

PreK-12 Appropriations Subcommittee Meeting Packet

**January 31, 2012
12:30 p.m. – 3:00 p.m.
Morris Hall**



The Florida House of Representatives
APPROPRIATION COMMITTEE

PreK-12 Appropriations Subcommittee

Dean Cannon
Speaker

Marti Coley
Chair

MEETING AGENDA

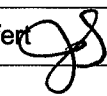

Morris Hall

January 31, 2012

- I.** Meeting Called To Order
- II.** Opening Remarks by Chair
- III.** Consideration of the following bill(s):
 - CS/HB 285 – Sick Leave for School District Employees by K-20 Competitiveness Subcommittee, Rep. Harrell
 - CS/BH 435 – Gilchrist County by Community & Military Affairs Subcommittee, Rep. Porter
 - HB 465 – District School Board Bonds by Rep. Diaz
 - HB 1343 – Discretionary Sales Surtaxes by Rep. Fresen
 - HB 7059 – Acceleration Options in Public Education by K-20 Innovation Subcommittee, Rep. Stargel
- IV.** Closing Remarks
- V.** Meeting Adjourned

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 285 Sick Leave for School District Employees
SPONSOR(S): K-20 Competitiveness Subcommittee; Harrell
TIED BILLS: IDEN./SIM. **BILLS:** SB 874

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Competitiveness Subcommittee	12 Y, 0 N, As CS	Muller	Ahearn
2) PreK-12 Appropriations Subcommittee		Seifert 	Heflin 
3) Education Committee			

SUMMARY ANALYSIS

The bill authorizes, but does not require, school districts to create policies which extend the opportunity for employees to donate their unused sick leave to a specific, non-relative employee. The bill provides standards for school district sick leave policies; recipients must have exhausted all of their own sick leave before using donated leave and donated sick leave has no terminal value.

Current law provides that school district employees who are unable to perform their duties due to personal sickness, accident disability, or extended personal illness, or because of illness or death of a family member or member of their household, and has to be absent from work must be granted a leave of absence. School districts are authorized to adopt rules permitting the annual payment of accumulated sick leave that is unused at the end of a school year, as well as policies providing terminal pay for accumulated sick leave.

School districts are currently required to provide a policy that allows an employee to donate sick leave to a spouse, child, parent, or sibling who is also employed by the school district. This policy must specify that the employee receiving the donated sick leave has exhausted his or her own sick leave before using donated leave and that the donated sick leave has no terminal value. School districts are also permitted, though not required, to create policies which allow employees to donate their unused sick leave to a sick leave pool, which other school district employees may use after they have exhausted their own sick leave.

The bill has an indeterminate fiscal impact on school districts. See FISCAL ANALYSIS.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Currently, there is no mechanism for school districts to create policies providing for donation of sick leave to a particular individual who is not a relative. However, sick leave transfers among non-relatives are already an option for state agency employees, as outlined in the Department of Management Services rule.¹ School districts are required to adopt a policy which allows family members employed within the same district to transfer sick leave. Also, school districts are currently authorized to establish sick leave pools which allow for the transfer of sick leave among district employees.

Any member of the instructional staff² or any other employee of a school district who is employed on a full-time basis and is unable to perform his or her duties due to personal sickness, accident disability, or extended personal illness, or because of illness or death of their father, mother, brother, sister, husband, wife, child, other close relative, or member of their household and has to be absent from work must be granted a leave of absence.³ Instructional staff who are employed on a full-time basis are entitled to four days of sick leave as of the first day of employment of each contract year, and one day of sick leave for each month of employment, which is credited to them at the end of the month.⁴ All other employees must be credited with four sick days at the end of the first month of employment of each contract year and one day of sick leave for each month of employment thereafter.⁵

Each member of the instructional staff and all other employees are entitled to earn no more than one day of leave times the number of months of employment during the year of employment.⁶ Sick leave is cumulative from year to year.⁷ There is no limit on the number of sick leave days a member of the instructional staff or an educational support employee may accrue, except that at least one-half of this sick leave must be established within the school district granting the leave.⁸ Educational support employees include those whose job functions are neither administrative nor instructional, but whose work supports the educational process, such as technicians, clerical workers, and skilled craft workers.⁹ The statute does not specify the limitations on sick leave for other types of employees such as school officers or administrative personnel.

School districts are authorized to adopt rules permitting annual payment for accumulated sick leave that is earned for that year and is unused at the end of the school year. This is based on the daily rate of pay of the employee, multiplied by up to 80 percent. Days for which such payment is received are deducted from an employee's accumulated leave balance.¹⁰ According to the Florida Department of Education, "[t]he extent to which districts have adopted an annual unused sick leave payout policy is not known."¹¹

School districts are also authorized to establish policies to provide terminal pay for accumulated sick leave to instructional staff and educational support employees.¹² If termination is by death, any terminal

¹ Rule 60L-34.0042(5), F.A.C.

² "Instructional staff" is not a defined term. Section 1012.01(2), F.S., does, however, define "instructional personnel," which includes employees such as classroom teachers, student personnel services (such as guidance counselors), and librarians and media specialists.

³ Section 1012.61(1), F.S.

⁴ Section 1012.61(2)(a)1., F.S.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ Section 1012.40(1)(a), F.S.

¹⁰ Section 1012.61(2)(a)3., F.S.

¹¹ Florida Department of Education, *2012 Agency Bill Analysis of HB 285* (Oct. 31, 2011).

¹² Section 1012.61(2)(a)4., F.S.

pay the employee is entitled to may be made to the employee's beneficiary.¹³ The terminal pay may not exceed the formula outlined in statute, which provides the percentage of daily pay employees are entitled to, based upon their years of service.¹⁴ For years one through three, the rate of daily pay is multiplied by 35 percent; for years four through six pay is multiplied by 40 percent; for years seven through nine pay is multiplied by 45 percent; and for years 10 through 12 pay is multiplied by 50 percent. That number is then multiplied by the number of days accumulated.¹⁵ During and after the 13th year of service, the daily rate of pay is multiplied by 100 percent times the number of days of accumulated sick leave.¹⁶ Districts are permitted to establish policies to provide terminal pay to any full-time employees of the district school board other than instructional staff or educational support employees.¹⁷

School districts are currently required to provide a policy that allows employees to donate sick leave to a spouse, child, parent, or sibling who is also employed by the school district.¹⁸ This policy must specify that the recipient may not use the donated sick leave until all of his or her sick leave has been depleted, excluding sick leave from a sick leave pool. Donated sick leave has no terminal value.¹⁹ School districts may also allow employees to donate unused sick leave to a sick leave pool which other employees may use after they have exhausted their own sick leave.²⁰ How many school districts have adopted sick leave pool policies is unknown, although anecdotal evidence indicates that most districts have implemented some type of sick leave pool.²¹

Section 110.1055, F.S., requires the Department of Management Services to adopt rules governing the management of state employees.²² In this context, state employees include persons employed by state agencies such as the public defender and the Florida Public Service Commission.²³ Rule 60L-34.0042, F.A.C., adopted by the Department of Management Services, provides for the establishment of a formal sick leave transfer program amongst employees of state agencies.²⁴ While school districts are not considered a state agency, the rule provides useful guidance for district policies.²⁵ The rule specifies that an employee must maintain an 80 hour balance in his or her own sick leave account before donating any sick leave. Additionally, the rule outlines the conditions required for the donation of sick leave, including that the employee receiving the leave has used all accrued sick and annual leave, suffered a documented illness which requires absence from the workplace for a minimum of five days, is not eligible for disability leave, and has not used more than 1040 hours of transferred sick leave credits in the preceding twelve month period.²⁶ Upon documented termination of the qualifying illness, unused transferred sick leave credit is returned to those employees whose donated sick leave credits have not yet been drawn upon.²⁷ Transferred sick leave has no terminal value.²⁸

Effect of Proposed Changes

The bill authorizes, but does not require, districts to provide a policy which permits employees to donate their unused sick leave to a specific, non-relative recipient. Recipients must have exhausted all of their own sick leave before using donated leave. The donated sick leave has no terminal value.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Section 1012.61(2)(a)4.a.-d., F.S.

¹⁶ Section 1012.61(2)(a)4.e., F.S.

¹⁷ Section 1012.61(2)(a)5., F.S.

¹⁸ Section 1012.61(2)(e), F.S.

¹⁹ *Id.*

²⁰ Section 1012.61(3), F.S.

²¹ Telephone interview with General Counsel, Florida Association of District School Superintendents (Nov. 22, 2011).

²² Section 110.1055, F.S.

²³ Section 216.011(1)(qq), F.S.

²⁴ Rule 60L-34.0042(5), F.A.C.

²⁵ Section 216.011(1)(qq), F.S.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

The bill specifies that the school district policy must require documentation by the treating physician of the illness, accident, or injury for which leave is authorized; establish a minimum number of sick leave days needed before an employee may participate in the sick leave program; require that any unused transferred sick leave be returned to the authorizing employee whose donated sick leave has not yet been used; and establish the minimum number of sick leave days an authorizing employee must retain. These additional specifications provide guidance for the school districts if they chose to provide a sick leave transfer policy. The bill echoes the agency rule, allowing school districts to adopt a policy authorizing an employee of a school district to donate sick leave to a specific non-relative employee.

B. SECTION DIRECTORY:

Section 1. Amends s. 1012.61, F.S., relating to sick leave, to authorize school districts to provide a policy which permits employees to donate their unused sick leave to a specific, non-relative recipient.

Section 2. 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:

Currently, school districts are permitted to adopt policies which allow for up to 80 percent payout of unused sick leave at the end of each school year, as well as policies that allow for a terminal payout plan for accumulated sick leave.²⁹ An employee who transfers sick leave may forego an end-of-year payout for those donated hours, which is paid at a maximum of 80 percent of the accumulated sick leave balance earned in the current year. Any leave that was not used by the recipient will be returned to the authorizing employee whose donated sick leave has not yet been used and may be included in their calculated end-of-year payout. Therefore any leave that is used by the recipient will produce a maximum savings of up to 80 percent of the employee who transferred the sick leave. The same savings would be realized if a district has adopted policies regarding a terminal payout plan for accumulated sick leave. Because school districts are permitted to create their own policies, the specific fiscal effects are indeterminate.³⁰

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

²⁹ Section 1012.61(2)(a)3. and 4., F.S.

³⁰ Florida Department of Education, *2012 Agency Bill Analysis of HB 285* (Oct. 31, 2011).

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:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On December 7, 2011, the K-20 Competitiveness Subcommittee adopted one amendment and the bill was reported favorably as a committee substitute. The amendment provided additional standards for the school district sick leave transfer policy, specifying that the school district policy must require documentation, by the treating physician, of the illness, accident, or injury for which leave is authorized; establish a minimum number of sick leave days needed by a recipient to participate in the sick leave program; require that any unused sick leave be returned to the authorizing employee whose donated sick leave has not yet been used; and establish the minimum number of sick leave days an authorizing employee must retain.

1 A bill to be entitled
 2 An act relating to sick leave for school district
 3 employees; amending s. 1012.61, F.S.; authorizing each
 4 district school system to provide a policy allowing
 5 the donation of accrued sick leave to any district
 6 employee; providing standards for a sick leave
 7 transfer policy; providing an effective date.

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

10
 11 Section 1. Paragraph (e) of subsection (2) of section
 12 1012.61, Florida Statutes, is amended to read:

13 1012.61 Sick leave.—

14 (2) PROVISIONS GOVERNING SICK LEAVE.—The following
 15 provisions shall govern sick leave:

16 (e) Use by family member or other district employee.—

17 1. Each district school system must provide a policy under
 18 which a district employee may authorize his or her spouse,
 19 child, parent, or sibling who is also a district employee to use
 20 sick leave that has accrued to the authorizing employee.

21 2. Each district school system may provide a policy under
 22 which a district employee may authorize any district employee to
 23 use sick leave that has accrued to the authorizing employee. The
 24 district policy must:

25 a. Require that the recipient provide documentation, by
 26 the treating physician, of the illness, accident, or injury for
 27 which leave is otherwise authorized under subsection (1).

28 b. Establish a minimum number of sick leave days needed by

29 | the recipient to participate in the sick leave program.

30 | c. Require that any unused transferred sick leave shall be
 31 | returned to the authorizing employee whose donated sick leave
 32 | has not yet been used.



33 | d. Establish the minimum number of sick leave days an
 34 | authorizing employee must retain.

35 |
 36 | In developing the policy, the district school board must provide
 37 | that the recipient may not use the donated sick leave until all
 38 | of his or her sick leave has been depleted, excluding sick leave
 39 | from a sick leave pool, if the recipient participates in a sick
 40 | leave pool. Donated sick leave under this paragraph shall have
 41 | no terminal value as provided in this subsection.

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

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: CS/HB 435 Gilchrist County
SPONSOR(S): Community & Military Affairs Subcommittee, Porter
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee	15 Y, 0 N, As CS	Nelson	Hoagland
2) PreK-12 Appropriations Subcommittee		Seifert 	Heflin 
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The CS for HB 435 amends a special act to expand the purposes for which the Gilchrist County School Board may issue bonds from a specified revenue source. This bill authorizes the school board to issue these bonds for constructing capital improvements or repairs to educational facilities throughout the county, and to purchase equipment for these facilities. Additionally, the bill:

- expand the purposes for which the Gilchrist County School Board may issue bonds;
- increases the current \$1,000,000 limit on maximum permitted debt to \$2,000,000;
- extends the maximum maturity date of the bonds from 20 to 30 years;
- deletes a maximum payment provision of \$100,000; and
- updates several obsolete provisions in the special act.

The bill has an effective date of upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

School Board Funding of Capital Outlay Projects

School districts have a number of mechanisms available for financing capital outlay,¹ including Public Education Capital Outlay (PECO) funds,² the Discretionary Capital Outlay Levy (a statutorily-authorized discretionary property tax that school boards may levy without approval of the electorate),³ the School Capital Outlay Surtax (more commonly known as the school half-cent sales tax),⁴ and the Capital Outlay & Debt Service Fund (derived from proceeds from the first sale of motor vehicle license tags).⁵

Additionally, school districts are authorized to sell general obligation bonds for capital outlay projects to be repaid from local property taxes.⁶ In general, it is the duty of a district school board to plan the school financial program of the district so that, insofar as practicable, needed capital outlay expenditures can be made without the necessity of issuing these bonds.⁷

School districts also may issue revenue bonds, that is, bonds payable from a particular stream of revenue, such as state-shared funds which are available to a board, to fund capital outlay projects.

"Racetrack Funds"

Pursuant to s. 212.20(6)(d)6.a., F.S., in each fiscal year, \$29,915,500 in sales tax proceeds is divided among the 67 counties of the state. Thus, each county annually receives \$446,500. This distribution specifically is in lieu of funds distributed from the Pari-mutuel Wagering Trust Fund under s. 550.135, F.S., prior to July 1, 2000. Any subsequent distribution of these "racetrack funds" to other governmental entities within a county is governed by special act or local ordinance.

Gilchrist County School Board

Gilchrist County is a small and rural school district with a total of approximately 2,700 students attending two elementary schools (Bell and Trenton Elementary), and two combination middle/high schools (Bell and Trenton High).⁸ Currently, pursuant to ch. 90-467, L.O.F., the Gilchrist County School Board is authorized to implement a program to construct classrooms at Bell High School. To finance this construction, the school board may issue bonds in one or more series in an aggregate principal amount not to exceed \$1,000,000 to pay for all or a portion of the costs. The cost of the project for which the bonds may be issued includes: the cost of acquiring, constructing, installing and equipping the classrooms; the cost of real property acquired for the project; and legal, engineering, fiscal and architectural fees. The school board must specify the rates of interest of the bonds and the dates of maturity of the bonds, which may not exceed 20 years.

¹Capital outlay includes fixed assets or real property: land, new buildings, additions to buildings, replacement of buildings, and remodeling of real property that materially extends its useful life or materially improves or changes its functional use, for example. Operating capital outlay includes tangible personal property of a non-expendable nature, with a normal life expectancy of one year or more, such as equipment, library books for a new school, science lab equipment, and fixtures. *See*, s. 216.011, F.S.

² *See*, the Florida Department of Education's Capital Outlay Manual, www.fldoe.org/edfacil/oeff/pdf/capitaloutlaymanual06.pdf.

³ *See*, ss. 1011.71(2) and 1013.31, F.S.

⁴ *See*, s. 212.055(6)(a), F.S.

⁵ *See*, s. 320.20(1), F.S.

⁶ The authority for the issuance of these bonds and the repayment from local property taxes is s. 9, Art. VII of the State Constitution, s. 200.001(3)(e), F.S., and ss. 1010.40-1010.55, F.S.

⁷ Section 1010.41, F.S.

⁸ <http://www.gilchristschools.schoolfusion.us/>, site last visited on January 12, 2012.

When bonds issued by the school board pursuant to ch. 90-467, L.O.F., are outstanding, the board must annually pledge \$100,000 of the portion of the "racetrack moneys and jai alai fronton moneys" that accrue to Gilchrist County pursuant to chs. 550 and 551, F.S.,⁹ and are annually allocated to the school board. The board is required to pay the principal, premium and interest on the bonds from these moneys and any other moneys legally available for that purpose.

Chapter 63-942, L.O.F., as amended by ch. 90-467, L.O.F., currently provides that "all racetrack and jai alai fronton moneys" annually accruing to the credit of Gilchrist County under chs. 550 and 551, F.S., must be allocated and distributed as follows:¹⁰

- the first \$2,000 to the board of county commissioners to be used for hospitalization of the indigents of the county; and
- if any annual accrual remains:
 - five percent to the Gilchrist County park board for the establishment or maintenance for public parks;
 - three percent to the City of Trenton for the purposes of public health, police and fire protection, drainage, and repair and paving of streets;
 - one percent to the City of Bell for the use and benefit of the city;
 - with the balance to be divided equally between the Gilchrist County School Board and the board of county of commissioners if such balance is equal to or greater than \$200,000. If the balance of the annual accrual is less than \$200,000, the school board must be allocated \$100,000 of the balance and the remaining balance must be allocated to the board of county commissioners.

Each year, the Gilchrist County School Board receives a distribution of \$212,450 under this formula.

Effect of Proposed Changes

The CS for HB 435 amends ch. 90-467, L.O.F., to expand the purposes for which the Gilchrist County School Board may issue bonds by removing the references to classrooms for Bell High School,¹¹ and authorizing the school board to finance and refinance educational facilities and equipment throughout the district. Thus, the school board will be able to finance projects for any school under its purview. The bill specifically authorizes the school board to issue bonds to pay for the cost of constructing capital improvements or repairs to educational facilities and to purchase equipment for educational facilities located within Gilchrist County.

Additionally, the bill:

- increases the current \$1,000,000 limit on maximum permitted debt to \$2,000,000;
- expands the maximum maturity date for the bonds from 20 to 30 years;
- removes an outdated provision requiring the school board to designate a bank or trust company as the place where bonds are redeemed;
- deletes an obsolete provision referring to bond "coupons," which are no longer used;
- clarifies the methods by which bonds may be sold either at public or private sale by specifying that such bonds may be sold by competitive or negotiated sale; and
- provides greater flexibility to the school board with regard to its maximum permitted payment in that it deletes language specifying an annual \$100,000 pledge of the funds it accrues pursuant to s. 212.20(6)(d)6.a, F.S., replacing it with a requirement that the school board annually pledge "all or a portion of" such moneys.

⁹ Section 551.10, F.S., before its repeal by ch. 92-348, L.O.F., provided for the disbursement of fronton funds pursuant to existing laws relating to the disposition of funds derived from the operation of racetracks.

¹⁰ Section 1 of ch. 63-942, L.O.F., as amended by chs. 65-1221, 67-985, 72-550, 77-559, 78-511 and 90-467, L.O.F.

¹¹ The Bell High School construction was completed in November of 1993, and the board currently carries no debt associated with this project.

These changes will allow the school board to proceed with a project to build a "cafetorium" (cafeteria/auditorium) at Trenton High School, as well as future necessary projects without the need to continually request that the Legislature amend its special act. It is noted that the Legislature has provided various other small counties with similar, and greater, authority,¹² even in cases where the county receives a lesser amount of annual distributions:

ch.78-510, L.O.F., provides the Franklin County School Board with a maximum permitted debt of \$4,700,000, with no maximum permitted payment and a maximum maturity limit of 40 years;

ch.71-658, L.O.F., provides the Hamilton County School Board with a maximum permitted debt of \$1,500,000, with no maximum permitted payment and a maximum maturity limit of 30 years;

ch. 78-517, L.O.F., provides the Hardee County School Board with a maximum permitted debt of \$2,700,000, a \$187,375 maximum permitted payment and a maximum maturity limit of 30 years;

ch. 70-781, L.O.F., provides the Levy County School Board with a maximum permitted debt of \$2,000,000, with no maximum permitted payment and a maximum maturity limit of 30 years; and

ch. 78-554, L.O.F, provides the Madison County School Board with a maximum permitted debt of \$2,500,000, with no maximum permitted payment and a maximum maturity limit of 30 years.

The CS for HB 435 also updates language referring to racetrack and jai alai fronton moneys to reflect the distribution of sales tax proceeds pursuant to s. 212.20(6)(d)6.a., F.S.

The bill has an effective date of upon becoming law.

B. SECTION DIRECTORY:

Section 1: Amends ch. 90-467, L.O.F., relating to the Gilchrist County School Board.

Section 2: Amends ch. 63-942, L.O.F., as amended by ch. 90-467, L.O.F., relating to funds annually accruing to Gilchrist County.

Section 3: Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 15, 2001

WHERE? The *Gilchrist County Journal*, a weekly newspaper of general circulation, published in Gilchrist County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

¹² It is noted that the school board of one of the least populated counties in this state, Lafayette, was authorized by ch. 78-542, L.O.F., to carry a maximum permitted debt of \$1,500,000, and has a maximum permitted payment of \$100,000.

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 18, 2012, the Community & Military Affairs Subcommittee adopted an amendment that:

- provides for a \$2,000,000 limit on maximum permitted debt;
- updates the bill's language referring to "racetrack and jai alia moneys" to reflect current general law; and
- removes a supremacy clause.

This analysis is drafted to the Committee Substitute.

1 A bill to be entitled
 2 An act relating to Gilchrist County; amending chapter
 3 90-467, Laws of Florida; authorizing the School Board
 4 of Gilchrist County to issue bonds to finance and
 5 refinance the construction of educational facilities
 6 and purchase of equipment; authorizing the school
 7 board to issue refunding bonds and bond anticipation
 8 notes; requiring the school board to pay the principal
 9 of, premium for, and interest on such bonds out of
 10 funds that accrue annually to Gilchrist County and are
 11 allocated to the school board and from certain other
 12 moneys of the school board; providing for the
 13 investment of the proceeds of the sale of bonds;
 14 making the bonds legal investments, lawful collateral
 15 for public deposits, and negotiable instruments;
 16 providing that a referendum is not required to
 17 exercise any powers under the act, unless required by
 18 the State Constitution; affirming the distribution of
 19 funds that accrue to Gilchrist County and are
 20 allocated to the district school board and the board
 21 of county commissioners; providing construction;
 22 amending chapter 63-942, Laws of Florida, as amended;
 23 updating statutory references; providing an effective
 24 date.

