



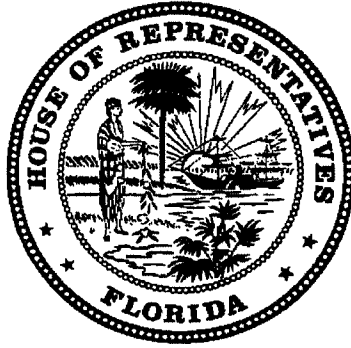
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**K – 20 Innovation  
Subcommittee  
Tuesday, January 24, 2012  
8:00 AM – 10:30 AM  
404 HOB**

**Meeting Packet**

**Dean Cannon  
Speaker**

**Kelli Stargel  
Chair**



## AGENDA

K-20 Innovation Subcommittee  
Tuesday, January 24, 2012  
8:00 AM – 10:30 AM  
404 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Consideration of the following proposed committee bill(s):
  - PCB KINS 12-01 Digital Learning
  - PCB KINS 12-02 Acceleration Options in Public Education
- IV. Consideration of the following bill with proposed committee substitute:
  - PCS for HB 1191 Parent Empowerment in Education
- V. Consideration of the following bill(s):
  - HB 291 Youth Athletes by Renuart
  - HB 347 College Credit for Military Training and Education Courses by Harrell
  - HB 689 American Founders' Month by Bileca
  - HB 4195 Adult General Education by Grant
- VI. Closing Remarks and Adjournment



COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB KINS 12-01 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN \_\_\_\_\_ (Y/N)  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

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1 Committee/Subcommittee hearing PCB: K-20 Innovation  
2 Subcommittee  
3 Representative Kriseman offered the following:

4  
5 **Amendment**

6 Remove line 378 and insert:

7 (II) A prekindergarten ~~handicapped~~ student with a  
8 disability shall meet the

1                   A bill to be entitled  
2       An act relating to digital learning; amending s.  
3       1002.20, F.S.; providing student and parent rights  
4       relating to the eligibility of Florida Virtual School  
5       full-time students to participate in interscholastic  
6       extracurricular activities at certain public schools;  
7       amending s. 1002.321, F.S.; revising provisions  
8       relating to virtual instruction through blended  
9       learning courses; prohibiting any person from taking  
10      an online course or examination on behalf of another  
11      person; providing a penalty; amending s. 1002.37,  
12      F.S.; providing that the Florida Virtual School may  
13      provide part-time instruction for students in  
14      kindergarten through grade 12; providing student  
15      eligibility requirements for part-time instruction in  
16      kindergarten through grade 5; deleting a requirement  
17      that an elementary school principal provide certain  
18      notification to parents; revising the location where  
19      statewide assessments must be taken; amending s.  
20      1002.45, F.S.; revising provisions relating to school  
21      district options for providing full-time and part-time  
22      virtual instruction programs and the open enrollment  
23      period for participation; providing that a part-time  
24      virtual instruction program offers instruction for  
25      students enrolled in kindergarten through grade 12  
26      courses; requiring an additional qualification for a  
27      virtual instruction program provider to obtain  
28      Department of Education approval; conforming funding

29 provisions to changes made by the act; amending s.  
 30 1002.455, F.S.; revising provisions relating to  
 31 virtual instruction options for which students in the  
 32 school district are eligible; amending s. 1003.428,  
 33 F.S.; placing restrictions on the online course  
 34 requirement for high school graduation; amending s.  
 35 1003.498, F.S.; providing requirements for blended  
 36 learning courses; amending s. 1003.57, F.S.; providing  
 37 responsibilities and requirements for the enrollment  
 38 of exceptional students in a full-time virtual  
 39 instruction program; amending s. 1006.15, F.S.;  
 40 providing conditions for eligibility for a Florida  
 41 Virtual School full-time student and certain students  
 42 who transfer to or from the Florida Virtual School to  
 43 participate in interscholastic extracurricular  
 44 activities; amending s. 1011.61, F.S.; revising and  
 45 conforming provisions relating to the definition of a  
 46 full-time equivalent student in full-time and part-  
 47 time virtual instruction programs; amending s.  
 48 1011.62, F.S.; correcting and conforming cross-  
 49 references; providing that full-time virtual  
 50 instruction programs are eligible to report student  
 51 membership in the ESOL program for funding purposes;  
 52 providing an effective date.

