scholarships for
 19 Students with Disabilities Program is established to provide the
 20 option to attend a public school other than the one to which
 21 assigned, or to provide a scholarship to a private school of
 22 choice, for students with disabilities for whom:

23 (a) An individual educational plan has been written in
 24 accordance with rules of the State Board of Education; ~~or~~

25 (b) A 504 accommodation plan has been issued under s. 504

26 of the Rehabilitation Act of 1973; ~~or~~

27 (c) A diagnosis of a disability, as defined in this
 28 section, has been received from a physician who is licensed
 29 under chapter 458 or chapter 459, or a psychologist who is
 30 licensed under chapter 490.

31
 32 Students with disabilities include K-12 students who are
 33 documented as having an intellectual disability; a speech
 34 impairment; a language impairment; a hearing impairment,
 35 including deafness; a visual impairment, including blindness; a
 36 dual sensory impairment; an orthopedic impairment; an other
 37 health impairment; an emotional or behavioral disability; a
 38 specific learning disability, including, but not limited to,
 39 dyslexia, dyscalculia, or developmental aphasia; a traumatic
 40 brain injury; a developmental delay; or autism spectrum
 41 disorder.

42 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a
 43 student with a disability may request and receive from the state
 44 a John M. McKay Scholarship for the child to enroll in and
 45 attend a private school in accordance with this section if:

46 (a) The student ~~has~~:

47 1. Has received ~~Received~~ specialized instructional
 48 services under the Voluntary Prekindergarten Education Program
 49 pursuant to s. 1002.66 during the previous school year and the
 50 student has a current individual educational plan developed by

51 the local school board in accordance with rules of the State
 52 Board of Education for the John M. McKay Scholarships for
 53 Students with Disabilities Program or a 504 accommodation plan
 54 has been issued under s. 504 of the Rehabilitation Act of 1973;
 55 or

56 2. ~~Spent the prior school year in attendance at a Florida~~
 57 ~~public school or the Florida School for the Deaf and the Blind.~~
 58 ~~For purposes of this subparagraph, prior school year in~~
 59 ~~attendance means that the student was~~ Was enrolled and reported
 60 for funding in the October or February Florida Education Finance
 61 Program survey immediately preceding the request to participate
 62 in the program pursuant to paragraph (b) by:

63 a. A school district, ~~for funding during the preceding~~
 64 ~~October and February Florida Education Finance Program surveys~~
 65 in kindergarten through grade 12, which includes time spent in a
 66 Department of Juvenile Justice commitment program if funded
 67 under the Florida Education Finance Program;

68 b. The Florida School for the Deaf and the Blind, ~~during~~
 69 ~~the preceding October and February student membership surveys in~~
 70 kindergarten through grade 12; or

71 c. A school district ~~for funding during the preceding~~
 72 ~~October and February Florida Education Finance Program surveys,~~
 73 was at least 4 years of age when so enrolled and reported, and
 74 was eligible for services under s. 1003.21(1)(e).
 75

76 However, a dependent child of a member of the United States
 77 Armed Forces who transfers to a school in this state from out of
 78 state or from a foreign country due to a parent's permanent
 79 change of station orders or a foster child is exempt from this
 80 paragraph but must meet all other eligibility requirements to
 81 participate in the program.

82 (5) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

83 (b)1. For a student with disabilities who does not have a
 84 matrix of services under s. 1011.62(1)(e), the school district
 85 must complete a matrix that assigns the student to one of the
 86 levels of service as they existed prior to the 2000-2001 school
 87 year.

88 2.a. Within 10 school days after it receives notification
 89 of a parent's request for a John M. McKay Scholarship, a school
 90 district must notify the student's parent if the matrix of
 91 services has not been completed and inform the parent that the
 92 district is required to complete the matrix within 30 days after
 93 receiving notice of the parent's request for a John M. McKay
 94 Scholarship. This notice should include the required completion
 95 date for the matrix.

96 b. The school district must complete the matrix of
 97 services for any student who is participating in the John M.
 98 McKay Scholarships for Students with Disabilities Program and
 99 must notify the department of the student's matrix level within
 100 30 days after receiving notification of a request to participate

101 in the scholarship program. The school district must provide the
 102 student's parent with the student's matrix level within 10
 103 school days after its completion.

104 c. The department shall notify the private school of the
 105 amount of the scholarship within 10 days after receiving the
 106 school district's notification of the student's matrix level.

107 d. A school district may change a matrix of services only
 108 if the change is to correct a technical, typographical, or
 109 calculation error.

110 (c) Upon receipt of a physician's written diagnosis
 111 pursuant to subparagraph (1)(c) from the parent, notify the
 112 department of its receipt of such documentation immediately
 113 after receiving notice of the parent's request for a John M.
 114 McKay Scholarship.

115 (d) A school district shall provide notification to parents
 116 of the availability of a reevaluation at least every 3 years of
 117 each student who receives a John M. McKay Scholarship.

118 (e)~~(d)~~ If the parent chooses the private school option and
 119 the student is accepted by the private school pending the
 120 availability of a space for the student, the parent of the
 121 student must notify the department 60 days prior to the first
 122 scholarship payment and before entering the private school in
 123 order to be eligible for the scholarship when a space becomes
 124 available for the student in the private school.

125 (f)~~(e)~~ The parent of a student may choose, as an

126 alternative, to enroll the student in and transport the student
127 to a public school in an adjacent school district which has
128 available space and has a program with the services agreed to in
129 the student's individual education plan or 504 accommodation
130 plan already in place, and that school district shall accept the
131 student and report the student for purposes of the district's
132 funding pursuant to the Florida Education Finance Program.

133 (g) ~~(f)~~ For a student who participates in the John M. McKay
134 Scholarships for Students with Disabilities Program whose parent
135 requests that the student take the statewide assessments under
136 s. 1008.22, the district in which the student attends private
137 school shall provide locations and times to take all statewide
138 assessments.

139 (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
140 PARTICIPATION.—A parent who applies for a John M. McKay
141 Scholarship is exercising his or her parental option to place
142 his or her child in a private school.

143 (a) The parent must select the private school and apply
144 for the admission of his or her child.

145 (b) The parent must have requested the scholarship at
146 least 60 days prior to the date of the first scholarship
147 payment.

148 (c) For a student eligible pursuant to subparagraph
149 (1)(c), provide documentation to the district of the physician's
150 diagnosis of a disability, as defined in this section.

151 (d)~~(e)~~ Any student participating in the John M. McKay
 152 Scholarships for Students with Disabilities Program must remain
 153 in attendance throughout the school year unless excused by the
 154 school for illness or other good cause.

155 (e)~~(d)~~ Each parent and each student has an obligation to
 156 the private school to comply with the private school's published
 157 policies.

158 (f)~~(e)~~ If the parent requests that the student
 159 participating in the John M. McKay Scholarships for Students
 160 with Disabilities Program take all statewide assessments
 161 required pursuant to s. 1008.22, the parent is responsible for
 162 transporting the student to the assessment site designated by
 163 the school district.

164 (g)~~(f)~~ Upon receipt of a scholarship warrant, the parent
 165 to whom the warrant is made must restrictively endorse the
 166 warrant to the private school for deposit into the account of
 167 the private school. The parent may not designate any entity or
 168 individual associated with the participating private school as
 169 the parent's attorney in fact to endorse a scholarship warrant.
 170 A participant who fails to comply with this paragraph forfeits
 171 the scholarship.

172 (11) JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.—

173 (a)1. The maximum scholarship granted for an eligible
 174 student with disabilities shall be equivalent to the base
 175 student allocation in the Florida Education Finance Program

176 multiplied by the appropriate cost factor for the educational
 177 program that would have been provided for the student in the
 178 district school to which he or she was assigned, multiplied by
 179 the district cost differential.

180 2. In addition, a share of the guaranteed allocation for
 181 exceptional students shall be determined and added to the amount
 182 in subparagraph 1. The calculation shall be based on the
 183 methodology and the data used to calculate the guaranteed
 184 allocation for exceptional students for each district in chapter
 185 2000-166, Laws of Florida. Except as provided in subparagraphs
 186 3. and 4., the calculation shall be based on the student's
 187 grade, matrix level of services, and the difference between the
 188 2000-2001 basic program and the appropriate level of services
 189 cost factor, multiplied by the 2000-2001 base student allocation
 190 and the 2000-2001 district cost differential for the sending
 191 district. The calculated amount shall include the per-student
 192 share of supplemental academic instruction funds, instructional
 193 materials funds, technology funds, and other categorical funds
 194 as provided in the General Appropriations Act.

195 3. The scholarship amount for a student who is eligible
 196 under sub-subparagraph (2)(a)2.b. shall be calculated as
 197 provided in subparagraphs 1. and 2. However, the calculation
 198 shall be based on the school district in which the parent
 199 resides at the time of the scholarship request.