25
 26 Be It Enacted by the Legislature of the State of Florida:
 27

CS/HB 435

2012

28 Section 1. Sections 1, 2, 3, 4, 5, and 6 of chapter 90-
 29 467, Laws of Florida, are amended to read:

30 Section 1. Authority to finance and refinance educational
 31 facilities and equipment ~~construct classrooms at Bell High~~
 32 ~~School.~~—The District School Board of Gilchrist County may
 33 implement a program to finance and refinance educational
 34 facilities and equipment within the district ~~construct~~
 35 ~~classrooms at Bell High School.~~

36 Section 2. Authority to issue bonds ~~to finance~~
 37 ~~construction.~~—

38 (1) The District School Board of Gilchrist County may
 39 issue bonds in one or more series in an aggregate principal
 40 amount not exceeding \$2 million ~~\$1,000,000~~ to pay all or any
 41 portion of the cost of constructing capital improvements or
 42 repairs to educational facilities and to purchase equipment for
 43 educational facilities located within Gilchrist County
 44 ~~classrooms at Bell High School.~~ The school board shall specify
 45 the rate or rates of interest of the bonds and shall specify the
 46 date or dates of maturity of the bonds, which may be no later
 47 than 30 ~~20~~ years after the date of issuance.

48 (2) Prior to issuing bonds pursuant to this section, the
 49 school board must:

50 (a) Specify if the bonds are registrable as to principal
 51 only or principal and interest or in fully registered form;

52 (b) Determine the denominations of the bonds; and

53 (c) Determine the place where the bonds may be redeemed
 54 ~~which may be at a bank or a trust company.~~

55 (3) The school board may provide that the bonds be
 56 redeemed before maturity. Prior to the issuance of such bonds,
 57 the school board must specify the terms and conditions under
 58 which they may be redeemed and the prices payable if such bonds
 59 are redeemed before maturity.

60 (4) The school board may enter into a trust agreement with
 61 a bank or a trust company to provide for payment of the bonds.

62 (5) Bonds issued pursuant to this section must bear the
 63 manual or facsimile signatures of the chairman and the secretary
 64 of the school board. However, at least one of the signatures
 65 must be manually executed upon each bond. ~~If there are coupons~~
 66 ~~attached to the bonds, the coupons must bear the facsimile~~
 67 ~~signatures of the chairman and the secretary of the school~~
 68 ~~board.~~ Bonds issued pursuant to this section must be imprinted
 69 with the seal of the school board.

70 (6) The bonds may be sold either at public or private sale
 71 by competitive or negotiated sale and at such prices and subject
 72 to such terms and conditions as the school board determines to
 73 be in its best interest as long as the terms and conditions
 74 comply with applicable state statutes.

75 Section 3. Authority to issue refunding bonds.—Subject to
 76 the limitations of section 2, the District School Board of
 77 Gilchrist County may issue refunding bonds to refund all or any
 78 series or any maturity of a bond ~~bonds issued to pay for the~~
 79 ~~cost of constructing classrooms at Bell High School.~~ The
 80 refunding bonds may ~~must~~ be issued in an amount sufficient to
 81 pay:

82 (1) The principal of the refunding bonds;

83 (2) The interest due and payable on the refunding bonds to
 84 and including the first date upon which they are callable prior
 85 to maturity, or the dates upon which the principal thereof
 86 matures;

87 (3) The redemption premium, if any, on the refunding
 88 bonds; and

89 (4) Any expenses of the issuance and sale of the refunding
 90 bonds.

91 Section 4. Authority to issue bond anticipation notes.—The
 92 District School Board of Gilchrist County may, if it determines
 93 it to be in its best financial interests, issue bond
 94 anticipation notes in order to temporarily finance the costs of
 95 any projects authorized herein ~~classroom construction at Bell~~
 96 ~~High School~~. The school board shall by proper proceedings
 97 authorize the issuance and establish the details of the bond
 98 anticipation notes pursuant to the provisions of section
 99 215.431, Florida Statutes.

100 Section 5. Security for bonds and notes.—During the period
 101 bonds and notes issued by the District School Board of Gilchrist
 102 County pursuant to this act are outstanding, the school board
 103 shall annually pledge all or a \$100,000 ~~of the~~ portion of the
 104 funds ~~racetrack moneys and jai alai fronton moneys~~ that annually
 105 accrue to Gilchrist County pursuant to section 212.20(6)(d)6.a.
 106 ~~chapters 550 and 551~~, Florida Statutes, and are annually
 107 allocated to the school board pursuant to chapter 63-942, Laws
 108 of Florida, as amended, by section 12 of this act as security
 109 for the payment of the principal of, the premium for, if any,
 110 and the interest on such bonds and notes. The school board shall

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111 | pay the principal of, the premium for, and the interest on such
 112 | bonds and notes from such moneys and from any other moneys
 113 | legally available for that purpose.

114 | Section 6. Amounts ~~Cost of classroom construction~~ payable
 115 | from bond proceeds. ~~The cost of the classroom construction~~
 116 | ~~project for which bonds may be issued pursuant to this act may~~
 117 | ~~not exceed \$1,000,000.~~ The cost of the projects ~~project~~ for
 118 | which bonds may be issued includes, without limitation, the cost
 119 | of acquiring, constructing, installing, and equipping the
 120 | educational facilities and equipment ~~classrooms~~; the cost of
 121 | real property acquired for the project; legal, engineering,
 122 | fiscal, and architectural fees; fees of other experts or
 123 | consultants employed by the school board; the costs of
 124 | engineering or architectural studies, surveys, plans, and
 125 | designs; the administrative costs of issuing, advertising, and
 126 | selling the bonds; the capitalization of interest for 1 year
 127 | after completion of the project; the creation and capitalization
 128 | of reasonable reserves for debt service on the bonds, if any;
 129 | bond discount, if any; the cost of municipal bond insurance; and
 130 | any other costs that are necessary, incidental, or appurtenant
 131 | to the purposes authorized under this section.

132 | Section 2. Section 1 of chapter 63-942, Laws of Florida,
 133 | as amended, is amended to read:

134 | Section 1. All funds ~~racetrack and jai alai fronton moneys~~
 135 | annually accruing to the credit of Gilchrist County under the
 136 | provisions of section 212.20(6)(d)6.a. ~~chapters 550 and 551,~~
 137 | Florida Statutes, shall be allocated and distributed and are

138 hereby earmarked for certain purposes according to the
 139 provisions of this act as follows:

140 (1) The first \$2,000 received, to the Board of County
 141 Commissioners of Gilchrist County, to be used for
 142 hospitalization of the indigent of the county;

143 (2) Any annual accrual remaining after distribution
 144 pursuant to subsection (1) shall be disbursed as follows:

145 (a) Five percent to the Gilchrist County park board for
 146 the establishment or maintenance of public parks;

147 (b) Three percent to the City of Trenton for the purposes
 148 of public health, police and fire protection, drainage, and
 149 repair and paving of streets; all of which are determined and
 150 declared to be for a county purpose within the city;

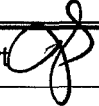

151 (c) One percent to the City of Bell for the use and
 152 benefit of the city; and

153 (d) The balance of the annual accrual to be divided
 154 equally between the District School Board of Gilchrist County
 155 and the Board of County Commissioners of Gilchrist County, for
 156 such lawful use as each may determine, if the balance is equal
 157 to or greater than \$200,000. If the balance of the annual
 158 accrual is less than \$200,000, the district school board must be
 159 allocated \$100,000 of the balance and the rest of the balance
 160 must be allocated to the board of county commissioners.

161 Section 3. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 465 District School Board Bonds
SPONSOR(S): Diaz and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 750

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Appropriations Subcommittee		Seifert 	Heflin 
2) Finance & Tax Committee			
3) Appropriations Committee			

SUMMARY ANALYSIS

The bill amends statutes relating to the issuance and retirement of bonds by:

- Deleting a requirement for annual equal payment amounts and allowing payment amounts to be determined by the district school board;
- Removing authority for the Department of Education to approve bonds in excess of 20 years and allowing the length of bonds to be determined by the district school board;
- Removing the 10-year callable term from date of issuance of the bond; and allowing the district school board to determine the callable term of the bond.

See Fiscal Comments.

The bill takes effect July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Bonds

In finance, a bond is a debt security, in which the authorized issuer owes the holders a debt and, depending on the terms of the bond, is obliged to pay interest (the coupon) to use and/or to repay the principal at a later date, termed maturity. A bond is a formal contract to repay borrowed money with interest at fixed intervals (semi-annual, annual, sometimes monthly).

Thus a bond is like a loan: the holder of the bond is the lender (creditor), the issuer of the bond is the borrower (debtor), and the coupon is the interest. Bonds provide the borrower with external funds to finance long-term investments.

Some bonds give the issuer the right to repay the bond before the maturity date on the call dates. These bonds are referred to as callable bonds. Most callable bonds allow the issuer to repay the bond at face value.

A general obligation bond is a common type of municipal bond that is secured by a state or local government's pledge to use legally available resources, including tax revenues, to repay bond holders.

Most general obligation pledges at the local government level include a pledge to levy a property tax to meet debt service requirements, in which case holders of general obligation bonds have a right to compel the borrowing government to levy that tax to satisfy the local government's obligation. Because property owners are usually reluctant to risk losing their holding due to unpaid property tax bills, credit rating agencies often consider a general obligation pledge to have very strong credit quality and frequently assign them investment grade ratings. If local property owners do not pay their property taxes on time in any given year, a government entity is required to increase its property tax rate by as much as is legally allowable in a following year to make up for any delinquencies. In the interim between the taxpayer delinquency and the higher property tax rate in the following year, the general obligation pledge requires the local government to pay debt service coming due with its available resources.¹

A bond referendum is a provision permitting voters in a school district to accept or reject the granting of school board authority to issue (sell) bonds to generate revenue for the purpose specified in the referendum. Authorized expenditures include acquiring, building, enlarging, furnishing, or otherwise improving buildings or school grounds, or for any other exclusive use of the public schools within the district.² Prior to a bond referendum, a school board must adopt a resolution authorizing that an election be held for the purpose of determining whether bonds shall be issued for the stated amount and purpose. The resolution must be approved by the Department of Education prior to school board adoption.³ The bonds are generally issued for a 20-year period and are repaid with property tax revenue.

Currently, Florida district school boards are required:

- to arrange annual bond debt service payments to be nearly equal amounts for each year;
- to retire the bonds within 20 years from the date of issuance;
- to seek approval by the Department of Education on bonds retiring beyond 20 years; and
- to have the bonds, bearing interest in excess of 2.99 percent, callable beginning within 10 years from the date of issuance.

¹ <http://en.wikipedia.org>

² Section 1010.40, F.S.

³ Section 1010.41(3), F.S.

Effect of the Bill

The bill allows the schedule of maturities be determined by the district school board and removes the requirement that the schedule of maturities be arranged so that the total payments required each year be as nearly equal as practicable. The removal of an equal payment amount allows district school boards to adjust amortization schedules according to market conditions increasing overall bonding capacity.

The bill removes the Department of Education from approving bonds retiring in excess of 20 years, and gives the authority to the district school board to determine the length of the bond.

The bill changes the requirement so that bonds are callable at the times and upon the terms determined by the district school board, deleting the requirement that bonds that bear interest in excess of 2.99 percent be callable beginning no later than 10 years from the date of issuance.

B. SECTION DIRECTORY:

Section 1: amends s. 1010.49, F.S., deleting a requirement for equal payment amounts annually; allowing payment amounts to be determined by the district school board; removing authority for the Department of Education to approve bonds in excess of 20 years; allowing length of bonds to be determined by the district school board; removing the 10-year callable term from date of issuance of the bond; and allowing the district school board to determine the callable term of the bond.

Section 2: Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

See FISCAL COMMENTS section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See FISCAL COMMENTS section.

2. Expenditures:

See FISCAL COMMENTS section.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The increased interest revenue generated by the bond is indeterminate.

D. FISCAL COMMENTS:

If district school boards exercise the discretion to issue bonds with maturities greater than 20 years, additional interest costs may be incurred. As of June 30, 2010, four school districts had outstanding bonds issued under this section. Deleting the requirement that bonds bearing interest in excess of 2.99 percent must be callable beginning no later than 10 years from the date of issue will allow districts to extend consideration of refinancing such bonds. The potential impact is indeterminate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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1 A bill to be entitled
 2 An act relating to district school board bonds;
 3 amending s. 1010.49, F.S.; revising provisions
 4 relating to the issuance and retirement of bonds;
 5 providing an effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:

8
 9 Section 1. Section 1010.49, Florida Statutes, is amended
 10 to read:

11 1010.49 Form and denomination of bonds.—The district
 12 school board may prescribe the denomination of the bonds to be
 13 issued, and such bonds may be issued with or without interest
 14 coupons in the discretion of the board. The form of the bonds to
 15 be issued may be prescribed by the State Board of Education on
 16 the recommendation of the Department of Legal Affairs. The
 17 schedule of maturities of the proposed bonds shall be determined
 18 by the district school board ~~so arranged that the total payments~~
 19 ~~required each year shall be as nearly equal as practicable.~~ The
 20 schedule shall provide that all bonds are to be retired within a
 21 period of 20 years from the date of issuance unless a longer
 22 period is required and has been specifically approved by the
 23 district school board ~~Department of Education~~. All bonds issued
 24 under this section ~~that bear interest in excess of 2.99 percent~~
 25 shall be callable at the times and upon the ~~on~~ terms prescribed
 26 by the district school board ~~beginning not later than 10 years~~
 27 ~~from the date of issuance.~~

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 465 (2012)

Amendment No.

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: PreK-12 Appropriations
2 Subcommittee

3 Representative Diaz offered the following:

4
5 **Amendment**

6 Remove lines 11-27 and insert:

7 1010.49 Form and denomination of bonds.—The district
8 school board may prescribe the denomination of the bonds to be
9 issued, and such bonds may be issued with or without interest
10 coupons in the discretion of the board. The form of the bonds to
11 be issued may be prescribed by the State Board of Education on
12 the recommendation of the Department of Legal Affairs. The
13 schedule of maturities of the proposed bonds shall be so
14 arranged that the total payments required each year shall be as
15 nearly equal as practicable. The schedule shall provide that all
16 bonds are to be retired within a period of 30 ~~20~~ years from the
17 date of issuance unless a longer period is required and has been
18 specifically approved by the Department of Education. All bonds
19 issued under this section ~~that bear interest in excess of 2.99~~

COMMITTEE/SUBCOMMITTEE AMENDMENT



Bill No. HB 465 (2012)

Amendment No.

20 ~~percent~~ shall be callable at the times and upon the ~~en~~ terms
21 prescribed by the district school board ~~beginning not later than~~
22 ~~10 years from the date of issuance.~~
23

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1343 Discretionary Sales Surtaxes
SPONSOR(S): Fresen
TIED BILLS: IDEN./SIM. **BILLS:** SB 980

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Appropriations Subcommittee		Seifert 	Heflin 
2) Finance & Tax Committee			
3) Appropriations Committee			

SUMMARY ANALYSIS

The bill amends statutes relating to discretionary sales surtaxes by:

- Renaming the School Capital Outlay Surtax to the School Surtax;
- Expanding the allowable use of the surtax;
- Requiring a decrease to the discretionary capital outlay millage levy if the surtax is implemented; and
- Creating an unnumbered section of law that disallows the expanded use of the surtax funds by school districts levying the surtax prior to July 1, 2012.

See Fiscal Comments.

The bill takes effect July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

School Capital Outlay Surtax

The School Capital Outlay Surtax, more commonly known as the school half-cent sales tax, is a sales tax that may be levied by a school board after a favorable vote of the electorate through a local referendum.¹ The sales tax may not exceed .5 percent.²

The school half-cent sales tax proceeds must be used for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses that have a useful life expectancy of five or more years, and any land acquisition, land improvement, design, and engineering costs associated with such facilities and campuses. Additionally, the plan for the projects must include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district. Surtax revenues may be used for the purpose of servicing bond indebtedness to finance projects, and any interest accrued thereto may be held in trust to finance such projects. Neither the proceeds of the surtax nor any interest accrued thereto shall be used for operational expenses.³

The voters in 14 school districts have passed a school half-cent sales tax that will generate an estimated \$346.5 million during the county fiscal year ending September 30, 2012.⁴

School District	Effective Date	Tax Rate (percent)	Estimated Revenue
Bay	Jan. 1, 2011 to Dec. 31, 2020	.5	\$14,443,479
Calhoun	Jan. 1, 2009 to Dec. 31, 2018	.5	\$373,918
Escambia	Jan. 1, 2003 to Dec. 31, 2017	.5	\$19,783,694
Flagler	Jan. 1, 2003 to Dec. 31, 2012	.5	\$4,073,054
Hernando	Jan. 1, 2005 to Dec. 31, 2014	.5	\$7,897,587
Jackson	Jul. 1, 2006 to Dec. 31, 2015	.5	\$2,007,881
Leon	Jan. 1, 2003 to Dec. 31, 2012	.5	\$17,401,087
Manatee	Jan. 1, 2003 to Dec. 31, 2017	.5	\$22,023,612
Monroe	Jan. 1, 2006 to Dec. 31, 2015	.5	\$12,648,470
Orange	Jan. 1, 2003 to Dec. 31, 2015	.5	\$166,828,401
Polk	Jan. 1, 2004 to Dec. 31, 2018	.5	\$30,216,281
St. Lucie	Jan. 1, 2006 to Dec. 31, 2026	.5	\$12,476,274
Santa Rosa	Oct. 1, 1998 to Dec. 31, 2018	.5	\$6,251,530
Volusia	Jan. 1, 2002 to Dec. 16, 2016	.5	\$30,040,095
TOTAL			\$346,465,361

The resolution of a district school board providing for the imposition of the school half-cent sales tax may include a covenant to decrease the Capital Outlay Discretionary Tax and to maintain that tax at the reduced millage as long as the tax is in effect. The resolution may also provide that the tax shall sunset on December 31 of any year in which the district school board levies the Capital Outlay Discretionary Tax at a millage rate in excess of the reduced millage rate promised in the resolution.⁵

¹ Section 212.055(6)(a), F.S.

² Id.

³ Section 212.055(6)(c), F.S.

⁴ 2011 Local Government Financial Information Handbook, <http://edr.state.fl.us/Content/local-government/reports/lghih11.pdf>

⁵ Sections 1011.715 and 1011.71(2), F.S.

For example, if voters approved the levy of a school half-cent sales tax for 15 years in order to raise capital outlay revenues under the condition that a half-mill of the Capital Outlay Discretionary Tax is reduced while the school half-cent sales tax is in effect.

Effect of the Bill

The bill renames the school capital outlay surtax as the "school surtax."

The bill requires the authorizing resolution to require a general description of the new or existing projects to be funded by the surtax in place of the current requirement to include a general description of the school capital outlay projects.

The bill revises requirements for the authorizing resolution to allow it to include a capital outlay plan for using the process of the surtax to fund the expenses authorized under section 1011.71(2)-(5), Florida Statutes.

In addition to the previously noted uses of the surtax, the bill expands the allowable use of the surtax to include the same expenditures as the discretionary capital outlay levy⁶:

- New construction and remodeling projects included in the district's educational plant survey.
- Maintenance, renovation, and repair of school plants or leased facilities to correct deficiencies.
- Purchase, lease-purchase, or lease of school buses.
- Purchase, lease-purchase, or lease of new and replacement equipment.
- Payments for educational facilities⁷ and sites due under a lease-purchase agreement not exceeding in the aggregate, an amount equal to three-fourths of the proceeds from the millage levied by a district; Certificates of Participation (COPS) are the most frequent type of lease-purchase agreement employed by districts.⁸
- Payment of loans that are renewed annually with the consent of the lender and are for a period not to exceed four years for the purpose of the purchase of school buses, land, and equipment for educational purposes or to address an emergency condition in an existing school plant that demands immediate correction in order to prevent further damage to the building or equipment or to eliminate a safety hazard that constitutes an immediate danger to the students and other occupants.⁹
- Payment of costs directly related to complying with state and federal environmental statutes, rules, and regulations governing school facilities.
- Rental or lease of existing buildings or for conversion of these buildings for use as educational facilities.¹⁰
- Payment of the cost of school buses when a school district contracts with a private entity to provide student transportation services.
- Opening day collection for the library media center of a new school.

⁶ Section 1011.71(2), F.S.

⁷ Section 1013.01(6), F.S.

⁸ See s. 1013.15, F.S.

⁹ Section 1011.15, F.S.

¹⁰ Section 1013.14(4)(a), F.S.

- A school board may use up to \$100 per FTE of Discretionary Capital Outlay Levy revenue for certain other purposes, provided the school district has met the reduction requirements regarding class size for K-12 students for whom the district provides the educational facilities and administers the educational program. The school board must certify to the Commissioner of Education that all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive during the next 5 years or from alternative scheduling of construction, leasing, rezoning, or technological methodologies that exhibit sound management. These purposes include:
 - The purchase, lease-purchase, or lease of driver's education vehicles, motor vehicles used for the maintenance or operation of plants and equipment, security vehicles, or vehicles used in storing or distributing materials and equipment.
 - Payment of the cost of premiums for property and casualty insurance necessary to insure school district educational and ancillary plants. Operating revenues that are made available through the payment of property and casualty insurance premiums may be expended only for nonrecurring operational expenditures of the school district.¹¹

The bill specifies that the expanded list of expenditures is not applicable to school districts currently levying the surtax, unless the district obtains approval of the voters by referendum to expand the uses of the current surtax.

B. SECTION DIRECTORY:

Section 1: Amends s. 212.055(6), F.S., renaming the School Capital Outlay Surtax to the School Surtax; expanding the allowable use of the surtax; and requiring a decrease to the discretionary capital outlay levy if the surtax is implemented.

Section 2: Creating an unnumbered section of law that disallows the expanded use of the surtax funds by school districts levying the surtax prior to July 1, 2012.

Section 3: Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

See FISCAL COMMENTS section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See FISCAL COMMENTS section.

2. Expenditures:

See FISCAL COMMENTS section.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

¹¹ Section 1011.71(4), F.S.

Combining or swapping capital millage with school surtax revenues to fund capital needs will expand the tax base and reduce the tax burden to homeowners.

D. FISCAL COMMENTS:

According to the 2011 Local Government Financial Information Handbook, there are 53 districts that are not levying the local discretionary sales surtax which results in a combined estimate of unrealized tax revenues of \$1.005 billion.