53  
 54 Be It Enacted by the Legislature of the State of Florida:  
 55

56 Section 1. Paragraph (d) of subsection (18) of section

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57 1002.20, Florida Statutes, is redesignated as paragraph (e), and  
 58 a new paragraph (d) is added to that subsection to read:

59 1002.20 K-12 student and parent rights.—Parents of public  
 60 school students must receive accurate and timely information  
 61 regarding their child's academic progress and must be informed  
 62 of ways they can help their child to succeed in school. K-12  
 63 students and their parents are afforded numerous statutory  
 64 rights including, but not limited to, the following:

65 (18) EXTRACURRICULAR ACTIVITIES.—In accordance with the  
 66 provisions of s. 1006.15:

67 (d) Florida Virtual School full-time students.—Florida  
 68 Virtual School full-time students who meet specified academic  
 69 and conduct requirements are eligible to participate in  
 70 extracurricular activities at the public school to which the  
 71 student would be assigned or could choose to attend according to  
 72 district school board policies.

73 Section 2. Paragraph (e) of subsection (4) of section  
 74 1002.321, Florida Statutes, is amended, and subsection (5) is  
 75 added to that section, to read:

76 1002.321 Digital learning.—

77 (4) CUSTOMIZED AND ACCELERATED LEARNING.—A school district  
 78 must establish multiple opportunities for student participation  
 79 in part-time and full-time kindergarten through grade 12 virtual  
 80 instruction. Options include, but are not limited to:

81 (e) Courses delivered in the traditional school setting by  
 82 personnel providing direct instruction through a virtual  
 83 instruction environment or through ~~though~~ a blended learning  
 84 courses consisting of both traditional classroom and online

85 instructional techniques ~~virtual and physical environment~~  
 86 pursuant to s. 1003.498.

87 (5) INTEGRITY OF ONLINE COURSES.—It is unlawful for any  
 88 person to knowingly and willfully take an online course or  
 89 examination on behalf of another person. Any person who violates  
 90 this subsection commits a misdemeanor of the first degree,  
 91 punishable as provided in s. 775.082 or s. 775.083.

92 Section 3. Subsections (8), (9), (10), and (11) of section  
 93 1002.37, Florida Statutes, are amended to read:

94 1002.37 The Florida Virtual School.—

95 (8)(a) The Florida Virtual School may provide full-time  
 96 and part-time instruction for students in kindergarten through  
 97 grade 12 ~~and part-time instruction for students in grades 4~~  
 98 ~~through 12.~~ To receive part-time instruction in kindergarten  
 99 through grade 5 ~~full-time instruction in grades 2 through 5,~~ a  
 100 student must meet at least one of the eligibility criteria in s.  
 101 1002.455(2). ~~Part-time instruction for grades 4 and 5 may be~~  
 102 ~~provided only to public school students taking grade 6 through~~  
 103 ~~grade 8 courses.~~

104 (b) For students receiving part-time instruction in  
 105 kindergarten through grade ~~grades 4 and 5~~ and students receiving  
 106 full-time instruction in kindergarten through grade 12 from the  
 107 Florida Virtual School, the combined total of all FTE reported  
 108 by both the school district and the Florida Virtual School may  
 109 not exceed 1.0 FTE.

110 ~~(9) Each elementary school principal must notify the~~  
 111 ~~parent of each student who scores at Level 4 or Level 5 on FCAT~~  
 112 ~~Reading or FCAT Mathematics of the option for the student to~~



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113 ~~take accelerated courses through the Florida Virtual School.~~

114 (9) ~~(10)~~ (a) Public school students receiving full-time  
 115 instruction in kindergarten through grade 12 by the Florida  
 116 Virtual School must take all statewide assessments required  
 117 pursuant to s. 1008.22.

118 (b) Public school students receiving part-time instruction  
 119 by the Florida Virtual School in courses requiring statewide  
 120 end-of-course assessments must take all statewide end-of-course  
 121 assessments required pursuant to s. 1008.22(3)(c)2.

122 (c) All statewide assessments must be taken at the school  
 123 to which the student would be assigned according to district  
 124 school board attendance areas ~~within the school district in~~  
 125 ~~which the student resides~~. A school district must provide the  
 126 student with access to the school's ~~district's~~ testing  
 127 facilities.

128 (10) ~~(11)~~ The Florida Virtual School shall receive a school  
 129 grade pursuant to s. 1008.34 for students receiving full-time  
 130 instruction.

