



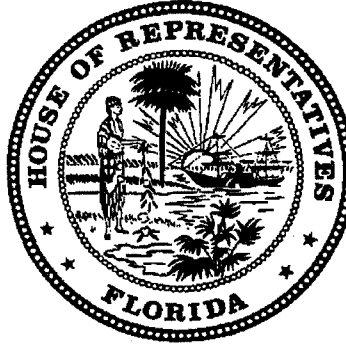
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**K – 20 Innovation  
Subcommittee  
Tuesday, January 31, 2012  
3:30 PM – 6:00 PM  
404 HOB**

**Meeting Packet**

**Dean Cannon  
Speaker**

**Kelli Stargel  
Chair**



## AGENDA

K-20 Innovation Subcommittee  
Tuesday, January 31, 2012  
3:30 PM – 6:00 AM  
404 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Consideration of the following bill(s):
  - HB 331 Career and Adult Education by Patronis
  - HJR 931 Board of Governors/Student Body President by Gaetz
- IV. Consideration of the following proposed committee substitute(s):
  - PCS for HB 903 Charter Schools
  - PCS for HB 1465 Personnel Records
- V. Workshop on Career High School Diploma
- VI. Closing Remarks and Adjournment

6

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

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

37

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

39

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

42 1003.41 Sunshine State Standards.—

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

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

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

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

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

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

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

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

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

100 1003.42 Required instruction.—

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

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

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

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

1003.428 General requirements for high school graduation; revised.—

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

(a) Sixteen core curriculum credits:

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

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

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

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



HB 331

2012

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

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

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

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

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

169 through the Course Code Directory.

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

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

196           1003.429 Accelerated high school graduation options.—

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

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

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

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

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

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

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

253 half credit in economics to include financial literacy;

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

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

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

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

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

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

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

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

308 5. Three credits in a single vocational or career

HB 331

2012

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

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

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

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

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

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

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

HB 331

2012

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

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

342 1004.02 Definitions.—As used in this chapter:

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

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

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

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

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



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

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

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

HB 331

2012

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

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

398 1004.92 Purpose and responsibilities for career  
 399 education.—

400 (2)

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

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

410 1004.93 Adult general education.—

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

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

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

HB 331

2012

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

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

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

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

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

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

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

446 (b) Create a personalized employment goal.

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

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

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

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

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

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

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

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

477  
 478 Each board of trustees shall establish policies that notify  
 479 students about, and place students into, adult basic education,  
 480 adult secondary education, or other instructional programs that  
 481 provide students with alternatives to traditional college-  
 482 preparatory instruction, including private provider instruction.  
 483 A student is prohibited from enrolling in additional college-  
 484 level courses until the student scores above the cut-score on  
 485 all sections of the common placement test.

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

488 1007.271 Dual enrollment programs.—

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

HB 331

2012

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

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

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

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

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

529 1009.22 Workforce education postsecondary student fees.—

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

HB 331

2012

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

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

543 1009.25 Fee exemptions.—

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

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

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

HB 331

2012

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

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





HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 331 Career and Adult Education
SPONSOR(S): Patronis
TIED BILLS: IDEN./SIM. BILLS: SB 1010

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR or BUDGET/POLICY CHIEF. Row 1: 1) K-20 Innovation Subcommittee, Thomas, Sherry HRS.

SUMMARY ANALYSIS

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

The bill:

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

In addition, the bill makes the following technical changes:

- "vocational preparatory instruction" to "applied academics for adult education" or "applied academics instruction."
"career preparatory instruction" to "career education program basic skills requirements."
"career preparatory instruction" to "applied academics instruction."
"career programs" to "career education programs."

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

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

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

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

#### **Sunshine State Standards**

##### *Present Situation*

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

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

##### *Effect of Proposed Changes*

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

#### **High School Graduation Options**

##### *Present Situation*

Florida high school students are provided several options for earning a standard high school diploma. There are two 18-credit graduation options, College Preparatory Program and Career Preparatory Program, which allow students to graduate from high school in 3 years<sup>7</sup> and the 24-credit graduation option, which allows students to graduate from high school in 4 years.<sup>8</sup>

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<sup>1</sup> Section 1003.41, F.S..

<sup>2</sup> Section 1003.41, F.S.(1), F.S.

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

<sup>4</sup> Section 1003.41(1)(a)3., F.S.

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

<sup>6</sup> Section 1003.41(1)(a)4., F.S.

<sup>7</sup> Section 1003.429, F.S.

<sup>8</sup> Section 1003.428, F.S.

Currently, three credits in social studies are required for earning a standard high school diploma<sup>9</sup> as follows: one credit in United States history; one credit in world history; one-half credit in economics; and one-half credit in United States government. Current law establishes a comprehensive list of required instruction for public schools.<sup>10</sup>

### Effect of Proposed Changes

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

### Career-preparatory Instruction

#### Present Situation

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

The following students are exempt from the entry-level examination requirements:<sup>14</sup>

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

### Effect of Proposed Changes

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

### Adult General Education

#### Present Situation

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

<sup>9</sup> Sections 1003.429 and 1003.428, F.S.

<sup>10</sup> Section 1003.42, F.S.

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

<sup>12</sup> Section 1004.91(2), F.S.

<sup>13</sup> Section 1004.91(1), F.S.

<sup>14</sup> Section 1004.91(3), F.S.

<sup>15</sup> Section 1004.02(3), F.S.

Current law encourages each district school board and Florida College System institution to provide educational services to enable adults to acquire a high school diploma or high school equivalency diploma and basic and functional literacy so that such adults become more employable, productive, and self-sufficient citizens. In order for adults to acquire the specified skills, the adult education program must provide academic services<sup>16</sup> to students enrolled in the program in the following order of priority:

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

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

## Funding

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

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

## Effect of Proposed Changes

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

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

<sup>17</sup> Section 1004.93(2), F.S.

<sup>18</sup> Section 1004.92(2)(b)4., F.S.

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

<sup>20</sup> Section 1011.80(1)(a), F.S.

<sup>21</sup> Sections 1 and 2, ch. 2011-69, L.O.F.

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

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

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

## **Fee Exemption**

### *Present Situation*

During the 2011 Legislative Session, the fee exemption set forth in s. 1009.25(1), F.S., for students enrolled in adult basic, adult secondary and career-preparatory instruction from payment of tuition and fees was repealed. However, an obsolete reference to s. 1009.25, F.S., relating to the fee exemption for students who enter a Florida public school at the 11<sup>th</sup> or 12<sup>th</sup> grade from out-of-state or from a foreign country<sup>26</sup> remains in Florida Statutes.

### *Effect of Proposed Changes*

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

## **Career Education Programs**

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

### *Effect of Proposed Changes*

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

## **Action Steps to Employment**

### *Effect of Proposed Changes*

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

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

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<sup>24</sup> Section 1004.02(3), F.S.

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

<sup>26</sup> Section 1003.433(2)(c), F.S.

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

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

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

## **Technical Changes**

### **Effect of Proposed Changes**

The bill makes the following technical changes:

- "vocational preparatory instruction" to "applied academics for adult education" or "applied academics instruction"
- "career preparatory instruction" to "career education program basic skills requirements"
- "career preparatory instruction" to "applied academics instruction"
- "career programs" to "career education programs"

## **B. SECTION DIRECTORY:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

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

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.

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

<sup>29</sup> *Id.*



### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

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

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

None.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

Not Applicable.





1 House Joint Resolution

2 A joint resolution proposing an amendment to Section 7  
 3 of Article IX of the State Constitution to require the  
 4 Governor to appoint a state university student body  
 5 president to the Board of Governors of the State  
 6 University System.

7  
 8 Be It Resolved by the Legislature of the State of Florida:  
 9

10 That the following amendment to Section 7 of Article IX of  
 11 the State Constitution is agreed to and shall be submitted to  
 12 the electors of this state for approval or rejection at the next  
 13 general election or at an earlier special election specifically  
 14 authorized by law for that purpose:

15 ARTICLE IX

16 EDUCATION

17 SECTION 7. State University System.—

18 (a) PURPOSES. In order to achieve excellence through  
 19 teaching students, advancing research and providing public  
 20 service for the benefit of Florida's citizens, their communities  
 21 and economies, the people hereby establish a system of  
 22 governance for the state university system of Florida.

23 (b) STATE UNIVERSITY SYSTEM. There shall be a single  
 24 state university system comprised of all public universities. A  
 25 board of trustees shall administer each public university and a  
 26 board of governors shall govern the state university system.