The bill provides greater flexibility in how sales surtax proceeds may be spent. With decreasing ad valorem taxes, the local revenues available to school districts are also decreasing. The bill would provide flexibility in the use of available revenues to meet the capital outlay needs of the school districts. However, the bill's intent to promote such flexibility may be limited in application due to the bill's requirement to condition expenditure of the surtax revenues on a reduction of the discretionary capital improvement millage rate.

The bill has the potential to increase local taxes if a local levy is approved by voter referendum.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The removal of the words "capital outlay" from the surtax name may imply the funds may be used for another purpose, although the allowable purposes are specific.

Under discretionary capital outlay, school districts may expend up to \$100 per student for:

- The purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.
- Payment of the cost of premiums, as defined in s. 627.403, F.S., for property and casualty insurance necessary to insure school district educational and ancillary plants. As used in this paragraph, casualty insurance has the same meaning as in s. 624.605(1)(d), (f), (g), (h), and (m), F.S. Operating revenues that are made available through the payment of property and casualty insurance premiums from revenues generated under this subsection may be expended only for nonrecurring operational expenditures of the school district.¹²

The use of surtax for the above expenditures could be construed as expanding the use of surtax for operating revenues. This may create an inequity among districts in the availability of funding sources for operating expenses.

¹² Section 1011.71(5), F.S.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

6

1 A bill to be entitled
 2 An act relating to discretionary sales surtaxes;
 3 amending s. 212.055, F.S.; renaming the school capital
 4 outlay surtax as the "school surtax"; expanding the
 5 purposes for which revenues from the surtax may be
 6 used; making the use of surtax revenues for specified
 7 additional purposes contingent upon certain school
 8 board actions relating to the reduction of certain
 9 property taxes during the time surtax is in effect;
 10 requiring approval of the electors in order to use the
 11 surtax revenues for the additional purposes authorized
 12 by the act; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Subsection (6) of section 212.055, Florida
 17 Statutes, is amended to read:

18 212.055 Discretionary sales surtaxes; legislative intent;
 19 authorization and use of proceeds.—It is the legislative intent
 20 that any authorization for imposition of a discretionary sales
 21 surtax shall be published in the Florida Statutes as a
 22 subsection of this section, irrespective of the duration of the
 23 levy. Each enactment shall specify the types of counties
 24 authorized to levy; the rate or rates which may be imposed; the
 25 maximum length of time the surtax may be imposed, if any; the
 26 procedure which must be followed to secure voter approval, if
 27 required; the purpose for which the proceeds may be expended;
 28 and such other requirements as the Legislature may provide.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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55 | the various sites within the school district. Surtax revenues
56 | may be used for the purpose of servicing bond indebtedness to
57 | finance projects authorized by this subsection, and any interest
58 | accrued thereto may be held in trust to finance such projects.
59 | Neither the proceeds of the surtax nor any interest accrued
60 | thereto shall be used for operational expenses.

61 | (d) The resolution may also set forth a plan for using the
62 | proceeds of the surtax to fund the expenses authorized under s.
63 | 1011.71(2)-(5). The plan may provide that the proceeds of the
64 | surtax, including interest accrued on the revenues of the
65 | surtax, shall be used for the expenses of maintaining,
66 | renovating, or repairing existing school facilities or for
67 | maintaining, securing, or upgrading capital technology equipment
68 | and infrastructure for schools. However, in order to use the
69 | surtax revenues for the purposes specified in this paragraph, a
70 | school board shall covenant to decrease the capital local school
71 | property tax levied pursuant to s. 1011.71(2) and to maintain
72 | that tax at the reduced millage for as long as the surtax is in
73 | effect.

74 | (e)-(d) Surtax revenues collected by the Department of
75 | Revenue pursuant to this subsection shall be distributed to the
76 | school board imposing the surtax in accordance with law.

77 | Section 2. A school district that levies the surtax under
78 | s. 212.055(6), Florida Statutes, before July 1, 2012, may not
79 | use the surtax revenues for the additional purposes authorized
80 | in this act unless the plan for such use is approved by a
81 | majority vote of the electors of the county voting in a
82 | referendum.

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83

Section 3. This act shall take effect July 1, 2012.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1343 (2012)

Amendment No.

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: PreK-12 Appropriations
2 Subcommittee

3 Representative Fresen offered the following:

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

6 Remove lines 31-63 and insert:

7 (6) SCHOOL CAPITAL OUTLAY SURTAX.—

8 (a) The school board in each county may levy, pursuant to
9 resolution conditioned to take effect only upon approval by a
10 majority vote of the electors of the county voting in a
11 referendum, a discretionary sales surtax at a rate that may not
12 exceed 0.5 percent.

13 (b) The resolution shall include a statement that provides
14 a brief and general description of the new or existing school
15 capital outlay projects to be funded by the surtax. The
16 statement shall conform to the requirements of s. 101.161 and
17 shall be placed on the ballot by the governing body of the
18 county. The following question shall be placed on the ballot:
19

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1343 (2012)

Amendment No.

....FOR THE

....CENTS TAX

20

....AGAINST THE

....CENTS TAX

21

22 (c) The resolution providing for the imposition of the
23 surtax shall set forth a plan for use of the surtax proceeds for
24 fixed capital expenditures or fixed capital costs associated
25 with the construction, reconstruction, or improvement of school
26 facilities and campuses which have a useful life expectancy of 5
27 or more years, and any land acquisition, land improvement,
28 design, and engineering costs related thereto. Additionally, the
29 plan shall include the costs of retrofitting and providing for
30 technology implementation, including hardware and software, for
31 the various sites within the school district. Surtax revenues
32 may be used for the purpose of servicing bond indebtedness to
33 finance projects authorized by this subsection, and any interest
34 accrued thereto may be held in trust to finance such projects.
35 Neither the proceeds of the surtax nor any interest accrued
36 thereto shall be used for operational expenses.

37 (d) The resolution may also set forth a plan for using the
38 proceeds of the surtax to fund the expenses authorized under s.
39 1011.71(2). The plan may provide that the proceeds of the

40

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

Remove lines 3-4 and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1343 (2012)


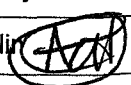
Amendment No.

46 amending s. 212.055, F.S.; expanding the

47

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7059 PCB KINS 12-02 Acceleration Options in Public Education
SPONSOR(S): K-20 Innovation Subcommittee, Stargel
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-20 Innovation Subcommittee	10 Y, 4 N	Valenstein	Sherry
1) PreK-12 Appropriations Subcommittee		Seifert 	Heflin 
2) Education Committee			

SUMMARY ANALYSIS

The bill amends various provisions of the law related to acceleration options in public education, establishes Academically Challenging Curriculum to Enhance Learning (ACCEL) options and provides an opportunity for students to graduate high school early. More specifically, the bill:

ACCEL Options: Establishes ACCEL options that provide academically challenging curriculum or accelerated instruction to eligible students in kindergarten through grade 12; requires principals and school districts to establish eligibility requirements for ACCEL options and a process for a parent to request student participation in an ACCEL option; and requires a school district's student progression plan to include information about ACCEL options, early and accelerated graduation options, and dual enrollment courses included in the dual enrollment articulation agreement.

Early Graduation: Provides a student the option to graduate from high school early once a student has completed at least 24 credits and met the standard graduation requirements; authorizes eligible students who graduate from high school midyear to receive a Bright Futures Scholarship award during the spring term; authorizes school districts to receive funding for unpaid credits delivered to students who graduate at least one semester early; defines unpaid credits as credits earned by the student in excess of six credits per year, e.g., credit earned by passing the Algebra I end-of-course (EOC) assessment without enrolling in the course; and requires school districts to notify parents and advise students about options for early and accelerated high school graduation.

End-of-Course Assessments: Establishes performance based funding for Algebra I, Biology I, and Geometry EOC assessments, beginning in the fourth year of administering the EOC, and requires the Algebra I EOC to be administered four times annually.

Advanced Placement (AP) Program: Establishes student eligibility requirements for participation in the AP program. The requirements are the same as those required for dual enrollment, except students may also demonstrate eligibility using Florida Comprehensive Assessment Test (FCAT) or EOC scores.

Dual Enrollment Program: Clarifies student eligibility requirements for dual enrollment; provides faculty and curriculum standards for college credit dual enrollment courses, which are consistent with those required by the Southern Association of Colleges and Schools (SACS) Commission on Colleges and are currently outlined in State Board rule; requires superintendents and Florida College System (FCS) presidents to establish a dual enrollment articulation agreement instead of a district interinstitutional articulation agreement; repeals s. 1007.235, F.S., relating to district interinstitutional articulation agreements; repeals s. 1007.272, F.S., relating to joint dual enrollment and advanced placement instruction; and prohibits the practice of "credit in escrow," which allows a student who does not qualify for dual enrollment to enroll in and pay for college courses that do not count toward high school graduation.

See FISCAL COMMENTS.

The bill takes effect July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Acceleration Options

General Information

The Florida public school system provides numerous ways to teach curriculum content to students at a faster pace, commonly referred to as acceleration. However, the acceleration options offered by school districts vary throughout the state, as does the method of parental notification regarding those options.

Currently, the Department of Education (DOE) must develop guidelines for a parent guide which describes what parents need to know about their child's educational progress including opportunities for parents to learn about rigorous academic programs that may be available such as honors programs, dual enrollment, advanced placement (AP), International Baccalaureate (IB), International General Certificate of Secondary Education (pre-AICE), Advanced International Certificate of Education (AICE), Florida Virtual School courses, and accelerated access to postsecondary education.¹ Each school district must annually disseminate a parent guide that includes information concerning "services, opportunities, choices, academic standards, and student assessment."²

A school district may include the acceleration options offered by the district in the district's comprehensive program for student progression, but is not required by law to do so. A district's comprehensive program for student progression, commonly referred to as a student progression plan, is only required to include information related to remediation and retention.³

Acceleration options that may be used by school districts for students include flexible class grouping; whole-grade and midyear promotion; single-subject acceleration; enrichment programs; self-paced instruction; curriculum compacting; advanced content instruction; telescoping curriculum; combined classes; grade clustering; and virtual instruction in higher level courses.⁴ Additionally, students may participate in the IB Diploma Programs, Middle Years, or Primary Years⁵ or the Cambridge AICE program, the Cambridge Secondary 2 Program, the Cambridge Secondary 1 program, or the Cambridge Primary Program.⁶ Secondary students may also participate in the AP Program, the dual enrollment program, the early admission program, and the credit acceleration program (CAP).⁷ For explanations of these acceleration options, please refer to Appendix A.

Beginning with the 2011-2012 school year, each high school must offer an IB program, an AICE program, or a combination of at least four courses in dual enrollment or AP.⁸ Additionally, school districts must allow students to take the statewide, standardized end-of-course (EOC) assessments which a student must pass in order to graduate from high school even if the student is not enrolled in

¹ Section 1002.23(2)(d), F.S.

² Section 1002.23(7)(d), F.S.

³ Section 1008.25, F.S.

⁴ Email, Florida Department of Education, Office of Legislative Affairs (Sept. 30, 2011); Florida Department of Education presentation to the K-20 Innovation Subcommittee of the Education Committee of the Florida House of Representatives, Student Acceleration Options (Nov. 1, 2011).

⁵ International Baccalaureate Organization, About the International Baccalaureate, <http://www.ibo.org/general/who.cfm> (last visited Jan. 19, 2012).

⁶ University of Cambridge International Examinations, Cambridge AICE Diploma Overview, <http://www.cie.org.uk/qualifications/academic/uppersec/aice> (last visited Jan. 19, 2012).

⁷ Sections 1007.27(5) and (6), 1007.271, and 1003.4295(3), F.S.

⁸ Section 1003.4295(2), F.S.

the course - this is known as the CAP program.⁹ Other acceleration options are not required to be offered by a school district.¹⁰

Each elementary school principal is currently required to notify the parent of a student who scores at Level 4 or Level 5 on FCAT Reading or Mathematics about the student's option to take accelerated courses through the Florida Virtual School.¹¹ Each high school must advise students of programs through which the student can earn college credit, including AP, IB, AICE, dual enrollment, career academy courses, and courses that lead to national industry certification.¹²

Advanced Placement Program

The Advanced Placement Program (AP) consists of advanced academic courses administered by the College Board.¹³ The program includes more than 30 high school courses and nationally standardized examinations in 23 subject areas ranging from art to statistics.¹⁴

In 2010, 43.5% of Florida seniors had taken an AP exam while in high school.¹⁵ During this same time period, the national average was 28.3%.¹⁶ The increase can likely be attributable to three factors: 1) public secondary students taking the AP examination are exempt for paying a fee for administration of the test, regardless of whether the student achieves a passing score.¹⁷ 2) Florida does not have statewide student eligibility requirements for participating in the AP program, and 3) school grade calculations are more heavily weighted for course participation than course performance.

The number of students participating in the AP program rose from 59,111 examinations taken in 1999 to 276,290 taken in 2010. The pass rate of the test, however declined during this same period. In 1999, only 54.8% scored high enough to qualify for college credit.¹⁸ In 2010, only 41% scored high enough to qualify for college credit.¹⁹

The cost of an AP examination in 2012 is \$87.²⁰ If the same number of students take the AP assessment during the 2012-13 academic year, the total cost of administering AP examinations would be \$24 million.

The Articulation Coordinating Committee (ACC) identifies, and the State Board of Education (State Board) and the Board of Governors (BOG) approve, the AP examination scores required to obtain college credit. Currently, students are recommended for college credit only if they receive an examination score of three or higher on a 5-point scale.²¹ In 2011, the Legislature passed HB 7151, which in part, specifically required the use of data relating to student performance in subsequent postsecondary courses to determine the appropriate examination scores for which college credit is to

⁹ Section 1003.4295(3), F.S.

¹⁰ See s. 1003.4295, F.S.

¹¹ Section 1002.37(9), F.S.

¹² Sections 1003.4295(1), and 1003.02(1)(i), F.S.

¹³ Section 1007.27(6), F.S.

¹⁴ Florida Department of Education, *2010-11 Florida Counseling for Future Education Handbook*, at 76, available at http://facts23.facts.org/florida/facts/Home_Page/Counselors_and_Educators/Advising_Manuals/Counseling_for_Future_Education_Handbook!/ut/p/c5/04_SB8K8xLLM9MSSzPy8xBz9CP0os3iDEEtPfx9TQwN3Ssz8DA093C38_M19_A393I6B8JE55izBzArrDQfYBVeAAjgZQeZgJFgEuhkAT3D28DLydtT2NzdDksdiPV95Y388jPzdVvyA3wiDTU9cRANgSS_Y!/dl3/d3/L2dJQSEvUUt3QS9ZQnZ3LzZfMFQ5SU9MNTewRzIOMDBJRzhPTjZNTzBPRzQ! (last visited Jan. 19, 2012).

¹⁵ The College Board, *The 7th Annual AP Report to the Nation*, at 20 (Feb. 2011), available at <http://apreport.collegeboard.org/?excmid=CBF13-ED-1-aprtn> (last visited Jan. 19, 2012).

¹⁶ Id.

¹⁷ Section 1007.27(6), F.S.

¹⁸ Florida Department of Education, *Advanced Placement Exam Results Florida Public Schools 1999-2005*, at 3 (Jan. 2006), available at <http://www.fldoe.org/evaluation/pdf/aptextprt1999-2005.pdf>.

¹⁹ Florida Department of Education presentation to KINS on Nov. 1, 2011.

²⁰ College Board, *Exam Fees and Reductions: 2012*, <http://apcentral.collegeboard.com/apc/public/exam/calendar/190165.html> (last visited Jan. 19, 2012).

²¹ Section 1007.27(6), F.S.; see also Articulation Coordinating Committee, *Credit by Exam Equivalencies*, available at www.fldoe.org/articulation/pdf/ACC-CBE.pdf.

be awarded for AP courses.²² The ACC is conducting a review and is expected to make its recommendation to the State Board and the BOG by August 2012.²³

Dual Enrollment Program

The Dual Enrollment Program is an acceleration option that allows an eligible high school or home education student to enroll in a postsecondary course creditable toward high school graduation and an associate or baccalaureate degree, or career certificate.²⁴ A secondary student must be enrolled in a public secondary school or a private secondary school using a curriculum that satisfies the state's high school graduation requirements.²⁵ Additionally, a student must have a 3.0 unweighted grade point average to enroll in college-level courses and a 2.0 unweighted grade point average to enroll in career certificate courses. In order for a student to enroll in a college credit course, the student must demonstrate adequate pre-collegiate preparation on a basic computation and communication skills assessment through the common placement examination. Exceptions to the required grade point averages may be granted if the school district and the postsecondary institution agree, and the terms of such agreement are contained in a dual enrollment interinstitutional articulation agreement.²⁶ Florida College System (FCS) institutions may establish additional admissions requirements to ensure student readiness for postsecondary instruction, but such requirements may not arbitrarily prohibit students who have demonstrated the ability to master advanced courses from participating in dual enrollment courses.²⁷ Eligibility requirements for home education students are identified by each postsecondary institution. The requirements for home education students cannot exceed those required of other dually enrolled students.²⁸

Early Admission

Early admission is a type of dual enrollment that allows students to enroll in postsecondary courses on a full-time basis on a college or technical center campus. As with all dual enrollment programs, students earn both high school and college or career credits for courses completed and are exempt from the payment of registration, tuition, and laboratory fees.²⁹ Participation in the career early admission program is limited to students who have completed a minimum of six semesters of full-time secondary enrollment, including studies undertaken in the ninth grade.³⁰ By rule, in order for a student to be considered a full-time dual enrollment early admission student, the student must enroll in a minimum of 12 college credit hours, but may not be required to enroll in more than 15 college credit hours.³¹

Student Progression Plans

Each district school board is required to establish a comprehensive student progression plan for evaluating a student's performance in reading, writing, science, and mathematics for each grade level. The plan must also include levels of performance on statewide assessments, below which a student must receive remediation or be retained;³² and appropriate alternative placement for a student who has been retained two or more years.³³ Additionally, the student progression plans must include the

²² Section 11, ch. 2011-177, L.O.F.; s. 1007.27(2), F.S.

²³ Email, Florida Department of Education, Office of Legislative Affairs (Dec. 20, 2011).

²⁴ Section 1007.271(1), F.S.

²⁵ Section 1007.271(2), F.S.; *see also* ss. 1002.42(2) and 100.43, F.S. Section 1007.271(2), F.S., references the required curriculum with regard to the courses required for high school graduation under s. 1003.43, F.S., which applies to students entering high school before the 2007-08 academic year. Section 1003.428, F.S., applies to students who entered high school in the 2007-08 year and thereafter. Additionally, s. 1003.429, F.S., provides accelerated graduation options for students who entered high school in the 2006-07 academic year and thereafter.

²⁶ *See infra* text accompanying notes 60-65 for an explanation of interinstitutional articulation agreements.

²⁷ Section 1007.271(3), F.S.

²⁸ Section 1007.271(10)(b), F.S.

²⁹ Section 1007.271(7) and (8), F.S.

³⁰ Section 1007.271(8), F.S.

³¹ Rule 6A-14.064(1)(g), F.A.C.

³² If the student is retained, he or she must be placed into an intensive program that is different from the previous year's program and that takes into account the student's learning style. Section 1008.25(2)(b), F.S.

³³ Section 1008.25(2), F.S.

Sunshine State Standards or the Next Generation Sunshine State Standards,³⁴ for each subject area and all dual enrollment courses contained within the district interinstitutional articulation agreement.³⁵

End-of-Course (EOC) Assessments

An EOC assessment is a subject-specific assessment that is administered at the end of a particular course. All state EOC assessments must be rigorous, statewide, standardized, and developed or approved by the DOE.³⁶ In 2010, the Legislature required the DOE to implement a statewide, standardized EOC assessment for Algebra I, Geometry, and Biology I at the high school level, and an EOC assessment in Civics Education at the middle school level.³⁷ Contingent upon funding, the Commissioner of Education is also required to establish an implementation schedule for the development and administration of additional statewide, standardized EOC assessments in English/Language Arts II, Algebra II, Chemistry, Physics, Earth/Space Science, United States History, and World History.³⁸ Currently, the DOE is developing an EOC assessment in U.S. History.³⁹

Statewide, standardized EOC assessments in Algebra I, Geometry, Biology I, and Civics Education are required to have a one-year baseline administration, in which the student's performance on the EOC assessment constitutes 30 percent of the student's final course grade. After the one-year baseline administration, students must pass the EOC assessment in order to receive credit for the course, and ultimately graduate since these courses are required for high school graduation.⁴⁰ The EOC assessment in U.S. History is required to constitute at least 30 percent of the student's final course grade. Likewise, should EOC assessments be developed in English/Language Arts II, Algebra II, Chemistry, Physics, Earth/Space Science, or World History, performance on the EOC assessment will constitute 30 percent of the student's final course grade.⁴¹

Additionally, the Commissioner of Education is authorized to select one or more nationally developed comprehensive examinations, including, but not limited to, examinations for Advanced Placement, International Baccalaureate, and Advanced International Certificate of Education courses or industry-approved examinations to earn national industry certifications identified in the Industry Certification Funding List for use as EOC assessments.⁴²

High School Graduation

In order to graduate from high school, a student must earn credits in the required high school courses and achieve the required grade point average, with the number of credits, required courses, and required grade point average varying based upon which graduation option the student selects.⁴³ Students have three graduation options including the traditional 24-credit option, the accelerated 18-credit College Preparatory Program option, and the accelerated 18-credit Career Preparatory Program option. Students must also pass the 10th grade FCAT in Reading and Mathematics or attain concordant scores on a different standardized test.⁴⁴

The following table compares the credit requirements for the graduation options for students entering grade 9 in the 2011-12 academic year.

³⁴ See s. 1003.41, F.S.

³⁵ Rule 6A-1.09401(3), F.A.C.; s. 1007.235(4), F.S.; see *infra* text accompanying notes 60-65 for an explanation of interinstitutional articulation agreements.

³⁶ Section 1008.22(3)(c)2.a., F.S.

³⁷ Chapter 2010-22, L.O.F.; ss. 1003.4156(1)(a), 1008.22(3)(c)2., F.S.

³⁸ Section 1008.22(3)(c)2.c., F.S.

³⁹ Rule 6A-1.09422(3)(e), F.A.C.

⁴⁰ Section 1008.22(3)(c)2.a.(I) and (II), F.S. The requirement to pass the EOC assessments in Algebra I, Geometry, and Biology I is not coupled with a student's grade, therefore, a student could receive a grade of "C" in the course but not achieve the necessary credit to graduate if that student did not pass the EOC assessment; s. 1003.428, F.S.

⁴¹ Section 1008.22(3)(c)2.b., F.S.

⁴² Section 1008.22(3)(c)2.b., F.S.

⁴³ Sections 1003.428, 1003.429, and 1003.43, F.S.

⁴⁴ Sections 1003.428(4)(b), 1003.429(6)(a), 1003.43(5)(a), and 1008.22(3)(c)6. and (10), F.S.