200 4. Until the school district completes the matrix required

201 by paragraph (5)(b), the calculation shall be based on the
 202 matrix that assigns the student to support Level I of service as
 203 it existed prior to the 2000-2001 school year. When the school
 204 district completes the matrix, the amount of the payment shall
 205 be adjusted as needed.

206 5. The scholarship amount for a student eligible under s.
 207 504 of the Rehabilitation Act of 1973 or paragraph (2)(c) shall
 208 be based on the program cost factor the student currently
 209 generates through the Florida Education Finance Program.

210 6. The scholarship amount granted for an eligible student
 211 with disabilities is not subject to the maximum value for
 212 funding a student under s. 1011.61(4).

213 Section 2. This act shall take effect July 1, 2018.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 839 The Display of the State Motto
SPONSOR(S): Daniels; Ponder and others
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1158

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee		McAarney	Healy
2) Education Committee			

SUMMARY ANALYSIS

The bill requires each district school board to adopt rules that require all schools and all buildings used by the school board to display in a conspicuous place the state motto, *In God We Trust*.

The bill provides an effective date of July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The national motto of the United States was declared by Congress to be *In God We Trust*.¹ *In God We Trust* was designated as the official motto of the State of Florida² in 2006.³ The phrase, *In God We Trust*, was adopted by the Florida legislature as part of the State Seal in 1868.⁴

Federal courts have found the use of *In God We Trust* as the national motto constitutional, and that the national motto, and its use on coinage and currency, has nothing to do with the establishment of religion. Its use is of patriotic or ceremonial character and bears no true resemblance to a governmental sponsorship of a religious exercise.⁵

Effect of Proposed Changes

The bill requires each district school board to adopt rules that require all schools and all buildings used by the school board to display in a conspicuous place the state motto, *In God We Trust*.

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.44, F.S., requiring each district school board to adopt rules that require all schools and all buildings used by the school board to display in a conspicuous place the state motto, *In God We Trust*.

Section 2. Provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

¹ 36 U.S.C. § 186

² Section 15.0301, F.S.

³ Florida Department of State, Florida Facts, Florida State Symbols, State Motto, <http://dos.myflorida.com/florida-facts/florida-state-symbols/state-motto/> (last visited Jan. 9, 2018).

⁴ Florida Department of State, Florida Facts, Florida State Symbols, State Motto, <http://dos.myflorida.com/florida-facts/florida-state-symbols/state-motto/> (last visited Jan. 9, 2018).

⁵ *Aronow v. United States*, 432 F. 2d 242 (1970); *Zorach v. Clauson*, 343 US 306; *O'Hair v. Blumenthal*, 462 F.Supp. 19 (1978); *Newdow v. Peterson*, 753 F. 3d 105 (2014).

1. Revenues:

None.

2. Expenditures:

District school boards would be fiscally impacted the cost of printing the motto.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Requires each district school board to adopt rules regarding the display of the state motto.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to the display of the state motto;
 3 amending s. 1003.44, F.S.; requiring each district
 4 school board to adopt rules for the display of the
 5 official state motto in specified places; providing an
 6 effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Subsection (4) is added to section 1003.44,
 11 Florida Statutes, to read:

12 1003.44 Patriotic programs; rules.—
 13 (4) Each district school board shall adopt rules to
 14 require, in all of the schools of the district and in each
 15 building used by the district school board, the display of the
 16 state motto, "In God We Trust," designated under s. 15.0301, in
 17 a conspicuous place.

18 Section 2. This act shall take effect July 1, 2018.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1035 Personalized Education
SPONSOR(S): Sullivan
TIED BILLS: None **IDEN./SIM. BILLS:** SB 968

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee		Healy	Healy
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

In 2016, the Legislature created the Competency-Based Education Pilot Program within the Department of Education (DOE) to provide an educational environment that allows students to progress based upon the mastery of concepts and skills. The Commissioner of Education was authorized to waive State Board of Education rules relating to pupil progression and the awarding of credit. Applications to participate were limited to the P.K. Yonge Developmental Research School and the Lake, Palm Beach, and Pinellas County school districts.

The bill:

- Renames the Competency-Based Education Pilot Program to the Mastery-Based Education Pilot Program.
- Allows any district in the state to submit an application to DOE to participate.
- Authorizes districts participating in the pilot program to use an alternative interpretation of letter grades to measure student success in grades 6-12. The alternate system must meet specific requirements and be approved by the district school board.
- Allows districts to determine and award one full credit toward high school graduation based on the student's mastery of core content and skills without meeting the current minimum requirement of 135 or 120 hours of bona fide instruction to award one full credit.
- Requires the statewide articulation agreement to ensure fair and equitable access for high school graduates with mastery-based, nontraditional diplomas and transcripts.

There is no fiscal impact to the state.

The bill has an effective date of July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

In 2016, the Legislature created the Competency-Based Education Pilot Program within the Department of Education (DOE) to provide an educational environment that allows students to progress based upon the mastery of concepts and skills. The purpose of the program is to provide an educational environment that allows students to advance to higher levels of learning upon the mastery of concepts and skills.¹ Participation was limited to the P.K. Yonge Developmental Research School and the Lake, Palm Beach, and Pinellas County school districts.²

The Department of Education was required to:

- Develop an application
- Compile student and staff schedules of participating schools before and after program implementation.
- Provide participants access to statewide, standardized assessments.
- Provide an annual report to the Legislature and the Governor, by June 1, summarizing the accomplishments of the program and recommendations for statutory revisions.
- Adopt rules to administer this program.³

In order to facilitate innovative practices, and to allow local selection of educational methods, the Commissioner of Education has the authority to waive, upon district request, provisions relating to district school instruction.⁴ Additionally, for districts participating in the competency-based pilot program, the State Board of Education may authorize the Commissioner of Education to grant an additional waiver of rules relating to student progression and the awarding of credits.⁵

Four of the five eligible districts chose to participate in the 2016-2017 school year, and one district chose to use 2016-2017 as a planning year. Districts reported varying levels of progress across the following components:

- Communication plans
- Professional Development
- Student Progression
- Digital and Blended Learning
- Allocation of Resources

Across four districts, components of the pilot program were implemented in 67 elementary schools, eight middle schools, nine high schools, and one K-12 school.⁶

Awarding of Credit

Current law defines, for purposes of high school graduation requirements, one full credit as a minimum of 135 hours of bona fide instruction in a designated course of study that contains student performance standards, except as otherwise provided through CAP. For districts that have been authorized to

¹ Section 1003.4996(1), F.S.

² Section 1003.4996(2), F.S.

³ Section 1003.4996(2)(b)&(5), F.S.

⁴ Section 1001.10(3), F.S.

⁵ Section 1003.4996(3), F.S.

⁶ Competency-Based Education Pilot Program, 2016-2017 Annual Report.

implement block scheduling, one full credit means a minimum of 120 hours of bona fide instruction in a designated course of study that contains student performance standards. The State Board of Education determines the number of postsecondary credit hours earned through dual enrollment that equal one full credit of the equivalent high school course.⁷

In awarding credit for high school graduation, each district school board must maintain a one-half credit earned system that includes courses provided on a full-year basis. A student enrolled in a full-year course must receive one-half credit if the student successfully completes either the first half or the second half of a full-year course but fails to complete the other half of the course.⁸

Middle and High School Grading System

Under current law, the grading system and interpretation of letter grades used to measure student success in grade 6 through grade 12 courses is as follows:

- Grade “A” equals 90%-100%, has a grade point average value of 4, and is defined as “outstanding progress.”
- Grade “B” equals 80%-89%, has a grade point average value of 3, and is defined as “above average progress.”
- Grade “C” equals 70%-79%, has a grade point average value of 2, and is defined as “average progress.”
- Grade “D” equals 60%-69%, has a grade point average value of 1, and is defined as “lowest acceptable progress.”
- Grade “F” equals 50%-59%, has a grade point average value of zero, and is defined as “failure.”
- Grade “I” equals zero percent, has a grade point average value of zero, and is defined as “incomplete.”⁹

For purposes of class ranking, districts are authorized to exercise a weighted grading system in accordance with the weighted provisions allowed in dual enrollment courses.¹⁰

Effect of Proposed Changes

The bill renames the Competency-Based Education Pilot Program to the Mastery-Based Education Pilot Program and allows any district in the state to apply to the DOE for participation. The pilot program is for five years.

The bill provides that school districts participating in the Mastery-Based Education Pilot Program may award credit as a student demonstrates mastery of the core content and skills, consistent with the Next Generation Sunshine State Standards, rather than awarding credit only if the student receives 135 or 120 hours of instruction. Participating districts may also use an alternative interpretation of letter grades to measure student success in grades 6 – 12.

