



Education Committee

Thursday, February 16, 2012

9:00 am – 11:00 am

Reed Hall – 102 HOB

Meeting Packet

REVISED

**Dean Cannon
Speaker**

**William Proctor
Chair**



AGENDA

Education Committee
Thursday, February 16, 2012
9:00 am – 11:00 am
Reed Hall – 102 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Discussion of Higher Education issues with Dean Colson
Chairman of the Florida Board of Governors
- IV. Consideration of the following bill(s):
 - HB 331 Career and Adult Education by Patronis
 - HB 347 College Credit for Military Training and Education Courses by Harrell
 - HB 689 American Founders' Month by Bileca
 - CS/CS/HB 799 Physical Therapy by Health Care Appropriations Subcommittee,
Health & Human Services Quality Subcommittee, Goodson
 - CS/CS/HB 1191 Parent Empowerment in Education by Rulemaking & Regulation
Subcommittee, K-20 Innovation Subcommittee, Bileca
- V. Closing Remarks and Adjournment

1 A bill to be entitled
 2 An act relating to career and adult education;
 3 amending s. 1003.41, F.S.; requiring the Next
 4 Generation Sunshine State Standards to include
 5 financial literacy in the core curricular content of
 6 economics; amending s. 1003.42, F.S.; including the
 7 study of financial literacy in public school required
 8 instruction; amending ss. 1003.428 and 1003.429, F.S.;
 9 providing that the credit requirement in economics for
 10 high school graduation includes instruction in
 11 financial literacy; amending s. 1003.433, F.S.,
 12 relating to learning opportunities for certain
 13 transfer students and students needing additional
 14 instruction to meet high school graduation
 15 requirements; deleting provisions that exempt adult
 16 general education students from payment of tuition and
 17 fees; amending s. 1004.02, F.S.; revising definitions;
 18 replacing the term "vocational-preparatory"
 19 instruction with the term "applied academics for adult
 20 education" instruction with respect to adult general
 21 education; amending s. 1004.91, F.S.; conforming
 22 provisions relating to career education programs;
 23 deleting obsolete provisions; amending s. 1004.92,
 24 F.S.; authorizing district school boards and Florida
 25 College System institution boards of trustees to vary
 26 up to a specified percentage of intended learning
 27 outcomes of career education programs; amending s.
 28 1004.93, F.S.; deleting lifelong learning courses or

29 activities and recreational or leisure courses as
 30 priorities in the provision of adult education program
 31 academic services; requiring students entering adult
 32 general education programs to complete specified
 33 "Action Steps to Employment" activities; amending ss.
 34 1007.263, 1007.271, 1008.37, 1009.22, and 1009.25,
 35 F.S.; conforming terminology to changes made by the
 36 act; providing an effective date.

37

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

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40 Section 1. Paragraph (a) of subsection (1) of section
 41 1003.41, Florida Statutes, is amended to read:

42 1003.41 Sunshine State Standards.—

43 (1) Public K-12 educational instruction in Florida is
 44 based on the "Sunshine State Standards." The State Board of
 45 Education shall review the Sunshine State Standards and replace
 46 them with the Next Generation Sunshine State Standards that
 47 establish the core content of the curricula to be taught in this
 48 state and that specify the core content knowledge and skills
 49 that K-12 public school students are expected to acquire. The
 50 Next Generation Sunshine State Standards must, at a minimum:

51 (a) Establish the core curricular content for language
 52 arts, science, mathematics, and social studies, as follows:

53 1. Language arts standards must establish specific
 54 curricular content for, at a minimum, the reading process,
 55 literary analysis, the writing process, writing applications,
 56 communication, and information and media literacy. The standards

57 | must include distinct grade level expectations for the core
 58 | content knowledge and skills that a student is expected to have
 59 | acquired by each individual grade level from kindergarten
 60 | through grade 8. The language arts standards for grades 9
 61 | through 12 may be organized by grade clusters of more than one
 62 | grade level. The language arts standards must also identify
 63 | significant literary genres and authors that encompass a
 64 | comprehensive range of historical periods. Beginning with the
 65 | 2011-2012 school year, the reading portion of the language arts
 66 | curriculum shall include civics education content for all grade
 67 | levels. The State Board of Education shall, in accordance with
 68 | the expedited schedule established under subsection (2), review
 69 | and replace the language arts standards adopted by the state
 70 | board in 2007 with Next Generation Sunshine State Standards that
 71 | comply with this subparagraph.

72 | 2. Science standards must establish specific curricular
 73 | content for, at a minimum, the nature of science, earth and
 74 | space science, physical science, and life science. The standards
 75 | must include distinct grade level expectations for the core
 76 | content knowledge and skills that a student is expected to have
 77 | acquired by each individual grade level from kindergarten
 78 | through grade 8. The science standards for grades 9 through 12
 79 | may be organized by grade clusters of more than one grade level.

80 | 3. Mathematics standards must establish specific
 81 | curricular content for, at a minimum, algebra, geometry,
 82 | probability, statistics, calculus, discrete mathematics,
 83 | ~~financial literacy,~~ and trigonometry. The standards must include
 84 | distinct grade level expectations for the core content knowledge

85 and skills that a student is expected to have acquired by each
 86 individual grade level from kindergarten through grade 8. The
 87 mathematics standards for grades 9 through 12 may be organized
 88 by grade clusters of more than one grade level.

89 4. Social studies standards must establish specific
 90 curricular content for, at a minimum, geography, United States
 91 and world history, government, civics, economics to include
 92 financial literacy, and humanities. The standards must include
 93 distinct grade level expectations for the core content knowledge
 94 and skills that a student is expected to have acquired by each
 95 individual grade level from kindergarten through grade 8. The
 96 social studies standards for grades 9 through 12 may be
 97 organized by grade clusters of more than one grade level.

98 Section 2. Paragraph (u) is added to subsection (2) of
 99 section 1003.42, Florida Statutes, to read:

100 1003.42 Required instruction.—

101 (2) Members of the instructional staff of the public
 102 schools, subject to the rules of the State Board of Education
 103 and the district school board, shall teach efficiently and
 104 faithfully, using the books and materials required that meet the
 105 highest standards for professionalism and historic accuracy,
 106 following the prescribed courses of study, and employing
 107 approved methods of instruction, the following:

108 (u) Financial literacy, including the knowledge,
 109 understanding, skills, behaviors, attitudes, and values that
 110 will enable a student to make responsible and effective
 111 financial decisions in his or her daily life now and during
 112 adulthood.

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The State Board of Education is encouraged to adopt standards and pursue assessment of the requirements of this subsection.

Section 3. Paragraph (a) of subsection (2) of section 1003.428, Florida Statutes, is amended to read:

1003.428 General requirements for high school graduation; revised.—

(2) The 24 credits may be earned through applied, integrated, and combined courses approved by the Department of Education. The 24 credits shall be distributed as follows:

(a) Sixteen core curriculum credits:

1. Four credits in English, with major concentration in composition, reading for information, and literature.

2. Four credits in mathematics, one of which must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course. Beginning with students entering grade 9 in the 2010-2011 school year, in addition to the Algebra I credit requirement, one of the four credits in mathematics must be geometry or a series of courses equivalent to geometry as approved by the State Board of Education.

Beginning with students entering grade 9 in the 2010-2011 school year, the end-of-course assessment requirements under s.

1008.22(3)(c)2.a.(I) must be met in order for a student to earn the required credit in Algebra I. Beginning with students entering grade 9 in the 2011-2012 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I) must be met in order for a student to earn the required credit in geometry. Beginning with students entering grade 9 in the 2012-

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141 | 2013 school year, in addition to the Algebra I and geometry
 142 | credit requirements, one of the four credits in mathematics must
 143 | be Algebra II or a series of courses equivalent to Algebra II as
 144 | approved by the State Board of Education.

145 | 3. Three credits in science, two of which must have a
 146 | laboratory component. Beginning with students entering grade 9
 147 | in the 2011-2012 school year, one of the three credits in
 148 | science must be Biology I or a series of courses equivalent to
 149 | Biology I as approved by the State Board of Education. Beginning
 150 | with students entering grade 9 in the 2011-2012 school year, the
 151 | end-of-course assessment requirements under s.

152 | 1008.22(3)(c)2.a.(II) must be met in order for a student to earn
 153 | the required credit in Biology I. Beginning with students
 154 | entering grade 9 in the 2013-2014 school year, one of the three
 155 | credits must be Biology I or a series of courses equivalent to
 156 | Biology I as approved by the State Board of Education, one
 157 | credit must be chemistry or physics or a series of courses
 158 | equivalent to chemistry or physics as approved by the State
 159 | Board of Education, and one credit must be an equally rigorous
 160 | course, as determined by the State Board of Education.

161 | 4. Three credits in social studies as follows: one credit
 162 | in United States history; one credit in world history; one-half
 163 | credit in economics to include financial literacy; and one-half
 164 | credit in United States government.

165 | 5. One credit in fine or performing arts, speech and
 166 | debate, or a practical arts course that incorporates artistic
 167 | content and techniques of creativity, interpretation, and
 168 | imagination. Eligible practical arts courses shall be identified

169 through the Course Code Directory.

170 6. One credit in physical education to include integration
 171 of health. Participation in an interscholastic sport at the
 172 junior varsity or varsity level for two full seasons shall
 173 satisfy the one-credit requirement in physical education if the
 174 student passes a competency test on personal fitness with a
 175 score of "C" or better. The competency test on personal fitness
 176 must be developed by the Department of Education. A district
 177 school board may not require that the one credit in physical
 178 education be taken during the 9th grade year. Completion of one
 179 semester with a grade of "C" or better in a marching band class,
 180 in a physical activity class that requires participation in
 181 marching band activities as an extracurricular activity, or in a
 182 dance class shall satisfy one-half credit in physical education
 183 or one-half credit in performing arts. This credit may not be
 184 used to satisfy the personal fitness requirement or the
 185 requirement for adaptive physical education under an individual
 186 education plan (IEP) or 504 plan. Completion of 2 years in a
 187 Reserve Officer Training Corps (R.O.T.C.) class, a significant
 188 component of which is drills, shall satisfy the one-credit
 189 requirement in physical education and the one-credit requirement
 190 in performing arts. This credit may not be used to satisfy the
 191 personal fitness requirement or the requirement for adaptive
 192 physical education under an individual education plan (IEP) or
 193 504 plan.

194 Section 4. Paragraphs (b) and (c) of subsection (1) of
 195 section 1003.429, Florida Statutes, are amended to read:

196 1003.429 Accelerated high school graduation options.—

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197 (1) Students who enter grade 9 in the 2006-2007 school
 198 year and thereafter may select, upon receipt of each consent
 199 required by this section, one of the following three high school
 200 graduation options:

201 (b) Completion of a 3-year standard college preparatory
 202 program requiring successful completion of a minimum of 18
 203 academic credits in grades 9 through 12. At least 6 of the 18
 204 credits required for completion of this program must be received
 205 in classes that are offered pursuant to the International
 206 Baccalaureate Program, the Advanced Placement Program, dual
 207 enrollment, Advanced International Certificate of Education, or
 208 specifically listed or identified by the Department of Education
 209 as rigorous pursuant to s. 1009.531(3). The 18 credits required
 210 for completion of this program shall be primary requirements and
 211 shall be distributed as follows:

212 1. Four credits in English, with major concentration in
 213 composition and literature;

214 2. Three credits and, beginning with students entering
 215 grade 9 in the 2010-2011 school year, four credits in
 216 mathematics at the Algebra I level or higher from the list of
 217 courses that qualify for state university admission. Beginning
 218 with students entering grade 9 in the 2010-2011 school year, in
 219 addition to the Algebra I credit requirement, one of the four
 220 credits in mathematics must be geometry or a series of courses
 221 equivalent to geometry as approved by the State Board of
 222 Education. Beginning with students entering grade 9 in the 2010-
 223 2011 school year, the end-of-course assessment requirements
 224 under s. 1008.22(3)(c)2.a.(I) must be met in order for a student

225 to earn the required credit in Algebra I. Beginning with
 226 students entering grade 9 in the 2011-2012 school year, the end-
 227 of-course assessment requirements under s. 1008.22(3)(c)2.a.(I)
 228 must be met in order for a student to earn the required credit
 229 in geometry. Beginning with students entering grade 9 in the
 230 2012-2013 school year, in addition to the Algebra I and geometry
 231 credit requirements, one of the four credits in mathematics must
 232 be Algebra II or a series of courses equivalent to Algebra II as
 233 approved by the State Board of Education;

234 3. Three credits in science, two of which must have a
 235 laboratory component. Beginning with students entering grade 9
 236 in the 2011-2012 school year, one of the three credits in
 237 science must be Biology I or a series of courses equivalent to
 238 Biology I as approved by the State Board of Education. Beginning
 239 with students entering grade 9 in the 2011-2012 school year, the
 240 end-of-course assessment requirements under s.
 241 1008.22(3)(c)2.a.(II) must be met in order for a student to earn
 242 the required credit in Biology I. Beginning with students
 243 entering grade 9 in the 2013-2014 school year, one of the three
 244 credits must be Biology I or a series of courses equivalent to
 245 Biology I as approved by the State Board of Education, one
 246 credit must be chemistry or physics or a series of courses
 247 equivalent to chemistry or physics as approved by the State
 248 Board of Education, and one credit must be an equally rigorous
 249 course, as approved by the State Board of Education;

250 4. Three credits in social sciences, which must include
 251 one credit in United States history, one credit in world
 252 history, one-half credit in United States government, and one-

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253 half credit in economics to include financial literacy;

254 5. Two credits in the same second language unless the
 255 student is a native speaker of or can otherwise demonstrate
 256 competency in a language other than English. If the student
 257 demonstrates competency in another language, the student may
 258 replace the language requirement with two credits in other
 259 academic courses; and

260 6. Three credits in electives and, beginning with students
 261 entering grade 9 in the 2010-2011 school year, two credits in
 262 electives; or

263 (c) Completion of a 3-year career preparatory program
 264 requiring successful completion of a minimum of 18 academic
 265 credits in grades 9 through 12. The 18 credits shall be primary
 266 requirements and shall be distributed as follows:

267 1. Four credits in English, with major concentration in
 268 composition and literature;

269 2. Three credits and, beginning with students entering
 270 grade 9 in the 2010-2011 school year, four credits in
 271 mathematics, one of which must be Algebra I. Beginning with
 272 students entering grade 9 in the 2010-2011 school year, in
 273 addition to the Algebra I credit requirement, one of the four
 274 credits in mathematics must be geometry or a series of courses
 275 equivalent to geometry as approved by the State Board of
 276 Education. Beginning with students entering grade 9 in the 2010-
 277 2011 school year, the end-of-course assessment requirements
 278 under s. 1008.22(3)(c)2.a.(I) must be met in order for a student
 279 to earn the required credit in Algebra I. Beginning with
 280 students entering grade 9 in the 2011-2012 school year, the end-

281 of-course assessment requirements under s. 1008.22(3)(c)2.a.(I)
 282 must be met in order for a student to earn the required credit
 283 in geometry. Beginning with students entering grade 9 in the
 284 2012-2013 school year, in addition to the Algebra I and geometry
 285 credit requirements, one of the four credits in mathematics must
 286 be Algebra II or a series of courses equivalent to Algebra II as
 287 approved by the State Board of Education;

288 3. Three credits in science, two of which must have a
 289 laboratory component. Beginning with students entering grade 9
 290 in the 2011-2012 school year, one of the three credits in
 291 science must be Biology I or a series of courses equivalent to
 292 Biology I as approved by the State Board of Education. Beginning
 293 with students entering grade 9 in the 2011-2012 school year, the
 294 end-of-course assessment requirements under s.
 295 1008.22(3)(c)2.a.(II) must be met in order for a student to earn
 296 the required credit in Biology I. Beginning with students
 297 entering grade 9 in the 2013-2014 school year, one of the three
 298 credits must be Biology I or a series of courses equivalent to
 299 Biology I as approved by the State Board of Education, one
 300 credit must be chemistry or physics or a series of courses
 301 equivalent to chemistry or physics as approved by the State
 302 Board of Education, and one credit must be an equally rigorous
 303 course, as approved by the State Board of Education;

304 4. Three credits in social sciences, which must include
 305 one credit in United States history, one credit in world
 306 history, one-half credit in United States government, and one-
 307 half credit in economics to include financial literacy;

308 5. Three credits in a single vocational or career

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309 education program, three credits in career and technical
 310 certificate dual enrollment courses, or five credits in
 311 vocational or career education courses; and

312 6. Two credits and, beginning with students entering grade
 313 9 in the 2010-2011 school year, one credit in electives unless
 314 five credits are earned pursuant to subparagraph 5.

315
 316 Any student who selected an accelerated graduation program
 317 before July 1, 2004, may continue that program, and all
 318 statutory program requirements that were applicable when the
 319 student made the program choice shall remain applicable to the
 320 student as long as the student continues that program.

321 Section 5. Paragraph (c) of subsection (2) of section
 322 1003.433, Florida Statutes, is amended to read:

323 1003.433 Learning opportunities for out-of-state and out-
 324 of-country transfer students and students needing additional
 325 instruction to meet high school graduation requirements.—

326 (2) Students who have met all requirements for the
 327 standard high school diploma except for passage of the grade 10
 328 FCAT or an alternate assessment by the end of grade 12 must be
 329 provided the following learning opportunities:

330 (c) Participation in an adult general education program as
 331 provided in s. 1004.93 for such time as the student requires to
 332 master English, reading, mathematics, or any other subject
 333 required for high school graduation. ~~Students attending adult~~
 334 ~~basic, adult secondary, or vocational preparatory instruction~~
 335 ~~are exempt from any requirement for the payment of tuition and~~
 336 ~~fees, including lab fees, pursuant to s. 1009.25. A student~~

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337 attending an adult general education program shall have the
 338 opportunity to take the grade 10 FCAT an unlimited number of
 339 times in order to receive a standard high school diploma.

340 Section 6. Subsections (3) and (24) of section 1004.02,
 341 Florida Statutes, are amended to read:

342 1004.02 Definitions.—As used in this chapter:

343 (3) "Adult general education" means comprehensive
 344 instructional programs designed to improve the employability of
 345 the state's workforce through adult basic education, adult
 346 secondary education, English for Speakers of Other Languages,
 347 applied academics for adult education ~~vocational-preparatory~~
 348 instruction, and instruction for adults with disabilities.

349 (24) "Applied academics for adult education instruction"
 350 or "applied academics instruction" ~~"Vocational-preparatory~~
 351 ~~instruction"~~ means adult general education through which persons
 352 attain academic and workforce readiness skills at the level of
 353 functional literacy (grade levels 6.0-8.9) or higher so that
 354 such persons may pursue technical certificate education or
 355 higher-level technical education.