27 (c) LOCAL BOARDS OF TRUSTEES. Each local constituent  
 28 university shall be administered by a board of trustees

HJR 931

2012

29 consisting of thirteen members dedicated to the purposes of the  
 30 state university system. The board of governors shall establish  
 31 the powers and duties of the boards of trustees. Each board of  
 32 trustees shall consist of six citizen members appointed by the  
 33 governor and five citizen members appointed by the board of  
 34 governors. The appointed members shall be confirmed by the  
 35 senate and serve staggered terms of five years as provided by  
 36 law. The chair of the faculty senate, or the equivalent, and the  
 37 president of the student body of the university shall also be  
 38 members.

39 (d) STATEWIDE BOARD OF GOVERNORS. The board of governors  
 40 shall be a body corporate consisting of seventeen members. The  
 41 board shall operate, regulate, control, and be fully responsible  
 42 for the management of the whole university system. These  
 43 responsibilities shall include, but not be limited to, defining  
 44 the distinctive mission of each constituent university and its  
 45 articulation with free public schools and community colleges,  
 46 ensuring the well-planned coordination and operation of the  
 47 system, and avoiding wasteful duplication of facilities or  
 48 programs. The board's management shall be subject to the powers  
 49 of the legislature to appropriate for the expenditure of funds,  
 50 and the board shall account for such expenditures as provided by  
 51 law. The governor shall appoint to the board fifteen ~~fourteen~~  
 52 citizens dedicated to the purposes of the state university  
 53 system, one of whom shall be a state university student body  
 54 president. The appointed members shall be confirmed by the  
 55 senate and serve staggered terms of seven years as provided by  
 56 law, except that a state university student body president

HJR 931

2012

57 appointed to the board shall serve a term of one year and shall  
 58 not be subject to senate confirmation. A student body president  
 59 is ineligible for appointment if the student body president  
 60 appointed to the board in the previous year was from the same  
 61 state university. The commissioner of education ~~and,~~ the chair  
 62 of the advisory council of faculty senates, or the equivalent,  
 63 ~~and the president of the Florida student association, or the~~  
 64 ~~equivalent,~~ shall also be members of the board.

65 BE IT FURTHER RESOLVED that the following statement be  
 66 placed on the ballot:

67 CONSTITUTIONAL AMENDMENT

68 ARTICLE IX, SECTION 7

69 APPOINTMENT OF STUDENT BODY PRESIDENT TO BOARD OF GOVERNORS  
 70 OF THE STATE UNIVERSITY SYSTEM.—Proposing an amendment to the  
 71 State Constitution to remove the president of the Florida  
 72 Student Association, or the equivalent, as a member of the Board  
 73 of Governors of the State University System and to require that  
 74 the Governor appoint a state university student body president  
 75 to the Board of Governors. Specifically, the amendment requires  
 76 that a state university student body president shall be one of  
 77 15 citizen members appointed to the Board of Governors by the  
 78 Governor, except that a state university student body president  
 79 is not subject to confirmation by the Senate and the term of  
 80 appointment is 1 year. The amendment also provides that a  
 81 student body president of a state university is ineligible for  
 82 appointment if the student body president appointed to the Board  
 83 of Governors in the previous year was from the same state  
 84 university.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HJR 931 Board of Governors/Student Body President

**SPONSOR(S):** Gaetz

**TIED BILLS:** IDEN./SIM. BILLS: SJR 1508

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Innovation Subcommittee		Thomas <i>MT</i>	Sherry <i>APS</i>
2) Education Committee			

### SUMMARY ANALYSIS

The joint resolution proposes to amend the Florida Constitution to revise the membership of the Board of Governors (BOG) of the State University System (SUS).

As established in Article IX of the Florida Constitution, state-level government of the SUS is provided by the BOG and Legislature. The BOG is comprised of 17 members – the Commissioner of Education, the chair of the Advisory Council of Faculty Senates, the Florida Student Association (FSA) president, and 14 members appointed by the Governor. Members appointed by the Governor must be confirmed by the Florida Senate.

The joint resolution proposes to amend Section 7(d), Article IX of the Florida Constitution as follows:

- The FSA president is removed as a BOG member;
- The number of members appointed by the Governor is increased from 14 to 15; and
- One of the 15 members appointed by the Governor must be a state university student body president.

The state university student body president will serve a one-year term and is not subject to confirmation by the Florida Senate. A state university student body president is ineligible for appointment if the student body president appointed to the BOG in the previous year was from the same university. The joint resolution contains a ballot summary that notifies voters regarding the contents of the proposed amendment.

The joint resolution, if adopted by three-fifths vote of the membership of each house of the Legislature, would place the proposed amendment on the ballot of the next general election or an earlier special election if specifically authorized for that purpose. The proposed amendment must be approved by 60 percent of the voters in order to take effect.

See Fiscal Analysis and Economic Impact Statement.



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### **The Board of Governors of the State University System**

As set forth in the Florida Constitution, state-level governance of the state university system (SUS) is provided by the Board of Governors (BOG) and Legislature.<sup>1</sup> The BOG's responsibilities include, but are not limited to, defining the distinctive mission of each SUS institution and its articulation with public schools and Florida College System institutions, ensuring the well-planned coordination and operation of the system, and avoiding wasteful duplication of facilities or programs.<sup>2</sup> Among other things, the BOG is responsible for:

- Accounting for the expenditure of state funds;
- Submitting a legislative budget request for each SUS institution;
- Adopting strategic plans;
- Approving, reviewing, and terminating degree programs;
- Governing admissions to SUS institutions; and
- Complying with and enforcing all applicable local, state, and federal laws.<sup>3</sup>

The BOG's oversight of the SUS is subject to the Legislature's power to appropriate funds and establish tuition, fee, and financial aid policies, as well as the Legislature's responsibility to provide for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require.<sup>4</sup>

The BOG may establish policies through rulemaking or the adoption of regulations. When acting pursuant to statutory authority derived from the Legislature, the BOG must adopt rules under the Administrative Procedure Act,<sup>5</sup> unless expressly authorized by law to adopt regulations. The BOG may also adopt regulations when implementing its constitutional duties and responsibilities.<sup>6</sup>

The BOG is comprised of 17 members – the Commissioner of Education, the chair of the Advisory Council of Faculty Senates, the Florida Student Association (FSA) president, and 14 members appointed by the Governor. Members appointed by the Governor serve staggered seven-year terms and must be confirmed by the Florida Senate.<sup>7</sup>

FSA is comprised of the student body presidents of Florida Agricultural and Mechanical University, Florida Atlantic University, Florida Gulf Coast University, Florida International University, New College of Florida, University of Central Florida, University of Florida, University of North Florida, University of South Florida, and University of West Florida. Florida State University is not represented by FSA.<sup>8</sup> Participating institutions pay membership dues, which are based upon Fall semester student enrollment for the previous year.<sup>9</sup>

<sup>1</sup> Section 7(d), Art. IX of the State Constitution; s. 1001.705(2), F.S.

<sup>2</sup> Section 7(d), Art. IX of the State Constitution; ss. 1001.705(3) and 1001.706, F.S.

<sup>3</sup> Section 1001.705(2), F.S.

<sup>4</sup> Sections 1(a) and 7(d), Art. IX of the State Constitution; s. 1001.705(3), F.S.

<sup>5</sup> Chapter 120, F.S.

<sup>6</sup> Section 1001.706(2), F.S. If the BOG adopts regulations, it must comply with its regulation development procedure, rather than Administrative Procedure Act rulemaking requirements. *Id.*

<sup>7</sup> Section 7(d), Art. IX of the State Constitution; s. 1001.70(1), F.S.

<sup>8</sup> Florida Student Association, <http://myfsa.org/> (last visited Jan. 10, 2012).

<sup>9</sup> Florida Student Association, *Constitution and Bylaws of the Florida Student Association*, at 2 (Jan. 10, 2012), available at [http://myfsa.org/includes/files/FSA\\_Bylaws\\_January\\_1\\_2011.pdf](http://myfsa.org/includes/files/FSA_Bylaws_January_1_2011.pdf).

## **Effect of Proposed Changes**

The joint resolution proposes to amend the Florida Constitution to ensure that all state university student body presidents have an opportunity to serve as a member of the BOG, regardless of their university's membership in FSA. Membership of the BOG of the SUS would be revised, as follows:

- The FSA president is removed as a BOG member;
- The number of members appointed by the Governor is increased from 14 to 15; and
- One of the 15 members appointed by the Governor must be a state university student body president.