One form of alternative grading system is a standards-based grading system which is used in conjunction with standards-based instruction, assessments, and academic reporting. The standards-based systems are based on students demonstrating understanding or mastery of the knowledge and skills they are expected to learn as they progress through their education. In most high schools, students typically earn credit for passing a course, but a passing grade may be an A or it may be a D, suggesting that the awarded credit is based on a spectrum of learning expectations—with some students learning more and others learning less—rather than on the same learning standards being applied to all students equally. And because grades may be calculated differently from school to school

⁷ Section 1003.436(1)(a), F.S.

⁸ Section 1003.436(2), F.S.

⁹ Section 1003.437, F.S.

¹⁰ *Id.*

or teacher to teacher, and they may be based on different learning expectations (for example, some courses may be “harder” and others “easier”), students may pass their courses, earn the required number of credits, and receive a diploma without acquiring the most essential knowledge and skills described in standards. The following is an example of a standards-based report card:¹¹

Grade 3

Student Name: _____ Teacher: _____

School: _____

Grading Key

- 4 Exceeds expectations
- 3 Meets expectations
- 2 Progressing toward expectations
- 1 Not meeting expectations
- X Skill/concept not introduced or tested

	Q1	Q2	Q3	Q4
READING				
Understands what is read				
Uses comprehension strategies				
Understands/applies new words				
Reads fluently				
Selects materials/reads independently				
EFFORT				

At least one of the current participants is transitioning to a standards-based grading system to provide parents, students and teachers with more accurate information about students’ progress toward meeting content and skill standards. Students receive a separate designation of progress for each subject within a course which allows for better support to students with goal-setting and overall achievement of the academic standards by clearly communicating progress in a subject (rather than an entire course). Student progress is reported as a level of proficiency, i.e., *Expert, Proficient, Approaching Proficiency, Not Meeting, and Insufficient Evidence*.¹²

Beginning with the 2018-2019 school year, districts currently participating in the program may amend their application to include alternatives for awarding credit and alternatives for the interpretation of middle and high school grades. Applications that are amended must be approved by the district school board. Districts applying for the first time would include these requests in their initial application.

Alternatives to awarding credit must include a verification of the student’s mastery of the applicable course content using rigorous scoring rubrics to evaluate the student’s work.

The bill also requires the statewide articulation agreement to ensure fair and equitable access for high school graduates with mastery-based, nontraditional diplomas and transcripts.

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.436, F.S., relating to definition of “credit.”

¹¹ Education Reform, *Standards-Based*, at <http://edglossary.org/standards-based/>

¹² Standards-Based Grading, *What is Standards-Based Grading*, at <https://pkyonge.ufl.edu/academics/standards-based-grading/>

Section 2. Amends s. 1003.437, F.S., relating to middle and high school grading system.

Section 3. Amends s. 1003.4996, F.S., relating to the Competency-Based Education Pilot Program.

Section 4. Amends s. 1007.23, F.S., relating to the statewide articulation agreement.

Section 5. Provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

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A bill to be entitled
 An act relating to personalized education; amending s.
 1003.436, F.S.; authorizing a district school board
 participating in the Mastery-Based Education Pilot
 Program to award credit based on student mastery of
 certain content and skills; amending s. 1003.437,
 F.S.; authorizing a district school board
 participating in the Mastery-Based Education Pilot
 Program to use an alternative interpretation of letter
 grades for certain students; amending s. 1003.4996,
 F.S.; renaming the Competency-Based Education Pilot
 Program as the Mastery-Based Education Pilot Program;
 authorizing public school districts to submit
 applications for the program; authorizing
 participating school districts to amend their
 applications to include alternatives for the award
 credits and interpretation of letter grades; providing
 requirements for such alternatives; deleting a
 requirement that the State Board of Education adopt
 rules; amending s. 1007.23, F.S.; requiring the
 statewide articulation agreement to ensure fair and
 equitable access for students with mastery-based,
 nontraditional diplomas and transcripts; providing an
 effective date.

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

27

28 Section 1. Paragraph (a) of subsection (1) of section
29 1003.436, Florida Statutes, is amended to read:

30 1003.436 Definition of "credit."—

31 (1)(a) For the purposes of requirements for high school
32 graduation, one full credit means a minimum of 135 hours of bona
33 fide instruction in a designated course of study that contains
34 student performance standards, except as otherwise provided
35 through the Credit Acceleration Program (CAP) under s.

36 1003.4295(3). One full credit means a minimum of 120 hours of
37 bona fide instruction in a designated course of study that
38 contains student performance standards for purposes of meeting
39 high school graduation requirements in a district school that
40 has been authorized to implement block scheduling by the
41 district school board. In lieu of the 135- and 120-hour
42 instruction requirements, district school boards participating
43 in the Mastery-Based Education Pilot Program under s. 1003.4996,
44 may determine and award credit based on a student's mastery of
45 the core content and skills, consistent with s. 1003.41, as
46 approved by the district school board. The State Board of
47 Education shall determine the number of postsecondary credit
48 hours earned through dual enrollment pursuant to s. 1007.271
49 that satisfy the requirements of a dual enrollment articulation
50 agreement according to s. 1007.271(21) and that equal one full

51 credit of the equivalent high school course identified pursuant
 52 to s. 1007.271(9).

53 Section 2. Section 1003.437, Florida Statutes, is amended
 54 to read:

55 1003.437 Middle and high school grading system.—

56 (1) The grading system and interpretation of letter grades
 57 used to measure student success in grade 6 through grade 12
 58 courses for students in public schools shall be as follows:

59 (a)~~(1)~~ Grade "A" equals 90 percent through 100 percent,
 60 has a grade point average value of 4, and is defined as
 61 "outstanding progress."

62 (b)~~(2)~~ Grade "B" equals 80 percent through 89 percent, has
 63 a grade point average value of 3, and is defined as "above
 64 average progress."

65 (c)~~(3)~~ Grade "C" equals 70 percent through 79 percent, has
 66 a grade point average value of 2, and is defined as "average
 67 progress."

68 (d)~~(4)~~ Grade "D" equals 60 percent through 69 percent, has
 69 a grade point average value of 1, and is defined as "lowest
 70 acceptable progress."

71 (e)~~(5)~~ Grade "F" equals zero percent through 59 percent,
 72 has a grade point average value of zero, and is defined as
 73 "failure."

74 (f)~~(6)~~ Grade "I" equals zero percent, has a grade point
 75 average value of zero, and is defined as "incomplete."

76 (2) District school boards participating in the Mastery-
 77 Based Education Pilot Program under s. 1003.4996 may use an
 78 alternative interpretation of letter grades to measure student
 79 success in grades 6 through 12.

80
 81 For the purposes of class ranking, district school boards may
 82 exercise a weighted grading system pursuant to s. 1007.271.

83 Section 3. Section 1003.4996, Florida Statutes, is amended
 84 to read:

85 1003.4996 Mastery-Based ~~Competency-Based~~ Education Pilot
 86 Program. ~~Beginning with the 2016-2017 school year, The~~ Mastery-
 87 Based ~~Competency-Based~~ Education Pilot Program is created within
 88 the Department of Education to be administered for a period of 5
 89 years. The purpose of the pilot program is to provide an
 90 educational environment that allows students to advance to
 91 higher levels of learning upon the mastery of concepts and
 92 skills through statutory exemptions relating to student
 93 progression and the awarding of credits.

94 (1) PARTICIPATION.—The P.K. Yonge Developmental Research
 95 School and public school districts, including, but not limited
 96 to, the Lake, Palm Beach, Pinellas, and Seminole County School
 97 Districts, may submit an application in a format prescribed by
 98 the department to participate in the pilot program.

99 (2) APPLICATION.—The application to participate in the
 100 pilot program must, at a minimum, include:

101 (a) The vision and timelines for the implementation of
 102 mastery-based ~~competency-based~~ education within the school
 103 district, including a list of the schools that will participate
 104 in the pilot program during the first school year and the list
 105 of schools that will be integrated into the program in
 106 subsequent school years.

107 (b) The annual goals and performance outcomes for
 108 participating schools, including, but not limited to:

- 109 1. Student performance as defined in s. 1008.34.
- 110 2. Promotion and retention rates.
- 111 3. Graduation rates.
- 112 4. Indicators of college and career readiness.

113 (c) A communication plan for parents and other
 114 stakeholders, including local businesses and community members.

115 (d) The scope of and timelines for professional
 116 development for school instructional and administrative
 117 personnel.

118 (e) A plan for student progression based on the mastery of
 119 content, including mechanisms that determine and ensure that a
 120 student has satisfied the requirements for grade-level promotion
 121 and content mastery.