131 Section 4. Paragraph (b) of subsection (1), paragraph (a)  
 132 of subsection (2), and paragraphs (c) and (f) of subsection (7)  
 133 of section 1002.45, Florida Statutes, are amended to read:

134 1002.45 Virtual instruction programs.—

135 (1) PROGRAM.—

136 (b) Each school district that is eligible for the sparsity  
 137 supplement pursuant to s. 1011.62(7)(a) and (b) ~~1011.62(7)~~ shall  
 138 provide all enrolled public school students within its  
 139 boundaries the option of participating in part-time and full-  
 140 time virtual instruction programs. Each school district that is

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141 not eligible for the sparsity supplement pursuant to s.  
 142 1011.62(7)(a) and (b) shall provide at least three options for  
 143 part-time and full-time virtual instruction. All school  
 144 districts must provide parents with timely written notification  
 145 of at least one ~~an~~ open enrollment period for full-time students  
 146 of ~~at least~~ 90 days or more which ~~that~~ ends ~~no later than~~ 30  
 147 days before ~~prior to~~ the first day of the school year. The  
 148 purpose of the program is to make quality virtual instruction  
 149 available to students using online and distance learning  
 150 technology in the nontraditional classroom. A school district  
 151 virtual instruction program shall consist of ~~provide~~ the  
 152 following:

153 1. Full-time virtual instruction for students enrolled in  
 154 kindergarten through grade 12.

155 2. Part-time virtual instruction for students enrolled in  
 156 kindergarten ~~grades 9~~ through grade 12 courses that are measured  
 157 pursuant to subparagraph (8)(a)2.

158 3. Full-time or part-time virtual instruction for students  
 159 enrolled in dropout prevention and academic intervention  
 160 programs under s. 1003.53, Department of Juvenile Justice  
 161 education programs under s. 1003.52, core-curricula courses to  
 162 meet class size requirements under s. 1003.03, or Florida  
 163 College System institutions under this section.

164 (2) PROVIDER QUALIFICATIONS.—

165 (a) The department shall annually publish online a list of  
 166 providers approved to offer virtual instruction programs. To be  
 167 approved by the department, a provider must document that it:

168 1. Is nonsectarian in its programs, admission policies,

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169 employment practices, and operations;

170 2. Complies with the antidiscrimination provisions of s.  
171 1000.05;

172 3. Locates an administrative office or offices in this  
173 state, requires its administrative staff to be state residents,  
174 requires all instructional staff to be Florida-certified  
175 teachers under chapter 1012, and conducts background screenings  
176 for all employees or contracted personnel, as required by s.  
177 1012.32, using state and national criminal history records;

178 4. Possesses prior, successful experience offering online  
179 courses to elementary, middle, or high school students as  
180 demonstrated by quantified student learning gains in each  
181 subject area and grade level provided for consideration as an  
182 instructional program option;

183 5. Is accredited by a regional accrediting association as  
184 defined by State Board of Education rule;

185 6. Ensures instructional and curricular quality through a  
186 detailed curriculum and student performance accountability plan  
187 that addresses every subject and grade level it intends to  
188 provide through contract with the school district, including:

189 a. Courses and programs that meet the standards of the  
190 International Association for K-12 Online Learning and the  
191 Southern Regional Education Board.

192 b. Instructional content and services that align with, and  
193 measure student attainment of, student proficiency in the Next  
194 Generation Sunshine State Standards.

195 c. Mechanisms that determine and ensure that a student has  
196 satisfied requirements for grade level promotion and high school

197 graduation with a standard diploma, as appropriate;

198 7. Publishes for the general public, in accordance with  
 199 disclosure requirements adopted in rule by the State Board of  
 200 Education, as part of its application as a provider and in all  
 201 contracts negotiated pursuant to this section:

202 a. Information and data about the curriculum of each full-  
 203 time and part-time program.

204 b. School policies and procedures.

205 c. Certification status and physical location of all  
 206 administrative and instructional personnel.

207 d. Hours and times of availability of instructional  
 208 personnel.

209 e. Student-teacher ratios.

210 f. Student completion and promotion rates.

211 g. Student, educator, and school performance  
 212 accountability outcomes; ~~and~~

213 8. If the provider is a Florida College System  
 214 institution, employs instructors who meet the certification  
 215 requirements for instructional staff under chapter 1012; and

216 9. Performs an annual financial audit of its accounts and  
 217 records conducted by an independent certified public accountant  
 218 which is in accordance with rules adopted by the Auditor  
 219 General, is conducted in compliance with generally accepted  
 220 auditing standards, and includes a report on financial  
 221 statements presented in accordance with generally accepted  
 222 accounting principles.

223 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL  
 224 FUNDING.—

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225 (c) For a student enrolled ~~part-time~~ in a kindergarten  
 226 ~~grades 6~~ through grade 12 virtual instruction program, a "full-  
 227 time equivalent student" has the same meaning as provided in s.  
 228 1011.61(1)(c)1.b.(III) and (IV) ~~1011.61(1)(e)1.b.(IV)~~.