The state university student body president appointed by the Governor will serve a one-year term and is not subject to confirmation by the Florida Senate. A state university student body president is ineligible for appointment if the student body president appointed to the BOG in the previous year was from the same university. The joint resolution contains a ballot summary that notifies voters regarding the contents of the proposed amendment.

The joint resolution, if adopted by three-fifths vote of the membership of each house of the Legislature, would place the proposed amendment on the ballot of the next general election or an earlier special election if specifically authorized for that purpose.<sup>10</sup> The proposed amendment must be approved by 60 percent of the voters in order to take effect.<sup>11</sup>

### **B. SECTION DIRECTORY:**

As this legislation is a joint resolution proposing a constitutional amendment, it does not contain bill sections. The joint resolution proposes to amend Section 7 (d) of Article IX of the Florida Constitution, relating to the state university system.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

The Florida Constitution requires the proposed amendment to be published, once in the tenth week and once in the sixth week immediately preceding the week of the election, in one newspaper of general circulation in each county where a newspaper is published.<sup>12</sup> The Department of State executes this requirement and has projected a non-recurring fiscal impact of \$65,382.24 for the publication.<sup>13</sup>

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

<sup>10</sup> Section 1 an 5, Art. XI of the State Constitution.

<sup>11</sup> Section 5(a) and (e), Art. XI of the State Constitution.

<sup>12</sup> Section 5(d), Art. XI of the State Constitution.

<sup>13</sup> Department of State Analysis, *Bill Analysis for HJR 931* (Dec. 16, 2011).

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.





1 A bill to be entitled  
 2 An act relating to charter schools; amending s.  
 3 1002.33, F.S.; authorizing a charter school operated  
 4 by a Florida College System institution to serve  
 5 students in kindergarten through grade 12 if certain  
 6 criteria are met; requiring a sponsor to not renew or  
 7 terminate the charter of certain low-performing  
 8 charter schools; requiring charter schools to maintain  
 9 an Internet website that enables the public to obtain  
 10 information regarding the school, its personnel, and  
 11 its programs; requiring that information regarding any  
 12 entity that owns, operates, or manages the school be  
 13 posted on the website; requiring that federal  
 14 education funding be paid directly to a charter school  
 15 unless otherwise mutually agreed to by the charter  
 16 school and sponsor; amending s. 1002.331, F.S.,  
 17 relating to high-performing charter schools; requiring  
 18 the Commissioner of Education to annually review a  
 19 high-performing charter school's eligibility for high-  
 20 performing status; requiring declassification of high-  
 21 performing charter schools that fail to maintain  
 22 eligibility; amending s. 1002.332, F.S., relating to  
 23 high-performing charter school systems; requiring the  
 24 commissioner to annually review a high-performing  
 25 charter school system's eligibility for high-  
 26 performing status; requiring declassification of high-  
 27 performing charter school systems that fail to  
 28 maintain eligibility; providing an effective date.

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

Section 1. Paragraph (b) of subsection (5), paragraph (a) of subsection (8), and paragraph (c) of subsection (17) of section 1002.33, Florida Statutes, are amended, and paragraph (q) is added to subsection (9) of that section, to read:

1002.33 Charter schools.—

(5) SPONSOR; DUTIES.—

(b) Sponsor duties.—

1.a. The sponsor shall monitor and review the charter school in its progress toward the goals established in the charter.

b. The sponsor shall monitor the revenues and expenditures of the charter school and perform the duties provided in s. 1002.345.

c. The sponsor may approve a charter for a charter school before the applicant has identified space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working funds.

d. The sponsor's policies shall not apply to a charter school unless mutually agreed to by both the sponsor and the charter school.

e. The sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 1000.03(5).

f. The sponsor shall ensure that the charter school participates in the state's education accountability system. If

57 a charter school falls short of performance measures included in  
 58 the approved charter, the sponsor shall report such shortcomings  
 59 to the Department of Education.

60 g. The sponsor shall not be liable for civil damages under  
 61 state law for personal injury, property damage, or death  
 62 resulting from an act or omission of an officer, employee,  
 63 agent, or governing body of the charter school.

64 h. The sponsor shall not be liable for civil damages under  
 65 state law for any employment actions taken by an officer,  
 66 employee, agent, or governing body of the charter school.

67 i. The sponsor's duties to monitor the charter school  
 68 shall not constitute the basis for a private cause of action.

69 j. The sponsor shall not impose additional reporting  
 70 requirements on a charter school without providing reasonable  
 71 and specific justification in writing to the charter school.

72 2. Immunity for the sponsor of a charter school under  
 73 subparagraph 1. applies only with respect to acts or omissions  
 74 not under the sponsor's direct authority as described in this  
 75 section.

76 3. This paragraph does not waive a district school board's  
 77 sovereign immunity.

78 4. A Florida College System institution may work with the  
 79 school district or school districts in its designated service  
 80 area to develop charter schools that offer secondary education.  
 81 These charter schools must include an option for students to  
 82 receive an associate degree upon high school graduation. If a  
 83 Florida College System institution operates an approved teacher  
 84 preparation program under s. 1004.04 or s. 1004.85, the



85 institution may operate no more than one charter school that  
 86 serves students in kindergarten through grade 12. District  
 87 school boards shall cooperate with and assist the Florida  
 88 College System institution on the charter application. Florida  
 89 College System institution applications for charter schools are  
 90 not subject to the time deadlines outlined in subsection (6) and  
 91 may be approved by the district school board at any time during  
 92 the year. Florida College System institutions may not report FTE  
 93 for any students who receive FTE funding through the Florida  
 94 Education Finance Program.

95 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

96 (a) The sponsor may choose not to renew or may terminate  
 97 the charter for any of the following grounds:

98 1. Failure to participate in the state's education  
 99 accountability system created in s. 1008.31, as required in this  
 100 section, or failure to meet the requirements for student  
 101 performance stated in the charter.

102 2. Failure to meet generally accepted standards of fiscal  
 103 management.

104 3. Violation of law.

105 4. Other good cause shown.  
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107 The sponsor may not renew the charter if the charter school has  
 108 received a grade of "F" pursuant to s. 1008.34 for 2 years  
 109 within the 3-year period prior to renewal. The sponsor shall  
 110 terminate the charter if the charter school has received a grade  
 111 of "F" pursuant to s. 1008.34 for 2 years within a 3-year  
 112 period.

113 (9) CHARTER SCHOOL REQUIREMENTS.—

114 (q) Each charter school shall maintain an Internet website  
 115 that enables the public to obtain information regarding the  
 116 school, its personnel, and its programs. The website shall  
 117 include information or online links to information regarding any  
 118 entity that owns, operates, or manages the school, including any  
 119 nonprofit or for-profit entity; the names of all governing  
 120 officers and administrative personnel of the entity; and any  
 121 fees the school pays to the entity. The information or online  
 122 links must be prominently displayed and easily accessible to  
 123 visitors of the website.

124 (17) FUNDING.—Students enrolled in a charter school,  
 125 regardless of the sponsorship, shall be funded as if they are in  
 126 a basic program or a special program, the same as students  
 127 enrolled in other public schools in the school district. Funding  
 128 for a charter lab school shall be as provided in s. 1002.32.

129 (c) If the district school board is providing programs or  
 130 services to students funded by federal funds, any eligible  
 131 students enrolled in charter schools in the school district  
 132 shall be provided federal funds for the same level of service  
 133 provided students in the schools operated by the district school  
 134 board. Unless otherwise mutually agreed to by the charter school  
 135 and its sponsor, all federal funds received by the sponsor for  
 136 the benefit of the charter school, the charter school's  
 137 students, or the charter school's students as public school  
 138 students in the school district, including, but not limited to,  
 139 Title I, Title II, and IDEA funds, shall be paid in total to the  
 140 charter school within 60 days after receipt by the sponsor.

PCS FOR HB 903

ORIGINAL

2012

141 Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all charter  
 142 schools shall receive all federal funding for which the school  
 143 is otherwise eligible, including Title I funding, not later than  
 144 5 months after the charter school first opens and within 5  
 145 months after any subsequent expansion of enrollment.