	Traditional 24-Credit Option⁴⁵ (s. 1003.428, F.S.)	Accelerated 18-Credit Options	
		COLLEGE PREPARATORY (s. 1003.429(1)(b), F.S.)	CAREER PREPARATORY (s. 1003.429(1)(c), F.S.)
English	4 credits (with major concentration in composition, reading for information, and literature)	4 credits (with major concentration in composition and literature)	4 credits (with major concentration in composition and literature)
Mathematics	4 credits, including: <ul style="list-style-type: none"> ❖ 1 credit in Algebra I, the equivalent, or a higher-level mathematics course (must pass EOC) ❖ 1 credit in Geometry or equivalent (performance on an EOC in Geometry constitutes 30 percent of a student's final course grade) 	4 credits, including: <ul style="list-style-type: none"> ❖ 1 credit in Algebra I, or a higher-level mathematics course (must pass EOC) ❖ 1 credit in Geometry or equivalent (performance on an EOC in Geometry constitutes 30 percent of a student's final course grade) 	4 credits, including: <ul style="list-style-type: none"> ❖ 1 credit in Algebra I (performance on an EOC in Algebra I constitutes 30 percent of a student's final course grade) ❖ 1 credit in Geometry or equivalent
Science	3 credits (2 credits must have a laboratory component) including: <ul style="list-style-type: none"> ❖ Biology I (performance on an EOC in Biology I constitutes 30 percent of a student's final course grade) 	3 credits (2 credits must have a laboratory component) including: <ul style="list-style-type: none"> ❖ Biology I (performance on an EOC in Biology I constitutes 30 percent of a student's final course grade) 	3 credits (2 credits must have a laboratory component) including: <ul style="list-style-type: none"> ❖ Biology I (performance on an EOC in Biology I constitutes 30 percent of a student's final course grade)
Social Studies / Social Sciences	3 credits in Social Studies, including: <ul style="list-style-type: none"> ❖ 1 credit in US History ❖ 1 credit in World History ❖ ½ credit in Economics ❖ ½ credit in US Government 	3 credits in Social Sciences, including: <ul style="list-style-type: none"> ❖ 1 credit in US History ❖ 1 credit in World History ❖ ½ credit in Economics ❖ ½ credit in US Government 	3 credits in Social Sciences, including: <ul style="list-style-type: none"> ❖ 1 credit in US History ❖ 1 credit in World History ❖ ½ credit in Economics ❖ ½ credit in US Government
Second Language	None	2 credits in the same second language	None
Fine or Performing Arts / Speech and Debate / Practical Arts	1 credit (three options): <ul style="list-style-type: none"> ❖ Fine or Performing Arts; ❖ Speech and Debate; or ❖ An approved Practical Arts Course 	None	None
Vocational or Career Education	None	None	Three options: <ul style="list-style-type: none"> ❖ 3 credits in vocational or career education program; ❖ 3 credits in career and technical certificate dual enrollment courses; or ❖ 5 credits in vocational or career education courses
Physical Education	1 credit (including integration of health)	None	None
Electives	8 credits in Electives	2 credits	1 credit ⁴⁶

School Funding through the Florida Education Finance Program

⁴⁵ For the graduation requirements for students who entered high school before the 2007-08 academic year, see s. 1003.43, F.S.

⁴⁶ If a student earns 5 credits in vocational or career education courses, no elective credit is required. Section 1003.429(1)(c)6., F.S.

The Florida Education Finance Program (FEFP) is the funding formula adopted by the Legislature in 1973 to allocate funds appropriated to school districts for K-12 public school operations.⁴⁷ The FEFP implements the constitutional requirement for a uniform system of free public education⁴⁸ and is an allocation model based upon individual student participation in educational programs. The purpose of the funding system is "to guarantee to each student in the Florida public educational system the availability of programs and services appropriate to his or her educational needs which are substantially equal to those available to any similar student notwithstanding geographic differences and varying local economic factors."⁴⁹

In order to equalize funding among the school districts, the FEFP takes into account the local property tax base; costs of educational programs; district cost differential; and sparsity of student population.⁵⁰

The FEFP allocates funds to each school district based upon actual student enrollment.⁵¹ The FEFP uses a unit of measurement for each student called a full-time equivalent (FTE). One FTE equals one school year of instruction provided to a student.⁵² Generally, one FTE equals at least 720 hours of instruction in grades K-3 and at least 900 hours of instruction in grades 4-12.⁵³ In general, the maximum value for funding a student through the FEFP is one FTE student membership for a school year. A yearlong course (one credit), taken by a student equals 1/6 of an FTE. Funding is capped at six full year courses or 6 credits. A school district does not currently receive additional funding for providing a student an additional course above six credits.⁵⁴

Bright Futures Scholarship Program

The Bright Futures Scholarship (BFS) Program, a lottery-funded scholarship program, was created to reward Florida high school graduates who merit recognition for high academic achievement by providing them with scholarships to pursue postsecondary education at eligible public and independent postsecondary institutions in Florida.⁵⁵ The BFS Program consists of three scholarship awards, the Florida Academic Scholars Award, the Florida Medallion Scholars Award, and the Florida Gold Seal Vocational Scholars Award.⁵⁶ To be considered for any of the BFS awards, a student must apply prior to high school graduation, or the student will forfeit his or her future eligibility for an award.⁵⁷

To be considered for any of the BFS awards, a student must:

- Be a Florida resident;
- Earn a standard Florida high school diploma or its equivalent;
- Be accepted by and enrolled in an eligible Florida public or independent postsecondary education institution for at least six credit hours per semester or the equivalent;
- Not have been found guilty of, or entered a plea of nolo contendere to, a felony charge, unless the student has been granted clemency; and
- Have completed an application for the program prior to high school graduation.⁵⁸

In addition to the general eligibility requirements above, each BFS award also has specific student eligibility requirements, including, required coursework, grade point averages, test scores, and community service.⁵⁹

⁴⁷ Chapter 73-345, L.O.F.

⁴⁸ Art. IX, s. 1(a), Fla. Const.

⁴⁹ Chapter 73-345, L.O.F.

⁵⁰ Section 1011.62, F.S.; Florida Department of Education, *Overview of School District Funding (2011-12)*, at 1, available at <http://www.fldoe.org/fefp/pdf/fefpdist.pdf>.

⁵¹ See s. 1011.62(1)(d), F.S.

⁵² Section 1011.61(1)(a), F.S.

⁵³ Section 1011.61(1)(a)1., F.S.

⁵⁴ See s. 1011.61(1)(c), F.S.; Florida Department of Education, *Overview of School District Funding (2011-12)* at 10, available at <http://www.fldoe.org/fefp/pdf/fefpdist.pdf>.

⁵⁵ Section 1009.53(1), F.S.

⁵⁶ Sections 1009.53(2), 1009.534, 1009.535, and 1009.536, F.S.

⁵⁷ Sections 1009.53(3) and 1009.531(1)(f) and (2), F.S.

⁵⁸ Sections 1009.40(1), 1009.531(1) and (2), F.S.

The DOE evaluates students twice each year, either after the seventh or eighth semester of high school. However, even if a student qualifies after the seventh semester of high school, the DOE only issues awards for the fall term. Therefore, if a student graduates from high school midyear, the student must wait until the fall term to receive a BFS award.⁶⁰

District Interinstitutional Articulation Agreement

District school superintendents and Florida College System (FCS) institution presidents must jointly develop and implement a comprehensive articulated acceleration program for the students enrolled in their respective school districts and service areas. Each superintendent and president must develop a comprehensive interinstitutional articulation agreement for the school district and FCS institution that serves the school district. An articulation committee must be established by the superintendent and the president to develop the interinstitutional articulation agreement. While not required, each state university president is encouraged to designate a university representative to participate in the development of the interinstitutional articulation agreement. Each interinstitutional articulation agreement must be completed before high school registration for the fall term of the following school year.⁶¹

The interinstitutional articulation agreements must include various provisions related to dual enrollment such as, a delineation of courses and programs available to students eligible to participate in dual enrollment; a delineation of the process by which students and their parents are informed about opportunities to participate in an articulated acceleration program; a delineation of the process by which students, and their parents, exercise the student's option to participate in a dual enrollment course; a list of postsecondary courses that meet the criteria for inclusion in a district articulated acceleration program to be counted toward meeting graduation requirements; a delineation of institutional responsibilities regarding student screening before enrollment and monitoring student performance after enrollment in dual enrollment courses; and identification of the responsibility of the postsecondary educational institution for assigning letter grades for dual enrollment courses and the responsibility of school districts for posting dual enrollment course grades to the high school transcript as assigned by the postsecondary institution awarding the credit.⁶²

In addition to the dual enrollment provisions, the interinstitutional articulation agreements must also include a ratification or modification of all existing articulation agreements; mechanisms and strategies for reducing the incidence of postsecondary remediation in math, reading, and writing for first-time-enrolled recent high school graduates; and mechanisms and strategies for promoting "tech prep" programs of study. Additionally, the interinstitutional articulation agreement must include a plan that outlines the mechanisms and strategies for improving the preparation of elementary, middle, and high school teachers.⁶³

All dual enrollment courses listed within the interinstitutional articulation agreement must be incorporated, either directly or by reference, into the district school board's student progression plan.⁶⁴

The DOE is required to review each interinstitutional articulation agreement and certify the statewide course number of postsecondary courses that meet each district's graduation requirements.⁶⁵

District school boards and FCS institutions are authorized to enter into additional interinstitutional articulation agreements with state universities. Additionally, district school boards may enter into interinstitutional agreements with eligible independent colleges and universities and state universities

⁵⁹ Sections 1009.534, 1009.535, and 1009.536, F.S.

⁶⁰ Telephone interview with Director, State Scholarship and Grant Programs, Florida Department of Education (Jan. 11, 2011).

⁶¹ Section 1007.235(1) and (2), F.S.

⁶² Section 1007.235(2), F.S.

⁶³ Section 1007.235(2) and (3), F.S.

⁶⁴ Section 1007.235(4), F.S.

⁶⁵ Section 1007.235(5), F.S.

and FCS institutions may enter into interinstitutional articulation agreements with eligible nonpublic secondary schools.⁶⁶

Admissions Requirements for an FCS Institution

FCS institutions do not require a minimum grade point average or test score to enroll; however, in order to be admitted to an associate degree program, a student must have earned a standard high school diploma or its equivalent; previously demonstrated competency in college credit postsecondary coursework; or for home education students, provide a signed affidavit from the student's parent attesting that the student has completed a home education program pursuant to state law. Students enrolled in the dual enrollment or early admission programs and secondary students enrolled in college-level instruction creditable toward the associate degree, but not toward the high school diploma, are exempt from the high school diploma admissions requirement. This allows institutions to admit otherwise ineligible students into the institution to take and pay for college-level courses, but not provide the student college credit until the student graduates from high school. This process is commonly referred to as "credit in escrow."

An applicant must also have a demonstrated level of achievement of college-level communication and computation skills and any other requirements established by the institution's board of trustees.⁶⁷

A student who has been awarded a special diploma or a certificate of completion is not eligible to enroll in college credit courses, but may enroll in certificate career education programs. Admission into other programs within an FCS institution includes education requirements established by the institution's board of trustees.⁶⁸

Effect of Proposed Changes

Academically Challenging Curriculum to Enhance Learning (ACCEL) Options

The bill establishes ACCEL options which provide accelerated instruction to eligible public school students in kindergarten through grade 12. The bill allows principals to create new, advanced alternative ACCEL options and requires notification to parents and students of available options, the student eligibility requirements, and the process by which a parent may request student participation.

At a minimum, the bill requires each school district to offer whole grade and midyear promotion; subject-matter acceleration; virtual instruction in higher grade level subjects; and the credit acceleration program (CAP). Schools may also offer other ACCEL options, which may include, but are not limited to, enriched science, technology, engineering, and mathematics (STEM) coursework; enrichment programs; flexible grouping; advanced academic courses; combined classes; self-paced instruction; curriculum compacting; advanced-content instruction; and telescoping curriculum.⁶⁹

Each principal must specify the student eligibility requirements for virtual instruction in higher grade level subjects. Principals must also establish eligibility requirements for whole grade promotion, midyear promotion, and subject-matter acceleration when the promotion or acceleration occurs within the principal's school. This allows an elementary principal to establish student eligibility requirements for a student to be promoted from 4th grade to 5th grade, but not from 5th grade to 6th grade, unless the school serves students in 6th grade.

For whole grade promotion, midyear promotion, or subject-matter acceleration resulting in a student attending a different school, the school district must establish student eligibility requirements and procedural requirements. Therefore, a school district would establish student eligibility requirements and procedural requirements for a student to be promoted from 8th grade to 9th grade. Examples of

⁶⁶ Section 1007.235(6) and (7), F.S.

⁶⁷ Section 1007.263(2), F.S.

⁶⁸ Section 1007.263(3) and (4), F.S.

⁶⁹ For explanations of these acceleration options, please refer to Appendix A.

procedural requirements a school district may establish include the verification of facility capacity, class size, and transportation availability.

Principals must also establish student eligibility requirements for other ACCEL options offered by the school, including STEM coursework, enrichment programs, flexible grouping, advanced academic courses, combined classes, self-paced instruction, curriculum compacting, advanced-content instruction, telescoping curriculum, or an alternative established by the principal. Neither the principal nor the school district establishes eligibility requirements for the CAP program. The eligibility requirements for the CAP program are those otherwise established in law.

When establishing student eligibility requirements, principals and school districts must consider the student's performance on a locally determined assessment, a statewide assessment, or a statewide, standardized assessment,⁷⁰ the student's grade point average, attendance record, and conduct record; a recommendation from a core-curricula teacher; and a recommendation from a guidance counselor, if one is assigned to the school.

Each principal must establish a process for a parent to request student participation in whole-grade promotion, midyear promotion, and subject-matter acceleration when the promotion or acceleration occurs within the principal's school; virtual instruction in higher grade level subjects; or alternative ACCEL options established by the principal. School districts must also establish a process for a parent to request student participation in ACCEL options, but only for whole-grade promotion, midyear promotion, or subject-matter acceleration that would result in a student attending a different school.

If a parent selects an ACCEL option and the student meets the eligibility requirements established by the principal or the eligibility and procedural requirements established by the school district, the student must be provided the opportunity to participate in the ACCEL option. Neither a principal nor a school district can prohibit an eligible student from participating in an ACCEL option, if requested by a parent.

If a student participates in certain ACCEL options pursuant to parental request, a performance contract must be executed by the student, the parent, and the principal, for each ACCEL option in which the student participates. A performance contract is required for whole-grade promotion, midyear promotion, and subject-matter acceleration when the promotion or acceleration occurs within a principal's school; virtual instruction in higher grade level subjects; or an alternative ACCEL option established by a principal. Performance contracts must require compliance with minimum attendance and conduct requirements and any other ACCEL requirements, which may include participation in extracurricular activities, educational outings, field trips, interscholastic competitions, and other activities related to the ACCEL option selected.

If a parent requests that a student participate in an ACCEL option that requires the school district to establish student eligibility and procedural requirements, the bill does not require a performance contract to be executed. However, the bill does not prevent a school district from including a performance contract in its student eligibility and procedural requirements. Similarly, if a principal initiates participation in an ACCEL option, a performance contract is not required, but may be used at the discretion of the principal. Additionally, if a principal initiates a student's participation in an ACCEL option, the bill requires a principal to notify the student's parent.

To further expand access to accelerated coursework, the bill allows all students, not just secondary students, to participate in the credit acceleration program (CAP program). The bill allows elementary school students the opportunity to take an EOC assessment, and if passed, earn high school credit.

Additionally, since the bill may result in more students taking accelerated coursework, the bill clarifies that an elementary school student who takes a middle or high school level course must receive a grade of A through F for that course, as is currently required for students in middle and high school.

⁷⁰ These assessments include, but are not limited to, the Florida Comprehensive Achievement Test (FCAT), Florida Assessments for Instruction in Reading (FAIR), and end-of-course (EOC) assessments.

Student Progression Plans

The bill expands the information a school district's student progression plan must contain. The bill amends the student progression plan to include a list of the eligibility and procedural requirements established by a school district for certain ACCEL options. The student progression plan must also delineate the school district's process for a parent to request student participation in these ACCEL options.

The bill requires the student progression plan to provide notice to parents and students that additional ACCEL options may be available at the student's school, and the principal should be contacted for additional information, including information regarding the school's process for a parent to request student participation in an ACCEL option. The bill does not require principals to report to the school district each ACCEL option offered, or the eligibility requirements for each ACCEL option offered; however, each principal is required to provide this information to parents.

The student progression plan must also list the early and accelerated graduation options available to students and list, or incorporate by reference, all dual enrollment courses contained within the dual enrollment articulation agreement.

The bill increases the information to be included in a district's student progression plan in order to provide parents access to additional information regarding the acceleration opportunities available to their children.

Early High School Graduation

The bill authorizes a student to graduate from high school in fewer than four years if the student has completed a minimum of 24 credits and meets the general requirements for graduation. If a student meets the requirements, the district school board cannot prevent the student from graduating early. Early graduation is defined as graduating from high school in less than eight semesters or the equivalent.

The bill requires each district school board to adopt a policy providing students the option to graduate early from high school. School boards must notify parents of the options for early or accelerated high school graduation. A district school board must also notify the parent of a student who is eligible to graduate early. The bill expands the student advisement currently required for high schools related to acceleration options to include the options for early or accelerated high school graduation.

The bill authorizes a student who graduates early to continue participating in school activities and social events and attend and participate in graduation events with the student's cohort. Additionally, the bill requires a student who graduates early to be included in class ranking, honors, and award determinations for the student's cohort. While a student who graduates early is authorized to participate in school activities and social events, the student must comply with district school board rules and policies regarding access to school facilities and grounds during normal operating hours.

To provide school districts an incentive for facilitating a student's early graduation from high school, the bill authorizes school districts to report "unpaid high school credits." An unpaid high school credit is a high school credit earned in excess of six per school year in courses delivered by the school district. Unpaid high school credits could include credits earned from an optional seventh period, the credit acceleration program, or dual enrollment courses.

A district may report each unpaid high school credit provided to a student who graduates early from high school. For a student who graduates one semester before the student's cohort, a district may receive funding for up to 1/2 FTE for unpaid credits delivered by the district. For a student who graduates one year or more in advance of the student's cohort, the district may receive funding up to 1 FTE for unpaid credits delivered by the district.

End-of-Course (EOC) Assessments

The bill requires the EOC assessment for Algebra I to be administered four times each year, beginning with the 2012-13 school year. The fourth administration of the Algebra I EOC assessment will provide students taking the course through the Florida Virtual School a shorter time period between the completion of the course and the administration of an EOC assessment.

The bill establishes performance-based funding for courses requiring must pass, statewide, standardized EOC assessments. Beginning in the fourth year of administering the EOC assessment, a school district's receipt of FTE funding for the course is contingent upon the student passing the EOC assessment. Therefore, if a student failed the EOC assessment, the school would not receive FTE funding for that course.

The bill also authorizes a school district to report 1/6 FTE for each student who passes an EOC assessment without being enrolled in the corresponding course. If the student is taking a full-course load (6 full-credit courses), and takes and passes an EOC without being enrolled in the course the additional 1/6 FTE will be counted as an "unpaid credit". The opportunities for additional FTE are limited to one FTE per year, unless a student graduates early from high school. If a student graduates early, the school district may report up to 1/2 FTE (equivalent to three full-credit courses) for students that graduate one semester early and up to one FTE (equivalent to six full-credit courses) for students that graduate at least one year early for any unpaid credits delivered by the district.

Bright Futures Scholarship Program

The bill authorizes a student who graduates from high school midyear to receive an initial Bright Futures Scholarship award during the spring term following the student's graduation, as long as the student applies for the scholarship award no later than August 31 of the student's graduation year. This date provides the DOE Office of Student Financial Assistance sufficient time to evaluate and distribute scholarship awards.

A student who receives an initial award during the spring term will be evaluated for scholarship renewal after the completion of a full academic year, which begins with the fall term. This provides students who graduate from high school midyear and receive an initial award in the spring term three semesters before they will be evaluated for scholarship renewal.

Advanced Placement (AP) Program

The bill establishes student eligibility requirements for the AP program. In order for a public secondary student to participate in the AP program, the student must be enrolled in a Florida public secondary school, demonstrate readiness for college-level coursework through achievement on a statewide assessment or on a common placement test, and have a 3.0 unweighted grade point average. The eligibility requirements are the same as those required for the dual enrollment program, except an AP student also has the opportunity to demonstrate readiness for college-level coursework through performance on a statewide assessment.

The State Board is required to establish, by rule, the minimum test score a student must receive to demonstrate readiness for college-level coursework. A student may use results from the FCAT, or the EOC assessment in Algebra I, Biology, and Geometry, when available. The student may also use results from a common placement test, including the Postsecondary Education Readiness Test (PERT), the College Placement Test (CPT), the PSAT, the PLAN, the SAT, or the ACT. The eligibility requirements are anticipated to increase the state's return on investment since students that meet the requirements are more likely to earn a score of 3 or higher on the AP examination and therefore, be eligible to earn college credit.

Dual Enrollment Program

Student Eligibility

The bill clarifies student eligibility requirements for the dual enrollment program. Additionally, if a student is scheduled to graduate from high school before the scheduled completion of a postsecondary course, the student may not register for that course through dual enrollment. However, the student may apply to the postsecondary institution and pay the required registration, tuition, and fees, as long as the student meets the postsecondary institution's admissions requirements.

The bill clarifies that in order to continue in the dual enrollment program, a student must maintain a 3.0 high school grade point average and the minimum postsecondary grade point average established by the postsecondary institution. Additionally, a student may lose the opportunity to participate in the dual enrollment program if the student is disruptive to the learning process. Per State Board rule, to be considered a full-time early admission dual enrollment student, a student must enroll in at least 12 college credit hours per semester, but may not be required to enroll in more than 15 college credit hours per semester.⁷¹ The bill codifies this rule, maintaining the same credit hour requirements.

The bill clarifies student eligibility requirements for home education students. Home education students who seek enrollment in a dual enrollment course, their parents, and the postsecondary institution must enter into an articulation agreement. The articulation agreement must include, at a minimum, a delineation of courses and programs available for dually enrolled home education students; the initial and continued eligibility requirements for home education student participation; the students' responsibilities for providing his or her own instructional materials and transportation; and a copy of the statement of transfer guarantees, developed by the DOE. Courses and programs available for dually enrolled home education students may be added, revised, or deleted at any time by the postsecondary institution.

Faculty Standards

The bill codifies current State Board rule to establish faculty standards for each faculty member teaching college credit dual enrollment courses. A faculty member must meet the qualifications required by the entity accrediting the postsecondary institution offering the course; provide the institution offering the dual enrollment course a copy of his or her postsecondary transcript; provide a copy of the current syllabus for each course taught to the discipline chair or department chair of the postsecondary institution before the beginning of each term; and, adhere to the applicable professional rules, guidelines, and expectations in the postsecondary institution's faculty, adjunct faculty, and student handbooks.