356 Section 7. Section 1004.91, Florida Statutes, is amended
 357 to read:

358 1004.91 Career education program basic skills requirements
 359 ~~Career-preparatory instruction.~~—

360 (1) The State Board of Education shall adopt, by rule,
 361 standards of basic skill mastery for completion of certificate
 362 career education programs. Each school district and Florida
 363 College System institution that conducts programs that confer
 364 career credit shall provide applied academics ~~career-preparatory~~

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365 instruction through which students receive the basic skills
 366 instruction required pursuant to this section.

367 (2) Students who enroll in a program offered for career
 368 credit of 450 hours or more shall complete an entry-level
 369 examination within the first 6 weeks of admission into the
 370 program. The State Board of Education shall designate
 371 examinations that are currently in existence, the results of
 372 which are comparable across institutions, to assess student
 373 mastery of basic skills. Any student found to lack the required
 374 level of basic skills for such program shall be referred to
 375 applied academics ~~career-preparatory~~ instruction or another
 376 adult general basic education program for a structured program
 377 of basic skills instruction. Such instruction may include
 378 English for speakers of other languages. A student may not
 379 receive a career certificate of completion without first
 380 demonstrating the basic skills required in the state curriculum
 381 frameworks for the career education program.

382 (3) An adult student with a disability may be exempted
 383 from the provisions of this section. A student who possesses a
 384 college degree at the associate in applied science level or
 385 higher is exempt from this section. ~~A student who has completed~~
 386 ~~or who is exempt from the college-level communication and~~
 387 ~~computation skills examination pursuant to s. 1008.29, or who is~~
 388 ~~exempt from the college entry-level examination pursuant to s.~~
 389 ~~1008.29, is exempt from the provisions of this section.~~ Students
 390 who have passed a state, national, or industry licensure exam
 391 aligned to the career education program in which a student is
 392 enrolled are exempt from this section. An adult student who is

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393 enrolled in an apprenticeship program that is registered with
 394 the Department of Education in accordance with the provisions of
 395 chapter 446 is exempt from the provisions of this section.

396 Section 8. Paragraph (c) is added to subsection (2) of
 397 section 1004.92, Florida Statutes, to read:

398 1004.92 Purpose and responsibilities for career
 399 education.—

400 (2)

401 (c) District school boards and Florida College System
 402 institution boards of trustees may vary up to 10 percent of the
 403 intended learning outcomes of each career education program. The
 404 variance does not apply to career education programs that train
 405 students for occupations requiring state or federal licensure,
 406 certification, or registration.

407 Section 9. Subsection (2) of section 1004.93, Florida
 408 Statutes, is amended, subsection (8) is renumbered as subsection
 409 (9), and a new subsection (8) is added to that section, to read:

410 1004.93 Adult general education.—

411 (2) The adult education program must provide academic
 412 services to students in the following priority:

413 (a) Students who demonstrate skills at less than a fifth
 414 grade level, as measured by tests approved for this purpose by
 415 the State Board of Education, and who are studying to achieve
 416 basic literacy.

417 (b) Students who demonstrate skills at the fifth grade
 418 level or higher, but below the ninth grade level, as measured by
 419 tests approved for this purpose by the State Board of Education,
 420 and who are studying to achieve functional literacy.

421 (c) Students who are earning credit required for a high
 422 school diploma or who are preparing for the General Educational
 423 Development test.

424 (d) Students who have earned high school diplomas and
 425 require specific improvement in order to:

- 426 1. Obtain or maintain employment or benefit from
- 427 certificate career education programs;
- 428 2. Pursue a postsecondary degree; or
- 429 3. Develop competence in the English language to qualify
- 430 for employment.

431 ~~(e) Students who enroll in lifelong learning courses or~~
 432 ~~activities that seek to address community social and economic~~
 433 ~~issues that consist of health and human relations, government,~~
 434 ~~parenting, consumer economics, and senior citizens.~~

435 ~~(f) Students who enroll in courses that relate to the~~
 436 ~~recreational or leisure pursuits of the students. The cost of~~
 437 ~~courses conducted pursuant to this paragraph shall be borne by~~
 438 ~~the enrollees.~~

439 (8) In order to accelerate the employment of adult
 440 education students, students entering adult general education
 441 programs after July 1, 2012, must complete the following "Action
 442 Steps to Employment" activities prior to the completion of the
 443 first term:

444 (a) Identify employment opportunities using market-driven
 445 tools.

446 (b) Create a personalized employment goal.

447 (c) Conduct a personalized skill and knowledge inventory.

448 (d) Compare the results of the personalized skill and

449 knowledge inventory with the knowledge and skills needed to
 450 attain the personalized employment goal.

451 (e) Upgrade skills and knowledge needed through adult
 452 general education programs and additional educational pursuits
 453 based on the personalized employment goal.

454
 455 The "Action Steps to Employment" may be developed through a
 456 blended approach with assistance provided to adult general
 457 education students by teachers, employment specialists, guidance
 458 counselors, business and industry representatives, and online
 459 resources. Students should be directed to online resources or
 460 provided information on financial literacy, student financial
 461 aid, industry certifications, and occupational skills and
 462 knowledge tools and a listing of job openings.

463 Section 10. Subsection (1) of section 1007.263, Florida
 464 Statutes, is amended to read:

465 1007.263 Florida College System institutions; admissions
 466 of students.—Each Florida College System institution board of
 467 trustees is authorized to adopt rules governing admissions of
 468 students subject to this section and rules of the State Board of
 469 Education. These rules shall include the following:

470 (1) Admissions counseling shall be provided to all
 471 students entering college or career credit programs. Counseling
 472 shall utilize tests to measure achievement of college-level
 473 communication and computation competencies by all students
 474 entering college credit programs or tests to measure achievement
 475 of basic skills for career education programs as prescribed in
 476 s. 1004.91.

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Each board of trustees shall establish policies that notify students about, and place students into, adult basic education, adult secondary education, or other instructional programs that provide students with alternatives to traditional college-preparatory instruction, including private provider instruction. A student is prohibited from enrolling in additional college-level courses until the student scores above the cut-score on all sections of the common placement test.

Section 11. Subsection (2) of section 1007.271, Florida Statutes, is amended to read:

1007.271 Dual enrollment programs.—

(2) For the purpose of this section, an eligible secondary student is a student who is enrolled in a Florida public secondary school or in a Florida private secondary school which is in compliance with s. 1002.42(2) and conducts a secondary curriculum pursuant to s. 1003.43. Students enrolled in postsecondary instruction that is not creditable toward the high school diploma shall not be classified as dual enrollments. Students who are eligible for dual enrollment pursuant to this section shall be permitted to enroll in dual enrollment courses conducted during school hours, after school hours, and during the summer term. Instructional time for such enrollment may vary from 900 hours; however, the school district may only report the student for a maximum of 1.0 FTE, as provided in s. 1011.61(4). Any student so enrolled is exempt from the payment of registration, tuition, and laboratory fees. Applied academics ~~for adult education Vocational-preparatory~~ instruction, college-

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505 preparatory instruction, and other forms of precollegiate
 506 instruction, as well as physical education courses that focus on
 507 the physical execution of a skill rather than the intellectual
 508 attributes of the activity, are ineligible for inclusion in the
 509 dual enrollment program. Recreation and leisure studies courses
 510 shall be evaluated individually in the same manner as physical
 511 education courses for potential inclusion in the program.

512 Section 12. Subsection (2) of section 1008.37, Florida
 513 Statutes, is amended to read:

514 1008.37 Postsecondary feedback of information to high
 515 schools.—

516 (2) The Commissioner of Education shall report, by high
 517 school, to the State Board of Education, the Board of Governors,
 518 and the Legislature, no later than November 30 of each year, on
 519 the number of prior year Florida high school graduates who
 520 enrolled for the first time in public postsecondary education in
 521 this state during the previous summer, fall, or spring term,
 522 indicating the number of students whose scores on the common
 523 placement test indicated the need for remediation through
 524 applied academics instruction or college-preparatory ~~or~~
 525 ~~vocational-preparatory~~ instruction pursuant to s. 1004.91 or s.
 526 1008.30.

527 Section 13. Paragraph (a) of subsection (3) of section
 528 1009.22, Florida Statutes, is amended to read:

529 1009.22 Workforce education postsecondary student fees.—

530 (3) (a) Except as otherwise provided by law, fees for
 531 students who are nonresidents for tuition purposes must offset
 532 the full cost of instruction. Residency of students shall be

533 determined as required in s. 1009.21. Fee-nonexempt students
 534 enrolled in applied academics for adult education ~~vocational-~~
 535 ~~preparatory~~ instruction shall be charged fees equal to the fees
 536 charged for adult general education programs. Each Florida
 537 College System institution that conducts college-preparatory and
 538 applied academics for adult education ~~vocational-preparatory~~
 539 instruction in the same class section may charge a single fee
 540 for both types of instruction.

541 Section 14. Paragraphs (c) and (d) of subsection (1) of
 542 section 1009.25, Florida Statutes, are amended to read:

543 1009.25 Fee exemptions.—

544 (1) The following students are exempt from the payment of
 545 tuition and fees, including lab fees, at a school district that
 546 provides postsecondary career programs, Florida College System
 547 institution, or state university:

548 (c) A student who is or was at the time he or she reached
 549 18 years of age in the custody of the Department of Children and
 550 Family Services or who, after spending at least 6 months in the
 551 custody of the department after reaching 16 years of age, was
 552 placed in a guardianship by the court. Such exemption includes
 553 fees associated with enrollment in applied academics for adult
 554 education ~~career-preparatory~~ instruction. The exemption remains
 555 valid until the student reaches 28 years of age.

556 (d) A student who is or was at the time he or she reached
 557 18 years of age in the custody of a relative under s. 39.5085 or
 558 who was adopted from the Department of Children and Family
 559 Services after May 5, 1997. Such exemption includes fees
 560 associated with enrollment in applied academics for adult

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561 | education ~~career-preparatory~~ instruction. The exemption remains
562 | valid until the student reaches 28 years of age.

563 | Section 15. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 331 Career and Adult Education

SPONSOR(S): Patronis

TIED BILLS: IDEN./SIM. BILLS: SB 1010

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Innovation Subcommittee	11 Y, 0 N	Thomas	Sherry
2) PreK-12 Appropriations Subcommittee	15 Y, 0 N	Seifert	Heflin
3) Education Committee		Thomas <i>JS</i>	Klebacha <i>JK</i>

SUMMARY ANALYSIS

The bill revises various provisions relating to career and adult education. More specifically, the bill:

- Repeals the requirement that adult general education programs provide academic services to students who enroll in lifelong learning courses or activities and to students who enroll in courses related to students' recreational and leisurely pursuits.
- Establishes "Action Steps to Employment", activities for students entering adult general education programs after July 1, 2012. The following activities must be completed prior to completion of the first term:
 - Identify employment opportunities using market-driven tools;
 - Create a personalized employment goal;
 - Conduct a personalized skill and knowledge inventory;
 - Compare the results of the personalized skill and knowledge inventory with the knowledge and skills needed to attain the personalized employment goal; and
 - Upgrade skills and knowledge needed through adult general education programs and additional educational pursuits based on the personalized employment goal.
- Moves financial literacy from the mathematics Next Generation Sunshine State Standards to the social studies Next Generation Sunshine State Standards as part of the economics curriculum. The bill also adds financial literacy to s. 1003.42 as part of the public school required instruction.
- Provides authority to school districts and Florida College System institutions boards of trustees for a 10% variance of the learning outcomes for career education programs that do not require state or federal licensure, certification, or registration.
- Removes obsolete references to the College-Level Academic Skills Test (CLAST) examination and exemption from the payment of tuition and fees, including lab fees for students attending adult basic, adult secondary or vocational-preparatory instruction.

In addition, the bill makes the following technical changes:

- "Vocational preparatory instruction" is changed to "applied academics for adult education" or "applied academics instruction."
- "Career preparatory instruction" is changed to "career education program basic skills requirements."
- "Career preparatory instruction" is changed to "applied academics instruction."
- "Career programs" is changed to "career education programs."

The bill appears to have a minimal fiscal impact. See FISCAL COMMENTS.

The bill provides an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The bill revises various provisions relating to career and adult education.

Sunshine State Standards

Present Situation

The Sunshine State Standards establish core curricula and benchmarks for student achievement in eight subject areas: language arts, science, mathematics, social studies, visual and performing arts, foreign language, health, and physical education.¹

Section 1003.41, F.S., requires the State Board of Education to review the Sunshine State Standards and replace them with Next Generation Sunshine State Standards that specify the core content knowledge and skills that K-12 public school students are expected to acquire.² In September 2007, the State Board of Education adopted the Next Generation Sunshine Standards for Mathematics.³ The mathematics standards must establish specific curricular content for, at a minimum, algebra, geometry, probability, statistics, calculus, discrete mathematics, financial literacy, and trigonometry.⁴ In December 2008, the State Board of Education adopted the Next Generation Sunshine Standards for Social Studies.⁵ The social studies standards must establish specific curricular content for, at a minimum, geography, United States and world history, government, civics, economics, and humanities.⁶

Effect of Proposed Changes

The bill removes financial literacy as a component of the mathematics standard requirements approved by the State Board of Education as part of the Next Generation Sunshine State Standards. The financial literacy component is added as a component of the social studies Next Generation Sunshine State Standards. This change will require the State Board of Education to revise both the mathematics and economics Next Generation Sunshine State Standards and adopt those revisions in Rule 6A-1.09401, F.A.C.

High School Graduation Options

Present Situation

Florida high school students are provided several options for earning a standard high school diploma. There are two 18-credit graduation options, College Preparatory Program and Career Preparatory Program, which allow students to graduate from high school in 3 years⁷ and the 24-credit graduation option, which allows students to graduate from high school in 4 years.⁸

¹ Section 1003.41, F.S..

² Section 1003.41, F.S.(1), F.S.

³ Florida Department of Education, *Next Generation Sunshine State Standards*, available at <http://www.fldoe.org/bii/curriculum/sss>, (last visited Jan. 23, 2012).

⁴ Section 1003.41(1)(a)3., F.S.

⁵ Florida Department of Education, *Next Generation Sunshine State Standards*, available at <http://www.fldoe.org/bii/curriculum/sss>, (last visited Jan. 23, 2012).

⁶ Section 1003.41(1)(a)4., F.S.

⁷ Section 1003.429, F.S.

⁸ Section 1003.428, F.S.

Currently, three credits in social studies are required for earning a standard high school diploma⁹ as follows: one credit in United States history; one credit in world history; one-half credit in economics; and one-half credit in United States government. Current law establishes a comprehensive list of required instruction for public schools.¹⁰

Effect of Proposed Changes

The bill requires that the one-half credit in economics include financial literacy. Given that this is a new requirement that must be taught within the .5 credit economics course, professional development may be necessary for districts and social studies (economics) teachers.¹¹ The bill adds financial literacy to the required instruction for public schools.

Career-preparatory Instruction

Present Situation

A student who is enrolled in a postsecondary program offered for career education credit of 450 hours or more is required to complete an entry-level basic skills examination within the first six weeks after admission to the program.¹² The State Board of Education must designate examinations that assess student mastery of basic skills. Any student found to lack the required level of basic skills must be referred to career-preparatory instruction or adult basic education for a structured program of basic skills instruction.¹³

The following students are exempt from the entry-level examination requirements:¹⁴

- An adult student with a disability;
- A student who possesses a college degree at the associate in applied science level or higher;
- A student who has completed or who is exempt from the college-level communication and computation skills examination or who is exempt from the college entry level examination;
- A student who has passed a state, national or industry licensure exam; and
- An adult student who is enrolled in an apprenticeship program that is registered with the Department of Education.

Effect of Proposed Changes

The bill removes the exemption for a student who has completed or who is exempt from the college-level communication and computation skills examination or who is exempt from the college entry level examination and obsolete references to the College-Level Academic Skills Test (CLAST) examination. The CLAST examination was repealed in 2009, so removal of the provision has no effect.

Adult General Education

Present Situation

Adult general education is defined as “comprehensive instructional programs designed to improve the employability of the state’s workforce through adult basic education (ABE), adult secondary education (ASE), English for Speakers of Other Languages (ESOL), vocational-preparatory instruction, and instruction for adults with disabilities.”¹⁵

⁹ Sections 1003.429 and 1003.428, F.S.

¹⁰ Section 1003.42, F.S.

¹¹ Staff of the Florida Department of Education, *Agency Legislative Bill Analysis for HB 331 (2012)*.

¹² Section 1004.91(2), F.S.

¹³ Section 1004.91(1), F.S.

¹⁴ Section 1004.91(3), F.S.

¹⁵ Section 1004.02(3), F.S.

Current law encourages each district school board and Florida College System institution to provide educational services to enable adults to acquire a high school diploma or high school equivalency diploma and basic and functional literacy so that such adults become more employable, productive, and self-sufficient citizens. In order for adults to acquire the specified skills, the adult education program must provide academic services¹⁶ to students enrolled in the program in the following order of priority:

- (a) Students who demonstrate skills at less than a fifth grade level.
- (b) Students who demonstrate skills at the fifth grade level or higher, but below the ninth grade level.
- (c) Students who are earning credit required for a high school diploma or who are preparing for the General Education Development (GED) test.
- (d) Students who have earned high school diploma and require specific improvement.
- (e) Students who enroll in lifelong learning courses.
- (f) Students who enroll in courses related to the recreational and leisurely pursuits.¹⁷

The Department of Education (DOE) is required to develop program standards and industry-driven benchmarks for career, adult, and community general education programs. These standards must be updated every three years. The standards must include career, academic, and workforce skills; viability of distance learning for instruction; and work/learn cycles that are responsive to business and industry.¹⁸ The State Board of Education has adopted standards for successful completion of the following adult general education programs: ABE, Adult High School (formerly called General Education Promotion), GED, ESOL, Applied Academics for Adult Education (formerly called Vocational Preparatory Instruction), and Adult General Education for Adults with Disabilities. Based on these standards, DOE has developed a curriculum framework for each of the specified adult general education programs.¹⁹

Funding

Funds for adult general education programs are included in the funds appropriated for workforce education programs.²⁰ These funds are provided in the General Appropriations Act.²¹

State funds are provided for the following adult general education programs: ABE, ASE, ESOL, vocational-preparatory instruction, and instruction for adults with disabilities. State funds are not provided for instruction in lifelong learning courses.²² The cost of instruction in courses related to recreational and leisure pursuits and courses is supported by fees from students who enroll in those courses.²³

Effect of Proposed Changes

The bill repeals a requirement that the adult general education program provide academic services to students who enroll in lifelong learning courses or activities and to students who enroll in courses related to students' recreational and leisurely pursuits. Lifelong learning courses and courses related to recreational and leisurely pursuits are not included among the "comprehensive instructional programs

¹⁶ Academic services for adult general education program encompass all instruction specified in the statewide curriculum framework for each type of program, academic testing for progress [e.g., Test for Adult Basic Education (TABE) and General Assessment of Instructional Needs (GAIN)], and other career exploration and workforce readiness activities. E-mail, Florida Department of Education, Division of Career and Adult Education (Jan. 19, 2012); *see also* Rule 6A-6.014, F.A.C.