146 Section 2. Subsections (4) and (5) of section 1002.331,  
 147 Florida Statutes, are amended to read:

148 1002.331 High-performing charter schools.-

149 (4) A high-performing charter school may not increase  
 150 enrollment or expand grade levels following any school year in  
 151 which it receives a school grade of "C" or below. If the charter  
 152 school receives a school grade of "C" or below in any 2 years  
 153 during the term of the charter awarded under subsection (2), the  
 154 term of the charter may be modified by the sponsor ~~and the~~  
 155 ~~charter school loses its high-performing charter school status~~  
 156 ~~until it regains that status under subsection (1).~~

157 (5) The Commissioner of Education, upon request by a  
 158 charter school, shall verify that the charter school meets the  
 159 criteria in subsection (1) and provide a letter to the charter  
 160 school and the sponsor stating that the charter school is a  
 161 high-performing charter school pursuant to this section. The  
 162 commissioner shall annually determine if a high-performing  
 163 charter school continues to meet the criteria in subsection (1).  
 164 A high-performing charter school shall maintain its high-  
 165 performing status unless the commissioner determines that the  
 166 charter school no longer meets the criteria in subsection (1),  
 167 at which time the commissioner shall send a letter providing

168 notification of its declassification as a high-performing  
 169 charter school.

170 Section 3. Paragraph (a) of subsection (2) of section  
 171 1002.332, Florida Statutes, is amended to read:

172 1002.332 High-performing charter school system.—

173 (2)(a) The Commissioner of Education, upon request by an  
 174 entity, shall verify that the entity meets the criteria in  
 175 subsection (1) for the prior school year and provide a letter to  
 176 the entity stating that it is a high-performing charter school  
 177 system. The commissioner shall annually determine if a high-  
 178 performing charter school system continues to meet the criteria  
 179 in subsection (1). A high-performing charter school system shall  
 180 maintain its high-performing status unless the commissioner  
 181 determines that the charter school system no longer meets the  
 182 criteria in subsection (1), at which time the commissioner shall  
 183 send a letter providing notification of its declassification as  
 184 a high-performing charter school system.

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



HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 903 Charter Schools  
SPONSOR(S): K-20 Innovation Subcommittee  
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-20 Innovation Subcommittee		Beagle	GR Sherry HRS

SUMMARY ANALYSIS

The bill revises state law regarding charter schools. The bill increases the accountability of charter schools by:

- Requiring the Commissioner of Education to annually determine a high-performing charter school's, or high-performing charter school system's, continued eligibility for "high-performing" status. A high-performing charter school or charter school system that fails to meet eligibility criteria will lose its classification as "high-performing."
- Prohibiting a sponsor from renewing a charter school's charter if the school has received two school grades of "F" within the three year period prior to renewal. In addition, the bill requires the sponsor to terminate a charter if the school receives two school grades of "F" in any three-year period.
- Requiring each charter school to maintain a website with information or online links to information regarding any entity who owns, operates, or manages the school and any management fees the school pays to such entity.

The bill also:

- Authorizes Florida College System institutions with approved teacher preparation programs to establish one charter school which serves students in kindergarten through grade 12.
- Requires a sponsor to distribute a charter school's share of federal funds directly to the school, unless otherwise mutually agreed to by the charter school and sponsor.

The bill does not have fiscal impact on state of local governments. See Fiscal Comments.

The bill takes effect July 1, 2012.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Charter Schools

Charter schools<sup>1</sup> are nonsectarian, public schools that operate under a performance contract with a sponsor. This performance contract is known as a "charter."<sup>2</sup> The charter exempts the school from many regulations applicable to traditional public schools in order to encourage the use of innovative learning methods.<sup>3</sup> One of the guiding principles of charter schools is to meet high standards of student achievement and increase parental choice and student learning opportunities.<sup>4</sup>

A charter school may be sponsored by a district school board or, in the case of a charter lab school, by a state university.<sup>5</sup> Each charter school is administered by a governing board.<sup>6</sup> State universities, Florida College System (FCS) institutions, municipalities, and private, nonprofit 501(c)(3) status organizations<sup>7</sup> may operate a charter school.<sup>8</sup>

##### **Florida College System Institution Charter Schools**

##### Present Situation

Florida College System (FCS) institutions are statutorily authorized to, in cooperation with the school board or boards within the institution's service area, develop charter schools that offer secondary education and allow students to obtain an associate's degree upon graduation from high school. Students have full access to all college facilities, activities, and services. FCS institution charter schools may not serve students in the primary grades.<sup>9</sup>

##### Effect of Proposed Changes

Currently, FCS institution charter schools may only serve students in the secondary grades. The bill adds provisions authorizing FCS institutions with approved teacher preparation programs to establish one charter school which serves students in kindergarten through grade 12. This will enable FCS institutions to use these charter schools as teaching labs for prospective teachers enrolled in their teacher preparation programs.

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<sup>1</sup> In the 2011-12 school year, there are 525 charter schools were operating in 44 of Florida's 67 school districts and at two state universities. Charter schools currently serve 178,892 students. Florida Department of Education, *Charter Schools Funding Report*, at 1 (Jan. 1, 2012)(on file with the committee).

<sup>2</sup> Section 1002.33(7), F.S.

<sup>3</sup> Section 1002.33(2) and (16), F.S.

<sup>4</sup> Section 1002.33(2), F.S.

<sup>5</sup> Section 1002.33(5)(a), F.S.

<sup>6</sup> Section 1002.33(9)(h)-(j), F.S.

<sup>7</sup> The internal revenue code defines a 501(c)(3) status organization as a private, nonprofit organization that is organized exclusively for religious, scientific, literary, or educational purposes or for the purpose of promoting amateur sports or for preventing cruelty to animals or children. These organizations are exempt from federal income taxes. 26 U.S.C. s. 501(c)(3).

<sup>8</sup> Section 1002.33(5)(b)4., (12)(i), and (15)(b)-(c), F.S.

<sup>9</sup> Section 1002.33(5)(b)4., F.S. There are six FCS institution charter schools operating in Florida: Okaloosa-Walton Community College (OWCC): OWCC Collegiate High School in Okaloosa County; St. Petersburg College: St. Petersburg Collegiate Charter School in Pinellas County; Polk Community College (PCC): PCC Collegiate Charter School and PCC Chain of Lakes Collegiate High School in Polk County; Indian River Community College-Chastain Campus: Clark Advanced Learning Center in Martin County; Edison State College: Edison Collegiate High School in Charlotte County. Review of community college websites (January 26, 2012).

## High-Performing Charter Schools and Charter School Systems

### Present Situation

Legislation enacted in 2011 established criteria for identifying charter schools and charter school systems with a track record of exemplary academic performance and financial stability. A high-performing charter school is a charter school that during each of the three previous years:

- Received at least two school grades of “A” and no school grade below “B;”
- Has received an unqualified opinion<sup>10</sup> on each annual financial audit; and
- Has not received an annual financial audit that reveals a financial emergency condition.<sup>11</sup>

A high-performing charter school system (system) is a system of charter schools operated by a municipality or other public entity that is authorized by law to operate a charter school, a private, not-for-profit, s. 501(c)(3) status corporation, or a private for-profit corporation that:

- Includes at least three high-performing charter schools in Florida, as defined in the bill;
- Has at least 50 percent of its charter schools designated as “high-performing” with no charter school receiving a school grade of “D” or “F;” and
- Has not received an annual financial audit that revealed a financial emergency condition for any charter school operated by the entity in Florida.

In order to receive “high-performing” status, a charter school or charter school system must request verification by the Commissioner of Education that the school meets the eligibility requirements.<sup>12</sup>

Among other benefits,<sup>13</sup> a high-performing charter may, at its option, receive a 15-year charter. The law provides for removal of a charter school’s “high-performing” status if it receives a school grade of “C” in any two years during the term of the 15-year charter.<sup>14</sup> However, because loss of high-performing status is tied to the 15-year charter, it is unclear whether criteria exist for revoking “high-performing” status if such a charter school does not opt to receive a 15-year charter. The law is also silent regarding removal of “high-performing” status if a charter school receives a “qualified opinion” on an annual audit, or an audit revealing a financial emergency condition.

Additionally, the law does not provide a process for annually reviewing a charter school’s, or charter school system’s, continued eligibility for “high-performing” status. Nor does it specify a process for removing the status if a school or system is no longer eligible.<sup>15</sup>

### Effect of Proposed Changes

The bill requires the commissioner to annually determine a charter school’s, or charter school system’s, continued eligibility for “high-performing” status. A high-performing charter school or charter school system may maintain its “high-performing” status, unless the commissioner determines that the charter

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<sup>10</sup> An unqualified audit opinion means that the charter school’s financial statements are materially correct. Telephone interview with Florida Auditor General staff (Mar. 24, 2011).