Each president of a postsecondary institution offering a college credit dual enrollment course, or his or her designee, must provide a copy of the institution's current faculty or adjunct faculty handbook and student handbook to all dual enrollment faculty members; designate an individual or individuals to observe all dual enrollment faculty members, regardless of the location of instruction; use the same criteria to evaluate dual enrollment faculty members as used to evaluate all other faculty members; and provide course plans and objectives to all faculty members teaching a dual enrollment course.

The faculty standards established by the bill apply to all dual enrollment faculty members, including those teaching a dual enrollment course on a high school campus, are consistent with those required by the Southern Association of Colleges and Schools (SACS) Commission on Colleges and are currently outlined in State Board rule.⁷²

Curriculum Standards

The bill codifies current State Board rule to establish curriculum standards for college credit dual enrollment courses to help maintain rigor for those courses. Dual enrollment courses taught on a high school campus are required to meet the same competencies required for courses taught on a postsecondary institution campus. The postsecondary institution offering the course is responsible for providing, in a timely manner, a comprehensive, cumulative end-of-course assessment or a series of assessments of all expected learning outcomes to the faculty member teaching the course.

⁷¹ Rule 6A-14.064(1)(g), F.A.C.

⁷² Rule 6A-14.064(2), F.A.C.

Completed, scored assessments must be returned to the postsecondary institution and must be retained for one year.

The bill requires textbooks and instructional materials used in dual enrollment courses to be the same or similar to those used in other postsecondary courses with the same course prefix and number. The postsecondary institution must advise the school district of the instructional materials requirements as soon as the information is available, but no later than one term before the course is offered.

Course requirements, including tests, papers, or other assignments, must be at the same level of rigor or depth as those for all non-dual enrollment postsecondary students. The bill requires faculty members teaching dual enrollment courses to observe the postsecondary institution's procedures and deadlines for grade submission. The bill requires the faculty to be advised of institution-wide grading guidelines before teaching a dual enrollment course.

Additionally, the bill prohibits the combination of dual enrollment courses and other high school courses. This prohibits a school district from offering dual enrollment credit to a portion of students within a class, even though all students are performing the same coursework.

The curriculum standards established in the bill are consistent with those required by the SACS Commission on Colleges and are currently outlined in State Board rule.⁷³

Dual Enrollment Articulation Agreement

In an effort to streamline the dual enrollment program, the bill repeals s. 1007.235, F.S., related to District Interinstitutional Articulation Agreements and reestablishes the provisions related to dual enrollment in s. 1007.271, F.S.⁷⁴ The bill requires each district school superintendent and FCS institution president to develop a comprehensive dual enrollment articulation agreement for their respective school district and FCS institution. As currently required in a district interinstitutional articulation agreement, the superintendent and the president must establish an articulation committee to develop the dual enrollment agreement. State university presidents are authorized to designate a university representative to participate in the development of the dual enrollment articulation agreement.

The bill incorporates current requirements from district interinstitutional articulation agreements and State Board rule into the required elements of a dual enrollment articulation agreement. At a minimum, these include:

- A ratification or modification of all existing articulation agreements;
- The process by which students and their parents are informed about opportunities to participate in the dual enrollment program;
- A delineation of available dual enrollment courses;
- The process by which students and their parents exercise the option to participate in the dual enrollment program;
- Any additional initial eligibility requirements for student participation in the dual enrollment program;
- A delineation of high school credits earned for completion of each dual enrollment course;
- The process for informing students and parents of college course-level expectations;
- The policies and procedures, if any, for determining exceptions to the grade point average requirements on an individual student basis;
- The policies relating to dual enrollment course withdrawals and repeats as determined by the postsecondary institution;
- Exceptions, if any, to the professional guidelines, rules, and expectations established in the faculty or adjunct faculty handbook for the postsecondary institution;

⁷³ Rule 6A-14.064(3), F.A.C.

⁷⁴ See *infra* text accompanying notes 77-83 for an explanation of the district interinstitutional articulation agreement elements the bill repeals.

- Exceptions, if any, to the guidelines, rules, and expectations in the student handbook of the postsecondary institution that apply to faculty;
- The responsibilities of the school district regarding student screening prior to participation in the dual enrollment program and the monitoring of student performance while participating in the dual enrollment program;
- The responsibilities of the FCS institution regarding the transmission of student grades in dual enrollment courses to the school district;
- A funding agreement that delineates costs incurred by each entity;⁷⁵ and
- The institutional responsibility for student transportation, if provided.

The bill clarifies that district school boards may not refuse to enter into a dual enrollment articulation agreement, but a FCS institution may limit dual enrollment participation based upon capacity. Any limitation based upon capacity must be clearly specified in the dual enrollment articulation agreement.

The dual enrollment articulation agreement must be submitted by the FCS institution to the DOE on or before August 1 each year, through the electronic submission system developed by the DOE. The bill maintains the requirement that the DOE review, for compliance, each articulation agreement, but also requires the Commissioner of Education to inform the district school superintendent and the FCS institution president if the articulation agreement does not comply with statutory requirements and must submit any articulation agreement with unresolved issues of noncompliance to the State Board.

The bill maintains the authority district school boards and FCS institutions have to enter into additional dual enrollment articulation agreements with state universities. Similarly, the bill maintains the authority district school boards have to enter into an articulation agreement with eligible independent colleges and universities and the authority postsecondary institutions have to enter into articulation agreements with nonpublic secondary schools.

Other Requirements

The bill requires DOE to inform both students and their parents on transfer guarantees for dual enrollment courses and dual enrollment eligibility requirements.

The bill also maintains the requirement that postsecondary institutions assign letter grades to each student enrolled in a dual enrollment course. The grade assigned by the postsecondary institution, must be posted to the student's high school transcript by the school district. This prevents a school district from posting a higher or lower grade than the one earned in the college-level course on a student's high school report card.

Admissions Requirements for an FCS Institution

The bill eliminates the exemption from FCS admission standards for secondary students taking a college-level course outside of the dual enrollment program. By eliminating this exemption, the bill prohibits the practice of "credit in escrow," which allows a student, who does not qualify for dual enrollment, to enroll in and pay for college courses that do not count toward high school graduation.

District Interinstitutional Articulation Agreements

The bill repeals s. 1007.235, F.S., related to District Interinstitutional Articulation Agreements. In lieu of district institutional agreements, FCS institutions and school districts are required to annually establish dual enrollment articulation agreements.

Joint Dual Enrollment and Advanced Placement Instruction

⁷⁵ The bill states school districts should share funding to cover instructional and support costs incurred by the postsecondary institution.

The bill repeals s. 1007.272, F.S., related to joint dual enrollment and advanced placement instruction. By repealing this section, school districts may no longer conduct advanced placement instruction within dual enrollment courses.

B. SECTION DIRECTORY:

Section 1. Creates s. 1002.3105, F.S., relating to Academically Challenging Curriculum to Enhance Learning (ACCEL) options; providing eligible public school students educational options that provide academically challenging curriculum or accelerated instruction; providing school principal and school district determined student eligibility and procedural requirements; and requiring a process by which a parent may request student participation, including the execution of a performance contract in certain instances.

Section 2. Amends s. 1001.64, F.S., relating to Florida College System institution boards of trustees; powers and duties; conforming provisions relating to dual enrollment articulation agreements between Florida College System institutions and school districts.

Section 3. Amends s. 1001.65, F.S., relating to Florida College System institution presidents; powers and duties; conforming provisions relating to dual enrollment articulation agreements between Florida College System institutions and school districts.

Section 4. Amends s. 1002.20, F.S., relating to K-12 student and parent rights; conforming cross-references.

Section 5. Amends s. 1002.41, F.S., relating to home education programs; conforming cross-references.

Section 6. Amends s. 1003.02, F.S., relating to district school board operation and control of public K-12 education within the school district; requiring school districts to notify parents of options for early or accelerated high school graduation.

Section 7. Amends s. 1003.428, F.S., relating to general requirements for high school graduation; conforming provisions to changes made by the act.

Section 8. Creates s. 1003.4281, F.S., relating to early high school graduation; defining the term "early graduation"; requiring that each school district adopt a policy that provides a high school student with the option of graduating early; requiring parental notification of student eligibility; providing for receipt of an initial Florida Bright Futures Scholarship Program award; and providing requirements for funding high school credits.

Section 9. Amends s. 1003.4295, F.S., relating to acceleration options; requiring that students be advised of acceleration options; authorizing all students to participate in the Credit Acceleration Program.

Section 10. Amends s. 1003.436, F.S., relating to definition of "credit"; conforming provisions to changes made by the act.

Section 11. Amends s. 1003.437, F.S., relating to middle and high school grading system; specifying that the middle and high school grading system applies to the course level.

Section 12. Repeals s. 1007.235, F.S., relating to district interinstitutional articulation agreements.

Section 13. Amends s. 1007.263, F.S., relating to Florida College System institutions, admissions of students; eliminating an exemption from Florida College System admission requirements for certain secondary students.

Section 14. Amends s. 1007.27, F.S., relating to articulated acceleration mechanisms; deleting duplicative language relating to early admission; and providing student eligibility requirements for enrollment in advanced placement courses.

Section 15. Amends s. 1007.271, F.S., relating to dual enrollment programs; providing student eligibility requirements and restrictions for enrollment and continued enrollment in dual enrollment courses; authorizing a participation limit based upon capacity; providing requirements for faculty members providing instruction in college credit dual enrollment courses; providing curriculum standards for college credit dual enrollment; clarifying district school board duties; establishing a minimum and maximum number of college credit hours for participation in an early admission program; providing home education student eligibility requirements for enrollment in dual enrollment courses; requiring a home education articulation agreement; providing requirements for the development and contents of a school district and Florida College System institution dual enrollment articulation agreement; requiring the Department of Education to develop an electronic submission system for dual enrollment articulation agreements and to review agreements for compliance; and authorizing dual enrollment articulation agreements with state universities, eligible independent colleges and universities, and private secondary schools.

Section 16. Repeals s. 1007.272, F.S., relating to joint dual enrollment and advanced placement instruction.

Section 17. Amends s. 1008.22, F.S., relating to student assessment program for public schools; requiring that the end-of-course assessment in Algebra I be administered four times annually.

Section 18. Amends s. 1008.25, F.S., relating to public school student progression, remedial instruction, reporting requirements; revising legislative intent relating to public school student progression; requiring the comprehensive student progression plan to include information for students and parents on accelerated educational options; and deleting a technical assistance responsibility of the department.

Section 19. Amends s. 1009.25, F.S., relating to fee exemptions; conforming a cross-reference.

Section 20. Amends s. 1009.531, F.S., relating to Florida Bright Futures Scholarship Program, student eligibility requirements for initial awards; providing requirements for the evaluation of certain students for initial awards under the Florida Bright Futures Scholarship Program.

Section 21. Amends s. 1009.532, F.S., relating to Florida Bright Futures Scholarship Program, student eligibility requirements for renewal awards; providing requirements for the evaluation of certain students for renewal awards under the Florida Bright Futures Scholarship Program.

Section 22. Amends s. 1011.61, F.S., relating to definitions; providing reporting requirements for school districts for a full-time equivalent student in courses requiring certain statewide, standardized end-of-course assessments and for a student who passes a statewide, standardized end-of-course assessment without being enrolled in the corresponding course.

Section 23. Amends s. 1011.62, F.S., relating to funds for operation of schools; providing a calculation of additional full-time equivalent membership based on early high school graduation.

Section 24. Provides an effective date of July 1, 2012.

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:

See FISCAL COMMENTS.

2. Expenditures:

See FISCAL COMMENTS.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See FISCAL COMMENTS.

D. FISCAL COMMENTS:

ACCEL Options

The fiscal impact from the notification requirements for ACCEL options is anticipated to be minimal since principals and district school boards already notify parents of various requirements and options.

Early High School Graduation

The bill provides students the option to graduate early from high school and authorizes school districts to receive funding for unpaid credits for students who graduate at least one semester early. In order to receive funding for unpaid credits, school districts and DOE will need to implement new database requirements and procedures for tracking student progression and credits earned. According to DOE, the fiscal impact to develop a separate database is unknown. In order to develop a fiscal impact, DOE reports it would have to conduct a needs analysis of DOE's system and the district systems.⁷⁶

After the upfront programming costs, paying districts for unpaid credits is anticipated to be fiscally neutral and possibly provide cost savings. If a student graduates early the district can receive funding for unpaid credits; however, the amount is capped at 1/2 FTE for students that graduate one semester early and one FTE for students who graduate at least one year early. School districts are currently required to advise students of available acceleration options; the bill expands the required advisement to include the options of early and accelerated graduation which may have an insignificant fiscal impact.

End-of-Course (EOC) Assessments

The bill adds a fourth administration of the Algebra I EOC assessment which is currently administered three times a year. DOE anticipates an increased annual cost of \$750,000, which includes the costs of administration and the increase of the number of test questions in the Algebra I test bank, to maintain test security.

A school district may incur upfront costs in order to report 1/6 FTE for those students not enrolled in the course who pass an EOC assessment.

Beginning in the fourth year of administration of the EOC assessment, school districts will only be allowed to report 1/6 FTE for students who pass the assessment, which will require a reduction in FTE reported who do not pass the assessment. DOE estimates substantial upfront costs for both the DOE and districts to update their databases to properly capture and report these changes.⁷⁷ Excluding upfront costs, the fiscal impact is anticipated to be neutral since the total FTE a school district can earn is capped at one FTE.

⁷⁶ Email, Florida Department of Education, Legislative Affairs (Jan. 19, 2012).

⁷⁷ Email, Florida Department of Education, Legislative Affairs (Jan. 17, 2012).

Advanced Placement

According to the DOE, over 77% of students with grade point averages below 3.0 fail to earn college credit on AP examinations.⁷⁸ By establishing eligibility requirements for student participation in AP courses, including minimum grade point averages, the cost savings of more than \$9.1 million may be achieved. In 2010, 171,238 students enrolled in AP courses. These students took 276,290 examinations; however, only 41% earned a grade of 3 or higher, and were eligible to earn college credit for the course.⁷⁹ The cost of an AP examination in 2012 is \$87.⁸⁰ Based on assuming the same number of tests administered from 2010, as a conservative estimate, the total cost of administering AP examinations in the 2012-2013 academic year could cost \$24 million.

Dual Enrollment

The bill requires district school superintendents and FCS institution presidents to establish a dual enrollment articulation agreement. Minimal cost savings may result from the elimination of some of the requirements included in district interinstitutional articulation agreements which will not be required in the establishment of the dual enrollment articulation agreements.

The DOE has an electronic system for submission system of articulation agreements, and anticipates slight modification which can be completed in-house with little fiscal impact.⁸¹

Most of the items required by the home articulation agreement are currently being provided; therefore, FCS institutions may incur a minimal, indeterminate fiscal impact.

Bright Futures Scholarship Program

By establishing a Bright Futures Scholarship Program application deadline of August 31 for students that will graduate from high school midyear, the DOE anticipates minimal fiscal impacts since the review of the application will be incorporated into the standard review of eighth semester applicants.⁸²

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:

The bill requires the State Board to adopt rules establishing minimum scores on a statewide assessment administered pursuant to s. 1008.22, F.S., or on a common placement test administered pursuant to s. 1008.30, F.S., that a student must achieve to demonstrate readiness for college-level coursework.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

⁷⁸ Email, Florida Department of Education, Legislative Affairs (Jan. 10, 2012).

⁷⁹ Florida Department of Education presentation to KINS on Nov. 1, 2011.

⁸⁰ College Board, *Exam Fees and Reductions: 2012*, <http://apcentral.collegeboard.com/apc/public/exam/calendar/190165.html> (last visited Jan. 19, 2012).

⁸¹ Email, Florida Department of Education, Office of Articulation (Jan. 19, 2012).

⁸² Telephone interview with Director, State Scholarship and Grant Programs, Office of Student Financial Assistance, Florida Department of Education (Jan. 11, 2012).

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

APPENDIX A

The following are explanations of acceleration options that may be offered by a school district:

- **Whole Grade Promotion:** Allows a student to be placed one or more grade levels ahead of chronological-age peers.⁸³
- **Midyear Promotion:** Allows a student to be promoted one or more grade levels during a school year if the student demonstrates proficiency on the appropriate curriculum standards.⁸⁴
- **Subject-Matter Acceleration:** Allows a student to be placed in classes with older peers for a part of the day in one or more content areas. Subject-matter acceleration may be accomplished by the student either physically moving to a higher-level class for instruction or using higher-level curricular or study materials.⁸⁵
- **Virtual instruction in higher grade level subjects:** Provides a student additional access to subject-matter acceleration.
- **Enrichment Programs:** Provide more depth, breadth, or complexity to the presentation of curriculum content than the general curriculum.⁸⁶
- **Flexible Grouping:** Allows students with similar needs, abilities, or interests to be grouped together.⁸⁷
- **Combined Classes:** Allows a younger student to interact academically and socially with older peers, for example a fourth- and fifth-grade split room. Combined classes do not necessarily result in advanced grade placement.⁸⁸
- **Self-Paced Instruction:** Allows a student to proceed through learning and instructional activities at a self-selected pace. A student has control over all pacing decisions in self paced instruction.⁸⁹
- **Curriculum Compacting:** Reduces the amount of introductory activities, drills, and practice time in the student's instruction. The time gained may be used for more advanced content instruction or to participate in enrichment activities. Curriculum compacting does not necessarily result in advanced grade placement.⁹⁰
- **Telescoping Curriculum:** Reduces the amount of instructional time. For example, a student could complete a one-year course in one semester, or three years of middle school in two years. Telescoping curriculum differs from curriculum compacting in that time saved from telescoping always results in advanced grade placement. Telescoping curriculum is planned to fit a precise time schedule.⁹¹
- **Credit Acceleration Program (CAP):** Allows a middle or high school student to earn high school credit in a course that requires a statewide, standardized end-of-course (EOC) assessment if the student attains a score indicating satisfactory performance on the corresponding assessment. A student does not have to be enrolled in or complete the course to take the EOC assessment during the regular administration of the assessment.⁹²
- **IB Programs:** Provide an intensive curriculum established by the International Baccalaureate Organization for students aged 3 to 19 years that help develop intellectual, personal, emotional,

⁸³ See The Templeton National Report on Acceleration, *A Nation Deceived: How Schools Hold Back America's Brightest Students*, Vol. 2, at 5-6 (Oct. 2004), available at http://www.accelerationinstitute.org/Nation_Deceived/Get_Report.aspx, (last visited Jan. 19, 2012), [hereinafter *A Nation Deceived*].

⁸⁴ See s. 1008.25(7)(b)4., F.S.

⁸⁵ *A Nation Deceived*, supra note 45.

⁸⁶ Florida Department of Education, *Acceleration of Gifted Students* (2003), available at http://www.fl DOE.org/ESE/pdf/gift_accel.pdf.

⁸⁷ See email, Florida Department of Education, Office of Legislative Affairs (Sept. 30, 2011).

⁸⁸ See *A Nation Deceived*, supra note 45.

⁸⁹ *A Nation Deceived*, supra note 45.

⁹⁰ *A Nation Deceived*, supra note 45.

⁹¹ *A Nation Deceived*, supra note 45.

⁹² Section 1003.4295(3), F.S.

and social skills.⁹³ Students are eligible to receive postsecondary credit if they obtain a passing score on the corresponding IB examination.⁹⁴

- *Cambridge Programs*: Provide a curriculum established by the University of Cambridge International Examinations for students aged 5 to 19 years. Examples of the programs include the Advanced International Certificate of Education (AICE) and the International General Certificate of Secondary Education.⁹⁵ Students are eligible to receive postsecondary credit if they obtain a passing score on the corresponding AICE examination.⁹⁶
- *Advanced Placement Program*: A nationwide program administered by the College Board consisting of more than 30 college-level courses and examinations. Students are eligible to receive postsecondary credit if they obtain a passing score on the corresponding AP examination.⁹⁷
- *Dual Enrollment Program*: Allows eligible secondary students to enroll in a postsecondary course that provides credit towards high school graduation and a postsecondary degree or certificate.⁹⁸

⁹³ International Baccalaureate Organization, About the International Baccalaureate, <http://www.ibo.org/general/who.cfm> (last visited Jan. 19, 2012).

⁹⁴ Section 1007.27(8), F.S.

⁹⁵ University of Cambridge International Examinations, Cambridge AICE Diploma Overview, <http://www.cie.org.uk/qualifications/academic/uppersec/aice> (last visited Jan. 19, 2012).

⁹⁶ Section 1007.27(9), F.S.

⁹⁷ Section 1007.27(6), F.S.; Florida Department of Education, *Advanced Placement Program*, available at <http://www.fldoe.org/flbпсо/otherpubschopt/advplacement.asp> (last visited Jan. 19, 2012).

⁹⁸ Section 1007.271(1), F.S.