¹⁷ Section 1004.93(2), F.S.

¹⁸ Section 1004.92(2)(b)4., F.S.

¹⁹ E-mail, Florida Department of Education, Division of Career and Adult Education (Jan. 19, 2012); *see also* Rule 6A-6.0571, F.A.C.; and Florida Department of Education, *2012-13 Adult Education Curriculum Frameworks*, http://www.fldoe.org/workforce/dwdframe/ad_frame.asp (last visited Jan. 20, 2012).

²⁰ Section 1011.80(1)(a), F.S.

²¹ Sections 1 and 2, ch. 2011-69, L.O.F.

²² Telephone interview with staffs from the Florida Department of Education (Jan. 20, 2012); *see also* Florida Department of Education, Analysis of HB 331 (Oct. 20, 2011); and Section 1011.84(3)(b)3., F.S.

²³ Section 1004.93(2)(f), F.S.; *see also* s. 1011.84(3)(b)3., F.S.

[under adult general education] designed to improve the employability of the state's workforce."²⁴ As a result, DOE has not developed standards and curriculum frameworks for such courses.²⁵ Additionally, lifelong learning courses and courses related to recreational and leisurely pursuits are not supported by state funds.

Fee Exemption

Present Situation

During the 2011 Legislative Session, the fee exemption set forth in s. 1009.25(1), F.S., for students enrolled in adult basic, adult secondary and career-preparatory instruction from payment of tuition and fees was repealed. However, an obsolete reference to s. 1009.25, F.S., relating to the fee exemption for students who enter a Florida public school at the 11th or 12th grade from out-of-state or from a foreign country²⁶ remains in Florida Statutes.

Effect of Proposed Changes

The bill removes the fee exemption for out-of state and out of country transfer students attending adult basic, adult secondary or vocational-preparatory instruction programs. This change is necessary to conform to changes made to s. 1009.25, F.S. during the 2011 Legislative Session.

Career Education Programs

In accordance with statute and rule, the Division of Career and Adult Education reviews and updates career education curriculum frameworks every three years based on input from business and industry.²⁷ However, some program standards and outcomes, particularly in the Information Technology Cluster, change rapidly.

Effect of Proposed Changes

The bill allows district school boards and Florida College System institution boards of trustees to vary the intended learning outcomes of each career education program up to 10 percent, provided that the career education program does not lead to an occupation that requires state or federal licensure, certification, or registration. The inclusion of a 10 percent variance on the learning outcomes for non-regulated career education programs would provide some flexibility to school districts and college providers to develop curriculum and learning outcomes specific to local employers needs. This variance would also give education providers the ability to alter specific standards and outcomes.

Action Steps to Employment

Effect of Proposed Changes

To ensure that students in adult general education programs identify goals and link their skills to potential employment opportunities, the bill establishes "Action Steps to Employment" activities for students entering an adult general education program after July 1, 2012. The following activities must be completed prior to completion of the first term:

- Identify employment opportunities using market-driven tools;
- Create a personalized employment goal;
- Conduct personalized skill and knowledge inventory;
- Compare the results of the personalized skill and knowledge inventory with the knowledge and skills needed to attain the personalized employment goal; and

²⁴ Section 1004.02(3), F.S.

²⁵ Telephone interview with staffs from the Florida Department of Education (Jan. 20, 2012).

²⁶ Section 1003.433(2)(c), F.S.

²⁷ Section 1004.92(2)(a), F.S., Rule 6A-6.0571, F.A.C.

- Upgrade skills and knowledge needed through adult general education program and additional educational pursuits based on the personalized employment goal.

The bill provides that the “Action Steps to Employment” may be developed through a blended approach with assistance provided to adult general education students by teachers, employment specialists, guidance counselors, business and industry representatives and online resources. Students should also be directed to online resources or provided information on financial literacy, student financial aid, industry certification, and occupational skills and knowledge tools, and a listing of job openings.

Technical Changes

Effect of Proposed Changes

The bill makes the following technical changes:

- “Vocational preparatory instruction” is changed to “applied academics for adult education” or “applied academics instruction.”
- “Career preparatory instruction” is changed to “career education program basic skills requirements.”
- “Career preparatory instruction” is changed to “applied academics instruction.”
- “Career programs” is changed to “career education programs.”

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.41, F.S., relating to Sunshine State Standards; requiring the Next Generation Sunshine State Standards to include financial literacy in the core curricular content of economics.

Section 2. Amends s. 1003.42, F.S., relating to required instruction; including the study of financial literacy in public school required instruction.

Section 3. Amends s. 1003.428, F.S., relating to general requirements for high school graduation; revised, providing that the credit requirement in economics for high school graduation includes instruction in financial literacy.

Section 4. Amends s. 1003.429, F.S., relating to accelerated high school graduation options; providing that the credit requirement in economics for high school graduation includes instruction in financial literacy.

Section 5. Amends s. 1003.433, F.S., relating to learning opportunities for out-of-state and out-of-country transfer students and students needing additional instruction to meet high school graduation requirements; deleting provisions that exempt adult general education students from payment of tuition and fees.

Section 6. Amends s. 1004.02, F.S., relating to definitions; revising definitions; replacing the term “vocational-preparatory” instruction with the term “applied academics for adult education” instruction with respect to adult general education.

Section 7. Amends s. 1004.91, F.S., relating to career preparatory instruction; conforming provisions relating to career education programs; deleting obsolete provisions.

Section 8. Amends s. 1004.92, F.S., relating to purpose and responsibilities for career education; authorizing district school boards and Florida College System institution boards of trustees to vary up to a specified percentage of intended learning outcomes of career education programs.

Section 9. Amends s. 1004.93, F.S., relating to adult general education; deleting lifelong learning courses or activities and recreational or leisure courses as priorities in the provision of adult education

program academic services; requiring students entering adult general education programs to complete specified "Action Steps to Employment" activities.

Section 10. Amends s. 1007.263, F.S., relating to Florida College System institutions, admissions of students; conforming terminology to changes made by the act.

Section 11. Amends s. 1007.271, F.S., relating to dual enrollment programs; conforming terminology to changes made by the act.

Section 12. Amends s. 1008.37, F.S., relating to postsecondary feedback of information to high schools; conforming terminology to changes made by the act.

Section 13. Amends s. 1009.22, F.S., relating to workforce education postsecondary student fees; conforming terminology to changes made by the act.

Section 14. Amends s. 1009.25, F.S., relating to fee exemptions; conforming terminology to changes made by the act.

Section 15. Provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

According to the DOE, the cost of developing the proposed adult education Action Steps to Employment criteria will be minimal and will be completed through the use of existing services and programs.²⁸ Additionally, it is anticipated that the financial literacy reclassification will require revised professional development criteria and guidance standards; however, the DOE anticipates these costs to be insignificant.²⁹

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

²⁸ Staff of the Florida Department of Education, *Agency Legislative Bill Analysis for HB 331 (2012)*.

²⁹ *Id.*

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

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A bill to be entitled
 An act relating to college credit for military training and education courses; creating s. 1004.096, F.S.; requiring the Board of Governors of the State University System and the State Board of Education to adopt regulations and rules, respectively, that enable United States Armed Forces servicemembers to earn college credit for college-level training and education acquired in the military; providing an effective date.

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

Section 1. Section 1004.096, Florida Statutes, is created to read:

1004.096 College credit for military training and education courses.—The Board of Governors shall adopt regulations and the State Board of Education shall adopt rules that enable eligible members of the United States Armed Forces to earn academic college credit at public postsecondary educational institutions for college-level training and education acquired in the military. The regulations and rules shall include procedures for credential evaluation and the award of academic college credit, including, but not limited to, equivalency and alignment of military coursework with appropriate college courses, course descriptions, type and amount of college credit that may be awarded, and transfer of credit.

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29 | Section 2. This act shall take effect July 1, 2012. |

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 347 College Credit for Military Training and Education Courses

SPONSOR(S): Harrell and others

TIED BILLS: IDEN./SIM. BILLS: SB 532

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Innovation Subcommittee	11 Y, 0 N	Thomas	Sherry
2) Rulemaking & Regulation Subcommittee	15 Y, 0 N	Miller	Rubottom
3) Higher Education Appropriations Subcommittee	12 Y, 0 N	Garner	Heflin
4) Education Committee		Thomas <i>MT</i>	Klebacha <i>JK</i>

SUMMARY ANALYSIS

The bill requires the Board of Governors to adopt regulations and the State Board of Education to adopt rules that enable eligible members of the United States Armed Forces to earn academic college credit at public postsecondary educational institutions for college-level training and education acquired in the military.

The bill requires that the regulations and rules include procedures for credential evaluation and the award of academic college credit, including but not limited to, equivalency and alignment of military course work with appropriate college courses, course descriptions, type and amount of college credit that may be awarded, and transfer of credit.

The bill does not appear to have a fiscal impact.

The bill provides an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Currently, the Board of Governors and State Board of Education are not required to adopt regulations or rules to enable United States Armed Forces servicemembers to earn college credit for college-level training and education acquired in the military. However, all public postsecondary institutions have established procedures to evaluate how military training and experience may be awarded for equivalent college credit. Florida's public postsecondary institutions consult with the American Council on Education (ACE) and Servicemembers Opportunity Colleges (SOC) when evaluating and awarding academic credit for military training and experience.¹

American Council on Education (ACE)

Since 1945, the American Council on Education (ACE) has provided a collaborative link between the U.S. Department of Defense and higher education through the review of military training and experiences for the award of equivalent college credits for members of the U.S. Armed Forces.² ACE has established a rigid process in evaluating military services courses to determine the appropriate amount and level of academic credit that should be awarded by postsecondary institutions. ACE maintains the *Guide to the Evaluation of Educational Experiences in the Armed Services* which has been the standard reference for recognizing learning acquired in the military. ACE provides guidance to servicemembers, civilians, military education centers, and colleges and universities interpreting military transcripts and documents.³

More than 2,300 colleges and universities recognize these ACE endorsed transcripts as official documentation of military experience and accurate records of applicable ACE credit recommendations.⁴

According to the Board of Governors, institutions consult with and follow the ACE Military Guide Online⁵ to determine how military training and experience might be awarded for equivalent course credit. Military courses that are recommended by the ACE Military Guide for college credit would be considered first to determine if they meet degree requirements, and second to determine if they can fulfill any electives. Some types of military training, such as the Advanced Helicopter Pilot Training 1 course, may not be accepted at a state university because there is no equivalent course and it is more vocational in nature than academic credit.⁶

Each branch of service provides transcripts for current and former servicemembers as an official record of military education, training, and experience. Postsecondary institutions using the ACE Military Guide evaluate an individual's military transcript according to the ACE standard for recommended college credit. The following is a breakdown of the service-specific transcripts available to current and former servicemembers:

- **U.S. Army:** Army/American Council on Education Registry Transcript System (AARTS)
- **U.S. Navy/U.S. Marine Corps:** Sailor/Marine American Council on Education Registry Transcript (SMART)

¹ Board of Governors, *Legislative Bill Analysis for HB 347* (2011), Department of Education, *Legislative Bill Analysis for SB 532* (2011).

² American Council on Education, *ACE Military Programs*, available at http://www.acenet.edu/AM/Template.cfm?Section=Military_Programs (last visited Dec. 8, 2011).

³ *Id.*

⁴ *Id.*

⁵ American Council on Education, *ACE Military Guide Online*, available at <http://militaryguides.acenet.edu>, (last visited Jan. 19, 2012).

⁶ Board of Governors, *Legislative Bill Analysis for HB 347* (2011).

- **U.S Air Force:** Community College of the Air Force (CCAF)
- **U.S. Coast Guard:** U.S. Coast Guard Institute (CGI)⁷

Servicemembers Opportunity Colleges (SOC)

The organization known as Servicemembers Opportunity Colleges (SOC) was created in 1972 to provide educational opportunities to servicemembers who, because they frequently moved from place to place, had trouble completing college degrees. SOC functions in cooperation with 15 higher education associations, the Department of Defense, and Active and Reserve Components of the Military Services to expand and improve voluntary postsecondary education opportunities for servicemembers worldwide.⁸ SOC supports a consortium of approximately 1,900 colleges and universities that have pledged to support the higher education needs of military personnel. SOC works with civilian and military educators to overcome obstacles associated with obtaining a college education when pursued through traditional means.

Among the SOC Consortium key goals is the award of credit for military training and experience. All SOC Consortium institutions provide processes to determine credit awards and learning acquired for specialized military training and occupational experience when applicable to a servicemember's degree program. In doing so, SOC Consortium members recognize and use the ACE Military Guide to evaluate and award academic credit for military training and experience. Other key features of the SOC Consortium include:

- Reasonable Transfer of Credit;
- Reduced Academic Residency; and
- Credit for Nationally-Recognized Testing Programs.⁹

Florida has high representation within the SOC Consortium in that 25 of the 28 Florida College System institutions and 9 of the 11 State University System institutions are members.¹⁰

Effect of Proposed Changes

Currently, each Florida public postsecondary institution evaluates college-level training and education for United States Armed Forces servicemembers on an individual basis, using American Council on Education (ACE) or Servicemembers Opportunity Colleges (SOC) as a guideline in determining the amount of college credit to award. By requiring the Board of Governors to adopt regulations and the State Board of Education to adopt rules, the bill may result in a more uniform approach to evaluating and awarding college credit across institutions.

The bill requires that the regulations and rules include procedures for credential evaluation and the award of academic college credit, including but not limited to, equivalency and alignment of military course work with appropriate college courses, course descriptions, type and amount of college credit that may be awarded, and transfer of credit.

The bill provides an effective date of July 1, 2012.

B. SECTION DIRECTORY:

Section 1. Creates s. 1004.096, F.S., relating to college credit for military training and education courses – requiring the Board of Governors of the State University System and the State Board of Education to adopt regulations and rules, respectively, that enable United States Armed Forces servicemembers to earn college credit for college-level training and education acquired in the military.

Section 2. Provides an effective date of July 1, 2012.

⁷ American Council on Education, *A Transfer Guide: Understanding Your Military Transcript and ACE Credit Recommendations*, available at http://www.acenet.edu/Content/NavigationMenu/ProgramsServices/MilitaryPrograms/TransferGuide_Updated2011.pdf.

⁸ Services Opportunity Colleges, <http://www.soc.aascu.org> (last visited Dec. 8, 2011).

⁹ Services Opportunity Colleges, <http://www.soc.aascu.org/socconsortium/Default.html> (last visited Dec. 8, 2011).

¹⁰ *Id.*

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:

By requiring the Board of Governors to adopt regulations and the State Board of Education to adopt rules to enable United States Armed Forces servicemembers to earn college credit for college-level training and education, the bill could decrease the amount of time and cost for servicemembers to receive a postsecondary degree.

D. FISCAL COMMENTS:

According to the Board of Governors and the State Board of Education, the bill has no fiscal impact to the State University System or the Florida College System.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the Board of Governors to adopt regulations and the State Board of Education to adopt rules that enable the United States Armed Forces servicemembers to earn college credit for college-level training and education acquired in the military.

A rule is an agency statement of general applicability which interprets, implements, or prescribes law or policy, including the procedure and practice requirements of an agency, as well as certain types of forms.¹¹ Rulemaking authority is delegated by the Legislature¹² through statute and authorizes an

¹¹ Section 120.52(16), F.S.; *Florida Department of Financial Services v. Capital Collateral Regional Counsel-Middle Region*, 969 So. 2d 527, 530 (Fla. 1st DCA 2007).

¹² *Southwest Florida Water Management District v. Save the Manatee Club, Inc.*, 773 So. 2d 594 (Fla. 1st DCA 2000).

agency to "adopt, develop, establish, or otherwise create"¹³ a rule. Agencies do not have discretion whether to engage in rulemaking.¹⁴ To adopt a rule an agency must have an express grant of authority to implement a specific law by rulemaking.¹⁵ The grant of rulemaking authority itself need not be detailed.¹⁶ The specific statute being interpreted or implemented through rulemaking must provide specific standards and guidelines to preclude the administrative agency from exercising unbridled discretion in creating policy or applying the law.¹⁷

The State Board of Education is authorized to adopt rules implementing its duties conferred by statute.¹⁸ The Board of Governors must follow the rulemaking requirements of the APA¹⁹ when adopting rules to implement powers conferred by statute.²⁰ The bill identifies specific issues required to be included in the rules to be adopted. This specificity appears to provide sufficient standards and guidelines for rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

¹³ Section 120.52(17), F.S.

¹⁴ Section 120.54(1)(a), F.S.

¹⁵ Section 120.52(8) & s. 120.536(1), F.S.

¹⁶ *Save the Manatee Club, Inc.*, supra at 599.

¹⁷ *Sloban v. Florida Board of Pharmacy*, 982 So. 2d 26, 29-30 (Fla. 1st DCA 2008); *Board of Trustees of the Internal Improvement Trust Fund v. Day Cruise Association, Inc.*, 794 So. 2d 696, 704 (Fla. 1st DCA 2001).

¹⁸ Section 1001.02(1), F.S.

¹⁹ Section 120.54, F.S.

²⁰ Section 1001.706(2), F.S.

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A bill to be entitled
 An act relating to American Founders' Month; providing
 a short title; creating s. 683.147, F.S.; designating
 the month of September as "American Founders' Month";
 authorizing the Governor to annually issue a
 proclamation designating the month and urging
 participation; amending s. 1003.44, F.S.; requiring
 district school boards to celebrate the American
 Founders and the principles inherent in the country's
 founding documents by observing American Founders'
 Month; specifying the focus of instruction during the
 month; providing that instruction may be integrated
 into the existing school curriculum; requiring
 distribution to school personnel of certain
 information; providing an effective date.

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

Section 1. This act may be cited as the "American Founders' Month Act."

Section 2. Section 683.147, Florida Statutes, is created to read:

683.147 American Founders' Month.—

(1) The month of September of each year is designated as "American Founders' Month."

(2) The Governor may annually issue a proclamation designating the month of September as "American Founders' Month" and urging all civic, fraternal, and religious organizations and

29 public and private educational institutions to recognize and
 30 observe this occasion through appropriate programs, meetings,
 31 services, or celebrations in which state, county, and local
 32 governmental officials are invited to participate.