229 (f) The school district providing virtual instruction ~~in~~  
 230 ~~which the student resides~~ shall report full-time equivalent  
 231 students for a virtual instruction program or a virtual charter  
 232 school to the department in a manner prescribed by the  
 233 department, and funding shall be provided through the Florida  
 234 Education Finance Program. ~~Funds received by the school district~~  
 235 ~~of residence for a student in a virtual instruction program~~  
 236 ~~provided by another school district under this section shall be~~  
 237 ~~transferred to the school district providing the virtual~~  
 238 ~~instruction program.~~

239 Section 5. Subsection (3) of section 1002.455, Florida  
 240 Statutes, is amended to read:

241 1002.455 Student eligibility for K-12 virtual  
 242 instruction.-

243 (3) The virtual instruction options for which this  
 244 eligibility section applies include:

245 (a) School district operated ~~part-time or full-time~~  
 246 kindergarten through grade 12 and full-time grades 6 through 12  
 247 virtual instruction programs under s. 1002.45(1)(b) for students  
 248 enrolled in the school district.

249 (b) Full-time virtual charter school instruction for  
 250 grades 6 through 12 authorized under s. 1002.33.

251 ~~(c) Courses delivered in the traditional school setting by~~  
 252 ~~personnel providing direct instruction through a virtual~~

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253 ~~environment or through a blended virtual and physical environment~~  
 254 ~~pursuant to s. 1003.498 and as authorized pursuant to s.~~  
 255 ~~1002.321(4)(e).~~

256 (c) ~~(d)~~ Virtual courses offered in the course code  
 257 directory to students within the school district or to students  
 258 in other school districts throughout the state pursuant to s.  
 259 1003.498.

260 Section 6. Paragraph (c) of subsection (2) of section  
 261 1003.428, Florida Statutes, is amended to read:

262 1003.428 General requirements for high school graduation;  
 263 revised.—

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

267 (c) Beginning with students entering grade 9 in the 2011-  
 268 2012 school year, at least one course within the 24 credits  
 269 required in this subsection must be completed through online  
 270 learning. A school district may not require a student to take  
 271 the online course outside the school day or in addition to a  
 272 student's courses for a given semester. However, An online  
 273 course taken during grades 6 through 8 fulfills this  
 274 requirement. This requirement shall be met through an online  
 275 course offered by the Florida Virtual School, an online course  
 276 offered by the high school, or an online dual enrollment course  
 277 ~~offered pursuant to a district interinstitutional articulation~~  
 278 ~~agreement pursuant to s. 1007.235.~~ A student who is enrolled in  
 279 a full-time or part-time virtual instruction program under s.  
 280 1002.45 meets this requirement. This requirement does not apply

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281 to a student who has an individual educational plan under s.  
 282 1003.57 which indicates that an online course would be  
 283 inappropriate or a student who is enrolled in a Florida high  
 284 school and has less than 1 academic year remaining in high  
 285 school.

286 Section 7. Subsection (1) of section 1003.498, Florida  
 287 Statutes, is amended to read:

288 1003.498 School district virtual course offerings.—

289 (1) School districts may deliver courses in the  
 290 traditional school setting by personnel certified pursuant to s.  
 291 1012.55 who provide direct instruction through a virtual  
 292 instruction environment or through ~~though~~ a blended learning  
 293 courses consisting of both traditional classroom and online  
 294 instructional techniques ~~virtual and physical environment.~~  
 295 Students in a blended learning course must be full-time students  
 296 of the school and receive the online instruction in a classroom  
 297 setting at the school. The funding, performance, and  
 298 accountability requirements for blended learning courses are the  
 299 same as those for traditional courses.

300 Section 8. Subsection (5) is added to section 1003.57,  
 301 Florida Statutes, to read:

302 1003.57 Exceptional students instruction.—

303 (5) Each full-time virtual instruction program under s.  
 304 1002.37 or s. 1002.45 must fulfill the obligations of a school  
 305 district under this section for public school exceptional  
 306 students who are enrolled in a full-time virtual instruction  
 307 program. A student whose individual educational plan indicates  
 308 that full-time virtual instruction is appropriate may be

309 enrolled in a full-time virtual instruction program.

310 Section 9. Paragraphs (e), (f), and (g) are added to  
 311 subsection (3) of section 1006.15, Florida Statutes, to read:

312 1006.15 Student standards for participation in  
 313 interscholastic and intrascholastic extracurricular student  
 314 activities; regulation.—

315 (3)

316 (e) A student of the Florida Virtual School full-time  
 317 program may participate in any interscholastic extracurricular  
 318 activity at the public school to which the student would be  
 319 assigned according to district school board attendance area  
 320 policies or which the student could choose to attend, pursuant  
 321 to district or interdistrict controlled open enrollment  
 322 policies, if the student:

323 1. During the period of participation in the  
 324 interscholastic extracurricular activity, meets the requirements  
 325 in paragraph (a).

326 2. Meets any additional requirements as determined by the  
 327 board of trustees of the Florida Virtual School.