122 (f) A plan for using technology and digital and blended
 123 learning to enhance student achievement and facilitate the
 124 mastery-based ~~competency-based~~ education system.

125 (g) The proposed allocation of resources for the pilot

126 program at the school and district levels.

127 (h) The recruitment and selection of participating
128 schools.

129 (i) The rules to be waived for participating schools
130 pursuant to subsection (3) to implement the pilot program.

131 (3) EXEMPTION FROM RULES.—In addition to the waivers
132 authorized in s. 1001.10(3), the State Board of Education may
133 authorize the commissioner to grant an additional waiver of
134 rules relating to student progression and the awarding of
135 credits.

136 (4) ALTERNATE CREDIT AND LETTER GRADE SYSTEMS.—

137 (a) Beginning with the 2018-2019 school year,
138 participating school districts may amend their applications to
139 include alternatives for awarding credit, as authorized under s.
140 1003.436, and for the interpretation of middle and high school
141 letter grades, as authorized under s. 1003.437.

142 1. Alternatives to awarding credit must include a
143 verification of the student's mastery of the applicable course
144 content using rigorous scoring rubrics to evaluate the student's
145 work.

146 2. Alternatives to the interpretation of middle and high
147 school letter grades may substitute the applicable language from
148 the school district's rigorous scoring rubric.

149 (b) An application that is amended pursuant to this
150 subsection must be approved by the district school board.

151 ~~(5)~~(4) STUDENT FUNDING.—Students enrolled in a
 152 participating school shall be reported for and generate funding
 153 pursuant to s. 1011.62.

154 ~~(6)~~(5) DEPARTMENT DUTIES.—The department shall:

155 (a) Compile the student and staff schedules of
 156 participating schools before and after implementation of the
 157 pilot program.

158 (b) Provide participating schools with access to
 159 statewide, standardized assessments required under s. 1008.22.

160 (c) Annually, by June 1, provide to the Governor, the
 161 President of the Senate, and the Speaker of the House of
 162 Representatives a report summarizing the activities and
 163 accomplishments of the pilot program and any recommendations for
 164 statutory revisions.

165 ~~(6) RULES. The State Board of Education shall adopt rules
 166 to administer this section.~~

167 Section 4. Subsection (7) is added to section 1007.23,
 168 Florida Statutes, to read:

169 1007.23 Statewide articulation agreement.—

170 (7) The articulation agreement must ensure fair and
 171 equitable access for high school graduates with mastery-based,
 172 nontraditional diplomas and transcripts.

173 Section 5. This act shall take effect July 1, 2018.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1213 Computer Science Instruction

SPONSOR(S): Porter

TIED BILLS: None **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee		Brink	Healy
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

Florida law requires school districts to provide students opportunities to participate in computer science education, including courses in computer programming and computer coding. However, only a small percentage of middle, high, and combination schools have students enrolled in computer science courses, including career and technical computer science courses.

To increase opportunities for students to participate in computer science instruction, the bill:

- defines computer science and includes computer coding and programming in the definition;
- requires the Florida Department of Education (DOE) to identify computer science courses in the Course Code Directory and on its website by July 1, 2018;
- establishes a progressive schedule by which school districts must offer computer science courses identified by the DOE so that at least 10 percent of a school district's total middle schools, high schools, and combination schools with grades 6-12 offer a computer science course by the 2020-2021 school year;
- specifies that school districts with fewer than 10 middle schools, high schools, and combination schools must have at least one school offer an identified computer science course by the 2020-2021 school year;
- requires Florida Virtual School (FLVS) to offer computer science courses so students enrolled in a school without a computer science course can receive computer science instruction;
- requires school districts to offer students access to computer science courses through FLVS or by other means;
- allows student enrollment in computer science courses offered by charter schools and FLVS to count toward a district's computer science course requirements;
- establishes a grant program to help teachers earn a computer science educator certificate or industry certification and for paying associated examination fees;
- establishes a bonus program to award qualifying teachers, on a yearly basis for up to 3 years, who teach computer science courses identified by the DOE;
- establishes a needs-based technology grant for school districts whose Digital Classrooms Allocation funds are insufficient to meet costs associated with the allocation and who have no remaining instructional materials; and
- requires the State Board of Education to adopt rules to implement these provisions.

Funding for the teacher training grant program, teacher bonus program, and needs-based technology grant is subject to appropriation. Therefore, the fiscal impact of the bill is indeterminate.

The bill takes effect upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Computer Science Instruction

Public schools are required to provide students in grades K-12 opportunities for learning computer science including, but not limited to, computer coding and computer programming.¹ Such opportunities may include:²

- instruction regarding computer coding in elementary and middle school;
- instruction to develop computer usage and digital literacy skills in middle school; and
- courses in computer science, computer coding, and computer programming in high school, including opportunities to earn industry certifications related to the courses.

The law allows high schools to provide students opportunities to satisfy certain math and science graduation requirements by taking computer science courses of sufficient rigor and earning a related industry certification.³ To qualify, the course must be in the area of computer science or 3D rapid prototype printing and the Commissioner of Education must identify the course and the related industry certification in the Course Code Directory.⁴

A qualifying computer science course may satisfy up to one mathematics or science course credit, so long as the course is not Algebra I or higher-level mathematics or Biology I or higher-level science. A qualifying 3D rapid prototype printing course may satisfy up to two mathematics course credits, except for Algebra I.⁵

The Southern Regional Education Board recently identified five actions states can take to help address gaps in computer science instruction. The steps are:⁶

- Develop state computer science standards for K-12.
- Lay the groundwork for learning computer science (focus on essential literacy skills and math concepts and skills students need to master grade-appropriate computer science standards).
- Create clear pathways to computing careers by charging a state advisory council with developing pathways that meet identified workforce needs in computing fields.
- Prepare great computer science teachers through special training and certification pathways.
- Educate communities about computer science and computing careers by embedding career advisement and encouraging partnerships with employers.

In 2016, the State Board of Education revised the Next Generation Sunshine State Standards to include K-12 computer science standards.⁷ Currently, courses in computer coding are listed in the Career Technical Education Program and Course Listing section in the Course Code Directory.⁸ The Florida Department of Education has identified several general education courses and career and

¹ Section 1007.2616(1), F.S.

² Section 1007.2616(1), F.S.

³ Section 1007.2616(3), F.S.

⁴ *Id.*

⁵ *Id.*

⁶ See Southern Regional Education Board, *Executive Summary: Bridging the Computer Science Education Gap: Five Actions States Can Take* (Nov. 2016), available at http://www.sreb.org/sites/main/files/file-attachments/csexec_summary.pdf.

⁷ See rule 6A-1.09401(1)(n), F.A.C.

⁸ Staff of the Florida Department of Education, *Staff Analysis of Senate Bill 468* (2016).

B. SECTION DIRECTORY:

Section 1. Amends s. 1007.2616, F.S.; providing a definition; providing requirements for specified instruction relating to computer science; requiring school districts to provide computer science courses in a specified number of schools by certain dates; requiring certain computer science courses to be included in the Course Code Directory and published on the Department of Education's website by a specified date; providing that student enrollment in certain courses offered by the Florida Virtual School meet specified requirements; providing that a charter school is not required to offer computer science courses; providing that charter schools that offer such courses may be used in meeting a school district's percentage thresholds; requiring the Florida Virtual School to offer certain computer science courses; requiring school districts to provide access to computer science courses offered by the Florida Virtual school or by other means under certain circumstances; providing funds for school districts to provide professional development for classroom teachers; providing Department of Education responsibilities for the distribution of such funds; requiring high school students to be provided opportunities to take certain courses to certain meet graduation requirements; providing funds for bonuses for certain classroom teachers; providing funding for high-need technology grants for school districts; requiring, rather than authorizing, the State Board of Education to adopt rules.

Section 2. Provides that the bill takes effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments, *infra*.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Funding for the teacher training grant program, teacher bonus program, and needs-based technology grant is subject to appropriation. Therefore, the fiscal impact of the bill is indeterminate.