<sup>11</sup> Section 1002.331(1), F.S.; ss. 1 and 2, ch. 2011-232, L.O.F. A financial emergency condition includes: failure to pay short-term loans, make bond debt service or pay long-term debt payments due to lack of funds; failure to pay uncontested creditor claims within 90 days; failure to pay withheld employee income taxes; failure for one pay period to pay wages, salaries, and retirement benefits owed; or a fund balance or total net assets deficit. Section 218.503(1), F.S. A charter school in the workplace satisfies audit requirements if the auditor finds that sufficient monetary resources are available to cover any reported deficiency or if the deficiency does not result in a deteriorating financial condition. Section 1002.331(1)(c), F.S. A “deteriorating financial condition” is a circumstance that significantly impairs the ability of a charter school to generate enough revenues to meet its expenditures without causing the occurrence of a financial emergency condition described in s. 218.503(1). Section 1002.345(1)(a)3., F.S.

<sup>12</sup> Section 1002.332(1), F.S.

<sup>13</sup> Additional high-performing charter school benefits include expansion of enrollment by 15 percent annually and expansion of grade levels served, and replication of its school model in any district in the state, if specified requirements are met. Section 1002.331, F.S.

<sup>14</sup> Section 1002.331(4), F.S.

<sup>15</sup> See ss. 1002.331 and 1002.332, F.S.



school or system no longer meets eligibility criteria. If a high-performing charter school or system fails to meet eligibility criteria, the commissioner must notify the school or system of its declassification as “high-performing.”

For high-performing charter schools, these provisions replace existing law stating that a high-performing charter school loses “high-performing” status if it receives a school grade of “C” in any two years during the term of the 15-year charter. These changes establish clearer standards for reviewing continued eligibility for “high-performing” status and for declassifying high-performing charter schools and systems that fail to meet eligibility criteria.

## **Charter School Accountability**

### **Present Situation**

Charter schools are subject to the same academic accountability requirements applicable to traditional public schools.<sup>16</sup> Charter school students must participate in statewide assessments.<sup>17</sup> Charter schools receive school grades and are subject to Florida’s system of school improvement and intervention.<sup>18</sup>

State law prescribes certain interventions to improve student performance at charter schools graded “D” for two consecutive years or “F.”<sup>19</sup> The sponsor of such a charter school must require the governing board to implement a school improvement plan to improve student performance the following year.<sup>20</sup> If poor performance persists, the sponsor must place the school on probation and require it to take one of the following corrective actions:

- Contract with an outside provider to provide educational services at the school;
- Reorganize the school, make necessary staffing changes, and implement a plan that addresses the causes of inadequate progress; or
- Reconstitute the school.

The school must continue with corrective action until student performance improves.<sup>21</sup> The director and a representative of any charter school that has submitted a school improvement plan or has been put on probation must appear before its sponsor at least once a year to inform the sponsor of the corrective strategies being implemented to improve student performance in accordance with the school improvement plan. At this meeting and in writing, the sponsor must communicate the services that will be provided to help the school address any deficiencies.<sup>22</sup> If poor performance persists, the sponsor may terminate the school’s charter.<sup>23</sup>

Additionally, charter schools that fail to meet federal accountability requirements, i.e., adequate yearly progress (AYP), for two consecutive years are also required to implement differentiated accountability interventions.<sup>24</sup> Under differentiated accountability, such a school is placed in one of six categories based upon the school’s grade, progress towards AYP, and declines in student performance. A school’s categorization determines the type and intensity of the intervention and whether the

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<sup>16</sup> Section 1002.33(16)(a)2., F.S.

<sup>17</sup> Section 1008.22(3), F.S. Statewide assessments include the Florida Comprehensive Assessment Test (FCAT) and state standardized end-of-course examinations. Section 1008.22(3)(c), F.S.

<sup>18</sup> Sections 1002.33(7)(a)4. and (16)(a)2., 1008.33, and 1008.34(3), F.S.; 20 U.S.C. s. 6311(2)(B), (C), and (K). A charter school that is classified as an alternative school receives a school improvement rating in lieu of a school grade. Section 1008.341, F.S.

<sup>19</sup> See s. 1002.33(9)(n)-(p), F.S. If a charter school receives a school grade of “D,” the school’s director and a representative of the governing board must appear before the sponsor at least once a year to address any noted deficiencies. At this meeting and in writing, the sponsor must communicate what services will be provided to help the school address these deficiencies. The governing board must work with the sponsor to improve the school’s academic performance. Section 1002.33(9)(n), F.S.

<sup>20</sup> Section 1002.33(9)(o), F.S.

<sup>21</sup> Section 1002.33(9)(o)2., F.S.

<sup>22</sup> Section 1002.33(9)(p), F.S.

<sup>23</sup> Section 1002.33(8) and (9)(o)3., F.S.

<sup>24</sup> 20 U.S.C. s. 6316(b); s. 1008.33(3)(b) and (4), F.S.; rule 6A-1.099811(3), F.A.C. These schools are classified as “schools in need of improvement” under the federal No Child Left Behind Act of 2001. 20 U.S.C. s. 6316(b).

intervention is directed by the school, school district, or Florida Department of Education (DOE). Schools placed in the lowest performing categories are subject to the most intensive interventions and may be restructured if initial interventions fail to improve student performance at the school.<sup>25</sup>

In addition to these accountability requirements, a charter school's charter may be terminated or not renewed by the sponsor for any of the following reasons:

- Failure to participate in the state's education accountability system or meet the requirements for student performance stated in the charter;
- Failure to meet generally accepted standards of financial management;
- A violation of law; or
- Other good cause shown.<sup>26</sup>

The sponsor must provide a charter school with a formal hearing regarding termination or nonrenewal of its charter, if requested by a charter school's governing board. The sponsor may choose to provide either a direct hearing or a hearing before an administrative law judge. A final order on termination or nonrenewal is appealable to the District Court of Appeals (DCA).<sup>27</sup>

### Effect of Proposed Changes

Currently, sponsors may terminate or not renew the charters of failing charter schools; however, this authority is discretionary and is not always exercised when school improvement interventions do not improve the performance of failing charter schools. The bill prohibits a sponsor from renewing a charter school's charter if the school has received two grades of "F" within the three year period prior to renewal. In addition, the bill requires the sponsor to terminate a charter school's charter if the school receives two grades of "F" in any three-year period. This provision ensures that, when school improvement interventions do not result in improved student academic performance, failing charter schools are closed by the sponsor.

## **Public Information Regarding Charter Schools**

### Present Situation

State law requires dissemination of information to the public regarding charter school performance. DOE must annually provide a statewide analysis and comparison of charter school students and traditional public school students. The comparison is based upon the academic performance of charter school students as measured by the statewide assessment program and information reported in each school's annual progress report.<sup>28</sup>

Charter schools with less than 30 students do not receive school grades because at least 30 students are required in order to obtain a valid sample size for school grading purposes.<sup>29</sup> DOE must report student assessment data to these charter schools, which in turn must report the data to parents of students attending the charter school, parents of children on the charter school's waiting list, the district in which the charter school is located, and the governing board of the charter school.<sup>30</sup>

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<sup>25</sup> Section 1008.33(3)(b), (4), and (5)(a), F.S.; rule 6A-1.099811(3), F.A.C.; see Florida Department of Education, *Differentiated Accountability Strategies for Charter Schools*, Form DA-5 (June 2010), [http://www.flbsi.org/pdf/Final%202010-2011%20Strategies%20and%20Support%20Document%20for%20Charter%20Schools\\_June\\_18.pdf](http://www.flbsi.org/pdf/Final%202010-2011%20Strategies%20and%20Support%20Document%20for%20Charter%20Schools_June_18.pdf).

<sup>26</sup> Section 1002.33(8)(a), F.S.

<sup>27</sup> Section 1002.33(8)(b)-(c), F.S.

<sup>28</sup> Section 1002.33(23), F.S.

<sup>29</sup> See rule 6A-1.09981(4)(a) and (b), F.A.C.