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1 A bill to be entitled
2 An act relating to acceleration options in public
3 education; creating s. 1002.3105, F.S., relating to
4 Academically Challenging Curriculum to Enhance
5 Learning (ACCEL) options, to provide eligible public
6 school students educational options that provide
7 academically challenging curriculum or accelerated
8 instruction; providing school principal and school
9 district determined student eligibility and procedural
10 requirements; requiring a process by which a parent
11 may request student participation, including the
12 execution of a performance contract in certain
13 instances; amending ss. 1001.64 and 1001.65, F.S.;
14 conforming provisions relating to dual enrollment
15 articulation agreements between Florida College System
16 institutions and school districts; amending ss.
17 1002.20 and 1002.41, F.S.; conforming cross-
18 references; amending s. 1003.02, F.S.; requiring
19 school districts to notify parents of options for
20 early or accelerated high school graduation; amending
21 s. 1003.428, F.S.; conforming provisions; creating s.
22 1003.4281, F.S., relating to early high school
23 graduation; defining the term "early graduation";
24 requiring that each school district adopt a policy
25 that provides a high school student with the option of
26 graduating early; requiring parental notification of
27 student eligibility; providing for receipt of an
28 initial Florida Bright Futures Scholarship Program

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 | award; providing requirements for funding high school
30 | credits; amending s. 1003.4295, F.S.; requiring that
31 | students be advised of acceleration options;
32 | authorizing all students to participate in the Credit
33 | Acceleration Program; amending s. 1003.436, F.S.;
34 | conforming provisions; amending s. 1003.437, F.S.;
35 | specifying that the middle and high school grading
36 | system applies to the course level; repealing s.
37 | 1007.235, F.S., relating to district
38 | interinstitutional articulation agreements; amending
39 | s. 1007.263, F.S.; eliminating an exemption from
40 | Florida College System admission requirements for
41 | certain secondary students; amending s. 1007.27, F.S.,
42 | relating to articulated acceleration mechanisms;
43 | deleting duplicative language relating to early
44 | admission; providing student eligibility requirements
45 | for enrollment in advanced placement courses; amending
46 | s. 1007.271, F.S., relating to dual enrollment
47 | programs; providing student eligibility requirements
48 | and restrictions for enrollment and continued
49 | enrollment in dual enrollment courses; authorizing a
50 | participation limit based upon capacity; providing
51 | requirements for faculty members providing instruction
52 | in college credit dual enrollment courses; providing
53 | curriculum standards for college credit dual
54 | enrollment; clarifying district school board duties;
55 | establishing a minimum and maximum number of college
56 | credit hours for participation in an early admission

57 | program; providing home education student eligibility
 58 | requirements for enrollment in dual enrollment
 59 | courses; requiring a home education articulation
 60 | agreement; providing requirements for the development
 61 | and contents of a school district and Florida College
 62 | System institution dual enrollment articulation
 63 | agreement; requiring the Department of Education to
 64 | develop an electronic submission system for dual
 65 | enrollment articulation agreements and to review
 66 | agreements for compliance; authorizing dual enrollment
 67 | articulation agreements with state universities,
 68 | eligible independent colleges and universities, and
 69 | private secondary schools; repealing s. 1007.272,
 70 | F.S., relating to joint dual enrollment and advanced
 71 | placement instruction; amending s. 1008.22, F.S.;
 72 | requiring that the end-of-course assessment in Algebra
 73 | I be administered four times annually; amending s.
 74 | 1008.25, F.S.; revising legislative intent relating to
 75 | public school student progression; requiring the
 76 | comprehensive student progression plan to include
 77 | information for students and parents on accelerated
 78 | educational options; deleting a technical assistance
 79 | responsibility of the department; amending s. 1009.25,
 80 | F.S.; conforming a cross-reference; amending ss.
 81 | 1009.531 and 1009.532, F.S.; providing requirements
 82 | for the evaluation of certain students for initial and
 83 | renewal awards under the Florida Bright Futures
 84 | Scholarship Program; amending s. 1011.61, F.S.;

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85 providing reporting requirements for school districts
 86 for a full-time equivalent student in courses
 87 requiring certain statewide, standardized end-of-
 88 course assessments and for a student who passes a
 89 statewide, standardized end-of-course assessment
 90 without being enrolled in the corresponding course;
 91 amending s. 1011.62, F.S.; providing a calculation of
 92 additional full-time equivalent membership based on
 93 early high school graduation; providing an effective
 94 date.

95
 96 Be It Enacted by the Legislature of the State of Florida:

97
 98 Section 1. Section 1002.3105, Florida Statutes, is created
 99 to read:

100 1002.3105 Academically Challenging Curriculum to Enhance
 101 Learning (ACCEL) options.-

102 (1) ACCEL OPTIONS.-

103 (a) Academically Challenging Curriculum to Enhance
 104 Learning (ACCEL) options are educational options that provide
 105 academically challenging curriculum or accelerated instruction
 106 to eligible public school students in kindergarten through grade
 107 12.

108 (b) At a minimum, each school must offer the following
 109 ACCEL options: whole-grade and midyear promotion; subject-matter
 110 acceleration; virtual instruction in higher grade level
 111 subjects; and the Credit Acceleration Program under s.
 112 1003.4295. Additional ACCEL options may include, but are not

113 limited to, enriched science, technology, engineering, and
 114 mathematics (STEM) coursework; enrichment programs; flexible
 115 grouping; advanced academic courses; combined classes; self-
 116 paced instruction; curriculum compacting; advanced-content
 117 instruction; and telescoping curriculum.

118 (2) ELIGIBILITY AND PROCEDURAL REQUIREMENTS.-

119 (a) Principal determined eligibility requirements.-

120 1. Each principal must establish student eligibility
 121 requirements for virtual instruction in higher grade level
 122 subjects. Each principal must also establish student eligibility
 123 requirements for whole-grade promotion, midyear promotion, and
 124 subject-matter acceleration when the promotion or acceleration
 125 occurs within the principal's school.

126 2. If a school offers enriched STEM coursework, enrichment
 127 programs, flexible grouping, advanced academic courses, combined
 128 classes, self-paced instruction, curriculum compacting,
 129 advanced-content instruction, telescoping curriculum, or an
 130 alternative ACCEL option established by the principal, the
 131 principal must establish student eligibility requirements
 132 therefor.

133 (b) School district determined eligibility and procedural
 134 requirements.-A school district must establish student
 135 eligibility requirements and procedural requirements for any
 136 whole-grade promotion, midyear promotion, or subject-matter
 137 acceleration that would result in a student attending a
 138 different school. Student eligibility requirements and
 139 procedural requirements established by the school district must
 140 be included in the school district's comprehensive student

141 progression plan under s. 1008.25.

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

145 (a) The student's performance on a locally determined
 146 assessment, a statewide assessment, or a statewide, standardized
 147 assessment administered pursuant to s. 1008.22.

148 (b) The student's grade point average.

149 (c) The student's attendance and conduct record.

150 (d) Recommendations from one or more of the student's
 151 teachers in core-curricula courses as defined in s.
 152 1003.01(14)(a)-(e).

153 (e) A recommendation from a guidance counselor if one is
 154 assigned to the school in which the student is enrolled.

155 (4) ACCEL REQUIREMENTS.—

156 (a) Each principal must inform parents and students of the
 157 ACCEL options available at the school and the student
 158 eligibility requirements for the ACCEL options established
 159 pursuant to paragraph (2)(a).

160 (b)1. Each principal must establish a process by which a
 161 parent may request student participation in whole-grade
 162 promotion, midyear promotion, and subject-matter acceleration
 163 when the promotion or acceleration occurs within the principal's
 164 school; virtual instruction in higher grade level subjects; or
 165 an alternative ACCEL option established by the principal. If the
 166 parent selects one of these ACCEL options and the student meets
 167 the eligibility requirements established by the principal
 168 pursuant to paragraph (2)(a), the student must be provided the

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169 opportunity to participate in the ACCEL option.

170 2. Each school district must establish a process by which
171 a parent may request student participation in whole-grade
172 promotion, midyear promotion, or subject-matter acceleration
173 that would result in a student attending a different school. If
174 the parent selects one of these ACCEL options and the student
175 meets the eligibility and procedural requirements set forth in
176 the district's comprehensive student progression plan, as
177 required under paragraph (2) (b), the student must be provided
178 the opportunity to participate in the ACCEL option.

179 (c) If a student participates in an ACCEL option pursuant
180 to the parental request under subparagraph (b)1., a performance
181 contract must be executed by the student, the parent, and the
182 principal. At a minimum, the performance contract must require
183 compliance with:

184 1. Minimum student attendance requirements.
185 2. Minimum student conduct requirements.
186 3. ACCEL option requirements established by the principal,
187 which may include participation in extracurricular activities,
188 educational outings, field trips, interscholastic competitions,
189 and other activities related to the ACCEL option selected.

190 (d) If a principal initiates a student's participation in
191 an ACCEL option, the student's parent must be notified. A
192 performance contract, pursuant to paragraph (c), is not required
193 when a principal initiates participation but may be used at the
194 discretion of the principal.

195 Section 2. Paragraph (a) of subsection (8) of section
196 1001.64, Florida Statutes, is amended to read:

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197 1001.64 Florida College System institution boards of
 198 trustees; powers and duties.—

199 (8) Each board of trustees has authority for policies
 200 related to students, enrollment of students, student records,
 201 student activities, financial assistance, and other student
 202 services.

203 (a) Each board of trustees shall govern admission of
 204 students pursuant to s. 1007.263 and rules of the State Board of
 205 Education. A board of trustees may establish additional
 206 admissions criteria, which shall be included in the dual
 207 enrollment ~~district interinstitutional~~ articulation agreement
 208 developed according to s. 1007.271(21) ~~1007.235~~, to ensure
 209 student readiness for postsecondary instruction. Each board of
 210 trustees may consider the past actions of any person applying
 211 for admission or enrollment and may deny admission or enrollment
 212 to an applicant because of misconduct if determined to be in the
 213 best interest of the Florida College System institution.

214 Section 3. Subsection (21) of section 1001.65, Florida
 215 Statutes, is amended to read:

216 1001.65 Florida College System institution presidents;
 217 powers and duties.—The president is the chief executive officer
 218 of the Florida College System institution, shall be corporate
 219 secretary of the Florida College System institution board of
 220 trustees, and is responsible for the operation and
 221 administration of the Florida College System institution. Each
 222 Florida College System institution president shall:

223 (21) Develop and implement jointly with school
 224 superintendents a ~~comprehensive articulated acceleration~~

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225 | ~~program, including~~ a comprehensive dual enrollment
226 | ~~interinstitutional~~ articulation agreement, for the students
227 | enrolled in their respective school districts and service areas
228 | pursuant to ~~the provisions of~~ s. 1007.271(21) ~~1007.235~~.

229 | Section 4. Paragraph (d) of subsection (19) of section
230 | 1002.20, Florida Statutes, is amended to read:

231 | 1002.20 K-12 student and parent rights.—Parents of public
232 | school students must receive accurate and timely information
233 | regarding their child's academic progress and must be informed
234 | of ways they can help their child to succeed in school. K-12
235 | students and their parents are afforded numerous statutory
236 | rights including, but not limited to, the following:

237 | (19) INSTRUCTIONAL MATERIALS.—

238 | (d) Dual enrollment students.—Instructional materials
239 | purchased by a district school board or Florida College System
240 | institution board of trustees on behalf of public school dual
241 | enrollment students shall be made available to the dual
242 | enrollment students free of charge, in accordance with ~~the~~
243 | ~~provisions of~~ s. 1007.271(17) ~~1007.271(14)~~ and ~~(15)~~.

244 | Section 5. Subsection (6) of section 1002.41, Florida
245 | Statutes, is amended to read:

246 | 1002.41 Home education programs.—

247 | (6) Home education students may participate in dual
248 | enrollment programs in accordance with ~~the provisions of~~ ss.
249 | 1007.27(4) and 1007.271(13) ~~1007.271(10)~~.

250 | Section 6. Paragraph (i) of subsection (1) of section
251 | 1003.02, Florida Statutes, is amended to read:

252 | 1003.02 District school board operation and control of

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253 public K-12 education within the school district.—As provided in
 254 part II of chapter 1001, district school boards are
 255 constitutionally and statutorily charged with the operation and
 256 control of public K-12 education within their school district.
 257 The district school boards must establish, organize, and operate
 258 their public K-12 schools and educational programs, employees,
 259 and facilities. Their responsibilities include staff
 260 development, public K-12 school student education including
 261 education for exceptional students and students in juvenile
 262 justice programs, special programs, adult education programs,
 263 and career education programs. Additionally, district school
 264 boards must:

265 (1) Provide for the proper accounting for all students of
 266 school age, for the attendance and control of students at
 267 school, and for proper attention to health, safety, and other
 268 matters relating to the welfare of students in the following
 269 fields:

270 (i) Parental notification of acceleration options
 271 ~~mechanisms~~.—At the beginning of each school year, notify parents
 272 of students in or entering high school of the opportunity and
 273 benefits of advanced placement, International Baccalaureate,
 274 Advanced International Certificate of Education, dual
 275 enrollment, and Florida Virtual School courses and options for
 276 early or accelerated high school graduation under ss. 1003.4281
 277 and 1003.429.

278 Section 7. Paragraph (c) of subsection (2) of section
 279 1003.428, Florida Statutes, is amended to read:

280 1003.428 General requirements for high school graduation;

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281 revised.—

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

285 (c) Beginning with students entering grade 9 in the 2011-
286 2012 school year, at least one course within the 24 credits
287 required in this subsection must be completed through online
288 learning. However, an online course taken during grades 6
289 through 8 fulfills this requirement. This requirement shall be
290 met through an online course offered by the Florida Virtual
291 School, an online course offered by the high school, or an
292 online dual enrollment course ~~offered pursuant to a district~~
293 ~~interinstitutional articulation agreement pursuant to s.~~
294 ~~1007.235~~. A student who is enrolled in a full-time or part-time
295 virtual instruction program under s. 1002.45 meets this
296 requirement.

297 Section 8. Section 1003.4281, Florida Statutes, is created
298 to read:

299 1003.4281 Early high school graduation.—

300 (1) The purpose of this section is to provide a student
301 the option of early graduation if the student has completed a
302 minimum of 24 credits and meets the graduation requirements set
303 forth in s. 1003.428. For purposes of this section, the term
304 "early graduation" means graduation from high school in less
305 than 8 semesters or the equivalent.

306 (2) Each district school board shall adopt a policy that
307 provides a high school student the option of early graduation.
308 Each school district shall notify the parent of a student who is

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309 | eligible to graduate early. A school district may not prohibit a
310 | student who meets the requirements of this section from
311 | graduating early.

312 | (3) A student who graduates early may continue to
313 | participate in school activities and social events and attend
314 | and participate in graduation events with the student's cohort,
315 | as if the student were still enrolled in high school. A student
316 | who graduates early will be included in class ranking, honors,
317 | and award determinations for the student's cohort. A student who
318 | graduates early must comply with district school board rules and
319 | policies regarding access to the school facilities and grounds
320 | during normal operating hours.

321 | (4) If eligible for a Florida Bright Futures Scholarship
322 | Program award under ss. 1009.53-1009.538, a student who
323 | graduates from high school midyear may receive an initial award
324 | in the spring term following the student's graduation.

325 | (5) For purposes of this section, a credit is equal to 1/6
326 | FTE. A student may earn up to six paid high school credits
327 | equivalent to 1 FTE per school year in grades 9 through 12 for
328 | courses provided by the school district. High school credits
329 | earned in excess of six per school year in courses delivered by
330 | the school district are unpaid credits.

331 | Section 9. Subsections (1) and (3) of section 1003.4295,
332 | Florida Statutes, are amended to read:

333 | 1003.4295 Acceleration options ~~courses~~.-

334 | (1) Each high school shall advise each student of programs
335 | through which a high school student can earn college credit,
336 | including Advanced Placement, International Baccalaureate,

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337 Advanced International Certificate of Education, dual
338 enrollment, and early admission courses, career academy courses,
339 and courses that lead to national industry certification, as
340 well as the availability of course offerings through virtual
341 instruction. Students shall also be advised of the early and
342 accelerated graduation options under ss. 1003.4281 and 1003.429.

343 (3) The Credit Acceleration Program (CAP) is created for
344 the purpose of allowing a ~~secondary~~ student to earn high school
345 credit in a course that requires a statewide, standardized end-
346 of-course assessment if the student attains a specified score on
347 the assessment. Notwithstanding s. 1003.436, a school district
348 shall award course credit to a student who is not enrolled in
349 the course, or who has not completed the course, if the student
350 attains a passing score ~~indicating satisfactory performance, as~~
351 ~~defined in s. 1008.22(3)(c)5.,~~ on the corresponding statewide,
352 standardized end-of-course assessment. The school district shall
353 permit a student who is not enrolled in the course, or who has
354 not completed the course, to take the standardized end-of-course
355 assessment during the regular administration of the assessment.

356 Section 10. Paragraph (a) of subsection (1) of section
357 1003.436, Florida Statutes, is amended to read:

358 1003.436 Definition of "credit".-

359 (1)(a) For the purposes of requirements for high school
360 graduation, one full credit means a minimum of 135 hours of bona
361 fide instruction in a designated course of study that contains
362 student performance standards. One full credit means a minimum
363 of 120 hours of bona fide instruction in a designated course of
364 study that contains student performance standards for purposes

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365 of meeting high school graduation requirements in a district
366 school that has been authorized to implement block scheduling by
367 the district school board. The State Board of Education shall
368 determine the number of postsecondary credit hours earned
369 through dual enrollment pursuant to s. 1007.271 that satisfy the
370 requirements of a dual enrollment ~~district's interinstitutional~~
371 articulation agreement according to s. 1007.271(21) ~~1007.235~~ and
372 that equal one full credit of the equivalent high school course
373 identified pursuant to s. 1007.271(9) ~~1007.271(6)~~.

374 Section 11. Section 1003.437, Florida Statutes, is amended
375 to read:

376 1003.437 Middle and high school grading system.—The
377 grading system and interpretation of letter grades used to
378 measure student success in grade 6 through grade 12 courses for
379 students in public schools ~~in grades 6-12~~ shall be as follows:

380 (1) Grade "A" equals 90 percent through 100 percent, has a
381 grade point average value of 4, and is defined as "outstanding
382 progress."

383 (2) Grade "B" equals 80 percent through 89 percent, has a
384 grade point average value of 3, and is defined as "above average
385 progress."

386 (3) Grade "C" equals 70 percent through 79 percent, has a
387 grade point average value of 2, and is defined as "average
388 progress."

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

392 (5) Grade "F" equals zero percent through 59 percent, has

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393 a grade point average value of zero, and is defined as
394 "failure."

395 (6) Grade "I" equals zero percent, has a grade point
396 average value of zero, and is defined as "incomplete."

397

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

400 Section 12. Section 1007.235, Florida Statutes, is
401 repealed.

402 Section 13. Paragraph (a) of subsection (2) of section
403 1007.263, Florida Statutes, is amended to read:

404 1007.263 Florida College System institutions; admissions
405 of students.—Each Florida College System institution board of
406 trustees is authorized to adopt rules governing admissions of
407 students subject to this section and rules of the State Board of
408 Education. These rules shall include the following:

409 (2) Admission to associate degree programs is subject to
410 minimum standards adopted by the State Board of Education and
411 shall require:

412 (a) A standard high school diploma, a high school
413 equivalency diploma as prescribed in s. 1003.435, previously
414 demonstrated competency in college credit postsecondary
415 coursework, or, in the case of a student who is home educated, a
416 signed affidavit submitted by the student's parent or legal
417 guardian attesting that the student has completed a home
418 education program pursuant to the requirements of s. 1002.41.
419 Students who are enrolled in a dual enrollment or early
420 admission program pursuant to s. ~~ss.~~ 1007.27 and 1007.271 are

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421 | ~~and secondary students enrolled in college-level instruction~~
422 | ~~creditable toward the associate degree, but not toward the high~~
423 | ~~school diploma, shall be exempt from this requirement.~~

424 |
425 | Each board of trustees shall establish policies that notify
426 | students about, and place students into, adult basic education,
427 | adult secondary education, or other instructional programs that
428 | provide students with alternatives to traditional college-
429 | preparatory instruction, including private provider instruction.
430 | A student is prohibited from enrolling in additional college-
431 | level courses until the student scores above the cut-score on
432 | all sections of the common placement test.

433 | Section 14. Subsections (1) and (5) of section 1007.27,
434 | Florida Statutes, are amended, subsection (6) of that section is
435 | renumbered as subsection (5) and amended, and subsections (7)
436 | through (9) of that section are renumbered as subsections (6)
437 | through (8), respectively, to read:

438 | 1007.27 Articulated acceleration mechanisms.—

439 | (1) It is the intent of the Legislature that a variety of
440 | articulated acceleration mechanisms be available for secondary
441 | and postsecondary students attending public educational
442 | institutions. It is intended that articulated acceleration serve
443 | to shorten the time necessary for a student to complete the
444 | requirements associated with the conference of a high school
445 | diploma and a postsecondary degree, broaden the scope of
446 | curricular options available to students, or increase the depth
447 | of study available for a particular subject. Articulated
448 | acceleration mechanisms shall include, but are not ~~be~~ limited

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449 | to, dual enrollment and early admission as provided for in s.
450 | 1007.271, ~~early admission~~, advanced placement, credit by
451 | examination, the International Baccalaureate Program, and the
452 | Advanced International Certificate of Education Program. Credit
453 | earned through the Florida Virtual School shall provide
454 | additional opportunities for early graduation and acceleration.
455 | Students of Florida public secondary schools enrolled pursuant
456 | to this subsection shall be deemed authorized users of the
457 | state-funded electronic library resources that are licensed for
458 | Florida College System institutions and state universities by
459 | the Florida Center for Library Automation and the College Center
460 | for Library Automation. Verification of eligibility shall be in
461 | accordance with rules established by the State Board of
462 | Education and regulations established by the Board of Governors
463 | and processes implemented by Florida College System institutions
464 | and state universities.

465 | ~~(5) Early admission shall be a form of dual enrollment~~
466 | ~~through which eligible secondary students enroll in a~~
467 | ~~postsecondary institution on a full-time basis in courses that~~
468 | ~~are creditable toward the high school diploma and the associate~~
469 | ~~or baccalaureate degree. Students enrolled pursuant to this~~
470 | ~~subsection shall be exempt from the payment of registration,~~
471 | ~~tuition, and laboratory fees.~~

472 | (5)~~(6)~~ Advanced placement is ~~shall be~~ the enrollment of an
473 | eligible secondary student in a course offered through the
474 | Advanced Placement Program administered by the College Board.
475 | Postsecondary credit for an advanced placement course is ~~shall~~
476 | ~~be~~ limited to students who score a minimum of 3, on a 5-point

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477 | scale, on the corresponding Advanced Placement Examination. The
478 | specific courses for which students receive such credit shall be
479 | identified in the statewide articulation agreement required by
480 | s. 1007.23(1). Students of Florida public secondary schools
481 | enrolled pursuant to this subsection are ~~shall be~~ exempt from
482 | the payment of any fees for administration of the examination
483 | regardless of whether or not the student achieves a passing
484 | score on the examination. For purposes of this subsection, an
485 | eligible public secondary student is a student who is enrolled
486 | in a Florida public secondary school, demonstrates readiness for
487 | college-level coursework through achievement of a minimum score
488 | on a statewide assessment administered pursuant to s. 1008.22 or
489 | a common placement test administered pursuant to s. 1008.30, and
490 | has a 3.0 unweighted grade point average. The State Board of
491 | Education shall establish, by rule, the required minimum scores
492 | on statewide assessments and common placement tests.

493 | Section 15. Section 1007.271, Florida Statutes, is amended
494 | to read:

495 | 1007.271 Dual enrollment programs.—

496 | (1) The dual enrollment program is the enrollment of an
497 | eligible secondary student or home education student in a
498 | postsecondary course creditable toward high school completion
499 | and a career certificate or an associate or baccalaureate
500 | degree. A student who is enrolled in postsecondary instruction
501 | that is not creditable toward a high school diploma may not be
502 | classified as a dual enrollment student.