33 Section 3. Subsection (2) of section 1003.44, Florida
 34 Statutes, is amended, and subsections (3) and (4) are added to
 35 that section, to read:

36 1003.44 Patriotic programs; rules.—

37 (2) Each district school board may allow any teacher or
 38 administrator to read, or to post in a public school building or
 39 classroom or at any school-related event, any excerpt or portion
 40 of the following historic material: the national motto; the
 41 national anthem; the pledge of allegiance; the Constitution of
 42 the State of Florida, including the Preamble; the Constitution
 43 of the United States, including the Preamble; the Bill of
 44 Rights; the Declaration of Independence; the Mayflower Compact;
 45 the Emancipation Proclamation; the writings, speeches,
 46 documents, and proclamations of the presidents of the United
 47 States, the signers of the Constitution of the United States and
 48 the Declaration of Independence, and civil rights leaders; and
 49 decisions of the United States Supreme Court. However, any
 50 material that is read, posted, or taught pursuant to this
 51 provision may be presented only from a historical perspective
 52 and in a nonproselytizing manner. When less than an entire
 53 document is used, the excerpt or portion must include as much
 54 material as is reasonably necessary to reflect the sentiment of
 55 the entire document and avoid expressing statements out of the
 56 context in which they were originally made. If the material

57 refers to laws or judicial decisions that have been superseded,
 58 the material must be accompanied by a statement indicating that
 59 such law or decision is no longer the law of the land. No
 60 material shall be selected to advance a particular religious,
 61 political, or sectarian purpose. ~~The department shall distribute~~
 62 ~~a copy of this section to each district school board, whereupon~~
 63 ~~each district school superintendent shall distribute a copy to~~
 64 ~~all teachers and administrators.~~

65 (3) (a) Each district school board shall celebrate the
 66 American Founders and the principles inherent in the country's
 67 founding documents by observing American Founders' Month in
 68 September of each year as provided in s. 683.147. This month may
 69 be coordinated with Celebrate Freedom Week, which is observed
 70 pursuant to s. 1003.421.

71 (b) During American Founders' Month, students may be
 72 provided instruction that focuses on:

73 1. The leading figures present at the country's founding
 74 who were instrumental in crafting the founding documents that
 75 institutionalized individual liberty and limited government that
 76 derives its power from the consent of the governed.

77 2. The moral and civic virtue, self-sacrifice,
 78 intellectual genius, and patriotism demonstrated by the
 79 country's founding fathers.

80 3. The founding documents, including, but not limited to,
 81 the Declaration of Independence, the Constitution of the United
 82 States, the Bill of Rights, and the Federalist Papers.

83 4. The historical and philosophical importance of the
 84 Declaration of Independence with its emphasis that all people

85 "are endowed by their Creator with certain unalienable rights,
 86 that among these are life, liberty, and the pursuit of
 87 happiness."

88 5. The principles inherent in the founding documents,
 89 including, but not limited to, individual freedom, equality,
 90 limited representative government, a free market system, civic
 91 virtue, natural law, and self-evident truth.

92 (c) The instruction may be integrated into the existing
 93 school curriculum through methods including, but not limited to,
 94 supplementing lesson plans, holding school assemblies, or
 95 providing school-related activities.

96 (4) The department shall distribute a copy of this section
 97 to each district school board, whereupon each district school
 98 superintendent shall distribute a copy to all school
 99 administrators and instructional personnel at the beginning of
 100 each school year.

101 Section 4. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 689 American Founders' Month
SPONSOR(S): Bileca and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 1462

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Innovation Subcommittee	11 Y, 3 N	Graf	Sherry
2) PreK-12 Appropriations Subcommittee	13 Y, 2 N	Miller	Heflin
3) Education Committee		Graf <i>Seg</i>	Klebacha <i>JK</i>

SUMMARY ANALYSIS

The bill authorizes the Governor to issue a proclamation each year designating the month of September as "American Founders' Month", urging public and private organizations within the state to celebrate the month and invite state and local governmental officials to events commemorating "American Founders' Month."

The bill also requires district school boards to observe "American Founders' Month" and provide instruction that focuses on celebrating the American founding fathers and their role in drafting the founding documents. Celebrations during this month may be coordinated with Celebrate Freedom Week.

During "American Founders' Month", the bill authorizes each district school board to provide instruction that focuses on the "moral and civic virtue, self-sacrifice, intellectual genius, and patriotism" of the founding fathers and the importance of the founding documents and the principles inherent in such documents. The bill authorizes district school boards to integrate instruction provided during "American Founders' Month" into existing school curriculum.

Current law requires the Department of Education to distribute a copy of the law on patriotic programs to each district school board and each district school superintendent is required to distribute a copy of the law to all teachers and administrators. The bill expands patriotic programs to include proclamation of "American Founders' Month," and specified instruction on founding fathers and the founding documents. The bill changes the scope of distribution of the law on patriotic programs from all teachers and administrators to all instructional personnel and school administrators.

The bill does not appear to have a fiscal impact.

The bill takes effect July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Required Instruction in Public Schools

Each district school board is required to provide courses that meet the State Board of Education standards in the various subject areas including social studies. Current law requires instruction in the history and content of the Declaration of Independence, the Constitution of the United States, flag education, and the arguments in support of adopting our republican form of government.¹

Patriotic Programs

Each district school board is authorized to adopt rules that require programs of a patriotic nature in public schools to encourage respect for the United States government, its national anthem and flag, subject to the laws of the United States of America and of the State of Florida. Current law provides for procedures to observe patriotic events such as requiring students to stand and place their right hand over their heart during the rendition of the pledge of allegiance to the flag of the United States. Civilian men must remove headdress unless such headdress is worn for religious purposes. The pledge of allegiance to the flag must be recited at the beginning of the day in each public elementary, middle, and high school in the state. Students must be excused from reciting the pledge if their parents indicate their wish as such in writing.²

Any teacher or school administrator may read or post specified historical documents (e.g., the national motto, the national anthem, the pledge of allegiance, the Constitution of the United States, and the Constitution of the State of Florida) in a public school building, classroom, or at any school-related event. Such documents may be read, posted, or taught only from a historical perspective, in a nonproselytizing manner. If an excerpt from a specified historical document is used, such selection must reflect the sentiment of the entire document. If such document refers to laws or judicial decisions that have been replaced or have expired, a statement must accompany the document highlighting that such law or decision is no longer valid.³

The Florida Department of Education (DOE) is required to distribute a copy of the law on patriotic programs to each district school board and each district school superintendent is required to distribute it to all teachers and administrators in their school district.⁴

Recitation of the Declaration of Independence

Florida law requires that the last full week of classes in September must be recognized as Celebrate Freedom Week in public schools. This week must include at least three hours of instruction involving an in-depth study of the intent, meaning, and importance of the Declaration of Independence in each social studies class, as determined by each school district. Additionally, public school principals and teachers must conduct an oral recitation by students of the Declaration of Independence at the beginning of each school day or in homeroom to reaffirm the American ideals of individual liberty. Students must be excused from reciting the Declaration of Independence if their parents indicate their wish as such in writing.⁵

¹ Section 1003.42 (1) and (2)(a)-(d), F.S.

² Section 1003.44 (1), F.S. Under federal law, September 17 is designated as Constitution Day and Citizenship Day. The law encourages "civil and educational authorities of States, counties, cities, and towns" "to make plans for the proper observance of Constitution Day and Citizenship Day and for the complete instruction of citizens in their responsibilities and opportunities as citizens of the United States and of the State and locality in which they reside". 36 U.S.C., s. 106.

³ Section 1003.44(2), F.S.

⁴ *Id.*

⁵ Section 1003.421, F.S.

Effect of Proposed Changes

The bill authorizes the Governor to issue a proclamation each year designating the month of September as "American Founders' Month", urging public and private organizations within the state to celebrate the month and invite state and local governmental officials to events commemorating "American Founders' Month."

The bill also requires district school boards to observe "American Founders' Month" and provide instruction that focuses on celebrating the American founding fathers and their role in drafting the founding documents (e.g., the Declaration of Independence, the Constitution of the United States, the Bill of Rights, and the Federalist Papers) that institutionalized individual liberty and limited government. Celebrations during this month may be coordinated with Celebrate Freedom Week.

To increase student awareness of the founding fathers and their role in the establishment of the United States of America, the bill adds specificity regarding the curriculum that may be taught during "American Founders' Month." During "American Founders' Month", the bill authorizes each district school board to provide instruction that focuses on the "moral and civic virtue, self-sacrifice, intellectual genius, and patriotism" of the founding fathers and the importance of the founding documents and the principles inherent in such documents. The bill authorizes district school boards to integrate instruction provided during "American Founders' Month" into existing school curriculum by supplementing lesson plans, holding school assemblies, or providing school-related activities. The bill supplements programs of a patriotic nature in public schools.

Current law authorizes each district school board to provide instruction on patriotic programs, requires DOE to distribute a copy of the law on patriotic programs to each district school board, and requires each district school superintendent to distribute a copy of the law to all teachers and administrators. The bill expands patriotic programs to include specified information on founding fathers and the founding documents. The bill also changes the scope of distribution of a copy of the law on patriotic programs from all teachers and administrators to all instructional personnel⁶ and school administrators⁷.

B. SECTION DIRECTORY:

Section 1. Provides a short title.

Section 2. Creates s. 683.147, F.S., relating to "American Founders' Month Act," designating the month of September of each year as "American Founders' Month."

Section 3. Amends s. 1003.44, F.S., relating to patriotic programs, requiring district school boards to observe "American Founders' Month" and coordinate celebrations with Celebrate Freedom Week; specifying the focus of instruction during the month; providing that such instruction may be integrated into existing school curriculum; and requiring distribution of specified information to school personnel.

Section 4. Provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

⁶ Section 1012.01(2), F.S.

⁷ Section 1012.01(3)(c), F.S.

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:

School districts may provide students with instruction that focuses on the people, the events, the documents, the ideas, and the key principles surrounding the foundation of America. This instruction may be included in existing lesson plans, or taught in school assemblies or other school-related activities. School districts that choose to include this instruction could incur minimal costs.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to physical therapy; creating ss.
 3 486.0715 and 486.1065, F.S.; authorizing issuance of a
 4 temporary permit to practice as a physical therapist
 5 or physical therapist assistant; providing
 6 requirements for issuing a temporary permit; providing
 7 for voiding of a temporary permit; providing
 8 requirements for the supervision of temporary
 9 permittees; providing an effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Section 486.0715, Florida Statutes, is created
 14 to read:

15 486.0715 Physical therapist; issuance of temporary
 16 permit.-

17 (1) The board shall issue a temporary physical therapist
 18 permit if the applicant meets the following requirements:

19 (a) Graduates from a physical therapy program in the
 20 United States recognized by the Commission on Accreditation in
 21 Physical Therapy Education.

22 (b) Completes an application for a temporary permit on a
 23 form approved by the department.

24 (c) Meets all the eligibility requirements for licensure
 25 pursuant to s. 486.031, except passage of the National Physical
 26 Therapy Examination.

27 (d) Submits an application for licensure pursuant to s.
 28 486.041.

29 (e) Demonstrates proof of possessing malpractice
 30 insurance.

31 (f) Achieves a passing score on the Florida Jurisprudence
 32 examination administered by the Federation of State Boards of
 33 Physical Therapy.

34 (g) Submits documentation, pursuant to rules adopted by
 35 the board, verifying that the applicant will practice under the
 36 direct supervision of a licensed physical therapist as provided
 37 in subsection (3).

38 (2) A temporary permit is not renewable and is valid until
 39 a license is granted by the board. A temporary permit is void if
 40 a passing score on the National Physical Therapy Examination is
 41 not obtained, or if the permittee does not sit for the National
 42 Physical Therapy Examination within 6 months after the date of
 43 graduation.

44 (3) An applicant for a temporary permit shall not work as
 45 a physical therapist until a temporary permit is issued by the
 46 board. A physical therapist who is practicing under a temporary
 47 permit must do so under the direct supervision of a licensed
 48 physical therapist. A supervising physical therapist shall only
 49 supervise one permittee at any given time. The supervising
 50 physical therapist must be licensed for a minimum of 6 months
 51 before the supervision period begins and must cosign all patient
 52 records produced by the physical therapist who is practicing
 53 under a temporary permit.

54 Section 2. Section 486.1065, Florida Statutes, is created
 55 to read:

56 486.1065 Physical therapist assistant; issuance of

57 | temporary permit.-

58 | (1) The board shall issue a temporary physical therapist
 59 | assistant permit if the applicant meets the following
 60 | requirements:

61 | (a) Graduates from a physical therapy program in the
 62 | United States recognized by the Commission on Accreditation in
 63 | Physical Therapy Education.

64 | (b) Completes an application for a temporary permit on a
 65 | form approved by the department.

66 | (c) Meets all the eligibility requirements for licensure
 67 | pursuant to s. 486.102, except passage of the National Physical
 68 | Therapy Examination.

69 | (d) Submits an application for licensure pursuant to s.
 70 | 486.103.

71 | (e) Demonstrates proof of possessing malpractice
 72 | insurance.

73 | (f) Achieves a passing score on the Florida Jurisprudence
 74 | examination administered by the Federation of State Boards of
 75 | Physical Therapy.

76 | (g) Submits documentation, pursuant to rules adopted by
 77 | the board, verifying that the applicant will practice under the
 78 | direct supervision of a licensed physical therapist as provided
 79 | in subsection (3).

80 | (2) A temporary permit is not renewable and is valid until
 81 | a license is granted by the board. A temporary permit is void if
 82 | a passing score on the National Physical Therapy Examination is
 83 | not obtained, or if the permittee does not sit for the National
 84 | Physical Therapy Examination within 6 months after the date of

85 | graduation.

86 | (3) An applicant for a temporary permit shall not work as
 87 | a physical therapist assistant until a temporary permit is
 88 | issued by the board. A physical therapist assistant who is
 89 | practicing under a temporary permit must do so under the direct
 90 | supervision of a licensed physical therapist. A supervising
 91 | physical therapist shall only supervise one permittee at any
 92 | given time. The supervising physical therapist must be licensed
 93 | for a minimum of 6 months before the supervision period begins
 94 | and must cosign all patient records produced by the physical
 95 | therapist assistant who is practicing under a temporary permit.

96 | Section 3. This act shall take effect June 1, 2012.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 799 Physical Therapy

SPONSOR(S): Health Care Appropriations Subcommittee; Health & Human Services Quality Subcommittee; Goodson

TIED BILLS: IDEN./SIM. BILLS: CS/SB 1228

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health & Human Services Quality Subcommittee	14 Y, 0 N, As CS	Holt	Calamas
2) Health Care Appropriations Subcommittee	14 Y, 0 N, As CS	Clark	Pridgeon
3) Education Committee		Graf <i>Seg</i>	Klebacha <i>JK</i>
4) Health & Human Services Committee			

SUMMARY ANALYSIS

The bill provides the Board of Physical Therapy Practice (board) within the Department of Health (DOH) the authority to grant a temporary permit to an individual who has graduated from an accredited program of study as a physical therapist (PT) or a physical therapist assistant (PTA). The bill requires the board to issue a temporary permit to an applicant for temporary permit if he or she meets the following requirements:

- Graduates from a physical therapy program recognized by the Commission on Accreditation in Physical Therapy Education (CAPTE);
- Completes an application for a temporary permit on a form approved by DOH;
- Meets all the eligibility requirements for licensure;
- Submits an application for licensure;
- Demonstrates proof of possessing malpractice insurance;
- Achieves a passing score on the Florida Jurisprudence examination administered by the Federation of State Boards of Physical Therapy; and
- Submits documentation, pursuant to rules adopted by the board, verifying that the applicant will practice under the direct supervision of a licensed PT.

A temporary permit is not renewable and void if a temporary permit holder fails to obtain a passing score on the National Physical Therapy Examination (NPTE) or if the temporary permit holder does not take the NPTE within 6 months from the date of graduation from a PT or PTA program. A temporary permit holder must practice under the direct supervision of a licensed physical therapist.

A supervising physical therapist must be licensed for at least 6 months before the supervision period begins and may only supervise one temporary permit holder at any given time. Furthermore, the supervising physical therapist must cosign all patient records produced by a person who holds a temporary permit.

The bill has an insignificant fiscal impact that can be absorbed within existing DOH resources. See FISCAL COMMENTS.

The bill has an effective date of June 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Medical Quality Assurance

The Department of Health (DOH), Division of Medical Quality Assurance (MQA), regulates health care practitioners to ensure the health, safety and welfare of the public. Currently, MQA supports licensure and disciplinary activities for 43 professions and 37 types of facilities/establishments, and works with 22 boards and 6 councils.

Boards

A board is a statutorily created entity that is authorized to exercise regulatory or rulemaking functions within the MQA.¹ Boards are responsible for approving or denying applications for licensure and making disciplinary decisions on whether a practitioner practices within the authority of their practice act. Practice acts refer to the legal authority in state statute that grants a profession the authority to provide services to the public. The range of disciplinary actions taken by a board includes citations, suspensions, reprimands, probations, and revocations.

Section 456.011(3), F.S., provides that a board must meet at least once annually, but may meet as often as necessary. According to the MQA website, it appears that the Board of Physical Therapy Practice (board)² meets every 3 months, or 4 times a year.³ The 2012 board meeting dates are: February 2-3; May 3-4; August 2-3; and November 2-3.⁴ According to DOH, the board does not ratify or approve licenses at every meeting.⁵

Physical Therapy Practice

Physical therapy is the performance of physical therapy assessments and treatment, or prevention of any disability, injury, disease, or other health condition of human beings and rehabilitation as it relates to the use of various modalities such as exercise, massage, ultrasound, ice, and heat.⁶

Physical therapy practitioners are regulated by ch. 486, F.S., the Physical Therapy Practice Act. A physical therapy practitioner is considered either a physical therapist (PT) or a physical therapist assistant (PTA) who is licensed and who practices physical therapy.⁷

Currently, Florida law does not authorize DOH to issue temporary permits to a physical therapy practitioner. Prior to 1999, Florida law allowed temporary permits for an applicant who submitted an application that included a statement under oath that he or she possesses the preliminary qualifications for a full license except passage of the national examination. Along with the application, applicants were required to remit a fee not to exceed \$100, and an additional fee to cover the cost the department incurred to purchase the examination from the national examination organization. Temporary permittees were required to work under the direct supervision of a licensed physical therapist. The temporary permit was valid for up to a year and was not renewable. A temporary permit automatically

¹ Section 456.001, F.S.

² Section 486.021, F.S.

³ Florida Department of Health, Division of Medical Quality Assurance, Physical Therapy Board Meeting Information, available at: http://www.doh.state.fl.us/mqa/physical/pt_meeting.html (last viewed January 14, 2012).

⁴ *Id.*

⁵ Email correspondence with DOH staff, dated January 14, 2012, on file with Health & Human Services Quality Subcommittee staff.

⁶ Section 486.021(11), F.S.