<sup>30</sup> Section 1002.33(21)(b), F.S. Student performance data reporting requirements for ungraded and unrated charter schools apply only to schools with at least 10 students who are tested on statewide assessments. *Id.*

The charter school must post both student performance and comparison data on its internet website and also provide notice to the public at large. Reporting of data must comply with federal law governing education records privacy.<sup>31</sup>

Legislation enacted in 2011 required each charter school's governing board to appoint a representative to facilitate parental involvement, assist stakeholders, and resolve disputes. The representative must reside in the school district where the charter school is located and a separate representative must be appointed for each charter school it operates in the district. Each governing board must hold at least two open public meetings in the district per school year. The charter school principal and appointed representative must be physically present at these meetings. A sponsor may not require that governing board members reside in the district if the governing board complies with these requirements.<sup>32</sup>

In many cases, a charter school's governing board contracts with a private, for-profit management company to provide management services on its behalf. Management companies provide, among other things, curriculum development, administrative, business, compliance, personnel, and student recruiting services.<sup>33</sup> The law does not require charter schools to maintain an internet website or post on a website information regarding entities who own, operate, or manage the charter school.

### Effect of Proposed Changes

The bill requires each charter school to maintain an internet website that enables the public to obtain information regarding the school, its personnel, and its programs. The website must include information or online links to information regarding any entity who owns, operates, or manages the school, including any nonprofit or for-profit entity; the names of all governing officers and administrative personnel of the entity; and any management fees the school pays to the entity. The information or online links must be prominently displayed and easily accessible to visitors of the website. This change will provide greater transparency regarding for-profit management companies or other entities that manage a charter school's operations. Members of the public will also be able to access information regarding the fees a charter school pays to a management company.

### **Federal Funding of Charter Schools**

#### Present Situation

A charter school is entitled to receive its proportionate share of funds for federally funded programs or services provided by the school.<sup>34</sup> Florida school districts act as the local education agency<sup>35</sup> for purposes of receiving federal funds. Thus, funds for federal entitlement programs, such as the Individuals with Disabilities Education Act (IDEA),<sup>36</sup> Title II programs for improving teacher quality,<sup>37</sup> and Title I programs for disadvantaged students,<sup>38</sup> are received by the school district, which must then distribute the proportionate share to eligible charter schools within the district.<sup>39</sup> According to the DOE,

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<sup>31</sup> Section 1002.33(21)(b), F.S.; *see* 20 U.S.C. s. 1232g.

<sup>32</sup> Chapter 2011-232, L.O.F.; s. 1002.33(7)(d), F.S.

<sup>33</sup> Florida Department of Education, *Charter Schools – FAQs*,

[https://www.floridaschoolchoice.org/information/charter\\_schools/faqs.asp](https://www.floridaschoolchoice.org/information/charter_schools/faqs.asp) (last visited Jan. 26, 2012).

<sup>34</sup> Section 1002.33(17)(c), F.S. Legislation enacted in 2009 provides for the inclusion of charter schools in DOE and school district requests for federal stimulus funds in the same manner as district public schools. Section 7, ch. 2009-214, L.O.F.; s. 1002.33(17)(d), F.S. Like other sources of federal funds, the charter school and its sponsor must collaborate to ensure compliance with any federal requirements placed on the use of stimulus funds. Email, Florida Department of Education, Legislative Affairs Director (July 30, 2010).

<sup>35</sup> The law authorizes systems of charter school that meet certain requirements to act as LEA for federal funding purposes. *See* s. 1002.33(

<sup>36</sup> 20 U.S.C. s. 1411(e).

<sup>37</sup> 20 U.S.C. ss. 6601-6641.

<sup>38</sup> 20 U.S.C. s. 6303(g).

<sup>39</sup> Section 1002.33(17)(c), F.S.

school districts either distribute federal funds to charter schools or provide services associated with the federal education program to charter schools.<sup>40</sup>

### Effect of Proposes Changes

The bill requires a sponsor to distribute a charter school's share of federal funds directly to the school, unless otherwise mutually agreed to by the charter school and sponsor. The sponsor is required to distribute the funds within 60 days of receipt. This change enables charter schools to choose to receive their federal funds directly from the sponsor instead of receiving services associated with the federal program from the sponsor. Charter schools that choose to receive the funds directly must expend these funds in accordance with the expenditure requirements of each federal program.

#### B. SECTION DIRECTORY:

**Section 1.** Amends s. 1002.33, F.S., relating to charter schools; authorizes a charter school operated by a FCS institution to serve students in kindergarten through grade 12 if certain criteria are met; requires a sponsor to terminate or not renew the charter of certain low-performing charter schools; requiring charter schools to maintain an internet website; requiring posting of information regarding any entity who owns, operates, or manages the school on the website; requiring that federal education funding be paid directly to a charter school, unless otherwise mutually agreed to by the charter school and sponsor.

**Section 2.** Amends s. 1002.331, F.S., relating to high-performing charter schools; requires the commissioner to annually review a high-performing charter school's eligibility for high-performing status; requires declassification of charter schools that fail to maintain eligibility.

**Section 3.** Amends s. 1002.332, F.S., relating to high-performing charter school systems; requires the commissioner to annually review a high-performing charter school system's eligibility for high-performing status; requires declassification of charter school systems that fail to maintain eligibility.

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

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

**D. FISCAL COMMENTS:**

Charter schools that choose to receive federal funds directly from the sponsor must expend such funds only for purposes authorized by the federal program. Additionally, each federal program has administrative and reporting requirements that must be met. Charter schools that do not have the infrastructure in place to administer federal program requirements may opt to have services provided to the school by the school district.

Charter schools that do not currently have a website might incur costs associated with website design and online hosting.

**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**

Not applicable.





1 A bill to be entitled  
 2 An act relating to personnel records; amending s.  
 3 1012.81, F.S.; specifying what shall be included in  
 4 limited-access records; providing an effective date.  
 5

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

8 Section 1. Section 1012.81, Florida Statutes, is amended  
 9 to read:

10 1012.81 Personnel records.

11 (1) Rules of The State Board of Education shall adopt rules  
 12 prescribing ~~prescribe~~ the content and custody of limited-access  
 13 records that ~~which~~ a Florida College System institution may  
 14 maintain on its employees. ~~Such records shall be limited to~~  
 15 ~~information reflecting evaluations of employee performance and~~  
 16 ~~shall be open to inspection only by the employee and by~~  
 17 ~~officials of the college who are responsible for supervision of~~  
 18 ~~the employee.~~ Such Limited-access employee records are  
 19 confidential and exempt from the provisions of s. 119.07(1) and  
 20 s. 24(a), Art. I of the State Constitution. Limited-access  
 21 records include only the following:

22 (a) Records containing information reflecting academic  
 23 evaluations of employee performance; however, the employee and  
 24 officials of the institution responsible for supervision of the  
 25 employee have access to such records.

26 (b) Records maintained for the purposes of any  
 27 investigation of employee misconduct, including but not limited  
 28 to a complaint against an employee and all information obtained



29 pursuant to the investigation of such complaint; however, these  
 30 records become public after the investigation ceases to be  
 31 active or until the institution provides written notice to the  
 32 employee who is the subject of the complaint that the  
 33 institution has either:

- 34 1. Concluded the investigation with a finding not to  
 35 proceed with disciplinary action;  
 36 2. Concluded the investigation with a finding to proceed  
 37 with disciplinary action; or  
 38 3. Issued a letter of discipline.  
 39

40 For the purpose of this paragraph, an investigation shall be  
 41 considered active as long as it is continuing with a reasonable,  
 42 good faith anticipation that a finding will be made in the  
 43 foreseeable future. An investigation shall be presumed to be  
 44 inactive if no finding is made within 90 days after the  
 45 complaint is filed.

46 (c) Records maintained for the purposes of any disciplinary  
 47 proceeding brought against an employee; however, these records  
 48 shall be open to inspection by the employee and become public  
 49 after a final decision is made in the proceeding.

50 (d) Records maintained for the purposes of any grievance  
 51 proceeding brought by an employee for enforcement of a  
 52 collective bargaining agreement or contract; however, these  
 53 records shall be open to inspection by the employee and by  
 54 officials of the institution conducting the grievance proceeding  
 55 and become public after a final decision is made in the  
 56 proceeding.

57           (2) Except as required for use by the president in the  
58 discharge of his or her official responsibilities, the custodian  
59 of limited-access employee records may release information from  
60 such records only upon authorization in writing from the  
61 employee or the president or upon order of a court of competent  
62 jurisdiction.

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



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCS for HB 1465 Personnel Records  
**SPONSOR(S):** K-20 Innovation Subcommittee  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 878

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-20 Innovation Subcommittee		Valenstein JB	Sherry HRS

### SUMMARY ANALYSIS

The bill amends the public records exemption for Florida College System (FCS) institution limited-access personnel records to mirror the public records exemption for State University System institution limited-access personnel records. The bill limits an existing public records exemption; therefore, more records will be available to the public. The bill does not create a public records exemption or expand an existing exemption; therefore, the constitutionally required 2/3 vote is not applicable. Likewise, the bill does not need a statement of public necessity.