503 | (2) For the purpose of this section, an eligible secondary
504 | student is a student who is enrolled in a Florida public

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505 secondary school or in a Florida private secondary school which
506 is in compliance with s. 1002.42(2) and provides ~~conducts~~ a
507 secondary curriculum pursuant to s. 1003.428, s. 1003.429, or s.
508 1003.43. ~~Students enrolled in postsecondary instruction that is~~
509 ~~not creditable toward the high school diploma shall not be~~
510 ~~classified as dual enrollments.~~ Students who are eligible for
511 dual enrollment pursuant to this section may ~~shall be permitted~~
512 ~~to~~ enroll in dual enrollment courses conducted during school
513 hours, after school hours, and during the summer term. However,
514 if the student is projected to graduate from high school before
515 the scheduled completion date of a postsecondary course, the
516 student may not register for that course through dual
517 enrollment. The student may apply to the postsecondary
518 institution and pay the required registration, tuition, and fees
519 if the student meets the postsecondary institution's admissions
520 requirements under s. 1007.263. Instructional time for dual ~~such~~
521 enrollment may vary from 900 hours; however, the school district
522 may only report the student for a maximum of 1.0 FTE, as
523 provided in s. 1011.61(4). Any student ~~so~~ enrolled as a dual
524 enrollment student is exempt from the payment of registration,
525 tuition, and laboratory fees. Vocational-preparatory
526 instruction, college-preparatory instruction, and other forms of
527 precollegiate instruction, as well as physical education courses
528 that focus on the physical execution of a skill rather than the
529 intellectual attributes of the activity, are ineligible for
530 inclusion in the dual enrollment program. Recreation and leisure
531 studies courses shall be evaluated individually in the same
532 manner as physical education courses for potential inclusion in

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533 the program.

534 (3) ~~The Department of Education shall adopt guidelines~~
535 ~~designed to achieve comparability across school districts of~~
536 ~~both student qualifications and teacher qualifications for dual~~
537 ~~enrollment courses. Student qualifications must demonstrate~~
538 ~~readiness for college-level coursework if the student is to be~~
539 ~~enrolled in college courses. Student qualifications must~~
540 ~~demonstrate readiness for career-level coursework if the student~~
541 ~~is to be enrolled in career courses. In addition to the common~~
542 ~~placement examination,~~ Student eligibility requirements
543 ~~qualifications~~ for initial enrollment in college credit dual
544 enrollment courses must include a 3.0 unweighted high school
545 grade point average, and the minimum score on a common placement
546 test adopted by the State Board of Education under s. 1007.27(5)
547 which indicates that the student is ready for college-level
548 coursework. Student eligibility requirements for continued
549 enrollment in college credit dual enrollment courses must
550 include the maintenance of a 3.0 unweighted high school grade
551 point average and the minimum postsecondary grade point average
552 established by the postsecondary institution. Regardless of
553 meeting student eligibility requirements for continued
554 enrollment, a student may lose the opportunity to participate in
555 a dual enrollment course if the student is disruptive to the
556 learning process such that the progress of other students or the
557 efficient administration of the course is hindered. Student
558 eligibility requirements ~~qualifications~~ for initial and
559 continued enrollment in career certificate dual enrollment
560 courses must include a 2.0 unweighted high school grade point

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561 average. Exceptions to the required grade point averages may be
562 granted on an individual student basis if the educational
563 entities agree and the terms of the agreement are contained
564 within the dual enrollment ~~interinstitutional~~ articulation
565 agreement established pursuant to subsection (21). Florida
566 College System institution boards of trustees may establish
567 additional initial student eligibility requirements ~~admissions~~
568 ~~criteria~~, which shall be included in the dual enrollment
569 ~~district interinstitutional~~ articulation agreement ~~developed~~
570 ~~according to s. 1007.235~~, to ensure student readiness for
571 postsecondary instruction. Additional requirements included in
572 the agreement may ~~shall~~ not arbitrarily prohibit students who
573 have demonstrated the ability to master advanced courses from
574 participating in dual enrollment courses.

575 (4) District school boards may not refuse to enter into a
576 dual enrollment articulation ~~an~~ agreement with a local Florida
577 College System institution if that Florida College System
578 institution has the capacity to offer dual enrollment courses. A
579 Florida College System institution may limit dual enrollment
580 participation based upon capacity. Such limitation must be
581 clearly specified in the dual enrollment articulation agreement.

582 (5) (a) Each faculty member providing instruction in
583 college credit dual enrollment courses must:

584 1. Meet the qualifications required by the entity
585 accrediting the postsecondary institution offering the course.
586 The qualifications apply to all faculty members regardless of
587 the location of instruction. The postsecondary institution
588 offering the course must require compliance with these

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589 | qualifications.

590 | 2. Provide the institution offering the dual enrollment
591 | course a copy of his or her postsecondary transcript.

592 | 3. Provide a copy of the current syllabus for each course
593 | taught to the discipline chair or department chair of the
594 | postsecondary institution before the start of each term. The
595 | content of each syllabus must meet the same standards required
596 | for all college-level courses offered by that postsecondary
597 | institution.

598 | 4. Adhere to the professional rules, guidelines, and
599 | expectations stated in the postsecondary institution's faculty
600 | or adjunct faculty handbook. Any exceptions must be included in
601 | the dual enrollment articulation agreement.

602 | 5. Adhere to the rules, guidelines, and expectations
603 | stated in the postsecondary institution's student handbook which
604 | apply to faculty members. Any exceptions must be noted in the
605 | dual enrollment articulation agreement.

606 | (b) Each president, or designee, of a postsecondary
607 | institution offering a college credit dual enrollment course
608 | must:

609 | 1. Provide a copy of the institution's current faculty or
610 | adjunct faculty handbook to all faculty members teaching a dual
611 | enrollment course.

612 | 2. Provide to all faculty members teaching a dual
613 | enrollment course a copy of the institution's current student
614 | handbook, which may include, but is not limited to, information
615 | on registration policies, the student code of conduct, grading
616 | policies, and critical dates.

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617 3. Designate an individual or individuals to observe all
618 faculty members teaching a dual enrollment course, regardless of
619 the location of instruction.

620 4. Use the same criteria to evaluate faculty members
621 teaching a dual enrollment course as the criteria used to
622 evaluate all other faculty members.

623 5. Provide course plans and objectives to all faculty
624 members teaching a dual enrollment course.

625 (6) The following curriculum standards apply to college
626 credit dual enrollment:

627 (a) Dual enrollment courses taught on the high school
628 campus must meet the same competencies required for courses
629 taught on the postsecondary institution campus. To ensure
630 equivalent rigor with courses taught on the postsecondary
631 institution campus, the postsecondary institution offering the
632 course is responsible for providing in a timely manner a
633 comprehensive, cumulative end-of-course assessment or a series
634 of assessments of all expected learning outcomes to the faculty
635 member teaching the course. Completed, scored assessments must
636 be returned to the postsecondary institution and held for 1
637 year.

638 (b) Instructional materials used in dual enrollment
639 courses must be the same as or comparable to those used in
640 courses offered by the postsecondary institution with the same
641 course prefix and number. The postsecondary institution must
642 advise the school district of instructional materials
643 requirements as soon as that information becomes available but
644 no later than one term before a course is offered.

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645 (c) Course requirements, such as tests, papers, or other
646 assignments, for dual enrollment students must be at the same
647 level of rigor or depth as those for all nondual enrollment
648 postsecondary students. All faculty members teaching dual
649 enrollment courses must observe the procedures and deadlines of
650 the postsecondary institution for the submission of grades. A
651 postsecondary institution must advise each faculty member
652 teaching a dual enrollment course of the institution's grading
653 guidelines before the faculty member begins teaching the course.

654 (d) Dual enrollment courses taught on a high school campus
655 may not be combined with any noncollege credit high school
656 course.

657 (7)(4) Career dual enrollment shall be provided as a
658 curricular option for secondary students to pursue in order to
659 earn a series of elective credits toward the high school
660 diploma. Career dual enrollment shall be available for secondary
661 students seeking a degree or certificate from a complete career-
662 preparatory program, and may ~~shall~~ not be used to enroll
663 students in isolated career courses. ~~It is the intent of the~~
664 ~~Legislature that career dual enrollment provide a comprehensive~~
665 ~~academic and career dual enrollment program within the career~~
666 ~~center or Florida College System institution.~~

667 (8)(5) Each district school board shall inform all
668 secondary students and their parents of dual enrollment as an
669 educational option and mechanism for acceleration. Students and
670 their parents shall be informed of student eligibility
671 requirements ~~criteria~~, the option for taking dual enrollment
672 courses beyond the regular school year, and the minimum academic

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673 credits required for graduation. District school boards shall
674 annually assess the demand for dual enrollment and provide that
675 information to each partnering postsecondary institution ~~other~~
676 ~~advanced courses, and the district school board shall consider~~
677 ~~strategies and programs to meet that demand and include access~~
678 ~~to dual enrollment on the high school campus whenever possible.~~
679 Alternative grade calculation, weighting systems, and ~~or~~
680 information regarding student education options that
681 discriminate ~~which discriminates~~ against dual enrollment courses
682 are ~~is~~ prohibited.

683 (9) ~~(6)~~ The Commissioner of Education shall appoint faculty
684 committees representing public school, Florida College System
685 institution, and university faculties to identify postsecondary
686 courses that meet the high school graduation requirements of s.
687 1003.428, s. 1003.429, or s. 1003.43 and to establish the
688 number of postsecondary semester credit hours of instruction and
689 equivalent high school credits earned through dual enrollment
690 pursuant to this section that are necessary to meet high school
691 graduation requirements. Such equivalencies shall be determined
692 solely on comparable course content and not on seat time
693 traditionally allocated to such courses in high school. The
694 Commissioner of Education shall recommend to the State Board of
695 Education those postsecondary courses identified to meet high
696 school graduation requirements, based on mastery of course
697 outcomes, by their course numbers, and all high schools shall
698 accept these postsecondary education courses toward meeting the
699 requirements of s. 1003.428, s. 1003.429, or s. 1003.43.

700 (10) ~~(7)~~ Early admission is ~~shall be~~ a form of dual

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701 enrollment through which eligible secondary students enroll in a
702 postsecondary institution on a full-time basis in courses that
703 are creditable toward the high school diploma and the associate
704 or baccalaureate degree. A student must enroll in a minimum of
705 12 college credit hours per semester or the equivalent to
706 participate in the early admission program; however, a student
707 may not be required to enroll in more than 15 college credit
708 hours per semester or the equivalent. Students enrolled pursuant
709 to this subsection are ~~shall be~~ exempt from the payment of
710 registration, tuition, and laboratory fees.

711 ~~(11)(8)~~ Career early admission is a form of career dual
712 enrollment through which eligible secondary students enroll full
713 time in a career center or a Florida College System institution
714 in courses that are creditable toward the high school diploma
715 and the certificate or associate degree. Participation in the
716 career early admission program is ~~shall be~~ limited to students
717 who have completed a minimum of 6 semesters of full-time
718 secondary enrollment, including studies undertaken in the ninth
719 grade. Students enrolled pursuant to this section are exempt
720 from the payment of registration, tuition, and laboratory fees.

721 ~~(12)(9)~~ The State Board of Education shall adopt rules for
722 any dual enrollment programs involving requirements for high
723 school graduation.

724 ~~(13)(10)~~(a) The dual enrollment program for home education
725 students consists of the enrollment of an eligible home
726 education secondary student in a postsecondary course creditable
727 toward an associate degree, a career certificate, or a
728 baccalaureate degree. To participate in the dual enrollment

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729 | program, an eligible home education secondary student must:

730 | 1. Provide proof of enrollment in a home education program
731 | pursuant to s. 1002.41.

732 | 2. Be responsible for his or her own instructional
733 | materials and transportation unless provided for otherwise.

734 | 3. Sign a home education articulation agreement pursuant
735 | to paragraph (b).

736 | (b) Each postsecondary career center, Florida College
737 | System institution, and state university shall enter into a home
738 | education articulation agreement with each home education
739 | student seeking enrollment in a dual enrollment course and the
740 | student's parent. The home education articulation agreement
741 | shall include, at a minimum:

742 | 1. A delineation of ~~Delineate~~ courses and programs
743 | available to ~~for~~ dually enrolled home education students.
744 | Courses and programs may be added, revised, or deleted at any
745 | time by the postsecondary institution.

746 | 2. The initial and continued ~~Identify~~ eligibility
747 | requirements ~~criteria~~ for home education student participation,
748 | not to exceed those required of other dually enrolled students.

749 | 3. The student's responsibilities for providing his or her
750 | own instructional materials and transportation.

751 | 4. A copy of the statement on transfer guarantees
752 | developed by the Department of Education under subsection (15).

753 | (14)-(11) The Department of Education shall approve any
754 | course for inclusion in the dual enrollment program that is
755 | contained within the statewide course numbering system. However,
756 | college-preparatory and other forms of precollegiate

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757 instruction, and physical education and other courses that focus
758 on the physical execution of a skill rather than the
759 intellectual attributes of the activity, may not be so approved,
760 but must be evaluated individually for potential inclusion in
761 the dual enrollment program. This subsection may ~~shall~~ not be
762 construed to mean that an independent postsecondary institution
763 eligible for inclusion in a dual enrollment or early admission
764 program pursuant to s. 1011.62 must participate in the statewide
765 course numbering system developed pursuant to s. 1007.24 to
766 participate in a dual enrollment program.

767 ~~(15)-(12)~~ The Department of Education shall develop a
768 statement on transfer guarantees to ~~which will~~ inform students
769 and their parents, prior to enrollment in a dual enrollment
770 course, of the potential for the dual enrollment course to
771 articulate as an elective or a general education course into a
772 postsecondary education certificate or degree program. The
773 statement shall be provided to each district school
774 superintendent, who shall include the statement in the
775 information provided to all secondary students and their parents
776 as required pursuant to this subsection. The statement may also
777 include additional information, including, but not limited to,
778 dual enrollment options, guarantees, privileges, and
779 responsibilities.

780 ~~(16)-(13)~~ Students who meet the eligibility requirements of
781 this section and who choose to participate in dual enrollment
782 programs are exempt from the payment of registration, tuition,
783 and laboratory fees.

784 ~~(17)-(14)~~ Instructional materials assigned for use within

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785 dual enrollment courses shall be made available to dual
 786 enrollment students from Florida public high schools free of
 787 charge. This subsection does ~~shall not be construed to~~ prohibit
 788 a Florida College System institution from providing
 789 instructional materials at no cost to a home education student
 790 or student from a private school. ~~Students enrolled in~~
 791 ~~postsecondary instruction not creditable toward a high school~~
 792 ~~diploma shall not be considered dual enrollments and shall be~~
 793 ~~required to assume the cost of instructional materials necessary~~
 794 ~~for such instruction.~~

795 ~~(15)~~ Instructional materials purchased by a district
 796 school board or Florida College System institution board of
 797 trustees on behalf of dual enrollment students shall be the
 798 property of the board against which the purchase is charged.

799 ~~(18)~~ ~~(16)~~ ~~Beginning with students entering grade 9 in the~~
 800 ~~2006-2007 school year,~~ School districts and Florida College
 801 System institutions must weigh dual enrollment courses the same
 802 as advanced placement, International Baccalaureate, and Advanced
 803 International Certificate of Education courses when grade point
 804 averages are calculated. Alternative grade calculation systems,
 805 alternative grade ~~or~~ weighting systems, and information
 806 regarding student education options that discriminate against
 807 dual enrollment courses are prohibited.

808 ~~(19)~~ ~~(17)~~ The Commissioner of Education may approve dual
 809 enrollment agreements for limited course offerings that have
 810 statewide appeal. Such programs shall be limited to a single
 811 site with multiple county participation.

812 (20) A postsecondary institution shall assign letter

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813 | grades to each student enrolled in a dual enrollment course. The
814 | letter grade assigned by the postsecondary institution shall be
815 | posted to the student's high school transcript by the school
816 | district.

817 | (21) Each district school superintendent and Florida
818 | College System institution president shall develop a
819 | comprehensive dual enrollment articulation agreement for the
820 | respective school district and Florida College System
821 | institution. The superintendent and president shall establish an
822 | articulation committee for the purpose of developing the
823 | agreement. Each state university president may designate a
824 | university representative to participate in the development of a
825 | dual enrollment articulation agreement. A dual enrollment
826 | articulation agreement shall be completed and submitted annually
827 | by the Florida College System institution to the Department of
828 | Education on or before August 1. The agreement must include, but
829 | is not limited to:

830 | (a) A ratification or modification of all existing
831 | articulation agreements.

832 | (b) A description of the process by which students and
833 | their parents are informed about opportunities for student
834 | participation in the dual enrollment program.

835 | (c) A delineation of courses and programs available to
836 | students eligible to participate in dual enrollment.

837 | (d) A description of the process by which students and
838 | their parents exercise options to participate in the dual
839 | enrollment program.

840 | (e) A list of any additional initial student eligibility

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841 requirements for participation in the dual enrollment program.

842 (f) A delineation of the high school credit earned for the
843 passage of each dual enrollment course.

844 (g) A description of the process for informing students
845 and their parents of college-level course expectations.

846 (h) The policies and procedures, if any, for determining
847 exceptions to the required grade point averages on an individual
848 student basis.

849 (i) The registration policies for dual enrollment courses
850 as determined by the postsecondary institution.

851 (j) Exceptions, if any, to the professional rules,
852 guidelines, and expectations stated in the faculty or adjunct
853 faculty handbook for the postsecondary institution.

854 (k) Exceptions, if any, to the rules, guidelines, and
855 expectations stated in the student handbook of the postsecondary
856 institution which apply to faculty members.

857 (l) The responsibilities of the school district regarding
858 the determination of student eligibility before participating in
859 the dual enrollment program and the monitoring of student
860 performance while participating in the dual enrollment program.

861 (m) The responsibilities of the Florida College System
862 institution regarding the transmission of student grades in dual
863 enrollment courses to the school district.

864 (n) A funding provision that delineates costs incurred by
865 each entity. School districts should share funding to cover
866 instructional and support costs incurred by the postsecondary
867 institution.

868 (o) Any institutional responsibilities for student

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869 transportation, if provided.

870 (22) The Department of Education shall develop an
871 electronic submission system for dual enrollment articulation
872 agreements and shall review, for compliance, each dual
873 enrollment articulation agreement submitted pursuant to
874 subsection (21). The Commissioner of Education shall notify the
875 district school superintendent and the Florida College System
876 institution president if the dual enrollment articulation
877 agreement does not comply with statutory requirements and shall
878 submit any dual enrollment articulation agreement with
879 unresolved issues of noncompliance to the State Board of
880 Education.

881 (23) District school boards and Florida College System
882 institutions may enter into additional dual enrollment
883 articulation agreements with state universities for the purposes
884 of this section. School districts may also enter into dual
885 enrollment articulation agreements with eligible independent
886 colleges and universities pursuant to s. 1011.62(1)(i).

887 (24) Postsecondary institutions may enter into dual
888 enrollment articulation agreements with private secondary
889 schools pursuant to subsection (2).

890 Section 16. Section 1007.272, Florida Statutes, is
891 repealed.

892 Section 17. Paragraph (c) of subsection (3) of section
893 1008.22, Florida Statutes, is amended to read:

894 1008.22 Student assessment program for public schools.—

895 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
896 design and implement a statewide program of educational

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897 | assessment that provides information for the improvement of the
898 | operation and management of the public schools, including
899 | schools operating for the purpose of providing educational
900 | services to youth in Department of Juvenile Justice programs.
901 | The commissioner may enter into contracts for the continued
902 | administration of the assessment, testing, and evaluation
903 | programs authorized and funded by the Legislature. Contracts may
904 | be initiated in 1 fiscal year and continue into the next and may
905 | be paid from the appropriations of either or both fiscal years.
906 | The commissioner is authorized to negotiate for the sale or
907 | lease of tests, scoring protocols, test scoring services, and
908 | related materials developed pursuant to law. Pursuant to the
909 | statewide assessment program, the commissioner shall:

910 | (c) Develop and implement a student achievement testing
911 | program as follows:

912 | 1. The Florida Comprehensive Assessment Test (FCAT)
913 | measures a student's content knowledge and skills in reading,
914 | writing, science, and mathematics. The content knowledge and
915 | skills assessed by the FCAT must be aligned to the core
916 | curricular content established in the Next Generation Sunshine
917 | State Standards. Other content areas may be included as directed
918 | by the commissioner. Comprehensive assessments of reading and
919 | mathematics shall be administered annually in grades 3 through
920 | 10 except, beginning with the 2010-2011 school year, the
921 | administration of grade 9 FCAT Mathematics shall be
922 | discontinued, and beginning with the 2011-2012 school year, the
923 | administration of grade 10 FCAT Mathematics shall be
924 | discontinued, except as required for students who have not

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925 attained minimum performance expectations for graduation as
926 provided in paragraph (9)(c). FCAT Writing and FCAT Science
927 shall be administered at least once at the elementary, middle,
928 and high school levels except, beginning with the 2011-2012
929 school year, the administration of FCAT Science at the high
930 school level shall be discontinued.

931 2.a. End-of-course assessments for a subject shall be
932 administered in addition to the comprehensive assessments
933 required under subparagraph 1. End-of-course assessments must be
934 rigorous, statewide, standardized, and developed or approved by
935 the department. The content knowledge and skills assessed by
936 end-of-course assessments must be aligned to the core curricular
937 content established in the Next Generation Sunshine State
938 Standards.

939 (I) Statewide, standardized end-of-course assessments in
940 mathematics shall be administered according to this sub-sub-
941 subparagraph. Beginning with the 2010-2011 school year, all
942 students enrolled in Algebra I or an equivalent course must take
943 the Algebra I end-of-course assessment. For students entering
944 grade 9 during the 2010-2011 school year and who are enrolled in
945 Algebra I or an equivalent, each student's performance on the
946 end-of-course assessment in Algebra I shall constitute 30
947 percent of the student's final course grade. Beginning with the
948 2012-2013 school year, the end-of-course assessment in Algebra I
949 shall be administered four times annually. Beginning with
950 students entering grade 9 in the 2011-2012 school year, a
951 student who is enrolled in Algebra I or an equivalent must earn
952 a passing score on the end-of-course assessment in Algebra I or

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953 attain an equivalent score as described in subsection (11) in
954 order to earn course credit. Beginning with the 2011-2012 school
955 year, all students enrolled in geometry or an equivalent course
956 must take the geometry end-of-course assessment. For students
957 entering grade 9 during the 2011-2012 school year, each
958 student's performance on the end-of-course assessment in
959 geometry shall constitute 30 percent of the student's final
960 course grade. Beginning with students entering grade 9 during
961 the 2012-2013 school year, a student must earn a passing score
962 on the end-of-course assessment in geometry or attain an
963 equivalent score as described in subsection (11) in order to
964 earn course credit.

965 (II) Statewide, standardized end-of-course assessments in
966 science shall be administered according to this sub-sub-
967 subparagraph. Beginning with the 2011-2012 school year, all
968 students enrolled in Biology I or an equivalent course must take
969 the Biology I end-of-course assessment. For the 2011-2012 school
970 year, each student's performance on the end-of-course assessment
971 in Biology I shall constitute 30 percent of the student's final
972 course grade. Beginning with students entering grade 9 during
973 the 2012-2013 school year, a student must earn a passing score
974 on the end-of-course assessment in Biology I in order to earn
975 course credit.