Bonuses for Teachers of Advanced Courses and Courses Leading to Industry Certification

The Legislature allocates public education funding to Florida’s 67 school districts through the Florida Education Finance Program (FEFP). The FEFP is a funding formula that helps to equalize education funding among Florida’s geographically diverse school districts and is the primary mechanism for funding the operating costs of Florida school districts, which among other things, includes the payment of teacher salaries.¹⁷ In addition to funding school district operating costs, the FEFP also includes funds for teachers of advanced courses, such as International Baccalaureate (IB) courses, Advanced International Certificate of Education (AICE) courses, and Advanced Placement (AP) courses, whose students earn specified scores on the course examinations.¹⁸

- *International Baccalaureate* bonus provides an IB teacher a \$50 bonus for each student who scores 4 or higher on the IB examination. An IB teacher in a “D” or “F” school who has at least one student scoring 4 or higher on the IB examination receives an additional \$500 bonus.¹⁹
- *Advanced International Certificate of Education* bonus provides an AICE teacher a \$50 bonus for each student in a full-credit AICE course, or \$25 bonus for a student in a half-credit AICE course, who scores “E” or higher on the AICE examination. An AICE teacher in a “D” or “F” school receives an additional \$500 bonus if one of the teacher’s students scores “E” or higher on the full-credit AICE examination, or a \$250 bonus for each half-credit AICE course taught which has at least one student scoring “E” or higher on the half-credit AICE examination, not to exceed an additional \$500 bonus.²⁰
- *Advanced Placement* bonus provides an AP teacher a \$50 bonus for each of his or her students who scores 3 or higher on the College Board AP examination. An AP teacher in a “D” or “F” school who has at least one student scoring 3 or higher on the College Board AP examination receives an additional \$500 bonus.²¹

Yearly Teacher per-Student Bonuses by Advanced Course			
	IB	AP	AICE
Half Credit			\$25
Full Credit	\$50	\$50	\$50
Full Credit D Or F School	\$500 (per teacher)	\$500 (per teacher)	\$500 (per teacher)
Half Credit D Or F School			\$250 (per teacher)

FEFP funds are also used to provide bonuses for teachers who teach courses that lead to the attainment of a Career and Professional Education (CAPE) industry certification. Depending on the

¹⁷ See s. 1011.60, F.S. The performance salary schedule is funded from the same sources used to pay instructional personnel and school administrators under the grandfathered salary schedule.

¹⁸ Section 1011.62(1)(l)-(n), F.S.; *International Baccalaureate*, <http://www.ibo.org> (last visited Jan. 17, 2018); University of Cambridge, International Examinations, *Cambridge Advanced International Certificate of Education Diploma*, <http://www.cie.org.uk/qualifications/academic/uppersec/aice> (last visited Jan. 17, 2018); College Board, *Advanced Placement Program*, <http://www.collegeboard.com/student/testing/ap/about.html> (last visited Jan. 17, 2018).

¹⁹ Section 1011.62(1)(l), F.S. (2017)

²⁰ Section 1011.62(1)(m), F.S. (2017)

²¹ Section 1011.62(1)(n), F.S. (2017)

certification earned, a school district receives bonus funding of 0.1, 0.2, 0.3, 0.5, or 1.0 FTE.²² Teacher bonus funding is awarded for each student taught by a teacher who provided instruction in a course that led to the student’s attainment of a CAPE industry certification on the CAPE Industry Certification Funding List, as follows:

- A bonus in the amount of \$25 is awarded for a course with a weight of 0.1.²³
- A bonus in the amount of \$50 is awarded for a course with a weight of 0.2.²⁴
- A bonus in the amount of \$75 is awarded for a course with a weight of 0.3.²⁵
- A bonus in the amount of \$100 is awarded for a course with a weight of 0.5 or 1.0.²⁶

Yearly Teacher per-Student CAPE Bonuses		
Weight	Type	Amount
0.1 FTE	CAPE Industry Cert Does Not Articulate	\$25
0.2 FTE	CAPE Industry Cert Articulates to College Credit	\$50
0.3 FTE	CAPE Innovation Course ²⁷	\$75
0.5 FTE	CAPE Acceleration Industry Cert Articulates to 15-29 College Credit Hours ²⁸	\$100
1.0 FTE	CAPE Acceleration Industry Cert Articulates to 30+ College Credit Hours	\$100

Effect of Proposed Changes

The bill defines the term “computer science” to mean the study of computers and algorithmic processes, including their principles, hardware and software designs, applications, and their impact on society. The bill specifies that “computer science” includes computer coding and computer programming.

The bill specifies that opportunities for computer science instruction must include courses in computer science in both middle school and high school. Under the bill, computer science courses must be progressively integrated into each school district’s middle and high schools, including combination schools in which any of grades 6 through 12 are taught. Specifically, each school district must annually increase the percentage of the district’s total number of middle, high, and combination schools that provide at least one computer science course, as follows:

- at least 4 percent by the 2018-2019 school year;

²² Section 1011.62 (1)(o), F.S. (2017)

²³ *Id.*

²⁴ *Id.*

²⁵ Section 1011.62(1)(o), F.S. (2017)

²⁶ *Id.*

²⁷ A CAPE Innovation course is one of up to five courses annually approved by the Commissioner of Education that combines academic career content and incorporates at least two third-party assessments that, if completed successfully by the student, articulate to college credit. *See* s. 1003.4203(5)(a), F.S. For a list of approved courses, *see* Florida Department of Education, *CAPE Innovation Courses*, <http://www.fldoe.org/academics/career-adult-edu/cape-secondary/innovation.shtml> (last visited Aug. 24, 2017).

²⁸ A CAPE Acceleration industry certification is one annually approved by the Commissioner of Education that articulates to 15 or more college credits. *See* s. 1011.62(5)(b), F.S.

- at least 7 percent by the 2019-2020 school year; and
- at least 10 percent by the 2020-2021 school year.

The bill provides that a school district with 10 or fewer public middle, high, and combination schools must provide at least one computer science course in at least one middle, high, or combination school no later than the 2020-2021 school year.

The bill requires the Florida Department of Education (DOE) to identify computer science courses in the Course Code Directory that count toward the percentage thresholds. The DOE must identify the courses on its website no later than July 1, 2018.

The bill requires the Florida Virtual School (FLVS) to offer computer science courses identified by the DOE. If a school district does not offer an identified course, the district must provide students access to the course through the FLVS or through other means. Student enrollment in computer science courses offered by the FLVS may be used to satisfy the percentage thresholds.

The bill exempts charter schools from meeting the percentage thresholds but specifies that student enrollment in computer science courses offered by a charter school count toward the percentage thresholds for the sponsoring school district.

To encourage educators to earn credentials for teaching computer science, the bill establishes a bonus program, subject to appropriation. Under the program, a classroom teacher who is rated highly effective or effective pursuant to his or her evaluation in the previous school year, or who is newly hired but has not received an evaluation, must receive a bonus as follows:

- If the teacher holds an educator certificate in computer science or if he or she has passed the computer science subject area test and holds an adjunct certificate issued by the school district, the teacher will receive a bonus of \$1,000 after each year he or she completes teaching a computer science course identified by the DOE at a public middle, high, or combination school in the state, for up to 3 years.
- If the teacher holds an industry certification associated with a course identified by the DOE, the teacher will receive a bonus of \$500 after each year the individual completes teaching the identified course at a public middle, high, or combination school in the state, for up to 3 years.

A school district must report a qualifying classroom teacher to the DOE by a date and in a format established by the DOE. The bill specifies that an eligible classroom teacher will receive his or her bonus upon completion of the school year in which he or she taught the course but may not receive more than one bonus per year under the program.

Bonus funds under the program would be in addition to existing bonuses provided through the FEFP for teachers whose students who pass exams that lead to college credit (AP, IB, and AICE) or the attainment of an industry certification.

To help teachers earn a qualifying credential under the bonus program, the bill provides that, subject to appropriation, a school district or a consortium of school districts may apply to the DOE for funding to deliver or facilitate training for classroom teachers to earn an educator certificate in computer science or an industry certification associated with an identified course. The bill specifies that the funding may only be used to provide training for classroom teachers and to pay fees for examinations that lead to a qualifying credential.

The bill also requires the DOE, subject to appropriation, to award high-need technology grants to eligible school districts. To be eligible, a school district must show that its Digital Classrooms Allocation funds are insufficient to meet specified costs for the allocation and that it has no remaining instructional materials funds. Funding must be equitably distributed based on the geographic distribution of the student population among districts determined to have a high need for technology.

B. SECTION DIRECTORY:

Section 1. Amends s. 1007.2616, F.S.; providing a definition; providing requirements for specified instruction relating to computer science; requiring school districts to provide computer science courses in a specified number of schools by certain dates; requiring certain computer science courses to be included in the Course Code Directory and published on the Department of Education's website by a specified date; providing that student enrollment in certain courses offered by the Florida Virtual School meet specified requirements; providing that a charter school is not required to offer computer science courses; providing that charter schools that offer such courses may be used in meeting a school district's percentage thresholds; requiring the Florida Virtual School to offer certain computer science courses; requiring school districts to provide access to computer science courses offered by the Florida Virtual school or by other means under certain circumstances; providing funds for school districts to provide professional development for classroom teachers; providing Department of Education responsibilities for the distribution of such funds; requiring high school students to be provided opportunities to take certain courses to certain meet graduation requirements; providing funds for bonuses for certain classroom teachers; providing funding for high-need technology grants for school districts; requiring, rather than authorizing, the State Board of Education to adopt rules.