⁷ Section 486.021(7), F.S.

expired if an applicant failed the national examination.⁸ In 1999, the Legislature repealed the ability for DOH to issue a temporary permit for a physical therapy practitioner.⁹ According to the board, the authority to issue a temporary permit was eliminated to prevent the practice of physical therapy by unqualified individuals to ensure public protection.¹⁰ Moreover, at that time, the National Physical Therapy Examination (NPTE) was moved to a computer-based testing and exams scores were readily available to the states, which lessened the timeframe in which a permanent license was issued.¹¹ Currently, 26 states issue temporary permits.¹²

Currently, 11,295 PTs and 5,735 PTAs hold active in-state license to practice in Florida.¹³

Section 456.072, F.S., provides grounds for disciplinary actions for all licensees¹⁴ regulated by MQA to include physical therapy practitioners. These disciplinary guidelines include provisions requiring health care practitioners to identify through written notice, which may include the wearing of a name tag, or stating orally to a patient the type of license under which a health care practitioner is practicing.¹⁵

The Commission on Accreditation in Physical Therapy Education

The Commission on Accreditation in Physical Therapy Education (CAPTE) is the only accreditation agency recognized by the United States Department of Education (USDOE) and the Council for Higher Education Accreditation to accredit entry-level physical therapist and physical therapist assistant education programs. CAPTE currently accredits over 200 physical therapist education programs and over 250 physical therapist assistant education programs in the US and three physical therapist education programs in other countries (Canada and Scotland).¹⁶

The following schools offer accredited PT programs in Florida:¹⁷

- Florida Agricultural and Mechanical University
- Florida Gulf Coast University
- Florida International University
- Nova Southeastern University
- University of Central Florida
- University of Florida
- University of Miami

⁸ Sections 158-161, ch. 99-397, L.O.F.

⁹ *Id.*

¹⁰ Department of Health, Bill Analysis, Economic Statement and Fiscal Note for HB 799, dated January 26, 2012, on file with Health Care Appropriations Subcommittee staff.

¹¹ Email correspondence with PT Board staff, dated January 17, 2012, on file with Health & Human Services Quality Subcommittee staff.

¹² ALA. CODE §34-25-215 (2011), ALASKA STAT. § 08.84.065 (2011), CAL. HEALTH & SAFETY §1399.10 (2011), CONN. GEN. STAT. §20-74 (2011), DEL. CODE ANN. §2611 (2011), D.C. CODE §6711 (2011), HAW. CODE R. §461J-9 (2011), IND. CODE §25-27-1-8 (2011), KAN. STAT. ANN. §65-2929 (2011), LA. REV. STAT. ANN. § 172 (2011), MINN. STAT. § 148.7 (2011), MISS. CODE ANN. § 73-25-53 (2011), MO. CODE REGS. ANN. tit. 20 § 2150-3.050 (2011), MONT. CODE ANN. §37-11-105 (2011), NEV. REV. STAT. ANN. §640.095 (2011), N.M. CODE R. §16.20.4.8 (2011), N.Y. PUB. HEALTH §6735 (2011), OKLA. STAT. ANN. §887.10 (2011), OR. REV. STAT. § 668.110 (2011), PA. CONST. STAT. §40.22 (2011), R.I. GEN. LAWS § R5-40-5.5 (2011), Tex. HEALTH & SAFETY CODE ANN. §453.210 (2011), VT. STAT. §2105 (2011), W. VA. CODE ANN. §16-1-16 (2011), and WIS. STAT. §448.53 (2011).

¹³ Florida Department of Health, Division of Medical Quality Assurance, 2010-2011 MQA Annual Report, *available at*: <http://doh.state.fl.us/mqa/reports.htm> (last viewed January 14, 2012).

¹⁴ Licensee means any person or entity issued a permit, registration, certificate, or license, including a provisional license, by DOH. *See* 456.001(6), F.S.

¹⁵ Section 456.072(1)(t), F.S.

¹⁶ Commission on Accreditation in Physical Therapy Education, *What We Do*, *available at*: <http://www.capteonline.org/WhatWeDo/> (last viewed January 14, 2012).

¹⁷ Commission on Accreditation in Physical Therapy Education, *Accredited Physical Therapy and Physical Therapy Assistant Programs*, *available at*: <http://www.capteonline.org/apta/directories/accreditedschools.aspx?type=PT&navID=10737421958#FL> (last viewed January 19, 2012).

- University of North Florida
- University of South Florida
- University of St Augustine for Health Sciences

The following schools offer accredited PTA programs in Florida:¹⁸

- Broward College
- College of Central Florida
- Daytona State College
- Florida Gateway College
- Florida State College at Jacksonville
- Gulf Coast State College
- Herzing University
- Indian River State College
- Keiser University – Ft. Lauderdale
- Keiser University – Sarasota
- Miami Dade College
- Pensacola State College
- Polk State College
- Seminole State College of Florida
- South University – Tampa
- St. Petersburg College
- State College of Florida

Generally, in Florida graduation occurs in the beginning of December (Fall graduation) and the end of April (Spring graduation).¹⁹

National Physical Therapy Examination (NPTE)

The board has certified the NPTE developed by the Federation of State Boards of Physical Therapy (Federation) as the licensure examination required for state licensure.²⁰

The Federation develops and administers the NPTE for both physical therapists and physical therapist assistants in 53 jurisdictions – the 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands. These exams assess the basic entry-level competence for first time licensure or registration as a PT or PTA within the 53 jurisdictions.²¹ In addition, the Federation develops and administers jurisprudence examinations. Currently, the Federation offers jurisprudence exams for Alabama, Arizona, California, District of Columbia, Florida, Georgia, Nebraska, and Ohio.

¹⁸ Commission on Accreditation in Physical Therapy Education, Accredited Physical Therapy and Physical Therapy Assistant Programs, available at: <http://www.capteonline.org/apta/directories/accreditedschools.aspx?navID=10737421958&site=capte> (last viewed February 06, 2012).

¹⁹ Review of the academic calendars available on-line for a few of the listed PT and PTA accredited institutions. See Academic calendars for the following institutions: <http://www.famu.edu/index.cfm?Registrar&Calendars> , <http://www.fgcu.edu/Registrar/calresults.asp?termID=44>, and <http://calendar.fiu.edu/events/index/calendar:academic/> (last viewed January 14, 2012).

²⁰ Rules 64B17-4.002 and 64B17-3.002, F.A.C.

²¹ The Federation of State Boards of Physical Therapy, Welcome, available at: <https://www.fsbpt.org/index.asp> (last viewed January 14, 2012).

The NPTE program has three purposes:²²

1. Provide examination services to regulatory authorities charged with the regulation of physical therapists and physical therapist assistants;
2. Provide a common element in the evaluation of candidates so that standards will be comparable from jurisdiction to jurisdiction; and
3. Protect the public interest in having only those persons who have the requisite knowledge of physical therapy be licensed to practice physical therapy.

The PT and PTA examinations are designed to assess basic entry-level competence of the licensure candidate who has graduated from an accredited program or from an equivalent non-accredited program.²³

According to the Federation, each licensing authority establishes its own criteria for eligibility to sit for the PT and PTA examinations. Each licensing authority approves eligibility and notifies the Federation. Florida sends a "Letter of Completion" to the Federation as proof of eligibility to sit for the NPTE. The Federation will send an "Authorization to Test" letter providing candidates a timeframe that they are eligible to sit for the NPTE and instructions on how to schedule an appointment with a Prometric testing site.²⁴ There are approximately 300 Prometric testing centers in the United States.²⁵

Scores are automatically reported to the jurisdictional licensing authority through which a candidate applies for initial licensure. After an initial license is received a candidate may want to become licensed in additional jurisdictions. Most jurisdictions require a score be transferred by the Federation to ensure that the score is authentic. Transfer of scores on the NPTE may be requested any time after taking the examination.²⁶

Florida and eighteen other states including the District of Columbia allow applicants to sit for the NPTE prior to graduation.²⁷ Florida allows students to sit for the exam prior to graduation as long as they have completed all coursework and a clinical internship.²⁸ The clinical internship encompasses approximately 40 weeks or 1600 hours.²⁹ Section 486.031, F.S., requires proof of graduation prior to licensure but does not indicate what is required to be approved for examination. So, the board has interpreted this to mean that as long as there isn't anything outstanding applicants may sit for the NPTE.³⁰ According to the board, usually there is a lag time, of about 2-3 weeks, between completing a program of study and having a degree conferred. To expedite the process, the board issues a letter of completion.³¹ However, before the board sends a letter of completion, the board must receive a letter of completion from the physical therapy program director indicating an applicant's graduation date, the anticipated degree that will be awarded, and the student's official school transcripts.

²² The Federation of State Boards of Physical Therapy, National Physical Therapy Examination, *available at*: <https://www.fsbpt.org/ForCandidatesAndLicensees/NPTE/> (last viewed January 14, 2012).

²³ *Id.*

²⁴ *Id.*

²⁵ The Federation of State Boards of Physical Therapy, NPTE Frequently Asked Questions, *available at*: <https://www.fsbpt.org/ForCandidatesAndLicensees/NPTE/FAQs/index.aspp> (last viewed January 14, 2012).

²⁶ The Federation of State Boards of Physical Therapy, Welcome to the Candidate and Licensee Services Website, *available at*: <https://pt.fsbpt.net/> (last viewed January 14, 2012)

²⁷ The states that allow PT or PTA students to take the NPTE prior to graduation include: Alabama, Connecticut, Florida, Hawaii, Iowa, Louisiana, Michigan, Minnesota, Mississippi, New Hampshire, New Mexico, New York, Ohio, Rhode Island, South Carolina, Tennessee, Texas, Utah, and Virginia. *See* The Federation of State Boards of Physical Therapy, Jurisdictional Licensure Reference Guide, *available at*: <https://www.fsbpt.org/RegulatoryTools/ReferenceGuide/> (last viewed January 18, 2012)

²⁸ Email correspondence with PT Board staff, dated January 18, 2012, on file with the Health & Human Services Quality Subcommittee staff.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

Testing Availability and Passage Rate

The Federation will stop offering continuous testing in order to address security concerns and protect the integrity of the NPTE. On June 30, 2011, the Federation stopped offering continuous testing for PTs.³² Beginning February 29, 2012, the Federation will stop offering continuous testing for PTAs.³³ The Federation plans on maintaining fixed-date testing indefinitely for both the PT and PTA exams.³⁴

According to the Federation, five testing dates will be offered in 2012 for the PT NPTE.

Test Date	Scores Reported to Jurisdictions
January 30, 2012	February 6, 2012
March 29, 2012	April 5, 2012
July 2, 2012	July 10, 2012
July 31, 2012	August 7, 2012
October 23, 2012	October 30, 2012

According to the Federation, three testing dates will be offered in 2012 for the PTA NPTE. Furthermore, the Federation believes that the three dates chosen will accommodate PTA graduation dates and provide relatively evenly-spaced retake opportunities.

Test Date	Scores Reported to Jurisdictions
April 26, 2012	May 3, 2012
July 17, 2012	July 24, 2012
October 30, 2012	November 6, 2012

Sections 486.051 and 486.104, F.S., provide that if an applicant fails to pass the NPTE examination in 3 attempts then the applicant is not eligible for reexamination without completing additional educational or training requirements. If the applicant fails after 5 attempts then the applicant is no longer eligible to take the examination.³⁵

³² *Id.*

³³ The Federation of State Boards of Physical Therapy, Fixed-date testing information for the PT and PTA NPTE, *available at*: <https://www.fsbpt.org/ForCandidatesAndLicensees/FixedDateTesting/> (last viewed January 14, 2012).

³⁴ *Id.*

³⁵ Sections 486.051 and 486.104, F.S.

The Florida pass rate of the NPTE exam provided below. The information provided is derived by DOH from quarterly statistics provided by the Federation.³⁶

Physical Therapy Examination

Category of Candidate	4th Quarter 2011: Oct to Dec				3rd Quarter 2011: July to Sept			
	National		Florida		National		Florida	
	Number Tested	Percent Passing	Number Tested	Percent Passing	Number Tested	Percent Passing	Number Tested	Percent Passing
All	3003	41%	182	45%	2388	60%	130	56%
US educated	1481	65%	96	66%	1664	77%	93	68%
Non-US educated	1522	18%	86	22%	724	19%	37	27%
First time	1252	61%	76	50%	1287	82%	58	72%
Retake	1751	26%	106	42%	1101	34%	72	43%
First time US Accredited	841	81%	44	70%	1160	87%	48	81%
First time Non-US Accredited	411	21%	32	22%	127	28%	10	30%

Source: DOH, Board of Physical Therapy Practice

Physical Therapist Assistant Examination

Category of Candidates	4th Quarter 2011: Oct to Dec				3rd Quarter 2011: July to Sept			
	National		Florida		National		Florida	
	Number Tested	Percent Passing	Number Tested	Percent Passing	Number Tested	Percent Passing	Number Tested	Percent Passing
All	2039	65%	180	76%	2910	76%	206	74%
US educated	1799	67%	180	76%	2748	77%	206	74%
Non-US educated	240	55%	0	NA	162	94%	0	NA
First Time	1241	77%	110	85%	2296	83%	117	84%
Retake	798	47%	70	60%	614	51%	89	61%
First time US Accredited	1219	78%	110	94%	2284	83%	117	84%
First time Non-US Accredited	22	41%	0	NA	12	17%	0	NA

Source: DOH, Board of Physical Therapy Practice

³⁶ Email correspondence with PT Board staff, dated January 17, 2012, on file with Health & Human Services Quality Subcommittee staff.

Effects of Proposed Changes

The bill provides DOH the authority to issue a temporary permit to a physical therapy practitioner. The Board of Physical Therapy Practice (board) is required to issue a temporary permit to an applicant for a temporary permit if he or she meets the following requirements:

- Graduates from a physical therapy program recognized by CAPTE;
- Completes an application for a temporary permit on a form approved by DOH;
- Meets all the eligibility requirements for licensure;
- Submits an application for licensure;
- Demonstrates proof of possessing malpractice insurance;
- Achieves a passing score on the Florida Jurisprudence examination³⁷ administered by the Federation of State Boards of Physical Therapy,³⁸ and
- Submits documentation, pursuant to rules adopted by the board, verifying that the applicant will practice under the direct supervision of a licensed PT.

The temporary permit is not renewable and is valid until a license is granted by the board. A temporary permit is void if a temporary permit holder fails to obtain a passing score on the NPTE or if the temporary permit holder does not take the NPTE within 6 months from the date of graduation from a PT or PTA program.

An applicant for a temporary permit may not work as a physical therapy practitioner until a temporary permit is issued to such applicant by the board. The temporary permit would allow a temporary permit holder to start practicing physical therapy after graduating from an accredited PT or PTA program without waiting for NPTE to be scheduled.

A temporary permit holder must work under the direct supervision³⁹ of a licensed physical therapist. A supervising physical therapist must be licensed for at least 6 months before the supervision period begins and may only supervise one temporary permit holder at any given time. Furthermore, the supervising physical therapist must cosign all patient records produced by a person who holds temporary permit.

B. SECTION DIRECTORY:

Section 1. Creates s. 486.0715, F.S., relating to physical therapist; issuance of temporary permit; to issue a temporary permit.

Section 2. Creates s. 486.1065, F.S., relating to physical therapist assistant; issuance of temporary permit; to issue a temporary permit.

Section 3. Provides an effective date of June 1, 2012.

³⁷ The Federation calls this examination the Jurisprudence exam and in Florida Administrative Code the examination is referred to as the Florida Laws and Rules examination.

³⁸ The Florida Laws and Rules examination (Jurisprudence exam) encompasses 40 questions covering the following areas: legislative intent and duties, power and duties, licensure examination, patient care, disciplinary action and unlawful practice, and consumer advocacy. See Rules 64B17-3.002 and 64B17-4.002, F.A.C.

³⁹ Direct supervision is defined as supervision by a licensed physical therapist, requiring, except in case of emergency, physical presence of the licensed physical therapist for consultation and direction of the actions of a physical therapy practitioner practicing under a temporary permit and practicing as a candidate for licensure by examination. Section 486.021(9), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None identified.

2. Expenditures:

None identified.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None identified.

D. FISCAL COMMENTS:

The bill does not authorize a fee to cover regulatory expenses involved in issuing a temporary permit. Last fiscal year the department issued 527 PTA and 887 PT initial licenses.⁴⁰ For the purpose of this analysis, it is assumed that there will be approximately 1,414 individuals annually who are eligible for a temporary permit to practice as a physical therapist practitioner.

Currently, four professions within MQA are authorized to have temporary permits.⁴¹ For these professions, the temporary permit process is directly tied to the application processing for full licensure. Therefore, a single application is used for both the temporary permit and full licensure. In this situation, the applicant simply indicates by checking the appropriate box on the application that they wish to receive a temporary permit. Should temporary permits be reinstated for physical therapy, the board anticipates using the same procedure that is used to process physical therapy practitioner applications. The DOH has indicated that a separate fee for temporary permits would not be required, as the costs could be absorbed within the current fee structure.⁴²

Additionally, DOH states that any increase in workload and the non-recurring cost associated with rulemaking or modifications to the Customer Oriented Medical Practitioner Administration System (COMPAS) licensure system may be absorbed within current resources and budget authority.⁴³

⁴⁰ Florida Department of Health, Division of Medical Quality Assurance, 201-2011 MQA Annual Report, *available at*: <http://doh.state.fl.us/mqa/reports.htm> (last viewed January 14, 2012).

⁴¹ E-mail correspondence with PT Board staff, dated January 19, 2012, on file with Education Committee staff. The Board of Physical Therapy Practice is authorized to issue permits to the following four professions: Electrology, Dietetics and Nutrition, Nursing Home Administrator, and Occupational Therapy.

⁴² Email correspondence with PT Board staff, dated January 26, 2012, on file with Health Care Appropriations Subcommittee staff.

⁴³ Department of Health, Bill Analysis, Economic Statement and Fiscal Note for HB 799, dated January 26, 2012, on file with Health Care Appropriations Subcommittee staff.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The board has sufficient authority in s. 486.025, F.S., to implement the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill requires an applicant for temporary PT or PTA permit to file with the board documentation demonstrating that he or she possesses a malpractice insurance policy. Currently, a licensed PT or PTA is not required as a condition of licensure, to possess medical malpractice insurance. Additionally, the bill does not specify an amount that must be carried or ensure that the amount carried is sufficient to cover any incident of harm to a patient.

The bill does not clarify if a temporary permit would expire six months after graduating from an accredited PT or PTA program.

The bill requires an applicant for temporary PT or PTA permit to meet all eligibility requirements for licensure pursuant to section 486.031, Florida Statutes, except passing the NPTE. The eligibility requirements include, but are not limited to, applicants graduating from an approved physical therapy program. Pursuant to s. 486.031, F.S., an approved school of physical therapy is a school that is approved by an appropriate accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation (CORPA) or the USDOE. CORPA was dissolved in 1996 and CORPA's recognition of accrediting agencies was assumed by the Council on Higher Education Accreditation (CHEA).⁴⁴

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 17, 2012, the Health & Human Services Quality Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The strike-all restructures the language and reorganizes the requirements for a temporary permit. In addition the strike-all:

- Clarifies that a supervising PT may only supervise one temporary permittee;
- Removes the requirement that the board issue a temporary permit on the date of graduation;
- Requires the applicant to complete an application for a temporary permit;
- Requires the applicant to submit an application for a licensure and meet all the eligibility requirements for a full license except passage of the NPTE; and
- Requires the temporary permittee to sit for the NPTE within 6 months from the date of graduation.