328 3. Meets the same residency requirements as other students  
 329 in the school at which he or she participates.

330 4. Meets the same standards of acceptance, behavior, and  
 331 performance that are required of other students in  
 332 extracurricular activities.

333 5. Registers his or her intent to participate in  
 334 interscholastic extracurricular activities with the school  
 335 before the beginning date of the season for the activity in  
 336 which he or she wishes to participate. A Florida Virtual School



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337 student must be able to participate in curricular activities if  
 338 that is a requirement for an extracurricular activity.

339 (f) A student who transfers from the Florida Virtual  
 340 School full-time program to a traditional public school before  
 341 or during the first grading period of the school year is  
 342 academically eligible to participate in interscholastic  
 343 extracurricular activities during the first grading period if  
 344 the student has a successful evaluation from the previous school  
 345 year pursuant to paragraph (a).

346 (g) A public school or private school student who has been  
 347 unable to maintain academic eligibility for participation in  
 348 interscholastic extracurricular activities is ineligible to  
 349 participate in such activities as a Florida Virtual School  
 350 student until the student successfully completes one grading  
 351 period in the Florida Virtual School pursuant to paragraph (a).

352 Section 10. Paragraph (c) of subsection (1) of section  
 353 1011.61, Florida Statutes, is amended to read:

354 1011.61 Definitions.—Notwithstanding the provisions of s.  
 355 1000.21, the following terms are defined as follows for the  
 356 purposes of the Florida Education Finance Program:

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

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

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

363 b. A combination of full-time or part-time students in any  
 364 one of the programs listed in s. 1011.62(1)(c) which is the

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365 equivalent of one full-time student based on the following  
 366 calculations:

367 (I) A full-time student in a combination of programs  
 368 listed in s. 1011.62(1)(c) shall be a fraction of a full-time  
 369 equivalent membership in each special program equal to the  
 370 number of net hours per school year for which he or she is a  
 371 member, divided by the appropriate number of hours set forth in  
 372 subparagraph (a)1. or subparagraph (a)2. The difference between  
 373 that fraction or sum of fractions and the maximum value as set  
 374 forth in subsection (4) for each full-time student is presumed  
 375 to be the balance of the student's time not spent in such  
 376 special education programs and shall be recorded as time in the  
 377 appropriate basic program.

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

380 (III) A full-time equivalent student for students in  
 381 kindergarten through grade 12 ~~5~~ in a full-time virtual  
 382 instruction program under s. 1002.45 or a virtual charter school  
 383 under s. 1002.33 shall consist of six full credit completions in  
 384 programs listed in s. 1011.62(1)(c) ~~a student who has~~  
 385 ~~successfully completed a basic program listed in s.~~  
 386 ~~1011.62(1)(c)1.a. or b., and who is promoted to a higher grade~~  
 387 ~~level.~~ Credit completions may be a combination of full-credit  
 388 courses or half-credit courses. Beginning in the 2014-2015  
 389 fiscal year, when s. 1008.22(3)(g) is implemented, the reported  
 390 full-time equivalent students and associated funding of students  
 391 enrolled in courses requiring passage of an end-of-course  
 392 assessment shall be adjusted after the student completes the

393 end-of-course assessment.

394 (IV) A full-time equivalent student for students in  
 395 kindergarten ~~grades 6~~ through grade 12 in a part-time virtual  
 396 instruction program under s. 1002.45 ~~1002.45(1)(b)1., 2., or 3.~~  
 397 ~~or a virtual charter school under s. 1002.33~~ shall consist of  
 398 six full credit completions in programs listed in s.  
 399 1011.62(1)(c)1. and 3. ~~1011.62(1)(e)1.b. or c. and 3.~~ Credit  
 400 completions may be a combination of full-credit courses or half-  
 401 credit courses. Beginning in the 2014-2015 fiscal year, when s.  
 402 1008.22(3)(g) is implemented, the reported full-time equivalent  
 403 students and associated funding of students enrolled in courses  
 404 requiring passage of an end-of-course assessment shall be  
 405 adjusted after the student completes the end-of-course  
 406 assessment.

407 (V) A Florida Virtual School full-time equivalent student  
 408 shall consist of six full credit completions or the prescribed  
 409 level of content that counts toward promotion to the next grade  
 410 in the programs listed in s. 1011.62(1)(c)1. and 3.  
 411 ~~1011.62(1)(e)1.a. and b.~~ for students participating in  
 412 kindergarten through grade 12 part-time virtual instruction &  
 413 and the programs listed in s. 1011.62(1)(c) ~~1011.62(1)(e)1.c.~~  
 414 for students participating in kindergarten through grade 12  
 415 full-time virtual instruction ~~grades 9 through 12.~~ Credit  
 416 completions may be a combination of full-credit courses or half-  
 417 credit courses. Beginning in the 2014-2015 fiscal year, when s.  
 418 1008.22(3)(g) is implemented, the reported full-time equivalent  
 419 students and associated funding of students enrolled in courses  
 420 requiring passage of an end-of-course assessment shall be

421 | adjusted after the student completes the end-of-course  
 422 | assessment.