The bill maintains the current public records exemption for limited-access records; therefore, limited-access records maintained by a FCS institution remain confidential and exempt. However, the bill restricts the contents of limited-access records to include only the following:

- Records containing information reflecting academic evaluations of employee performance; however, the employee and institution officials responsible for supervision of the employee have access to such records.
- Records relating to an investigation of employee misconduct; however, these records become public at the conclusion of the investigation or the investigation ceases to be active as defined by law.
- Records maintained for the purpose of any disciplinary proceeding against the employee or records maintained for any grievance proceeding brought by an employee for enforcement of a collective bargaining agreement or contract; however, these records shall be open to inspection by the employee and become public after a final decision is made.

Currently, limited-access records maintained by an FCS institution are afforded a broad exemption from public records requests. The law exempts these records to the extent the records contain information reflecting evaluations of employee performance. The limited-access records are only open to inspection by the employee and by officials of the college who are responsible for supervision of the employee.

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

The bill takes effect July 1, 2012.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### **Public Records Law**

Article I, s. 24(a) of the State Constitution sets forth the state's public policy regarding access to government records. The section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. The Legislature, however, may provide by general law for the exemption of records from the requirements of Article I, s. 24(a) of the State Constitution. The general law must state with specificity the public necessity justifying the exemption (public necessity statement) and must be no broader than necessary to accomplish its purpose.<sup>1</sup>

Public policy regarding access to government records is addressed further in the Florida Statutes. Section 119.07(1), F.S., guarantees every person a right to inspect and copy any state, county, or municipal record. Furthermore, the Open Government Sunset Review Act provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protects trade or business secrets.<sup>2</sup>

##### **Personnel Records**

Limited-access records maintained by a Florida College System (FCS) institution on its employees are currently afforded a broad exemption from public records requests. The law exempts these records to the extent the records contain information reflecting evaluations of employee performance. The limited-access records are only open to inspection by the employee and by officials of the college who are responsible for supervision of the employee.<sup>3</sup>

The law requires the State Board of Education (state board), through rule, to prescribe the content and custody of limited-access records. The rule adopted by the state board does not prescribe the content of limited-access records; instead it provides an expansive general definition of what is confidential and exempt.<sup>4</sup> This allows FCS institutions wide latitude in determining if a document is exempt from public records.

Prior to 1995, State University System (SUS) institutions had an identical exemption. The broad exemption authorized state universities to prescribe the content and custody of the limited-access records maintained on their employees, provided the records were limited to information reflecting evaluations of employee performance. Courts held this exemption applied to copies of minutes and

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<sup>1</sup> Art. I, s. 24(c), Fla. Const.

<sup>2</sup> Section 119.15(6)(b), F.S.

<sup>3</sup> Section 1012.81, F.S.

<sup>4</sup> According to state board rule, personnel records must contain information for efficient personnel administration, which must include, but not be limited to, dates of appointment, periods of employment, contract status, duties performed, records of leave, and evidence of factors used to calculate salary, retirement system records, and related documentation as determined by the college. Rule 6A-14.047, F.A.C.

other documentation indicating votes on tenure or promotion applications of university employees and also to investigative reports about university athletic staff.<sup>5</sup>

In 1995, the Legislature restricted the contents of limited-access records maintained by a SUS institution as follows:

- Records containing information reflecting academic evaluations of employee performance that are open to inspection only by the employee and university officials responsible for supervision of the employee;
- Records relating to an investigation of employee misconduct which are confidential until the conclusion of the investigation or the investigation ceases to be active as defined by law;
- Records maintained for the purpose of any disciplinary proceeding against the employee or records maintained for any grievance proceeding brought by an employee for enforcement of a collective bargaining agreement or contract until a final decision is made.
- For sexual harassment investigations, portions of the records that identify or reasonably could lead to the identification of the complainant or a witness also constitute limited-access records.
- Records which comprise the common core items contained in the State University System Student Assessment of Instruction instrument may not be prescribed as limited-access records.<sup>6</sup>

### **Effect of Proposed Changes**

The bill amends the public records exemption for limited-access records maintained by a FCS institution on its employees to mirror the public records exemption for limited-access records maintained by a SUS institution on its employees. The bill limits an existing public records exemption; therefore, more records will be available to the public. The bill does not create a public records exemption or expand an existing exemption; therefore, the constitutionally required 2/3 vote is not applicable. Likewise, the bill does not need a statement of public necessity.

The bill maintains the current public records exemption for limited-access records; therefore, limited-access records maintained by a FCS institution remain confidential and exempt. However, the bill restricts the contents of limited-access records to include only the following:

- Records containing information reflecting academic evaluations of employee performance; however, the employee and institution officials responsible for supervision of the employee have access to such records.
- Records relating to an investigation of employee misconduct; however, these records become public at the conclusion of the investigation or the investigation ceases to be active as defined by law.
- Records maintained for the purpose of any disciplinary proceeding against the employee or records maintained for any grievance proceeding brought by an employee for enforcement of a collective bargaining agreement or contract; however, these records shall be open to inspection by the employee and become public after a final decision is made.<sup>7</sup>

By limiting the existing public records exemption, the bill allows the public to access records of investigations, disciplinary proceedings, and grievance proceedings, once completed. Additionally, the bill allows the public to access personnel performance evaluations, except for those records reflecting academic evaluations.

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<sup>5</sup> See *Cantanese v. Ceros-Livingston*, 599 So.2d 1021 (Fla. 4th DCA 1992), *review denied*, 613 So.2d 2 (Fla. 1992); *Tallahassee Democrat, Inc. v. Florida Board of Regents*, 314 So.2d 164 (Fla. 1st DCA 1975); Office of the Attorney General of Florida, *Government-in-the-Sunshine Manual*, part II, s. I.2.b. (2011).

<sup>6</sup> Section 1, ch. 95-246; s. 1012.91, F.S.; Office of the Attorney General of Florida, *Government-in-the-Sunshine Manual*, part II, s. I.2.b. (2011).

<sup>7</sup> While the law related to SUS personnel files includes records maintained for the purposes of any sexual harassment investigations that identify the complainant or witness, this exemption is unnecessary as it is already provided in law. Section 119.071(2)(g), F.S., provides an exemption for all complaints and other records in the custody of any agency which relate to a complaint of discrimination. See also s. 110.1221, F.S. (establishes "sexual harassment" as a form of discrimination).

**B. SECTION DIRECTORY:**

**Section 1.** Amends s. 1012.81, F.S., relating to personnel records; specifying what shall be included in limited-access records.

**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:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

According to the DOE, FCS institutions may incur minor expenses relating to the provision of public records; however, current law authorizes agencies to charge modest fees for copies of public records.<sup>8</sup>

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

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<sup>8</sup> Staff of the Florida Department of Education, *2012 Agency Legislative Bill Analysis* (Jan. 2012); s. 119.07(4), F.S.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

Not applicable.











# K-20 INNOVATION

## *High School Graduation Requirements and Accountability*

### Supported by:

- Increased Graduation Requirements
- Rigorous Career and Technology Education Programs
- Credit Acceleration Program (CAP)
- Required College Ready Coursework

# Florida Standards Diploma Graduation Options

2

- Florida has several graduation options
  - 24 credit
  - International Baccalaureate (IB)
  - Advanced International Certification of Education Curriculum (AICE)
  - Accelerated graduation options
    - 3-year, 18 credit college preparatory
    - 3-year, 18 credit career preparatory
  - Students may now opt for 3-year option at any time during grade 9 through 12
    - Parent consent may be written, no consent required for students 18 or older

# Graduation Requirement for Current High School 11<sup>th</sup> and 12<sup>th</sup> Grade Students

3

- High School Graduation requirements for current 11<sup>th</sup> and 12<sup>th</sup> grade students include:
  - ▣ 4 credits in English Language Arts
  - ▣ 4 credits in Mathematics including Algebra 1
  - ▣ 3 credits in Science, two must include a lab
  - ▣ 3 credits in Social Studies that include: U.S. History, World History, Economics and U.S. Government
  - ▣ Earning required scores on grade 10 FCAT reading and mathematics assessments
  - ▣ All based on the former Sunshine State Standards