Section 2. Provides that the bill takes effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments, *infra*.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Funding for the teacher training grant program, teacher bonus program, and needs-based technology grant is subject to appropriation. Therefore, the fiscal impact of the bill is indeterminate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules to implement the provisions of the bill and other requirements related to computer science instruction under s. 1007.2616, F.S.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

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A bill to be entitled
 An act relating to computer science instruction;
 amending s. 1007.2616, F.S.; providing a definition;
 providing requirements for specified instruction
 relating to computer science; requiring school
 districts to provide computer science courses in a
 specified number of schools by certain dates;
 requiring certain computer science courses to be
 included in the Course Code Directory and published on
 the Department of Education's website by a specified
 date; providing that student enrollment in certain
 courses offered by the Florida Virtual School meet
 specified requirements; providing that a charter
 school is not required to offer computer science
 courses; providing that charter schools that offer
 such courses may be used in meeting a school
 district's percentage thresholds; requiring the
 Florida Virtual School to offer certain computer
 science courses; requiring school districts to provide
 access to computer science courses offered by the
 Florida Virtual school or by other means under certain
 circumstances; providing funds for school districts to
 provide professional development for classroom
 teachers; providing Department of Education
 responsibilities for the distribution of such funds;

26 requiring high school students to be provided
 27 opportunities to take certain courses to certain meet
 28 graduation requirements; providing funds for bonuses
 29 for certain classroom teachers; providing funding for
 30 high-need technology grants for school districts;
 31 requiring, rather than authorizing, the State Board of
 32 Education to adopt rules; providing an effective date.

33

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

35

36 Section 1. Section 1007.2616, Florida Statutes, is amended
 37 to read:

38 1007.2616 Computer science and technology instruction.—

39 (1) For the purposes of this section, the term "computer
 40 science" means the study of computers and algorithmic processes,
 41 including their principles, hardware and software designs,
 42 applications, and their impact on society, and includes computer
 43 coding and computer programming.

44 (2) (a) ~~(1)~~ Public schools shall provide students in grades
 45 K-12 opportunities for learning computer science, including, but
 46 not limited to, computer coding and computer programming. Such
 47 opportunities may include coding instruction in elementary
 48 school and middle school and, instruction to develop students'
 49 computer usage and digital literacy skills in middle school, and
 50 must include courses in computer science, ~~computer coding, and~~

51 ~~computer programming~~ in middle school and high school, including
 52 earning-related industry certifications. Such courses must be
 53 integrated into each school district's middle and high schools,
 54 including combination schools in which any of grades 6 through
 55 12 are taught, as follows:

56 1. Beginning with the 2018-2019 school year, a school
 57 district shall provide at least one computer science course in
 58 no less than 4 percent of the district's total number of middle,
 59 high, and combination schools.

60 2. Beginning with the 2019-2020 school year, a school
 61 district shall provide at least one computer science course in
 62 no less than 7 percent of the district's total number of middle,
 63 high, and combination schools.

64 3. Beginning with the 2020-2021 school year, a school
 65 district shall provide at least one computer science course in
 66 no less than 10 percent of the district's total number of
 67 middle, high, and combination schools.

68 4. Notwithstanding subparagraphs 1.-3., a school district
 69 with 10 or fewer public middle, high, and combination schools
 70 shall provide at least one computer science course in at least
 71 one middle, high, or combination school no later than the 2020-
 72 2021 school year.

73 (b) Computer science courses that count toward the
 74 percentage thresholds in paragraph (a) must be identified in the
 75 Course Code Directory and published on the Department of

76 Education's website no later than July 1, 2018. Additional
 77 computer science courses may be subsequently identified and
 78 posted on the department's website.

79 (c) Student enrollment in computer science courses offered
 80 by the Florida Virtual School pursuant to subsection (3) may be
 81 used to satisfy the requirements of subparagraphs 1.-3.

82 (d) A charter school is not required to offer a computer
 83 science course; however, enrollment of a charter school's
 84 students in a computer science course under this section may be
 85 included in the school district's percentage calculation.

86 (3) The Florida Virtual School shall offer computer
 87 science courses identified in the Course Code Directory pursuant
 88 to paragraph (2)(b). If a school district does not offer an
 89 identified course, the district must provide students access to
 90 the course through the Florida Virtual School or through other
 91 means.

92 (4)(a) Subject to legislative appropriation, a school
 93 district or a consortium of school districts may apply to the
 94 department, in a format prescribed by the department, for
 95 funding to deliver or facilitate training for classroom teachers
 96 to earn an educator certificate in computer science pursuant to
 97 s. 1012.56 or an industry certification associated with a course
 98 identified in the Course Code Directory pursuant to paragraph
 99 (2)(b). Such funding shall only be used to provide training for

100 classroom teachers and to pay fees for examinations that lead to
 101 a credential pursuant to this paragraph.

102 (b) Once the department has identified courses in the
 103 Course Code Directory pursuant to paragraph (2)(b), the
 104 department shall establish a deadline for submitting
 105 applications. The department shall award funding to school
 106 districts in a manner that allows for an equitable distribution
 107 of funding statewide based on student population.

108 (5)(2) Elementary schools and middle schools may establish
 109 digital classrooms in which students are provided opportunities
 110 to improve digital literacy and competency; to learn digital
 111 skills, such as coding, multiple media presentation, and the
 112 manipulation of multiple digital graphic images; and to earn
 113 digital tool certificates and certifications pursuant to s.
 114 1003.4203 and grade-appropriate, technology-related industry
 115 certifications.

116 (6)(3) High school students must be provided ~~schools may~~
 117 ~~provide students~~ opportunities to take computer science courses
 118 to satisfy high school graduation requirements, including, but
 119 not limited to, the following:

120 (a) High school computer science courses of sufficient
 121 rigor, as identified by the commissioner, such that one credit
 122 in computer science and the earning of related industry
 123 certifications constitute the equivalent of up to one credit of
 124 the mathematics requirement, with the exception of Algebra I or

125 higher-level mathematics, or up to one credit of the science
126 requirement, with the exception of Biology I or higher-level
127 science, for high school graduation. Computer science courses
128 and technology-related industry certifications that are
129 identified as eligible for meeting mathematics or science
130 requirements for high school graduation shall be included in the
131 Course Code Directory.

132 (b) High school computer technology courses in 3D rapid
133 prototype printing of sufficient rigor, as identified by the
134 commissioner, such that one or more credits in such courses and
135 related industry certifications earned may satisfy up to two
136 credits of mathematics required for high school graduation with
137 the exception of Algebra I. Computer technology courses in 3D
138 rapid prototype printing and related industry certifications
139 that are identified as eligible for meeting mathematics
140 requirements for high school graduation shall be included in the
141 Course Code Directory.

142 (7) Subject to legislative appropriation, a classroom
143 teacher who was evaluated as effective or highly effective
144 pursuant to s. 1012.34 in the previous school year or who is
145 newly hired by the district school board and has not been
146 evaluated pursuant to s. 1012.34 must receive a bonus as
147 follows:

148 (a) If the classroom teacher holds an educator certificate
149 in computer science pursuant to s. 1012.56 or if he or she has

150 passed the computer science subject area examination and holds
 151 an adjunct certificate issued by a school district pursuant to
 152 s. 1012.57, he or she shall receive a bonus of \$1,000 after each
 153 year the individual completes teaching a computer science course
 154 identified in the Course Code Directory pursuant to paragraph
 155 (2)(b) at a public middle, high, or combination school in the
 156 state, for up to 3 years.

157 (b) If the classroom teacher holds an industry
 158 certification associated with a course identified in the Course
 159 Code Directory pursuant to paragraph (2)(b), he or she shall
 160 receive a bonus of \$500 after each year the individual completes
 161 teaching the identified course at a public middle, high, or
 162 combination school in the state, for up to 3 years.

163
 164 A school district shall report a qualifying classroom teacher to
 165 the department by a date and in a format established by the
 166 department. An eligible classroom teacher shall receive his or
 167 her bonus upon completion of the school year in which he or she
 168 taught the course. A teacher may not receive more than one bonus
 169 per year under this subsection.

170 (8) Subject to legislative appropriation, the department
 171 shall award high-need technology grants to eligible school
 172 districts if the funds provided in the Florida digital
 173 classrooms allocation pursuant to s. 1011.62(12) are
 174 insufficient to meet the costs specified in that subsection and

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175 the district has no remaining instructional materials funds
176 under s. 1011.67. The department shall establish an application
177 process and eligibility criteria. Such criteria must be based on
178 a school district's technology needs and must provide for an
179 equitable distribution of funding based on the geographic
180 distribution of the student population among school districts
181 determined to have a high need for technology.