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

426 |         (VII) Each successfully completed credit earned under the  
 427 | alternative high school course credit requirements authorized in  
 428 | s. 1002.375, which is not reported as a portion of the 900 net  
 429 | hours of instruction pursuant to subparagraph (1)(a)1., shall be  
 430 | calculated as 1/6 FTE.

431 |         2. A student in membership in a program scheduled for more  
 432 | or less than 180 school days or the equivalent on an hourly  
 433 | basis as specified by rules of the State Board of Education is a  
 434 | fraction of a full-time equivalent membership equal to the  
 435 | number of instructional hours in membership divided by the  
 436 | appropriate number of hours set forth in subparagraph (a)1.;  
 437 | however, for the purposes of this subparagraph, membership in  
 438 | programs scheduled for more than 180 days is limited to students  
 439 | enrolled in juvenile justice education programs and the Florida  
 440 | Virtual School.

441 |  
 442 | The department shall determine and implement an equitable method  
 443 | of equivalent funding for experimental schools and for schools  
 444 | operating under emergency conditions, which schools have been  
 445 | approved by the department to operate for less than the minimum  
 446 | school day.

447 |         Section 11. Paragraphs (e) and (g) of subsection (1) and  
 448 | subsection (11) of section 1011.62, Florida Statutes, are

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449 amended to read:

450 1011.62 Funds for operation of schools.—If the annual  
 451 allocation from the Florida Education Finance Program to each  
 452 district for operation of schools is not determined in the  
 453 annual appropriations act or the substantive bill implementing  
 454 the annual appropriations act, it shall be determined as  
 455 follows:

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

460 (e) Funding model for exceptional student education  
 461 programs.—

462 1.a. The funding model uses basic, at-risk, support levels  
 463 IV and V for exceptional students and career Florida Education  
 464 Finance Program cost factors, and a guaranteed allocation for  
 465 exceptional student education programs. Exceptional education  
 466 cost factors are determined by using a matrix of services to  
 467 document the services that each exceptional student will  
 468 receive. The nature and intensity of the services indicated on  
 469 the matrix shall be consistent with the services described in  
 470 each exceptional student's individual educational plan. The  
 471 Department of Education shall review and revise the descriptions  
 472 of the services and supports included in the matrix of services  
 473 for exceptional students and shall implement those revisions  
 474 before the beginning of the 2012-2013 school year.

475 b. In order to generate funds using one of the two  
 476 weighted cost factors, a matrix of services must be completed at

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477 the time of the student's initial placement into an exceptional  
478 student education program and at least once every 3 years by  
479 personnel who have received approved training. Nothing listed in  
480 the matrix shall be construed as limiting the services a school  
481 district must provide in order to ensure that exceptional  
482 students are provided a free, appropriate public education.

483 c. Students identified as exceptional, in accordance with  
484 chapter 6A-6, Florida Administrative Code, who do not have a  
485 matrix of services as specified in sub-subparagraph b. shall  
486 generate funds on the basis of full-time-equivalent student  
487 membership in the Florida Education Finance Program at the same  
488 funding level per student as provided for basic students.

489 Additional funds for these exceptional students will be provided  
490 through the guaranteed allocation designated in subparagraph 2.

491 2. For students identified as exceptional who do not have  
492 a matrix of services and students who are gifted in grades K  
493 through 8, there is created a guaranteed allocation to provide  
494 these students with a free appropriate public education, in  
495 accordance with s. 1001.42(4)(l) ~~1001.42(4)(m)~~ and rules of the  
496 State Board of Education, which shall be allocated annually to  
497 each school district in the amount provided in the General  
498 Appropriations Act. These funds shall be in addition to the  
499 funds appropriated on the basis of FTE student membership in the  
500 Florida Education Finance Program, and the amount allocated for  
501 each school district shall not be recalculated during the year.  
502 These funds shall be used to provide special education and  
503 related services for exceptional students and students who are  
504 gifted in grades K through 8. Beginning with the 2007-2008

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505 | fiscal year, a district's expenditure of funds from the  
 506 | guaranteed allocation for students in grades 9 through 12 who  
 507 | are gifted may not be greater than the amount expended during  
 508 | the 2006-2007 fiscal year for gifted students in grades 9  
 509 | through 12.