On January 31, 2012, the Health Care Appropriations Subcommittee adopted two amendments and reported the bill favorably as a committee substitute for committee substitute. The adopted amendments:

- Makes technical changes to amend incorrect statutory references and
- Amends the effective date to June 1, 2012.

This analysis is drafted to the committee substitute for committee substitute.

⁴⁴ Council on Higher Education Accreditation, *Recognition of Accreditation Organizations: A Comparison of Policy & Practice of Voluntary Accreditation and the United States Department of Education*, at 4-5 (1998), available at www.chea.org/pdf/RecognitionWellman_Jan1998.pdf; see also Council on Higher Education Accreditation, *Overview of CHEA*, available at <http://www.chea.org/Chronicle/vol1/no1/index.html> (last visited Feb. 11, 2012).

1 A bill to be entitled
 2 An act relating to parent empowerment in education;
 3 amending s. 1001.10, F.S.; conforming a cross-
 4 reference; amending s. 1002.20, F.S.; authorizing
 5 parents of students who are assigned to certain
 6 underperforming public schools to submit a petition to
 7 the school district requesting implementation of a
 8 school turnaround option; requiring a school district,
 9 upon request, to provide a parent with a performance
 10 evaluation for each classroom teacher assigned to his
 11 or her child; requiring notification to the parent of
 12 each student who is assigned to a classroom teacher
 13 who is teaching out-of-field or who has received
 14 unsatisfactory performance evaluations; requiring such
 15 notification to include information about the
 16 availability of virtual instruction; amending s.
 17 1002.32, F.S.; correcting a cross-reference; creating
 18 s. 1003.07, F.S., the Parent Empowerment Act;
 19 requiring each school district to notify parents of
 20 students attending a lowest-performing school that has
 21 been unable to improve performance after
 22 implementation of a school turnaround option;
 23 authorizing parents to submit a petition requesting
 24 implementation of an available school turnaround
 25 option; providing requirements for submission of a
 26 petition and its consideration and adoption by the
 27 district school board; requiring the State Board of
 28 Education to adopt rules for the petition process and

29 specifying requirements therefor; amending s. 1008.33,
 30 F.S.; identifying the options for improving a school
 31 identified in the lowest-performing category as school
 32 turnaround options; authorizing parents to submit a
 33 petition to the school district to implement a
 34 specified school turnaround option; amending s.
 35 1012.2315, F.S.; requiring that each district school
 36 board adopt rules to implement an assistance plan for
 37 out-of-field classroom teachers and requiring their
 38 participation in certain programs; requiring that the
 39 school district annually notify the parent of each
 40 student assigned to an out-of-field classroom teacher
 41 or a classroom teacher who has received unsatisfactory
 42 performance evaluations; requiring such notification
 43 to include information about the availability of
 44 virtual instruction; requiring that a school district,
 45 upon request, provide a parent with the performance
 46 evaluation of each classroom teacher assigned to his
 47 or her child; prohibiting the consecutive assignment
 48 of students to classroom teachers who receive certain
 49 performance evaluations; repealing s. 1012.42, F.S.,
 50 relating to teachers teaching out-of-field; providing
 51 an effective date.

52
 53 Be It Enacted by the Legislature of the State of Florida:

54
 55 Section 1. Subsection (3) of section 1001.10, Florida
 56 Statutes, is amended to read:

57 1001.10 Commissioner of Education; general powers and
 58 duties.—

59 (3) To facilitate innovative practices and ~~to allow~~ local
 60 selection of educational methods, the State Board of Education
 61 may authorize the commissioner to waive, upon the request of a
 62 district school board, state board ~~of Education~~ rules that
 63 relate to ~~district~~ school instruction and ~~school~~ operations,
 64 except those rules pertaining to civil rights, and student
 65 health, safety, and welfare. The Commissioner of Education is
 66 not authorized to grant waivers for any provisions in rule
 67 pertaining to the allocation and appropriation of state and
 68 local funds for public education; the election, compensation,
 69 and organization of school board members and superintendents;
 70 graduation and state accountability standards; financial
 71 reporting requirements; reporting of out-of-field teaching
 72 assignments under s. 1012.2315(5) ~~1012.42~~; public meetings;
 73 public records; or due process hearings governed by chapter 120.
 74 No later than January 1 of each year, the commissioner shall
 75 report to the Legislature and the State Board of Education all
 76 approved waiver requests in the preceding year.

77 Section 2. Paragraph (d) is added to subsection (21) of
 78 section 1002.20, Florida Statutes, and subsections (24) and (25)
 79 are added to that section, to read:

80 1002.20 K-12 student and parent rights.—Parents of public
 81 school students must receive accurate and timely information
 82 regarding their child's academic progress and must be informed
 83 of ways they can help their child to succeed in school. K-12

84 students and their parents are afforded numerous statutory
 85 rights including, but not limited to, the following:

86 (21) PARENTAL INPUT AND MEETINGS.—

87 (d) Parent empowerment.—Parents of students who are
 88 assigned to a public school that does not improve performance
 89 following implementation of a school turnaround option under s.
 90 1008.33(5) (a) may submit a petition to the school district
 91 requesting implementation of a school turnaround option pursuant
 92 to s. 1003.07.

93 (24) PERSONNEL EVALUATION REPORTS.—Upon request by the
 94 parent of a public school student, the school district must
 95 provide the parent with the performance evaluation for each
 96 classroom teacher assigned to his or her child, pursuant to s.
 97 1012.31.

98 (25) ASSIGNMENT TO TEACHERS.—

99 (a) Each school district shall annually notify the parent
 100 of each public school student assigned to a classroom teacher
 101 who is teaching out-of-field regarding such assignment. The
 102 notification must inform the parent that virtual instruction
 103 from a certified in-field teacher with an annual performance
 104 evaluation rating of effective or highly effective is available
 105 pursuant to s. 1012.2315(5).

106 (b) When a student is assigned to a classroom teacher who
 107 has received two consecutive annual performance evaluation
 108 ratings of unsatisfactory, two annual performance evaluation
 109 ratings of unsatisfactory within a 3-year period, or three
 110 consecutive annual performance evaluation ratings of needs
 111 improvement or a combination of needs improvement and

112 unsatisfactory under s. 1012.34, the school district shall
 113 notify the parent regarding the performance evaluation rating of
 114 the classroom teacher. The notification must inform the parent
 115 that virtual instruction from a teacher with an annual
 116 performance evaluation rating of effective or highly effective
 117 is available pursuant to s. 1012.2315(7).

118 Section 3. Paragraph (c) of subsection (7) of section
 119 1002.32, Florida Statutes, is amended to read:

120 1002.32 Developmental research (laboratory) schools.—

121 (7) PERSONNEL.—

122 (c) Lab school faculty members shall meet the
 123 certification requirements of s. ~~ss.~~ 1012.32 and 1012.42.

124 Section 4. Section 1003.07, Florida Statutes, is created
 125 to read:

126 1003.07 Parent empowerment.—

127 (1) This section may be cited as the "Parent Empowerment
 128 Act."

129 (2) Each school district must provide written notification
 130 to the parents of eligible students, as defined in paragraph
 131 (3) (b), when a public school has been unable to improve
 132 performance following implementation of a school turnaround
 133 option and must implement a different option, as required under
 134 s. 1008.33(5). The written notification shall inform parents
 135 that they may, by petition, request implementation of a school
 136 turnaround option by the school in the following school year.
 137 The notification shall be provided to parents within 30 calendar
 138 days after the school district receives notice from the
 139 Department of Education that the school must implement a

140 different school turnaround option. The notification by the
 141 school district shall include:

142 (a) A description of each school turnaround option
 143 available for selection under s. 1008.33(5) (a);

144 (b) A description of the process for implementing school
 145 turnaround options, including the date by which the school
 146 district must submit its implementation plan to the State Board
 147 of Education;

148 (c) The date and location for submission of the petition;

149 (d) The date and location of the publicly noticed district
 150 school board meeting required under paragraph (4) (a) at which
 151 the school board will consider any school turnaround option,
 152 including a parent petition; and

153 (e) School district contact information for additional
 154 questions.

155 (3) (a) Prior to the school district's selection and
 156 implementation of a different school turnaround option for the
 157 following school year, parents may submit a petition selecting
 158 an available school turnaround option, as described pursuant to
 159 paragraph (2) (a), for consideration by the district school
 160 board.

161 (b) Up to one parental vote per eligible student may be
 162 counted with respect to parent signatures on the petition. An
 163 eligible student is a student enrolled in the school in which
 164 the school turnaround option will be implemented or a student
 165 who is scheduled, the following school year, for assignment to
 166 the school in which the school turnaround option will be

167 implemented, according to the district school board's enrollment
 168 policies.

169 1. A parental vote is the signature of one parent unless
 170 the other parent objects in writing to the petition vote, in
 171 which case the parental vote counts for one-half per eligible
 172 student. The objection must be made before the date of
 173 submission of the petition pursuant to subsection (2).

174 2. Notwithstanding subparagraph 1., a parental vote is the
 175 signature of the parent who has been assigned sole parental
 176 responsibility or ultimate responsibility for education
 177 decisions pursuant to s. 61.13.

178 (c) A parent must date the petition on the day it is
 179 signed and identify each eligible student on the petition. The
 180 parent's signature shall constitute a certification that the
 181 parent has a present intention to enroll each eligible student
 182 in the school if the school turnaround option identified on the
 183 petition is selected. A parent may sign the petition prior to
 184 the initial notification provided to the parents of eligible
 185 students pursuant to subsection (2).

186 (d) If the school district chooses to verify signatures on
 187 the petition, the district shall use existing student enrollment
 188 documentation or other records containing parent signatures.
 189 However, a notarized signature of a person who is a parent of an
 190 eligible student shall be treated as valid. Signatures not
 191 verified within the established verification period shall be
 192 treated as valid.

193 (4) (a) The school turnaround option selected by parents
 194 must be considered for implementation by the district school

195 board at a publicly noticed school board meeting if the petition
 196 is signed and dated by a majority of the parents of eligible
 197 students. A majority is more than one-half of the parents who
 198 are eligible to sign the petition pursuant to paragraph (3) (b).
 199 If petitions for more than one school turnaround option are
 200 signed by a majority of the parents, the petition having the
 201 most such signatures shall be treated as the school turnaround
 202 option selected by parents.

203 (b) The district school board may adopt the school
 204 turnaround option selected by parents or a different school
 205 turnaround option selected by the school board. If the district
 206 school board does not adopt the school turnaround option
 207 selected by parents, it must include that option with the
 208 implementation plan submitted to the State Board of Education
 209 under s. 1008.33(5) (b). If the state board determines that the
 210 school turnaround option selected by parents is more likely to
 211 improve the academic performance of students at the school, it
 212 shall remand the district school board's implementation plan to
 213 the school board. Upon remand, the district school board shall
 214 submit to the state board an implementation plan for the school
 215 turnaround option selected by parents.

216 (5) The State Board of Education shall adopt rules to
 217 establish a model petition format, the petition submission
 218 process, standards for verifying signatures, and timelines for
 219 district school board validation and consideration of a petition
 220 at a publicly noticed meeting. The rules must provide a sample
 221 petition form for each school turnaround option available for
 222 selection under s. 1008.33(5) (a) with easy-to-understand

223 instructions. The sample petition forms must be provided or made
 224 easily accessible to parents at the time of notification by the
 225 school district pursuant to subsection (2). The rules shall
 226 provide the following:

227 (a) A minimum of 30 days after initial notification,
 228 pursuant to subsection (2), must be provided to the parents of
 229 eligible students for gathering petition signatures.

230 (b) A maximum of 30 days after the date the petition is
 231 submitted must be allowed for the school district to verify the
 232 signatures.

233 (c) A minimum of 30 days must be provided between the
 234 submission of a petition and the district school board meeting
 235 to consider the petition.

236 (d) A submitted petition may list only one school
 237 turnaround option identified in s. 1008.33(5)(a) that is not
 238 presently being implemented at the school.

239 (e) A parent may sign a petition for each school
 240 turnaround option.

241 (f) A school district may not reject a parent signature on
 242 a petition based on a lack of conformity to school records if
 243 the parent's identity and signature can be easily validated with
 244 a photo identification, a notarized signature verifying the
 245 identity of the signer, or the personal knowledge of a school
 246 employee.

247 (g) A school district may not reject a parent signature on
 248 a petition on the basis that the parent signed the petition
 249 prior to the initial notification pursuant to subsection (2).

250 Section 5. Subsection (5) of section 1008.33, Florida
 251 Statutes, is amended to read:

252 1008.33 Authority to enforce public school improvement.—

253 (5) (a) In the school year after a school is initially
 254 identified as a school in the lowest-performing category, the
 255 school district must submit a plan, which is subject to approval
 256 by the State Board of Education, for implementing one of the
 257 following school turnaround options at the beginning of the next
 258 school year. The plan must be implemented unless the school
 259 moves from the lowest-performing category:

260 1. Convert the school to a district-managed turnaround
 261 school by means that include implementing a turnaround plan
 262 approved by the Commissioner of Education which shall become the
 263 school's improvement plan;

264 2. Reassign students to another school and monitor the
 265 progress of each reassigned student;

266 3. Close the school and reopen the school as one or more
 267 charter schools, each with a governing board that has a
 268 demonstrated record of effectiveness; or

269 4. Contract with an outside entity that has a demonstrated
 270 record of effectiveness to operate the school.

271 (b) If a school does not move from the lowest-performing
 272 category during the initial year of implementing one of the
 273 school turnaround options in paragraph (a), the school district
 274 must submit a plan, which is subject to approval by the State
 275 Board of Education, for implementing a different option in
 276 paragraph (a) at the beginning of the next school year, unless
 277 the State Board of Education determines that the school is

278 likely to move from the lowest-performing category if additional
 279 time is provided to implement intervention and support
 280 strategies. The State Board of Education shall determine whether
 281 a school district may continue to implement a school turnaround
 282 ~~an~~ option beyond 1 year while a school remains in the lowest-
 283 performing category. Parents of students who are assigned to a
 284 public school that is required to implement a different school
 285 turnaround option may petition the school district to implement
 286 a school turnaround option selected by the parents pursuant to
 287 s. 1003.07.

288 Section 6. Section 1012.2315, Florida Statutes, is amended
 289 to read:

290 1012.2315 Assignment of teachers.—

291 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
 292 disparities between teachers assigned to teach in a majority of
 293 schools that do not need improvement and schools that do need
 294 improvement pursuant to s. 1008.33. The disparities may be found
 295 in the assignment of temporarily certified teachers, teachers in
 296 need of improvement, and out-of-field teachers and in the
 297 performance of the students. It is the intent of the Legislature
 298 that district school boards have flexibility through the
 299 collective bargaining process to assign teachers more equitably
 300 across the schools in the district.

301 (2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF
 302 IMPROVEMENT.—School districts may not assign a higher percentage
 303 than the school district average of temporarily certified
 304 teachers, teachers in need of improvement, or out-of-field
 305 teachers to schools in one of the three lowest-performing

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306 categories under s. 1008.33(3)(b). Each school district shall
307 annually certify to the Commissioner of Education that this
308 requirement has been met. If the commissioner determines that a
309 school district is not in compliance with this subsection, the
310 State Board of Education shall be notified and shall take action
311 pursuant to s. 1008.32 in the next regularly scheduled meeting
312 to require compliance.

313 (3) SALARY INCENTIVES.—District school boards may ~~are~~
314 ~~authorized to~~ provide salary incentives to meet the requirement
315 of subsection (2). A district school board may not sign a
316 collective bargaining agreement that precludes the school
317 district from providing sufficient incentives to meet this
318 requirement.

319 (4) COLLECTIVE BARGAINING.—Notwithstanding provisions of
320 chapter 447 relating to district school board collective
321 bargaining, collective bargaining provisions may not preclude a
322 school district from providing incentives to high-quality
323 teachers and assigning such teachers to low-performing schools.

324 (5) ASSISTANCE TO OUT-OF-FIELD TEACHERS.—

325 (a) Each district school board shall adopt rules for
326 implementing an assistance plan for each classroom teacher who
327 is teaching out-of-field. The assistance plan must provide
328 teachers who are teaching out-of-field with priority
329 consideration in professional development activities and require
330 such teachers to participate in a certification or staff
331 development program that provides the competencies required for
332 the assigned duties. The assistance plan must also include
333 duties of administrative personnel and other instructional

334 personnel for assisting a teacher who is teaching out-of-field
 335 in providing instructional services to students.

336 (b) The school district shall annually notify the parent
 337 of each student who is assigned to a classroom teacher who is
 338 teaching subject matter that is:

339 1. Outside the field in which the teacher is certified;
 340 2. Outside the field that was the teacher's minor field of
 341 study; or

342 3. Outside the field in which the teacher has demonstrated
 343 sufficient subject area expertise, as determined by district
 344 school board policy in the subject area to be taught.

345
 346 The notification must inform the parent that virtual instruction
 347 from a certified in-field teacher with an annual performance
 348 evaluation rating of effective or highly effective under s.
 349 1012.34 is available to his or her child through the virtual
 350 instruction options listed under s. 1002.321(4).

351 (6)~~(5)~~ REPORT.—

352 ~~(a)~~ By July 1, 2012, the Department of Education shall
 353 annually report on its website, in a manner that is accessible
 354 to the public, the performance rating data reported by district
 355 school boards under s. 1012.34. The report must include the
 356 percentage of classroom teachers, instructional personnel, and
 357 school administrators receiving each performance rating
 358 aggregated by school district and by school.

359 (7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
 360 EVALUATIONS.—

361 (a) ~~(b)~~ Notwithstanding ~~the provisions of~~ s.
 362 1012.31(3)(a)2., each school district shall annually notify
 363 ~~report to~~ the parent of any student who is assigned to a
 364 classroom teacher or school administrator having two consecutive
 365 annual performance evaluation ratings of unsatisfactory under s.
 366 1012.34, two annual performance evaluation ratings of
 367 unsatisfactory within a 3-year period under s. 1012.34, or three
 368 consecutive annual performance evaluation ratings of needs
 369 improvement or a combination of needs improvement and
 370 unsatisfactory under s. 1012.34. The notification must inform
 371 the parent that virtual instruction from a teacher with a
 372 performance evaluation rating of highly effective or effective
 373 under s. 1012.34 is available to his or her child through the
 374 virtual instruction options listed under s. 1002.321(4).