182 (9)~~(4)~~ The State Board of Education shall ~~may~~ adopt rules
183 to administer this section.

184 Section 2. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1299 Public School Transportation

SPONSOR(S): Raburn

TIED BILLS: None **IDEN./SIM. BILLS:** SB 188

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee		McAlarney	Healy
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

Currently, district school boards are required to provide transportation for students in prekindergarten disability programs and students whose homes are more than a reasonable walking distance from school, which is defined as living more than 2 miles from school. A district is also required to provide transportation to students in grades K-6 who are subject to hazardous walking conditions and may provide transportation to students in grades 7-12 who are subject to hazardous walking conditions.

The bill:

- Requires districts to provide transportation to students whose homes are more than 1.5 miles from the nearest appropriate school, rather than students whose homes are "more than a reasonable distance" or are 2 miles or more from the school and authorizes districts to report these students for transportation funding to the state.
- Allows all students in grades K-12 to be transported and funded if they are subject to hazardous walking conditions.
- Revises criteria for determining hazardous walking conditions with regard to the number of lanes and speed limits.
- Requires the superintendent to request a review of specified roads if he or she receives a written request from a parent of a student in the district school.
- Requires, rather than authorizes, a district school board to initiate a proceeding to determine whether a condition constitutes a hazardous walking condition, if the governmental representatives were unable to reach a consensus on the initial request.

See fiscal comments.

The bill takes effect July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

District school boards (district), after considering recommendations of the district school superintendent (superintendent) provide transportation for each student in prekindergarten disability programs and in K-12 public schools when transportation is necessary to provide adequate educational facilities and opportunities which otherwise would not be available. Districts must also transport students whose homes are more than a reasonable walking distance from the nearest appropriate school.¹ Generally, districts do not receive state funding to transport students in grades K-12 living 2 miles or less from the schools they attend.² However, state funds are allocated to transport any public elementary school student whose grade level does not exceed grade 6 and is subject to a hazardous walking condition.³ Districts may provide transportation for public school students in grades 7-12 who are subjected to a "hazardous walking condition."⁴

Hazardous Walking Conditions

Hazardous walking conditions are classified according to walkways either parallel, perpendicular, or crossing a road which a student must walk to and from school.⁵ For walkways that are parallel to a road, a hazardous walking condition exists if there is less than a 4-foot wide surface for students to walk adjacent to the road.⁶ Not only must the walking surface be at least 4-feet wide, but if the road is uncurbed with a posted speed limit of 50 miles per hour or greater, the walking surface adjacent to the road also must be at least 3-feet from the edge of the road or it will be a hazardous walking condition.⁷

Even if the above criteria are met for parallel walkways, a walking condition will not be considered hazardous if the:

- volume of traffic⁸ on the road is less than 180 vehicles per hour, per direction, during the time when students walk to and from school;⁹ or
- road is located in a residential area with a posted speed limit of 30 miles per hour or less.¹⁰

For walkways perpendicular to a road, a hazardous walking condition exists if:

- traffic volume on the road exceeds the rate of 360 vehicles per hour, per direction, during the time when students walk to and from school and the crossing site is uncontrolled, meaning it is an intersection or other designated crossing site where no crossing guard, traffic enforcement

¹ Section 1006.21(3)(a), F.S. rule 6A-3.001(3), F.A.C. A reasonable walking distance for any student who is not otherwise eligible for transportation pursuant to Section 1011.68, F.S., is any distance not more than 2 miles between the home and school or 1 1/2 miles between the home and the assigned bus stop.

² Section 1011.68(1), F.S.

³ Section 1006.23(1), F.S.

⁴ Section 1006.23(2), F.S.; Section 1011.68(1)(e), F.S.

⁵ Section 1006.23(2)(a)-(c), F.S.

⁶ Section. 1006.23(2)(a)1., F.S.

⁷ *Id.* The 4 foot wide surface does not include drainage ditches, sluiceways, swales, or channels.

⁸ Section 1006.23(2), F.S. Traffic volume is determined by the most current traffic engineering study conducted by a state or local governmental agency.

⁹ Section 1006.23(2)(a)2.a., F.S.

¹⁰ Section 1006.23(2)(a)2.b., F.S.

officer, stop sign, or other traffic control signal is present when students walk to and from school;¹¹ or

- total traffic volume on the road exceeds 4,000 vehicles per hour through an intersection or other crossing site controlled by a stop sign or other traffic control signal and no crossing guards or other traffic enforcement officers are present during the time when students walk to and from school.¹²

For uncontrolled crosswalks over the road, a hazardous walking condition exists if the road has:

- a posted speed limit of 50 miles per hour or greater; or
- six lanes or more, not including turn lanes, regardless of speed limit.¹³

Inspecting, Determining, and Reporting Hazardous Walking Conditions

Identification of hazardous walking conditions begins when the superintendent or the superintendent's designee receives a request to review a condition perceived to be hazardous to students in the district living within the 2-mile radius of a school and who walk to school.¹⁴

After the request for review is received, the perceived hazardous walking condition is jointly inspected by a representative of the:

- school district,
- state or local governmental entity with jurisdiction over the location, and
- municipal police department, the sheriff's office or Department of Transportation.¹⁵

Current law requires the governmental representatives to determine whether the condition constitutes a hazardous walking condition. If the governmental representatives concur that a condition constitutes a hazardous walking condition, the governmental entity with jurisdiction shall report that determination in writing to the superintendent, who initiates a formal request for correction.¹⁶

If the governmental representatives are unable to reach a consensus, the reasons for lack of consensus are reported to the superintendent, who provides a report and recommendation to the district school board (board). The board may initiate a proceeding to determine whether the condition constitutes a hazardous walking condition after providing at least 30 days' notice to the state or local governmental entity having jurisdiction over the road.¹⁷

Correcting Hazardous Walking Conditions

Currently, a board and other governmental entities work cooperatively to identify conditions that are hazardous along student walking routes to school, and a board provides transportation to students who would be subjected to such conditions. Additionally, state or local governmental entities with jurisdiction over a road along which a hazardous walking condition is determined to exist shall correct the condition within a reasonable period of time.¹⁸ Upon a determination that a hazardous walking condition exists, the superintendent requests a position statement with respect to correcting a

¹¹ Section 1006.23(2)(b)1., F.S.

¹² Section 1006.23(2)(b)2., F.S.

¹³ Section 1006.23(2)(c), F.S.

¹⁴ Section 1006.23(2), F.S.

¹⁵ Section 1006.23(3)(a), F.S. If the jurisdiction is a metropolitan planning organization, a representative of that organization must also be included.

¹⁶ *Id.*

¹⁷ Section 1006.23(3)(b), F.S. The proceedings continue unless, within 30 days after such notice is provided, the state or local governmental entity concurs in writing that the condition is a hazardous walking condition and provides a position statement.

¹⁸ Section 1006.23(4)(a), F.S.

hazardous condition from the state or local governmental entity with jurisdiction. Within 90 days after receiving such request, the state or local governmental entity informs the superintendent whether the entity will include correction of the hazardous walking condition in its next annual 5-year transportation work program.¹⁹

State funds are allocated for the transportation of students subjected to a hazardous walking condition. However, such funding ceases upon correction of the hazardous walking condition or upon the projected completion date, whichever occurs first.²⁰

Effect of Proposed Changes

The bill requires that districts provide transportation to students whose homes are more than 1.5 miles from the nearest appropriate school, rather than students whose homes are “more than a reasonable distance” or 2 miles or more from school. Districts shall report these students for transportation funding from the state. Districts must also transport all students in grades K-12 if they are subject to hazardous walking conditions.

The criteria for determining a hazardous walking condition is revised as follows:

- For walkways parallel to the road, a speed limit of 45 rather than 50 miles per hour constitutes a hazardous walking condition.
- For any road at any uncontrolled crossing site which students must walk in order to walk to and from school, a speed limit of 45 rather than 50 miles per hour, or the road has four rather than six lanes (excluding turn lanes) regardless of the speed limit constitutes a hazardous walking condition.

The bill requires a superintendent to request a review of a road to determine if a hazardous walking condition exists if a parent of a student in the district requests a review of a road in writing.

Additionally, the bill requires, rather than authorizes, a district school board to initiate a proceeding to determine whether a condition constitutes a hazardous walking condition, if the governmental representatives were unable to reach a consensus on the initial request.

B. SECTION DIRECTORY:

Section 1. Amends s. 1006.21, F.S., relating to the duties of a district school superintendent and district school board regarding transportation.

Section 2. Amends s. 1006.23, F.S., relating to hazardous walking conditions.