510 | (g) Education for speakers of other languages.—A school  
 511 | district or a full-time virtual instruction program is ~~shall be~~  
 512 | eligible to report full-time equivalent student membership in  
 513 | the ESOL program in the Florida Education Finance Program  
 514 | provided the following conditions are met:

515 | 1. The school district or the full-time virtual  
 516 | instruction program has a plan approved by the Department of  
 517 | Education.

518 | 2. The eligible student is identified and assessed as  
 519 | limited English proficient based on assessment criteria.

520 | 3.a. An eligible student may be reported for funding in  
 521 | the ESOL program for a base period of 3 years. However, a  
 522 | student whose English competency does not meet the criteria for  
 523 | proficiency after 3 years in the ESOL program may be reported  
 524 | for a fourth, fifth, and sixth year of funding, provided his or  
 525 | her limited English proficiency is assessed and properly  
 526 | documented prior to his or her enrollment in each additional  
 527 | year beyond the 3-year base period.

528 | b. If a student exits the program and is later  
 529 | reclassified as limited English proficient, the student may be  
 530 | reported in the ESOL program for funding for an additional year,  
 531 | or extended annually for a period not to exceed a total of 6  
 532 | years pursuant to this paragraph, based on an annual evaluation

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533 of the student's status.

534 4. An eligible student may be reported for funding in the  
 535 ESOL program for membership in ESOL instruction in English and  
 536 ESOL instruction or home language instruction in the basic  
 537 subject areas of mathematics, science, social studies, and  
 538 computer literacy.

539 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may  
 540 annually provide in the Florida Education Finance Program a  
 541 virtual education contribution. The amount of the virtual  
 542 education contribution shall be the difference between the  
 543 amount per FTE established in the General Appropriations Act for  
 544 virtual education and the amount per FTE for each district and  
 545 the Florida Virtual School, which may be calculated by taking  
 546 the sum of the base FEFP allocation, the discretionary local  
 547 effort, the state-funded discretionary contribution, the  
 548 discretionary millage compression supplement, the research-based  
 549 reading instruction allocation, and the instructional materials  
 550 allocation, and then dividing by the total unweighted FTE. This  
 551 difference shall be multiplied by the virtual education  
 552 unweighted FTE for programs and options identified in s.  
 553 1002.455(3) ~~1002.455(3)(a), (b), and (d)~~ and the Florida Virtual  
 554 School and its franchises to equal the virtual education  
 555 contribution and shall be included as a separate allocation in  
 556 the funding formula.

557 Section 12. This act shall take effect July 1, 2012.





## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB KINS 12-01 Digital Learning

**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		Fudge 	Sherry 

### SUMMARY ANALYSIS

The bill expands digital learning options for students in public schools, allows students eligible to enter kindergarten through grade 5 to participate in Florida Virtual School Full Time (FLVS FT), full-time district virtual instruction programs, and full-time virtual charter schools. The bill also authorizes FLVS FT students to participate in interscholastic extracurricular activities.

The bill authorizes FLVS to expand part-time instruction to kindergarten through grade 3. The bill also expands part-time offerings for grades 4 and 5 by removing the limitation which restricts students to taking grades 6 through 8 courses. The bill authorizes FLVS FT students to participate in interscholastic extracurricular activities at the public school to which the student would be assigned or could choose to attend according to district school board policies. This provision is similar to current law that authorizes eligible home school, private school, and charter school students to participate in public school interscholastic extracurricular activities who meet specified academic standards and eligibility requirements.

The bill also requires FLVS to provide exceptional student education services and the English for Speakers of other Languages program to its eligible students and authorizes FLVS to receive funding for providing such services and programs.

A school district ineligible for the sparsity supplement must provide at least three options for part-time and full-time virtual instruction. The bill clarifies that the eligibility for the sparsity supplement is prior to any wealth adjustment. This would increase the number of districts eligible for the sparsity supplement, thereby reducing the number of districts that must provide at least three options.

The bill removes the student eligibility requirement for courses delivered in the traditional school setting thereby allowing school districts to offer virtual and blended courses delivered in the traditional school setting to its students who may have been unable to take such courses due to the eligibility criteria. The bill clarifies that the funding and performance accountability requirements for blended learning courses offered by school districts are the same as those for traditional courses.

The bill clarifies the online course requirements for high school graduation.

Part-time district virtual instruction is expanded to students enrolled in kindergarten through grade 8.

See FISCAL COMMENTS.

The bill is effective July 1, 2012.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

Virtual instruction programs, commonly described as online or digital learning instruction, provide an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both.<sup>1</sup>

During the 2011 Session, the Legislature enacted CS/CS/HB 7197 creating the "Digital Learning Now Act" ("the Act") which required high school students to take an online course, authorized blended learning courses, increased access to high quality digital providers, established metrics for evaluating the quality of content and instruction, and required administration of assessments online.