375 (b) Upon request by the parent of a public school student,
 376 the school district shall provide the parent with the
 377 performance evaluation for each classroom teacher assigned to
 378 his or her child, pursuant to s. 1012.31.

379 (c) If a student is currently taught by a classroom
 380 teacher who receives, in that school year, a performance
 381 evaluation rating of needs improvement or unsatisfactory under
 382 s. 1012.34, the student may not be assigned the following school
 383 year to a classroom teacher in the same subject area who
 384 received a performance evaluation rating of needs improvement or
 385 unsatisfactory in the preceding school year.

386 Section 7. Section 1012.42, Florida Statutes, is repealed.

387 Section 8. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 1191 Parent Empowerment in Education

SPONSOR(S): Rulemaking & Regulation Subcommittee, K-20 Innovation Subcommittee, Bileca and others

TIED BILLS: IDEN./SIM. **BILLS:** CS/SB 1718

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Innovation Subcommittee	11 Y, 3 N, As CS	Beagle	Sherry
2) Rulemaking & Regulation Subcommittee	8 Y, 6 N, As CS	Rubottom	Rubottom
3) Education Committee		Beagle <i>GB</i>	Klebacha <i>CK</i>

SUMMARY ANALYSIS

The bill enables parents, by petitioning the school district, to request implementation of a parent-selected turnaround option when a school does not sufficiently improve in the initial year of implementing a district-selected turnaround option. The turnaround option requested by parents must be considered for implementation by the district school board at a publicly noticed meeting if the petition is signed and dated by a majority of the parents of eligible students, i.e., students enrolled in the school or students who are scheduled for assignment to the school in the following school year.

The district school board may adopt the turnaround option selected by parents or a different option selected by the school board. If the district school board does not adopt the parent-selected option, it must include that option with the implementation plan submitted to the State Board of Education. The state board may approve the district's plan or, if it determines that the parent-selected option is more likely to improve student performance at the school, require the school board to submit a plan for implementing the parent-selected option.

Florida's system of school improvement provides the lowest performing schools with the most comprehensive interventions. If such a school does not sufficiently improve during the first two years of intervention, the school district must implement a school turnaround option at the beginning of the next school year. If the school does not sufficiently improve during the first year of implementing a turnaround option, the school district must submit a plan for implementing a different option at the beginning of the next school year. No process presently exists that requires school districts to consider implementation of a parent-selected turnaround option.

The bill also adds several new requirements related to the assignment of students to classroom teachers. The bill prohibits school districts from assigning a student in consecutive school years to a classroom teacher with an annual performance evaluation rating of unsatisfactory or needs improvement; authorizes a parent to request from the school district the performance evaluation of any classroom teacher assigned to his or her child; and requires that parents of students assigned to an out-of-field or chronically low-performing teacher be informed of the availability of virtual instruction delivered by an in-field, high-performing teacher.

Florida law does not prohibit school districts from assigning a student in consecutive years to a low-performing teacher. School districts must notify each parent when his or her child is assigned to an out-of-field teacher or chronically low performing teacher; however, notification that virtual instruction is available as an alternative to such teacher assignments is not required. School districts are not expressly required to provide a teacher's performance evaluation to parents who request it; however, such evaluations become public records after one year, at which time the evaluation must be furnished to any parent or member of the public who requests it.

The bill does not have a fiscal impact on state or local governments.

The bill takes effect July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

School Improvement and Intervention

Florida's system of school improvement interventions is known as "differentiated accountability." Low-performing schools are categorized according to the causes and severity of low student achievement. A school's categorization determines the type and intensity of school improvement interventions and whether interventions are directed by the school, school district, or state.¹ The lowest performing schools receive the most comprehensive interventions.² If such a school does not sufficiently improve during the first year of intervention, the school district must submit a plan to the State Board of Education proposing to implement a school turnaround option at the beginning of the next school year. The school district may select one of the following turnaround options:

- Convert the school to a district-managed turnaround school;
- Reassign students to another school and monitor the progress of each reassigned student;
- Close the school and reopen it as one or more charter schools, each with a governing board with a demonstrated record of effectiveness; or
- Contract with an outside entity that has a demonstrated record of effectiveness to operate the school.

The turnaround option must be implemented if the school does not sufficiently improve during that school year.³ If the school does not sufficiently improve during the first year of implementing the turnaround option, the school district must submit another plan for implementing a different option at the beginning of the next school year. The plan is subject to state board approval. In considering the plan, the state board has discretion to allow the school district to continue implementing the existing turnaround option, if it finds that the school is likely to improve with additional time. No process exists that requires school districts to consider implementation of a parent-selected turnaround option.⁴

Effect of Proposed Changes

The bill enables parents, by petition, to request that the school district implement a parent-selected turnaround option if a school in the lowest performing category does not improve performance in the initial year of implementing a turnaround option selected by the school district. The turnaround option requested by parents must be considered for implementation by the district school board at a publicly noticed meeting if the petition is signed and dated by a majority of the parents⁵ of eligible students, i.e., students enrolled in the school or students who are scheduled for assignment to the school in the following school year

Within 30 days of receiving notice from the Department of Education (DOE) that the school did not improve performance under the preceding turnaround option, each school district must notify parents that they may submit a petition requesting that a parent-selected turnaround option be implemented for the school in the following school year. The notice by the school district must include:

- A description of each available turnaround option and the process for implementing turnaround options;

¹ Section 1008.33(3)(b) and (4), F.S.; rule 6A-1.099811(3), F.A.C.

² Section 1008.33(2)(b) and (4), F.S.

³ Section 1008.33(5)(a), F.S.; rule 6A-1.099811(8)(b), F.A.C.

⁴ Section 1008.33(5)(b), F.S.

⁵ The law defines "parent" as either or both parents of a student, any guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of the parent. Section 1000.21(5), F.S.

- The date and location for submission of the petition and the publicly noticed district school board meeting at which the petition will be considered; and
- School district contact information for assistance with questions.

Only one parent per eligible student may sign the petition. One signature may be given by the parent for each child who is an eligible student. If a child's other parent submits a written objection to the petition, the voting parent's signature counts as one-half vote. The bill allows parents to sign petitions for more than one turnaround option. A parent must date the petition on the day it is signed and identify the eligible student on the petition. The parent's signature also constitutes a certification of the parent's present intent to enroll their eligible student(s) in the school the following school year if the turnaround option supported by the petition is implemented.

If the school district chooses to verify signatures on the petition, the district must use existing student enrollment documentation or other records containing parent signatures. A signature may also be validated by notarization or photo ID. A majority is achieved when signatures are collected for parents of more than one-half of the eligible students. The petition must be submitted before the school district selects a turnaround option.

The bill authorizes the DOE to adopt rules governing the petition process. That provision includes a list of specific matters that must be addressed in the rules. At least 30 days must be allowed to circulate the parent petitions and parents may sign a petition before the notice beginning the petition period.

The district school board may adopt the parent-selected turnaround option or a different option selected by the school board. If the district school board does not adopt the parent-selected option, it must include that option with the implementation plan submitted to the state board. If the state board determines that the turnaround option selected by parents is more likely to improve the academic performance of students at the school, the school board must resubmit a plan implementing the parent-selected option.

The bill enables parents of students attending a low-performing school to play a larger role in improving the school's performance. Likewise, the petition process may result in increased parental involvement in school affairs, which research identifies as a key component of school improvement.⁶

Educator Performance and Student Assignments

Research indicates that teacher effectiveness is the most important school-level variable influencing student learning. Students who are taught by ineffective teachers perform at much lower levels than students demonstrating comparable ability taught by high-performing teachers. Students taught by an ineffective teacher for even one year experience long-term negative impacts on achievement.⁷

In Florida, the performance of classroom teachers⁸ is annually evaluated based upon student performance and instructional practice criteria. Student performance must comprise at least 50 percent

⁶ The PEW Center on the States, *Engaged Families, Effective Pre-K: State Policies that Bolster Student Success*, at 1 (June 2010), available at http://www.pewcenteronthestates.org/uploadedFiles/PkN_Family_Engagement_FINAL.pdf?n=4141; Southwest Educational Development Laboratory, *A New Wave of Evidence: The Impact of School, Family, and Community Connections on Student Achievement*, at 24 (2002), available at <http://www.seidl.org/cgi-bin/pdfexit.cgi?url=http://www.seidl.org/connections/resources/evidence.pdf> (review of research regarding parental involvement and student success).

⁷ Sanders and Rivers, *Cumulative and Residual Effects of Teachers on Future Student Achievement*, at 6-8 (Nov. 1996), available at <http://www.mccsc.edu/~curriculum/cumulative%20and%20residual%20effects%20of%20teachers.pdf>. Sanders and Rivers found that standardized mathematics assessment scores for students who were taught by a low-performing teacher for three consecutive years were 53 percentile points lower than those of students who were taught by a high-performing teacher for three consecutive years. *Id.* at 3.

⁸ Classroom teachers are a sub-set of the larger personnel class known as "instructional personnel." Instructional personnel and school administrators are evaluated annually. Instructional personnel also include guidance counselors, social workers, career specialists, school psychologists, librarians and media specialists, learning resource specialists, instructional trainers, adjunct educators, and

of the performance evaluation and must be measured in terms of student learning growth on statewide assessments or, for subjects and grades not tested by statewide assessments, school district-selected assessments.⁹ Measurement of student learning growth for classroom teachers must be based upon students assigned to the employee over the course of three school years.¹⁰

Instructional practice criteria for classroom teachers are based upon the state board adopted Florida Educator Accomplished Practices (FEAP). The FEAPs include such essential teaching skills as subject matter knowledge, classroom management, and lesson planning and delivery. These criteria are primarily evaluated through classroom observation.¹¹

Each classroom teacher is assigned one of four performance ratings:

- Highly effective;
- Effective;
- Needs improvement, or for classroom teachers in their first three years of employment who need improvement, developing; or
- Unsatisfactory.

Performance evaluation results must be used as a basis for professional development, compensation, retention, transfers, and promotions. The law authorizes a school principal to refuse the placement or transfer of a classroom teacher who is not rated effective or highly effective. However, the law does not prohibit a school district from assigning a student in consecutive school years to a classroom teacher rated unsatisfactory or needs improvement.¹²

Information regarding educator performance evaluations is provided to the public annually. School districts must annually report to DOE educator performance evaluation ratings. DOE must annually post on its website the percentage of classroom teachers, other instructional personnel, and school administrators receiving each performance rating by school district and school.¹³

Additionally, school districts must annually report to parents the fact that their child is assigned to a classroom teacher whose performance evaluations indicate chronic low-performance, i.e., teachers who have two consecutive unsatisfactory performance evaluations, two unsatisfactory evaluations in a three-year period, or three consecutive evaluations of needs improvement or any combination of needs improvement and unsatisfactory.¹⁴ School districts are not expressly required to provide a teacher's performance evaluation to parents who request it; however, such evaluations become public records after one year, at which time the evaluation must be furnished to any parent or member of the public who requests it.¹⁵

Each district school board must adopt a plan for assisting teachers teaching subject matter outside their certification area, minor field of study, or a subject area in which the teacher has demonstrated sufficient expertise. The plan must provide such teachers with priority consideration in professional development activities and require their participation in a certification or staff development program that addresses the competencies required for the assigned duties. The assistance plan must include duties of administrative personnel and other instructional personnel for assisting out-of-field teachers. The law

education paraprofessionals. Section 1012.01(2)(a)-(e), F.S. School administrators are school principals, school directors, career center directors, and assistant principals. Section 1012.01(3)(a), F.S.

⁹ Section 1012.34(3)(a) and (7), F.S. Newly hired teachers must be evaluated at least twice in the first year of teaching. Section 1012.34(3)(a), F.S. School districts may request approval by the Department of Education to use a student achievement measure or a combination of student learning growth and achievement when such measures are appropriate. Likewise, districts may request approval to determine appropriate measures based upon course characteristics and personnel assignments. Section 1012.34(2)(d) and (7)(c)-(d), F.S.

¹⁰ Section 1012.34(3)(a)1.a.-b., F.S. Exceptions apply based upon personnel classification or availability of data. *Id.*

¹¹ Section 1012.34(3)(a), F.S.

¹² Sections 1012.22(1)(e) and 1012.34(2)(b), F.S.

¹³ Section 1012.34(1)(c), F.S.

¹⁴ Section 1012.2315(5)(b), F.S.

¹⁵ Section 1012.31(3)(a)2., F.S.

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requires each district school board to notify in writing the parents of students who are assigned to an out-of-field teacher.¹⁶

Effect of Proposed Changes

The bill authorizes a parent to request from the school district the performance evaluation of any classroom teacher assigned to his or her child. Current law requiring that educator performance evaluations remain confidential until the end of the school year immediately following the school year in which the evaluation was conducted applies to such requests.¹⁷

Additionally, the bill expands parental notification regarding a child's assignment to classroom teachers teaching out-of-field to also require that the parent of the child be informed of the availability of virtual instruction delivered by an in-field teacher with an annual performance evaluation rating of effective or highly effective. Likewise, notification sent to parents regarding a child's assignment to a classroom teacher whose performance evaluations indicate chronic low-performance¹⁸ must also inform the parent that virtual instruction from a teacher with an annual performance evaluation rating of effective or highly effective is available. These changes will better inform parents of their options when their child is assigned to out-of-field or low-performing teachers.

The bill adds provisions prohibiting a school district from assigning a student in consecutive school years to a classroom teacher of the same subject who is evaluated as unsatisfactory or needs improvement. This will decrease the likelihood of long-term negative impacts on a student's achievement resulting from repeated assignments to low-performing teachers.

B. SECTION DIRECTORY:

Section 1. Amends s. 1001.10, F.S., relating to Commissioner of Education powers and duties; corrects a cross reference.

Section 2. Amends s. 1002.20, F.S., relating to K-12 student and parent rights; authorizes parents to petition the school district to implement of a school turnaround option; authorizes a parent to request from the school district the performance evaluation of a classroom teacher assigned to his or her child; and requires that parents of students assigned to an out-of-field or chronically low-performing teacher be informed of the availability of virtual instruction delivered by an in-field, high-performing teacher.

Section 3. Amends s. 1002.32, F.S., relating to developmental research lab schools; corrects a cross-reference.

Section 4. Creates s. 1003.07, F.S., relating to parent empowerment; establishes a petition process enabling parents to request implementation of a school turnaround option; provides for consideration of the petition by the school board; specifies requirements regarding the petition process; provides for review of proposed turnaround options by the state board.

Section 5. Amends s. 1008.33, F.S., authority to enforce public school improvement; authorizes parents to petition the school district to implement a school turnaround option.

Section 6. Amends s. 1012.2315, F.S., relating to assignment of teachers; authorizes a parent to request from the school district the performance evaluation of a classroom teacher assigned to his or her child; requiring parental notification regarding assignment of a student to a low-performing or out-of-field teacher; requires that parents of students assigned to an out-of-field or chronically low-performing teacher be informed of the availability of virtual instruction delivered by an in-field, high-performing teacher; and prohibits school districts from assigning a student in consecutive school years to a classroom teacher with an annual performance evaluation rating of unsatisfactory or needs improvement.

Section 7. Repeals s. 1012.42, F.S., relating to teacher teaching out of field.

¹⁶ Section 1012.42(1) and (2), F.S. This reporting requirement applies to teachers who are teaching subject matter that is outside the field in which the teacher is certified, outside the field that was the applicant's minor field of study, or outside the field in which the applicant has demonstrated sufficient subject area expertise. Section 1012.42(2), F.S.

¹⁷ Section 1012.31(3)(a)2., F.S.

¹⁸ This reporting requirement applies to a classroom teacher who has two consecutive unsatisfactory performance evaluations, two unsatisfactory evaluations in a three-year period, or three consecutive evaluations of needs improvement or any combination of needs improvement and unsatisfactory. Section 1012.2315(5)(b), F.S.

Section 8. Provides an effective date of July 1, 2012.

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:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules establishing a model parent petition form, clear instructions to be provided, petition submission process, standards for verifying signatures, and timelines for school board consideration of a petition at a publicly noticed meeting. The state board has sufficient authority and the bill provides sufficient specificity to permit the state board to adopt the rules necessary.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 24, 2012, the K-20 Innovation Subcommittee reported the proposed committee substitute (PCS) for HB 1191 favorably as a committee substitute. The PCS differs from the house bill in the following ways:

- Limits application of the parent petition process to schools that must implement a different turnaround option after the previously implemented option fails to improve the school's performance. The bill allowed a petition to be filed in the initial year in which turnaround options are required for a school.
- Requires the school board to consider the turnaround option selected by parents at a publicly noticed meeting; however, the school board has discretion to adopt or reject the parent-selected option. The bill required the school board to adopt the parent-selected turnaround option.
- Clarifies the petition process, including which parents may sign the petition and the number of signatures that constitute a majority of parents.
- Requires notification of parents of students assigned to out-of-field teachers that virtual instruction is available from an in-field teacher to also specify that the teacher has a performance evaluation rating of effective or highly effective.

On February 3, 2012, the Rulemaking & Regulation Subcommittee adopted a committee substitute that made the following changes to the previous CS:

- Clarifies that a parent signature counts once for each eligible child of the parent, and that if the other parent objects to the signature in writing, the parent signature is counted as one-half vote.
- Declares that a parent's signature constitutes a certification of present intent that their eligible student(s) will attend the school if the parent selected turnaround option is implemented.
- Provides that if more than one petition has sufficient signatures, the petition with the most signatures will be treated as the parent-selected option.
- Provides that state board rules must provide:
 - Sample petition forms, clear instructions and accessibility to the forms upon notification from the School Board;
 - A minimum of 30 days for signature gathering;
 - A maximum of 30 days for signature verification;
 - A minimum of 30 days between petition deadline and the School Board meeting to consider turnaround options; and
 - Alternate validation of a signature by photo ID, a notarized signature verifying the identity of the signer, or the personal knowledge of a school employee. Signatures dated prior to the notification by the School Board may not be invalidated.

This analysis is drafted to the second Committee Substitute.



Education Committee

Thursday, February 16, 2012

9:00 am – 11:00 am

Reed Hall – 102 HOB

AMENDMENT PACKET

**Dean Cannon
Speaker**

**William Proctor
Chair**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 799 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Education Committee
2 Representative Goodson offered the following:

3
4 **Amendment**

5 Remove lines 41-43 and insert:
6 not obtained within 6 months after the date of graduation from a
7 physical therapy program.