Section 3. Amends s. 1002.20, F.S., relating to K-12 student and parent rights.

Section 4. Amends s. 1011.68, F.S., relating to funds for student transportation.

Section 5. Provides an effective date of July 1, 2018.

¹⁹ Section 1006.23(4)(b), F.S. If the hazardous walking condition will be corrected, the state or local governmental entity informs the superintendent when correction of the condition will be completed. If the hazardous walking condition will not be included in the state or local governmental entity’s next annual 5-year transportation work program, the factors justifying such conclusion must be stated in writing to the superintendent and the Department of Education.

²⁰ Section 1006.23(4)(c), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Student transportation funds are allocated within the Florida Education Finance Program annually as provided in the General Appropriations Act. The fiscal impact of the bill is indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Because it is unknown how many newly eligible students may choose to use district transportation or how many additional hazardous walking conditions could be determined, the fiscal impact of the bill is indeterminate.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to public school transportation;
 3 amending s. 1006.21, F.S.; requiring district school
 4 boards to provide transportation to certain students;
 5 amending s. 1006.23, F.S.; revising the definition of
 6 the term "student"; revising the speed and road
 7 conditions that meet the requirements for a hazardous
 8 walking condition; requiring a district school
 9 superintendent to request a review of a hazardous
 10 walking condition upon receipt of a written request
 11 from a parent of a student; requiring rather than
 12 authorizing a school district to initiate specified
 13 proceedings under certain circumstances; amending ss.
 14 1002.20 and 1011.68, F.S.; conforming provisions to
 15 changes made by the act; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Paragraphs (a) and (b) of subsection (3) of
 20 section 1006.21, Florida Statutes, are amended to read:

21 1006.21 Duties of district school superintendent and
 22 district school board regarding transportation.—

23 (3) District school boards, after considering
 24 recommendations of the district school superintendent:

25 (a) Shall provide transportation for each student in

26 prekindergarten disability programs and in kindergarten through
 27 grade 12 membership in a public school when, and only when,
 28 transportation is necessary to provide adequate educational
 29 facilities and opportunities that ~~which~~ otherwise would not be
 30 available and to transport students whose homes are more than
 31 1.5 miles ~~a reasonable walking distance, as defined by rules of~~
 32 ~~the State Board of Education,~~ from the nearest appropriate
 33 school.

34 (b) Shall provide transportation for public ~~elementary~~
 35 school students ~~in membership whose grade level does not exceed~~
 36 ~~grade 6, and may provide transportation for public school~~
 37 ~~students in membership in grades 7 through 12, if~~ they such
 38 ~~students~~ are subjected to hazardous walking conditions as
 39 provided in s. 1006.23 while en route to or from school.

40 Section 2. Subsection (1), paragraphs (a) and (c) of
 41 subsection (2), and paragraphs (a) and (b) of subsection (3) of
 42 section 1006.23, Florida Statutes, are amended to read:

43 1006.23 Hazardous walking conditions.—

44 (1) DEFINITION.—As used in this section, the term
 45 "student" means any public ~~elementary~~ school student in
 46 kindergarten through grade 12 ~~whose grade level does not exceed~~
 47 ~~grade 6.~~

48 (2) HAZARDOUS WALKING CONDITIONS.—

49 (a) *Walkways parallel to the road.*—

50 1. It shall be considered a hazardous walking condition

51 | with respect to any road along which students must walk in order
 52 | to walk to and from school if there is not an area at least 4
 53 | feet wide adjacent to the road, not including drainage ditches,
 54 | sluiceways, swales, or channels, having a surface upon which
 55 | students may walk without being required to walk on the road
 56 | surface. In addition, whenever the road along which students
 57 | must walk is uncurbed and has a posted speed limit of 45 ~~50~~
 58 | miles per hour or greater, the area as described above for
 59 | students to walk upon shall be set off the road by no less than
 60 | 3 feet from the edge of the road.

61 | 2. Subparagraph 1. does not apply when the road along
 62 | which students must walk:

63 | a. Is a road on which the volume of traffic is less than
 64 | 180 vehicles per hour, per direction, during the time students
 65 | walk to and from school; or

66 | b. Is located in a residential area and has a posted speed
 67 | limit of 30 miles per hour or less.

68 | (c) *Crossings over the road.*—It shall be considered a
 69 | hazardous walking condition with respect to any road at any
 70 | uncontrolled crossing site which students must walk in order to
 71 | walk to and from school if:

72 | 1. The road has a posted speed limit of 45 ~~50~~ miles per
 73 | hour or greater; or

74 | 2. The road has four ~~six~~ lanes or more, not including turn
 75 | lanes, regardless of the speed limit.

(3) IDENTIFICATION OF HAZARDOUS CONDITIONS.—

(a) When a district school superintendent requests a
~~request for review of is made by the district school~~
~~superintendent with respect to~~ a road over which a state or
 local governmental entity has jurisdiction concerning a
 condition perceived to be hazardous to students in that district
 who live within the 1.5-mile ~~2-mile~~ limit and who walk to
 school, such condition must ~~shall~~ be inspected jointly by a
 representative of the school district, a representative of the
 state or local governmental entity with jurisdiction over the
 perceived hazardous location, and a representative of the
 municipal police department for a municipal road, a
 representative of the sheriff's office for a county road, or a
 representative of the Department of Transportation for a state
 road. The district school superintendent must request the review
if he or she receives a written request from a parent of a
student in the school district. If the jurisdiction is within an
 area for which there is a metropolitan planning organization, a
 representative of that organization must ~~shall~~ also be included.
 The governmental representatives shall determine whether the
 condition constitutes a hazardous walking condition as provided
 in subsection (2). If the governmental representatives concur
 that a condition constitutes a hazardous walking condition as
 provided in subsection (2), the governmental entity with
 jurisdiction must ~~shall~~ report that determination in writing to

101 the district school superintendent, who shall initiate a formal
 102 request for correction as provided in subsection (4).

103 (b) If the governmental representatives are unable to
 104 reach a consensus, the reasons for lack of consensus shall be
 105 reported to the district school superintendent, who shall
 106 provide a report and recommendation to the district school
 107 board. The district school board shall ~~may~~ initiate a proceeding
 108 under chapter 86 seeking a determination as to whether the
 109 condition constitutes a hazardous walking condition as provided
 110 in subsection (2) after providing at least 30 days' notice in
 111 writing to the state or local governmental entity having
 112 jurisdiction over the road of its intent to do so unless, within
 113 30 days after such notice is provided, the state or local
 114 governmental entity concurs in writing that the condition is a
 115 hazardous walking condition as provided in subsection (2) and
 116 provides the position statement pursuant to subsection (4). If a
 117 proceeding is initiated under this paragraph, the district
 118 school board has the burden of proving such condition by the
 119 greater weight of evidence. If the district school board
 120 prevails, the district school superintendent shall report the
 121 outcome to the Department of Education and initiate a formal
 122 request for correction of the hazardous walking condition as
 123 provided in subsection (4).

124 Section 3. Paragraph (b) of subsection (22) of section
 125 1002.20, Florida Statutes, is amended to read:

126 1002.20 K-12 student and parent rights.—Parents of public
 127 school students must receive accurate and timely information
 128 regarding their child's academic progress and must be informed
 129 of ways they can help their child to succeed in school. K-12
 130 students and their parents are afforded numerous statutory
 131 rights including, but not limited to, the following:

132 (22) TRANSPORTATION.—

133 (b) *Hazardous walking conditions.*—~~K-6~~ Public school
 134 students shall be provided transportation if they are subjected
 135 to hazardous walking conditions, in accordance with the
 136 provisions of ss. 1006.21(3)(b) and 1006.23.

137 Section 4. Paragraphs (a) and (e) of subsection (1) of
 138 section 1011.68, Florida Statutes, are amended to read:

139 1011.68 Funds for student transportation.—The annual
 140 allocation to each district for transportation to public school
 141 programs, including charter schools as provided in s.
 142 1002.33(17)(b), of students in membership in kindergarten
 143 through grade 12 and in migrant and exceptional student programs
 144 below kindergarten shall be determined as follows:

145 (1) Subject to the rules of the State Board of Education,
 146 each district shall determine the membership of students who are
 147 transported:

148 (a) By reason of living 1.5 ~~2~~ miles or more from school.

149 (e) With respect to public elementary school students
 150 ~~whose grade level does not exceed grade 6, by reason of being~~

151 | subjected to hazardous walking conditions en route to or from
152 | school as provided in s. 1006.23. Such rules shall, when
153 | appropriate, provide for the determination of membership under
154 | this paragraph for less than 1 year to accommodate the needs of
155 | students who require transportation only until such hazardous
156 | conditions are corrected.

157 | Section 5. This act shall take effect July 1, 2018.