# Results of Less Rigorous Requirements

4

- Over 50% of students entering our state college system require remediation in mathematics
- Just less than 40% of students entering our state college system require remediation in reading
- Over 30% of students entering our state college system require remediation in writing

# New Graduation Requirements

5

- ❑ Include both mathematics and science courses and end-of-course (EOC) assessments
- ❑ Courses are phased in over a four-year period with new requirements beginning with each 9<sup>th</sup>-grade cohort
- ❑ End-of-course assessments phased in:
  - ❑ First year the EOC is 30% of course average
  - ❑ The following years the EOC must be passed to earn the required course credit
- ❑ All based on Next Generation Sunshine State Standards



# How Our Students Benefit

6

- ❑ Preparation for entry into top programs and jobs, economically and globally
- ❑ Competitiveness with graduates from leading states and nations
- ❑ Preparation for STEM and future workforce
- ❑ Entry into Florida's State College System without paying for remediation

# State Graduation Requirements End-of-Course Exams (EOC)

7

## Entering 9<sup>th</sup> Grade

## To Graduate

2010

Algebra and Geometry

+

2011

Biology and Algebra EOC and  
Online Course

+

2012

Biology EOC, Geometry EOC,  
US History EOC as 30% of  
course grade, and Algebra II

+

2013

Chemistry or Physics and an  
equally rigorous science  
course

# Additional Systems of Support

## Career and Professional Academies; “CAPE Act”

- Rigorous standards-based curriculum
- Partnerships with postsecondary institutions
- All academies must result in industry certification or college credit

## STEM Academies

(Florida’s Race to the Top)

- Must include at least one course with Algebra, Biology, or Geometry content
- Must result in industry certification

# Credit Acceleration Program (CAP)

- School districts shall permit a secondary student who is not enrolled in a course that requires an EOC, or has not completed the course, to take the EOC during the regular administration of the assessment.
- The school district shall award the required high school credit if the student attains a passing score.

# Preparation for Success

- Students will now earn credit in these courses through the EOC not the course.
- Students earning credit in rigorous career and technology education courses related to Algebra (Engineering), Biology (Bio-agriculture), or Geometry (Architecture) are applying the skills assessed on required EOCs.

## Result

- Rigorous content courses preparing students for success
- Rigorous career courses preparing students for success

# College Readiness Requirements

- High school students must be evaluated before the beginning of grade 12 for college readiness
  - ▣ Students who fail to meet college readiness measures are required to complete postsecondary preparatory instruction prior to high school graduation
  - ▣ 2011-2012 students are assessed on the Postsecondary Education Readiness Test (PERT)
  - ▣ 2012-2013 students who do not meet college readiness measure in reading, writing, or mathematics are enrolled in postsecondary preparatory courses prior to graduation

# Schedules that Matter

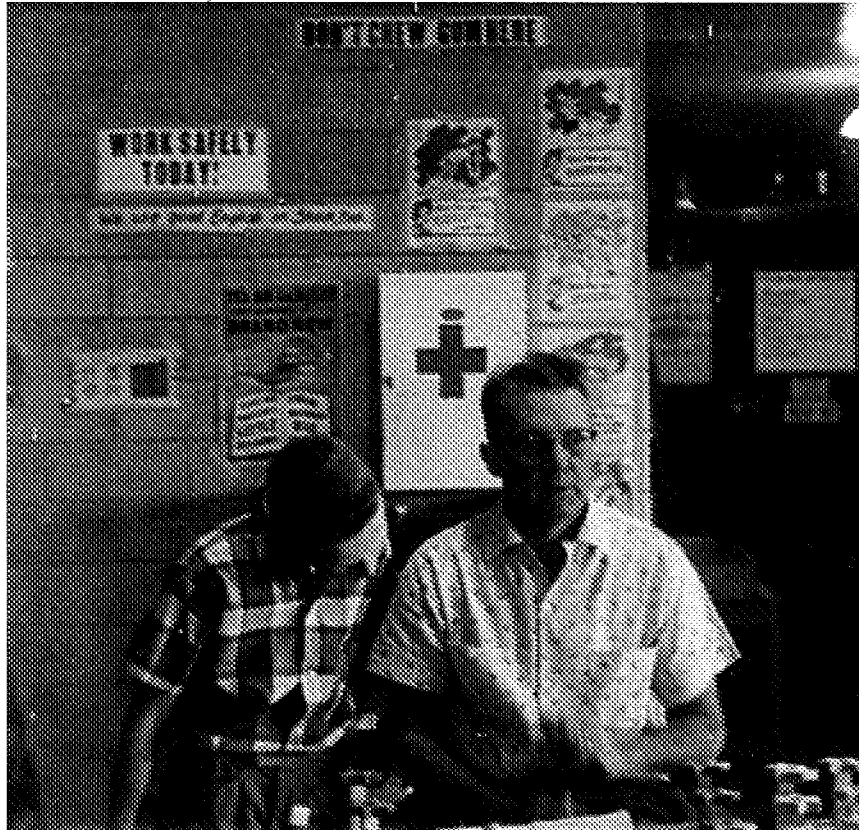
- Enrolling students in and dedicating teachers to courses that guarantee preparation for college and career
- Enrolling students in and dedicating teachers to career and technology education programs that result in industry certification, postsecondary credit, and/or STEM preparation
- Core content courses and career and technology courses that prepare student to meet college and career entry requirements

# A Standard Diploma

- ❑ That is recognized by postsecondary institutions
- ❑ That is recognized by business and industry
- ❑ That is recognized by the Federal Government
- ❑ That includes credits and test scores that enter the student into postsecondary education or a career without remediation
- ❑ That parents can assume safely that their children are ready for a future



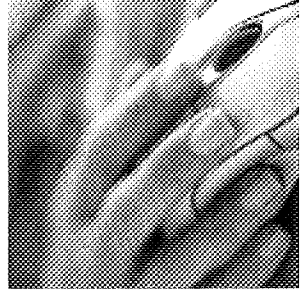
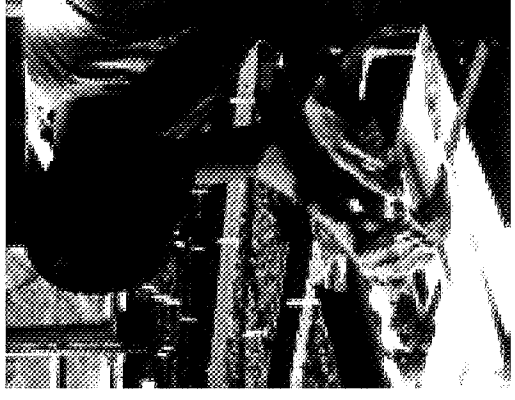
# Career and Technical Education



It's not your parent's wood shop or home economics class!

# Career and Technical Education

Today...



# New Direction for Career and Technical Education (CTE)

<p align="center"><b>“Then”</b> <b>Vocational Education</b></p>	<p align="center"><b>“Now”</b> <b>CTE</b></p>
<p>For a Few Students (non college bound)</p>	<p>For all Students to become college and career ready</p>
<p>For a Few “Jobs” (those requiring less than an associate’s degree)</p>	<p>For all “Careers” (requiring technical degrees, baccalaureate degrees, professional degrees)</p>
<p>6 to 7 “Program Areas”</p>	<p>17 Clusters - 81 Pathways</p>
<p>In Lieu of Academics</p>	<p>Aligns/Supports Academics (integral partner in high school reform efforts)</p>
<p>High School Focused</p>	<p>High School and transition to postsecondary (certificate, 2 year, 4 year plus)</p>

# Research Shows it WORKS!

- Students at schools with ... rigorous CTE programs have higher achievement in reading, math and science.

(Southern Regional Educational Board)

- CTE concentrators take more and higher level math than their general track counterparts.

(2002 National Center for Research in Career and Technical Education)

# Secondary Career and Technical Education

18

- A strategy to prepare high school students for success in college and careers
- Focus is on integrating rigorous academics with a career theme

***“Learning is Relevant”***

***“Student is Engaged”***

- Career and Professional Education Academies are a major strategy for improving college and career readiness

# College and Career Readiness Initiatives in Florida

## Tools

### **Student Planning in Middle School**

- Required Career Planning Course
- Four-year Academic and Career Plan

## Academic and Technical Skills

### **Programs/Courses**

- Career and Professional Academies in High School and Middle School
- Career and Technical Student Organizations
- Integrated Courses

## Results – Proof of Career Readiness

### **Credentials/Assessments**

- Industry Certification
- State/Federal Licensure
- Technical Skill Attainment