8
9
10 Remove lines 83-85 and insert:
11 not obtained within 6 months after the date of graduation from a
12 physical therapy program.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Education Committee
2 Representative Bileca offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (3) of section 1001.10, Florida
7 Statutes, is amended to read:

8 1001.10 Commissioner of Education; general powers and
9 duties.—

10 (3) To facilitate innovative practices and ~~to allow~~ local
11 selection of educational methods, the State Board of Education
12 may authorize the commissioner to waive, upon the request of a
13 district school board, state board ~~of Education~~ rules that
14 relate to ~~district~~ school instruction and ~~school~~ operations,
15 except those rules pertaining to civil rights, and student
16 health, safety, and welfare. The Commissioner of Education is
17 not authorized to grant waivers for any provisions in rule
18 pertaining to the allocation and appropriation of state and
19 local funds for public education; the election, compensation,

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1191 (2012)

Amendment No. 1

20 and organization of school board members and superintendents;
21 graduation and state accountability standards; financial
22 reporting requirements; reporting of out-of-field teaching
23 assignments under s. 1012.2315(5) ~~1012.42~~; public meetings;
24 public records; or due process hearings governed by chapter 120.
25 No later than January 1 of each year, the commissioner shall
26 report to the Legislature and the State Board of Education all
27 approved waiver requests in the preceding year.

28 Section 2. Paragraph (d) is added to subsection (21) of
29 section 1002.20, Florida Statutes, and subsections (24) and (25)
30 are added to that section, to read:

31 1002.20 K-12 student and parent rights.—Parents of public
32 school students must receive accurate and timely information
33 regarding their child's academic progress and must be informed
34 of ways they can help their child to succeed in school. K-12
35 students and their parents are afforded numerous statutory
36 rights including, but not limited to, the following:

37 (21) PARENTAL INPUT AND MEETINGS.—

38 (d) Parent empowerment.—Parents of students who are
39 assigned to a public school that does not improve performance
40 following implementation of a school turnaround option under s.
41 1008.33 may submit a petition to the school district requesting
42 implementation of a school turnaround option pursuant to s.
43 1003.07.

44 (24) PERSONNEL EVALUATION REPORTS.—Upon request by the
45 parent of a public school student, the school district must
46 provide the parent with the performance evaluation for each

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1191 (2012)

Amendment No. 1

47 classroom teacher assigned to his or her child, pursuant to s.
48 1012.31.

49 (25) ASSIGNMENT TO TEACHERS.-

50 (a) Each school district shall annually notify the parent
51 of each public school student assigned to a classroom teacher
52 who is teaching out-of-field regarding such assignment. The
53 notification must inform the parent that virtual instruction
54 from a certified in-field teacher with an annual performance
55 evaluation rating of effective or highly effective is available
56 pursuant to s. 1012.2315(5).

57 (b) When a student is assigned to a classroom teacher who
58 has received two consecutive annual performance evaluation
59 ratings of unsatisfactory, two annual performance evaluation
60 ratings of unsatisfactory within a 3-year period, or three
61 consecutive annual performance evaluation ratings of needs
62 improvement or a combination of needs improvement and
63 unsatisfactory under s. 1012.34, the school district shall
64 notify the parent regarding the performance evaluation rating of
65 the classroom teacher. The notification must inform the parent
66 that virtual instruction from a teacher with an annual
67 performance evaluation rating of effective or highly effective
68 is available pursuant to s. 1012.2315(7).

69 Section 3. Paragraph (c) of subsection (7) of section
70 1002.32, Florida Statutes, is amended to read:

71 1002.32 Developmental research (laboratory) schools.-

72 (7) PERSONNEL.-

73 (c) Lab school faculty members shall meet the
74 certification requirements of s. ~~ss.~~ 1012.32 and ~~1012.42.~~

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1191 (2012)

Amendment No. 1

75 Section 4. Paragraph (b) of subsection (16) of section
76 1002.33, Florida statutes, is amended to read:

77 1002.33 Charter schools.—

78 (16) EXEMPTION FROM STATUTES.—

79 (b) Additionally, a charter school shall be in compliance
80 with the following statutes:

81 1. Section 286.011, relating to public meetings and
82 records, public inspection, and criminal and civil penalties.

83 2. Chapter 119, relating to public records.

84 3. Section 1003.03, relating to the maximum class size,
85 except that the calculation for compliance pursuant to s.
86 1003.03 shall be the average at the school level.

87 4. Section 1012.22(1)(c), relating to compensation and
88 salary schedules.

89 5. Section 1012.33(5), relating to workforce reductions.

90 6. Section 1012.335, relating to contracts with
91 instructional personnel hired on or after July 1, 2011.

92 7. Section 1012.34, relating to the substantive
93 requirements for performance evaluations for instructional
94 personnel and school administrators.

95 8. Section 1012.2315(5) and (7), relating to notifications
96 and assignment of teachers.

97 Section 5. Section 1003.07, Florida Statutes, is created
98 to read:

99 1003.07 Parent empowerment.—

100 (1) This section may be cited as the "Parent Empowerment
101 Act."

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102 (2) Each school district must provide written notification
103 to the parents of eligible students, as defined in paragraph
104 (3) (b), and the school advisory council when a public school has
105 been unable to improve performance and must implement a school
106 turnaround option as required under s. 1008.33. The written
107 notification shall inform parents that they may, by petition,
108 request implementation of a school turnaround option by the
109 school in the following school year. The notification shall be
110 provided to parents within 30 calendar days after the school
111 district receives notice from the Department of Education that
112 the school must implement a school turnaround option. The
113 notification by the school district shall include:

114 (a) A description of each school turnaround option
115 available for selection under s. 1008.33;

116 (b) A description of the process for implementing school
117 turnaround options, including the date by which the school
118 district must submit its implementation plan to the State Board
119 of Education;

120 (c) The date and location for submission of the petition;

121 (d) The date and location of the publicly noticed district
122 school board meeting required under paragraph (4) (a) at which
123 the school board will consider any school turnaround option,
124 including a parent petition; and

125 (e) School district contact information for questions.

126 (3) (a) Prior to the school district's selection and
127 implementation of a school turnaround option for the following
128 school year, parents may submit a petition selecting an
129 available school turnaround option, as described pursuant to

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130 paragraph (2) (a), for consideration by the district school
131 board.

132 (b) Up to one parental vote per eligible student may be
133 counted with respect to parent signatures on the petition. An
134 eligible student is a student enrolled in the school in which
135 the school turnaround option will be implemented or, according
136 to the district school board's enrollment policies, a student
137 who is scheduled the following school year for assignment to
138 that school.

139 1. A parental vote is the signature of one parent unless
140 the other parent objects in writing to the petition vote, in
141 which case the parental vote counts for one-half per eligible
142 student. The objection must be made before the date the petition
143 is to be submitted pursuant to subsection (2).

144 2. Notwithstanding subparagraph 1., a parental vote is the
145 signature of the parent who has been assigned sole parental
146 responsibility or ultimate responsibility for education
147 decisions pursuant to s. 61.13.

148 (c) A parent must date each petition on the day it is
149 signed and identify each eligible student on the petition. The
150 parent's signature shall constitute a certification that the
151 parent has a present intention to enroll each eligible student
152 in the school if the school turnaround option identified on the
153 petition is selected. A parent may sign the petition prior to
154 the initial notification provided to the parents of eligible
155 students pursuant to subsection (2).

156 (d) The school district shall verify at least a majority
157 of the signatures on the petition using existing student

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158 enrollment documentation or other records containing parent
159 signatures. However, a notarized signature of a person who is a
160 parent of an eligible student shall be treated as valid.
161 Signatures not verified within the established verification
162 period shall be treated as valid.

163 (e) A signature gatherer may not be paid per signature
164 and, if asked, must disclose the organization he or she
165 represents.

166 (4) (a) The school turnaround option selected by parents
167 must be considered for implementation by the district school
168 board at a publicly noticed school board meeting if the petition
169 is signed and dated by a majority of the parents of eligible
170 students. A majority is more than one-half of the parents who
171 are eligible to sign the petition pursuant to paragraph (3) (b).
172 If petitions for more than one school turnaround option are
173 signed by a majority of the parents, the petition having the
174 most such signatures shall be deemed the official turnaround
175 option selected by parents.

176 (b) The district school board may adopt the school
177 turnaround option selected by parents or a different school
178 turnaround option selected by the school board. If the district
179 school board does not adopt the school turnaround option
180 selected by parents, it must include that option with the
181 implementation plan submitted to the State Board of Education
182 under s. 1008.33. If the state board determines that the school
183 turnaround option selected by parents is more likely to improve
184 the academic performance of students at the school, it shall
185 return the district school board's implementation plan to the

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186 school board. The district school board shall submit to the
187 state board an implementation plan for the school turnaround
188 option selected by parents.

189 (5) The State Board of Education shall adopt rules to
190 establish a model petition format, the petition submission
191 process, standards for verifying signatures, and timelines for
192 district school board validation and consideration of a petition
193 at a publicly noticed meeting. The rules must provide a sample
194 petition form for each school turnaround option available for
195 selection under s. 1008.33 with easy-to-understand instructions.
196 Each petition form shall clearly identify only one school
197 turnaround option on the front page of the petition and each
198 page thereafter. The petition forms must be provided or made
199 easily accessible to parents at the time of notification by the
200 school district pursuant to subsection (2). The rules shall
201 provide the following:

202 (a) A minimum of 30 days after initial notification,
203 pursuant to subsection (2), for parents of eligible students to
204 gather petition signatures.

205 (b) A maximum of 30 days after the date the petition is
206 submitted for the school district to verify the signatures.

207 (c) A minimum of 30 days between the submission of a
208 petition and the district school board meeting to consider the
209 petition.

210 (d) A submitted petition may list only one school
211 turnaround option identified in s. 1008.33 that is not currently
212 being implemented at the school.

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213 (e) A parent may sign a petition for each school
214 turnaround option.

215 (f) A school district may not reject a parent signature on
216 a petition based on a lack of conformity to signatures in school
217 records if the parent's identity and signature can be easily
218 validated with a photographic identification, a notarized
219 signature verifying the identity of the signer, or by the
220 personal knowledge of a school employee.

221 (g) A school district may not reject a parent signature on
222 a petition on the basis that the parent signed the petition
223 prior to the initial notification pursuant to subsection (2).

224 Section 6. Subsection (5) of section 1008.33, Florida
225 Statutes, is amended to read:

226 1008.33 Authority to enforce public school improvement.-

227 (5)(a) In the school year after a school is initially
228 identified as a school in the lowest-performing category, the
229 school district must submit a plan, which is subject to approval
230 by the State Board of Education, for implementing one of the
231 following school turnaround options at the beginning of the next
232 school year. The plan must be implemented unless the school
233 moves from the lowest-performing category:

234 1. Convert the school to a district-managed turnaround
235 school by means that include implementing a turnaround plan
236 approved by the Commissioner of Education which shall become the
237 school's improvement plan;

238 2. Reassign students to another school and monitor the
239 progress of each reassigned student;

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240 3. Close the school and reopen the school as one or more
241 charter schools, each with a governing board that has a
242 demonstrated record of effectiveness; or

243 4. Contract with an outside entity that has a demonstrated
244 record of effectiveness to operate the school.

245 (b) If a school does not move from the lowest-performing
246 category during the initial year of implementing one of the
247 school turnaround options in paragraph (a), the school district
248 must submit a plan, which is subject to approval by the State
249 Board of Education, for implementing a different option in
250 paragraph (a) at the beginning of the next school year, unless
251 the State Board of Education determines that the school is
252 likely to move from the lowest-performing category if additional
253 time is provided to implement intervention and support
254 strategies. The State Board of Education shall determine whether
255 a school district may continue to implement a school turnaround
256 ~~an~~ option beyond 1 year while a school remains in the lowest-
257 performing category.

258 (c) Parents of students who are assigned to a public
259 school that is required by the State Board of Education to
260 implement a school turnaround option may petition the school
261 district to implement one of the turnaround options in paragraph
262 (a) selected by the parents pursuant to s. 1003.07. A school
263 implementing a school turnaround option during the 2011-2012 or
264 2012-2013 school year is not subject to the requirements of s.
265 1003.07 until the school is required to implement a different
266 school turnaround option.

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267 Section 7. Section 1012.2315, Florida Statutes, is amended
268 to read:

269 1012.2315 Assignment of teachers.—

270 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
271 disparities between teachers assigned to teach in a majority of
272 schools that do not need improvement and schools that do need
273 improvement pursuant to s. 1008.33. The disparities may be found
274 in the assignment of temporarily certified teachers, teachers in
275 need of improvement, and out-of-field teachers and in the
276 performance of the students. It is the intent of the Legislature
277 that district school boards have flexibility through the
278 collective bargaining process to assign teachers more equitably
279 across the schools in the district.

280 (2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF
281 IMPROVEMENT.—School districts may not assign a higher percentage
282 than the school district average of temporarily certified
283 teachers, teachers in need of improvement, or out-of-field
284 teachers to schools in one of the three lowest-performing
285 categories under s. 1008.33(3)(b). Each school district shall
286 annually certify to the Commissioner of Education that this
287 requirement has been met. If the commissioner determines that a
288 school district is not in compliance with this subsection, the
289 State Board of Education shall be notified and shall take action
290 pursuant to s. 1008.32 in the next regularly scheduled meeting
291 to require compliance.

292 (3) SALARY INCENTIVES.—District school boards ~~may are~~
293 ~~authorized to~~ provide salary incentives to meet the requirement
294 of subsection (2). A district school board may not sign a

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295 collective bargaining agreement that precludes the school
296 district from providing sufficient incentives to meet this
297 requirement.

298 (4) COLLECTIVE BARGAINING.—Notwithstanding provisions of
299 chapter 447 relating to district school board collective
300 bargaining, collective bargaining provisions may not preclude a
301 school district from providing incentives to high-quality
302 teachers and assigning such teachers to low-performing schools.

303 (5) ASSISTANCE TO OUT-OF-FIELD TEACHERS.—

304 (a) Each district school board shall adopt rules for
305 implementing an assistance plan for each classroom teacher who
306 is teaching out-of-field. The assistance plan must provide
307 teachers who are teaching out-of-field with priority
308 consideration in professional development activities and require
309 such teachers to participate in a certification or staff
310 development program that provides the competencies required for
311 the assigned duties. A district school board may reimburse a
312 teacher who is teaching out-of-field for a certification fee.
313 The assistance plan must also include duties of administrative
314 personnel and other instructional personnel for assisting a
315 teacher who is teaching out-of-field in providing instructional
316 services to students.

317 (b) The school district shall annually notify the parent
318 of each student who is assigned to a classroom teacher who is
319 teaching subject matter that is:

- 320 1. Outside the field in which the teacher is certified;
321 2. Outside the field that was the teacher's minor field of
322 study; or

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323 3. Outside the field in which the teacher has demonstrated
324 sufficient subject area expertise, as determined by district
325 school board policy in the subject area to be taught.

326

327 The notification must inform the parent that virtual instruction
328 from a certified in-field teacher with an annual performance
329 evaluation rating of effective or highly effective under s.
330 1012.34 is available to his or her child through the virtual
331 instruction options listed under s. 1002.321(4).

332 (6) ~~(5)~~ REPORT.-

333 ~~(a)~~ By July 1, 2012, the Department of Education shall
334 annually report on its website, in a manner that is accessible
335 to the public, the performance rating data reported by district
336 school boards under s. 1012.34. The report must include the
337 percentage of classroom teachers, instructional personnel, and
338 school administrators receiving each performance rating
339 aggregated by school district and by school.

340 (7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
341 EVALUATIONS.-

342 (a) ~~(b)~~ Notwithstanding the provisions of s.
343 1012.31(3)(a)2., each school district shall annually notify
344 report to the parent of any student who is assigned to a
345 classroom teacher or school administrator having two consecutive
346 annual performance evaluation ratings of unsatisfactory under s.
347 1012.34, two annual performance evaluation ratings of
348 unsatisfactory within a 3-year period under s. 1012.34, or three
349 consecutive annual performance evaluation ratings of needs
350 improvement or a combination of needs improvement and

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351 unsatisfactory under s. 1012.34. The notification must inform
352 the parent that virtual instruction from a teacher with a
353 performance evaluation rating of highly effective or effective
354 under s. 1012.34 is available to his or her child through the
355 virtual instruction options listed under s. 1002.321(4).

356 (b) Upon request by the parent of a public school student,
357 the school district shall provide the parent with the
358 performance evaluation for each classroom teacher assigned to
359 his or her child, pursuant to s. 1012.31.

360 (c) If a student is currently taught by a classroom
361 teacher who receives, in that school year, a performance
362 evaluation rating of needs improvement or unsatisfactory under
363 s. 1012.34, the student may not be assigned the following school
364 year to a classroom teacher in the same subject area who
365 received a performance evaluation rating of needs improvement or
366 unsatisfactory in the preceding school year.

367 Section 8. Section 1012.42, Florida Statutes, is repealed.

368 Section 9. This act shall take effect July 1, 2012.

369

370

371

372 **T I T L E A M E N D M E N T**

373 Remove the entire title and insert:

374 A bill to be entitled

375 An act relating to parent empowerment in education; amending s.
376 1001.10, F.S.; conforming a cross-reference; amending s.
377 1002.20, F.S.; authorizing parents of students who are assigned
378 to certain underperforming public schools to submit a petition

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379 to the school district requesting implementation of a school
380 turnaround option; requiring a school district, upon request, to
381 provide a parent with a performance evaluation for each
382 classroom teacher assigned to his or her child; requiring
383 notification to the parent of each student who is assigned to a
384 classroom teacher who is teaching out-of-field or who has
385 received unsatisfactory performance evaluations; requiring such
386 notification to include information about the availability of
387 virtual instruction; amending s. 1002.32, F.S.; correcting a
388 cross-reference; amending s. 1002.33, F.S.; requiring charter
389 schools to be in compliance with statutes relating to
390 notifications and assignment of teachers; creating s. 1003.07,
391 F.S., the Parent Empowerment Act; requiring each school district
392 to notify parents of students attending a lowest-performing
393 school that has been unable to improve performance and must
394 implement a school turnaround option; authorizing parents to
395 submit a petition requesting implementation of an available
396 school turnaround option; providing requirements for submission
397 of a petition and its consideration and adoption by the district
398 school board; requiring the State Board of Education to adopt
399 rules for the petition process and specifying requirements
400 therefor; amending s. 1008.33, F.S.; identifying the options for
401 improving a school identified in the lowest-performing category
402 as school turnaround options; authorizing parents to submit a
403 petition to the school district to implement a school turnaround
404 option; amending s. 1012.2315, F.S.; requiring that each
405 district school board adopt rules to implement an assistance
406 plan for out-of-field classroom teachers and requiring their

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407 participation in certain programs; requiring that the school
408 district annually notify the parent of each student assigned to
409 an out-of-field classroom teacher or a classroom teacher who has
410 received unsatisfactory performance evaluations; requiring such
411 notification to include information about the availability of
412 virtual instruction; requiring that a school district, upon
413 request, provide a parent with the performance evaluation of
414 each classroom teacher assigned to his or her child; prohibiting
415 the consecutive assignment of students to classroom teachers who
416 receive certain performance evaluations; repealing s. 1012.42,
417 F.S., relating to teachers teaching out-of-field; providing an
418 effective date.