976 b. During the 2012-2013 school year, an end-of-course
977 assessment in civics education shall be administered as a field
978 test at the middle school level. During the 2013-2014 school
979 year, each student's performance on the statewide, standardized
980 end-of-course assessment in civics education shall constitute 30

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981 | percent of the student's final course grade. Beginning with the
982 | 2014-2015 school year, a student must earn a passing score on
983 | the end-of-course assessment in civics education in order to
984 | pass the course and be promoted from the middle grades. The
985 | school principal of a middle school shall determine, in
986 | accordance with State Board of Education rule, whether a student
987 | who transfers to the middle school and who has successfully
988 | completed a civics education course at the student's previous
989 | school must take an end-of-course assessment in civics
990 | education.

991 | c. The commissioner may select one or more nationally
992 | developed comprehensive examinations, which may include, but
993 | need not be limited to, examinations for a College Board
994 | Advanced Placement course, International Baccalaureate course,
995 | or Advanced International Certificate of Education course, or
996 | industry-approved examinations to earn national industry
997 | certifications identified in the Industry Certification Funding
998 | List, pursuant to rules adopted by the State Board of Education,
999 | for use as end-of-course assessments under this paragraph, if
1000 | the commissioner determines that the content knowledge and
1001 | skills assessed by the examinations meet or exceed the grade
1002 | level expectations for the core curricular content established
1003 | for the course in the Next Generation Sunshine State Standards.
1004 | The commissioner may collaborate with the American Diploma
1005 | Project in the adoption or development of rigorous end-of-course
1006 | assessments that are aligned to the Next Generation Sunshine
1007 | State Standards.

1008 | d. Contingent upon funding provided in the General

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1009 Appropriations Act, including the appropriation of funds
 1010 received through federal grants, the Commissioner of Education
 1011 shall establish an implementation schedule for the development
 1012 and administration of additional statewide, standardized end-of-
 1013 course assessments in English/Language Arts II, Algebra II,
 1014 chemistry, physics, earth/space science, United States history,
 1015 and world history. Priority shall be given to the development of
 1016 end-of-course assessments in English/Language Arts II. The
 1017 Commissioner of Education shall evaluate the feasibility and
 1018 effect of transitioning from the grade 9 and grade 10 FCAT
 1019 Reading and high school level FCAT Writing to an end-of-course
 1020 assessment in English/Language Arts II. The commissioner shall
 1021 report the results of the evaluation to the President of the
 1022 Senate and the Speaker of the House of Representatives no later
 1023 than July 1, 2011.

1024 3. The testing program shall measure student content
 1025 knowledge and skills adopted by the State Board of Education as
 1026 specified in paragraph (a) and measure and report student
 1027 performance levels of all students assessed in reading, writing,
 1028 mathematics, and science. The commissioner shall provide for the
 1029 tests to be developed or obtained, as appropriate, through
 1030 contracts and project agreements with private vendors, public
 1031 vendors, public agencies, postsecondary educational
 1032 institutions, or school districts. The commissioner shall obtain
 1033 input with respect to the design and implementation of the
 1034 testing program from state educators, assistive technology
 1035 experts, and the public.

1036 4. The testing program shall be composed of criterion-

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1037 | referenced tests that shall, to the extent determined by the
1038 | commissioner, include test items that require the student to
1039 | produce information or perform tasks in such a way that the core
1040 | content knowledge and skills he or she uses can be measured.

1041 | 5. FCAT Reading, Mathematics, and Science and all
1042 | statewide, standardized end-of-course assessments shall measure
1043 | the content knowledge and skills a student has attained on the
1044 | assessment by the use of scaled scores and achievement levels.
1045 | Achievement levels shall range from 1 through 5, with level 1
1046 | being the lowest achievement level, level 5 being the highest
1047 | achievement level, and level 3 indicating satisfactory
1048 | performance on an assessment. For purposes of FCAT Writing,
1049 | student achievement shall be scored using a scale of 1 through 6
1050 | and the score earned shall be used in calculating school grades.
1051 | A score shall be designated for each subject area tested, below
1052 | which score a student's performance is deemed inadequate. The
1053 | school districts shall provide appropriate remedial instruction
1054 | to students who score below these levels.

1055 | 6. The State Board of Education shall, by rule, designate
1056 | a passing score for each part of the grade 10 assessment test
1057 | and end-of-course assessments. Any rule that has the effect of
1058 | raising the required passing scores may apply only to students
1059 | taking the assessment for the first time after the rule is
1060 | adopted by the State Board of Education. Except as otherwise
1061 | provided in this subparagraph and as provided in s.
1062 | 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a
1063 | passing score on grade 10 FCAT Reading and grade 10 FCAT
1064 | Mathematics or attain concordant scores as described in

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1065 subsection (10) in order to qualify for a standard high school
1066 diploma.

1067 7. In addition to designating a passing score under
1068 subparagraph 6., the State Board of Education shall also
1069 designate, by rule, a score for each statewide, standardized
1070 end-of-course assessment which indicates that a student is high
1071 achieving and has the potential to meet college-readiness
1072 standards by the time the student graduates from high school.

1073 8. Participation in the testing program is mandatory for
1074 all students attending public school, including students served
1075 in Department of Juvenile Justice programs, except as otherwise
1076 prescribed by the commissioner. A student who has not earned
1077 passing scores on the grade 10 FCAT as provided in subparagraph
1078 6. must participate in each retake of the assessment until the
1079 student earns passing scores or achieves scores on a
1080 standardized assessment which are concordant with passing scores
1081 pursuant to subsection (10). If a student does not participate
1082 in the statewide assessment, the district must notify the
1083 student's parent and provide the parent with information
1084 regarding the implications of such nonparticipation. A parent
1085 must provide signed consent for a student to receive classroom
1086 instructional accommodations that would not be available or
1087 permitted on the statewide assessments and must acknowledge in
1088 writing that he or she understands the implications of such
1089 instructional accommodations. The State Board of Education shall
1090 adopt rules, based upon recommendations of the commissioner, for
1091 the provision of test accommodations for students in exceptional
1092 education programs and for students who have limited English

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1093 proficiency. Accommodations that negate the validity of a
1094 statewide assessment are not allowable in the administration of
1095 the FCAT or an end-of-course assessment. However, instructional
1096 accommodations are allowable in the classroom if included in a
1097 student's individual education plan. Students using
1098 instructional accommodations in the classroom that are not
1099 allowable as accommodations on the FCAT or an end-of-course
1100 assessment may have the FCAT or an end-of-course assessment
1101 requirement waived pursuant to the requirements of s.
1102 1003.428(8)(b) or s. 1003.43(11)(b).

1103 9. A student seeking an adult high school diploma must
1104 meet the same testing requirements that a regular high school
1105 student must meet.

1106 10. District school boards must provide instruction to
1107 prepare students in the core curricular content established in
1108 the Next Generation Sunshine State Standards adopted under s.
1109 1003.41, including the core content knowledge and skills
1110 necessary for successful grade-to-grade progression and high
1111 school graduation. If a student is provided with instructional
1112 accommodations in the classroom that are not allowable as
1113 accommodations in the statewide assessment program, as described
1114 in the test manuals, the district must inform the parent in
1115 writing and must provide the parent with information regarding
1116 the impact on the student's ability to meet expected performance
1117 levels in reading, writing, mathematics, and science. The
1118 commissioner shall conduct studies as necessary to verify that
1119 the required core curricular content is part of the district
1120 instructional programs.

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1121 | 11. District school boards must provide opportunities for
1122 | students to demonstrate an acceptable performance level on an
1123 | alternative standardized assessment approved by the State Board
1124 | of Education following enrollment in summer academies.

1125 | 12. The Department of Education must develop, or select,
1126 | and implement a common battery of assessment tools that will be
1127 | used in all juvenile justice programs in the state. These tools
1128 | must accurately measure the core curricular content established
1129 | in the Next Generation Sunshine State Standards.

1130 | 13. For students seeking a special diploma pursuant to s.
1131 | 1003.438, the Department of Education must develop or select and
1132 | implement an alternate assessment tool that accurately measures
1133 | the core curricular content established in the Next Generation
1134 | Sunshine State Standards for students with disabilities under s.
1135 | 1003.438.

1136 | 14. The Commissioner of Education shall establish
1137 | schedules for the administration of statewide assessments and
1138 | the reporting of student test results. When establishing the
1139 | schedules for the administration of statewide assessments, the
1140 | commissioner shall consider the observance of religious and
1141 | school holidays. The commissioner shall, by August 1 of each
1142 | year, notify each school district in writing and publish on the
1143 | department's Internet website the testing and reporting
1144 | schedules for, at a minimum, the school year following the
1145 | upcoming school year. The testing and reporting schedules shall
1146 | require that:

1147 | a. There is the latest possible administration of
1148 | statewide assessments and the earliest possible reporting to the

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1149 school districts of student test results which is feasible
1150 within available technology and specific appropriations;
1151 however, test results for the FCAT must be made available no
1152 later than the week of June 8. Student results for end-of-course
1153 assessments must be provided no later than 1 week after the
1154 school district completes testing for each course. The
1155 commissioner may extend the reporting schedule under exigent
1156 circumstances.

1157 b. FCAT Writing may not be administered earlier than the
1158 week of March 1, and a comprehensive statewide assessment of any
1159 other subject may not be administered earlier than the week of
1160 April 15.

1161 c. A statewide, standardized end-of-course assessment is
1162 administered at the end of the course. The commissioner shall
1163 select an administration period for assessments that meets the
1164 intent of end-of-course assessments and provides student results
1165 prior to the end of the course. School districts shall
1166 administer tests in accordance with the schedule determined by
1167 the commissioner. For an end-of-course assessment administered
1168 at the end of the first semester, the commissioner shall
1169 determine the most appropriate testing dates based on a review
1170 of each school district's academic calendar.

1171
1172 The commissioner may, based on collaboration and input from
1173 school districts, design and implement student testing programs,
1174 for any grade level and subject area, necessary to effectively
1175 monitor educational achievement in the state, including the
1176 measurement of educational achievement of the Next Generation

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1177 Sunshine State Standards for students with disabilities.
1178 Development and refinement of assessments shall include
1179 universal design principles and accessibility standards that
1180 will prevent any unintended obstacles for students with
1181 disabilities while ensuring the validity and reliability of the
1182 test. These principles should be applicable to all technology
1183 platforms and assistive devices available for the assessments.
1184 The field testing process and psychometric analyses for the
1185 statewide assessment program must include an appropriate
1186 percentage of students with disabilities and an evaluation or
1187 determination of the effect of test items on such students.

1188 Section 18. Subsections (1), (2), (9), and (10) of section
1189 1008.25, Florida Statutes, are amended to read:

1190 1008.25 Public school student progression; remedial
1191 instruction; reporting requirements.-

1192 (1) INTENT.-It is the intent of the Legislature that each
1193 student's progression from one grade to another be determined,
1194 in part, upon satisfactory performance ~~proficiency~~ in reading,
1195 writing, science, and mathematics; that district school board
1196 policies facilitate student achievement ~~such proficiency~~; and
1197 that each student and his or her parent be informed of that
1198 student's academic progress; and that students have access to
1199 educational options that provide academically challenging
1200 coursework or accelerated instruction pursuant to s. 1002.3105.

1201 (2) COMPREHENSIVE STUDENT PROGRESSION PLAN ~~PROGRAM~~.-Each
1202 district school board shall establish a comprehensive plan
1203 ~~program~~ for student progression which must include:

1204 (a) Provide standards for evaluating each student's

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1205 performance, including how well he or she masters the
1206 performance standards approved by the State Board of Education.

1207 (b) Provide specific levels of performance in reading,
1208 writing, science, and mathematics for each grade level,
1209 including the levels of performance on statewide assessments as
1210 defined by the commissioner, below which a student must receive
1211 remediation, or be retained within an intensive program that is
1212 different from the previous year's program and that takes into
1213 account the student's learning style.

1214 (c) Provide appropriate alternative placement for a
1215 student who has been retained 2 or more years.

1216 (d)1. List the student eligibility and procedural
1217 requirements established by the school district for whole-grade
1218 promotion, midyear promotion, and subject-matter acceleration
1219 that would result in a student attending a different school,
1220 pursuant to s. 1002.3105(2)(b).

1221 2. Notify parents and students of the school district's
1222 process by which a parent may request student participation in
1223 whole-grade promotion, midyear promotion, or subject-matter
1224 acceleration that would result in a student attending a
1225 different school, pursuant to s. 1002.3105(4)(b)2.

1226 (e)1. Advise parents and students that additional ACCEL
1227 options may be available at the student's school, pursuant to s.
1228 1002.3105.

1229 2. Advise parents and students to contact the principal at
1230 the student's school for information related to student
1231 eligibility requirements for whole-grade promotion, midyear
1232 promotion, and subject-matter acceleration when the promotion or

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1233 acceleration occurs within the principal's school; virtual
1234 instruction in higher grade level subjects; and any other ACCEL
1235 options offered by the principal, pursuant to s.
1236 1002.3105(2)(a).

1237 3. Advise parents and students to contact the principal at
1238 the student's school for information related to the school's
1239 process by which a parent may request student participation in
1240 whole-grade promotion, midyear promotion, and subject-matter
1241 acceleration when the promotion or acceleration occurs within
1242 the principal's school; virtual instruction in higher grade
1243 level subjects; and any other ACCEL options offered by the
1244 principal, pursuant to s. 1002.3105(4)(b)1.

1245 (f) Advise parents and students of the early and
1246 accelerated graduation options under ss. 1003.4281 and 1003.429.

1247 (g) List, or incorporate by reference, all dual enrollment
1248 courses contained within the dual enrollment articulation
1249 agreement established pursuant to s. 1007.271(21).

1250 ~~(9) RULEMAKING STATE BOARD AUTHORITY AND~~
1251 ~~RESPONSIBILITIES.-~~

1252 ~~(a) The State Board of Education shall have authority as~~
1253 ~~provided in s. 1008.32 to enforce this section.~~

1254 ~~(b) The State Board of Education shall adopt rules~~
1255 ~~pursuant to ss. 120.536(1) and 120.54 for the administration of~~
1256 ~~this section.~~

1257 ~~(10) TECHNICAL ASSISTANCE. The department shall provide~~
1258 ~~technical assistance as needed to aid district school boards in~~
1259 ~~administering this section.~~

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1260 Section 19. Paragraph (a) of subsection (1) of section
 1261 1009.25, Florida Statutes, is amended to read:

1262 1009.25 Fee exemptions.—

1263 (1) The following students are exempt from the payment of
 1264 tuition and fees, including lab fees, at a school district that
 1265 provides postsecondary career programs, Florida College System
 1266 institution, or state university:

1267 (a) A student enrolled in a dual enrollment or early
 1268 admission program pursuant to ~~s. 1007.27~~ or s. 1007.271.

1269 Section 20. Paragraphs (b) and (f) of subsection (1) of
 1270 section 1009.531, Florida Statutes, are amended to read:

1271 1009.531 Florida Bright Futures Scholarship Program;
 1272 student eligibility requirements for initial awards.—

1273 (1) Effective January 1, 2008, in order to be eligible for
 1274 an initial award from any of the three types of scholarships
 1275 under the Florida Bright Futures Scholarship Program, a student
 1276 must:

1277 (b) Earn a standard Florida high school diploma or its
 1278 equivalent pursuant to ~~as described in~~ s. 1003.428, s.
 1279 1003.4281, s. 1003.429, s. 1003.43, or s. 1003.435 unless:

1280 1. The student completes a home education program
 1281 according to s. 1002.41; or

1282 2. The student earns a high school diploma from a non-
 1283 Florida school while living with a parent or guardian who is on
 1284 military or public service assignment away from Florida.

1285 (f) Apply for a scholarship from the program by high
 1286 school graduation. However, a student who graduates from high
 1287 school midyear must apply no later than August 31 of the

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1288 student's graduation year in order to be evaluated for and, if
 1289 eligible, receive an award for the current academic year.

1290 Section 21. Subsection (4) is added to section 1009.532,
 1291 Florida Statutes, to read:

1292 1009.532 Florida Bright Futures Scholarship Program;
 1293 student eligibility requirements for renewal awards.-

1294 (4) A student who receives an initial award during the
 1295 spring term shall be evaluated for scholarship renewal after the
 1296 completion of a full academic year, which begins with the fall
 1297 term.

1298 Section 22. Paragraph (c) of subsection (1) of section
 1299 1011.61, Florida Statutes, is amended to read:

1300 1011.61 Definitions.—Notwithstanding the provisions of s.
 1301 1000.21, the following terms are defined as follows for the
 1302 purposes of the Florida Education Finance Program:

1303 (1) A "full-time equivalent student" in each program of
 1304 the district is defined in terms of full-time students and part-
 1305 time students as follows:

1306 (c)1. A "full-time equivalent student" is:

1307 a. A full-time student in any one of the programs listed
 1308 in s. 1011.62(1)(c); or

1309 b. A combination of full-time or part-time students in any
 1310 one of the programs listed in s. 1011.62(1)(c) which is the
 1311 equivalent of one full-time student based on the following
 1312 calculations:

1313 (I) A full-time student in a combination of programs
 1314 listed in s. 1011.62(1)(c) shall be a fraction of a full-time
 1315 equivalent membership in each special program equal to the

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1316 number of net hours per school year for which he or she is a
1317 member, divided by the appropriate number of hours set forth in
1318 subparagraph (a)1. or subparagraph (a)2. The difference between
1319 that fraction or sum of fractions and the maximum value as set
1320 forth in subsection (4) for each full-time student is presumed
1321 to be the balance of the student's time not spent in such
1322 special education programs and shall be recorded as time in the
1323 appropriate basic program.

1324 (II) A prekindergarten handicapped student shall meet the
1325 requirements specified for kindergarten students.

1326 (III) A full-time equivalent student for students in
1327 kindergarten through grade 5 in a virtual instruction program
1328 under s. 1002.45 or a virtual charter school under s. 1002.33
1329 shall consist of a student who has successfully completed a
1330 basic program listed in s. 1011.62(1)(c)1.a. or b., and who is
1331 promoted to a higher grade level.

1332 (IV) A full-time equivalent student for students in grades
1333 6 through 12 in a virtual instruction program under s.
1334 1002.45(1)(b)1., 2., or 3. or a virtual charter school under s.
1335 1002.33 shall consist of six full credit completions in programs
1336 listed in s. 1011.62(1)(c)1.b. or c. and 3. Credit completions
1337 may be a combination of full-credit courses or half-credit
1338 courses. Beginning in the 2014-2015 fiscal year, when s.
1339 1008.22(3)(g) is implemented, the reported full-time equivalent
1340 students and associated funding of students enrolled in courses
1341 requiring passage of an end-of-course assessment shall be
1342 adjusted after the student completes the end-of-course
1343 assessment.

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1344 (V) A Florida Virtual School full-time equivalent student
1345 shall consist of six full credit completions or the prescribed
1346 level of content that counts toward promotion to the next grade
1347 in the programs listed in s. 1011.62(1)(c)1.a. and b. for
1348 kindergarten through grade 8 and the programs listed in s.
1349 1011.62(1)(c)1.c. for grades 9 through 12. Credit completions
1350 may be a combination of full-credit courses or half-credit
1351 courses. Beginning in the 2014-2015 fiscal year, when s.
1352 1008.22(3)(g) is implemented, the reported full-time equivalent
1353 students and associated funding of students enrolled in courses
1354 requiring passage of an end-of-course assessment shall be
1355 adjusted after the student completes the end-of-course
1356 assessment.

1357 (VI) Each successfully completed full-credit course earned
1358 through an online course delivered by a district other than the
1359 one in which the student resides shall be calculated as 1/6 FTE.

1360 (VII) Each successfully completed credit earned under the
1361 alternative high school course credit requirements authorized in
1362 s. 1002.375, which is not reported as a portion of the 900 net
1363 hours of instruction pursuant to subparagraph (1)(a)1., shall be
1364 calculated as 1/6 FTE.

1365 (VIII)(A) A full-time equivalent student for courses
1366 requiring a statewide, standardized end-of-course assessment
1367 pursuant to s. 1008.22(3)(c)2.a. shall be defined and reported
1368 as one-sixth of the hours set forth in subparagraph (a)1. for
1369 the first 3 years of administering the end-of-course assessment.
1370 Beginning in the 4th year of administering the statewide,
1371 standardized end-of-course assessment, the FTE shall be credit

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1372 based and each course shall be equal to 1/6 FTE. The reported
1373 FTE shall be adjusted after the student completes the end-of-
1374 course assessment pursuant to s. 1008.22(3)(c)2.a.

1375 (B) The school district may report 1/6 FTE for each
1376 student who passes a statewide, standardized end-of-course
1377 assessment without being enrolled in the corresponding course.

1378 (C) The FTE earned under this sub-sub-subparagraph and any
1379 FTE for courses or programs listed in s. 1011.62(1)(c) that do
1380 not require passing a statewide, standardized end-of-course
1381 assessment are subject to the requirements in subsection (4).

1382 2. A student in membership in a program scheduled for more
1383 or less than 180 school days or the equivalent on an hourly
1384 basis as specified by rules of the State Board of Education is a
1385 fraction of a full-time equivalent membership equal to the
1386 number of instructional hours in membership divided by the
1387 appropriate number of hours set forth in subparagraph (a)1.;
1388 however, for the purposes of this subparagraph, membership in
1389 programs scheduled for more than 180 days is limited to students
1390 enrolled in juvenile justice education programs and the Florida
1391 Virtual School.

1392
1393 The department shall determine and implement an equitable method
1394 of equivalent funding for experimental schools and for schools
1395 operating under emergency conditions, which schools have been
1396 approved by the department to operate for less than the minimum
1397 school day.

1398 Section 23. Paragraphs (p) through (s) of subsection (1)
1399 of section 1011.62, Florida Statutes, are redesignated as

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1400 paragraphs (q) through (t), respectively, and a new paragraph
1401 (p) is added to that subsection to read:

1402 1011.62 Funds for operation of schools.—If the annual
1403 allocation from the Florida Education Finance Program to each
1404 district for operation of schools is not determined in the
1405 annual appropriations act or the substantive bill implementing
1406 the annual appropriations act, it shall be determined as
1407 follows:

1408 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
1409 OPERATION.—The following procedure shall be followed in
1410 determining the annual allocation to each district for
1411 operation:

1412 (p) Calculation of additional full-time equivalent
1413 membership based upon early high school graduation.—
1414 Notwithstanding s. 1011.61(4), each unpaid high school credit
1415 delivered by a school district to a student who graduates early
1416 pursuant to s. 1003.4281 may be reported by the school district
1417 as 1/6 FTE. A school district may report up to 1/2 FTE for
1418 unpaid credits delivered by the district for a student who
1419 graduates one semester in advance of the student's cohort and up
1420 to 1 FTE for a student who graduates 1 year or more in advance
1421 of the student's cohort.

1422 Section 24. This act shall take effect July 1, 2012.