#### **Florida's Public K-12 Virtual Education Options**

##### **School District Virtual Instruction Program**

###### **Present Situation**

A school district virtual instruction program is a program of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both.<sup>2</sup> The purpose of the program is to make instruction available to students using online and distance learning technology in the nontraditional classroom.<sup>3</sup> In 2008, the Legislature required all school districts to provide a virtual instruction program beginning with the 2009-2010 academic year.<sup>4</sup> In 2011, the Legislature revised the program requirements.<sup>5</sup>

Each school district must offer:

- A full-time virtual instruction program for students in kindergarten through grade 12;<sup>6</sup>
- Part-time virtual instruction for students enrolled in grades 9 through 12 courses that are measured by an evaluation method developed by the Department of Education (DOE);<sup>7</sup> and
- A full-time or part-time virtual instruction program for students enrolled in dropout prevention and academic intervention programs, Department of Juvenile Justice programs, core-curricula courses to meet class size requirements, or Florida College System institutions offering a school district virtual instruction program.<sup>8</sup>

To provide its students with the opportunity to participate in a virtual instruction program, a school district may choose one or more of the following options:

- Contract with the Florida Virtual School (FLVS) or establish a franchise of the FLVS;<sup>9</sup>
- Contract with an approved provider;<sup>10</sup>
- Contract with a Florida College System institution;<sup>11</sup>
- Enter into an agreement with another school district to allow its students to participate in a virtual instruction program provided by the other school district;<sup>12</sup>

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<sup>1</sup> Section 1002.45(1)(a)2., F.S.

<sup>2</sup> Section 1002.45(1)(a)2., F.S.

<sup>3</sup> Section 1002.45(1)(b), F.S.

<sup>4</sup> Section 4, ch. 2008-147, L.O.F.

<sup>5</sup> Section 1002.45(1)(b), F.S.

<sup>6</sup> Section 1002.45(1)(b)1., F.S.

<sup>7</sup> Section 1002.45(1)(b)2., F.S.

<sup>8</sup> Section 1002.45(1)(b)3., F.S.

<sup>9</sup> Section 1002.45(1)(c)1., F.S.

<sup>10</sup> Sections 1002.45(1)(a)1., and 1002.45(1)(c)2., F.S.

<sup>11</sup> Section 9, ch. 2010-154, L.O.F.; s. 1002.45(1)(a) and (1)(c)2., F.S.

<sup>12</sup> Section 1002.45(1)(c)3., F.S.

- Establish and operate a virtual instruction program for students enrolled in the school district;<sup>13</sup>  
or
- Enter into an agreement with a virtual charter school.<sup>14</sup>

Contracts with the FLVS or other providers may include multidistrict contractual arrangements executed by a regional consortium.<sup>15</sup>

Each contract between a school district and a provider must include the following:

- A detailed curriculum plan;
- A method for determining that a student has satisfied the requirements for graduation, if the contract is for a full-time virtual instruction program in grades 9-12;
- A method for resolving conflicts among parties;
- Authorized reasons for termination of the contract;
- A requirement that the approved provider be responsible for all debts of the program if the contract is terminated or not renewed; and
- A requirement that the approved provider comply with all statutory requirements relating to the program.<sup>16</sup>

Each provider contracted to provide a school district virtual instruction program must participate in the statewide assessment program and the state's education performance accountability system.<sup>17</sup> Each provider receives a school grade or school improvement rating, which is based upon the aggregated assessment scores of all students served by the provider statewide.<sup>18</sup> School grades or school improvement ratings are published on the Department's website.<sup>19</sup>

If a provider receives a school grade of "D" or "F" or a school improvement rating of "Declining," the provider must file with the DOE a school improvement plan for correcting low performance.<sup>20</sup> The school improvement plan must identify causes of the low performance and propose a plan for improvement. If a provider receives a school grade of "D" or "F" for any two years during a four-year period, the provider's contract must be terminated and the provider cannot be approved for at least one year.<sup>21</sup>

### Effect of Proposed Changes

The bill expands part-time virtual instruction, currently offered for grades 9 through 12, to kindergarten through grade 8 for courses that are evaluated by a method developed by DOE. The evaluations include the percentage of students making learning gains, the percentage of students successfully passing any required end-of-course assessments, the percentage of students taking AP course exams, and the percentage of students scoring a three (3) or above on the AP course exam.

In addition to preexisting requirements, the bill requires that to be approved by the DOE a provider of virtual instruction must provide documentation of an annual financial audit of its accounts and records, conducted by an independent certified public accountant and in accordance with rules adopted by the Auditor General. The audit must be conducted in compliance with generally accepted auditing

<sup>13</sup> Section 1002.45(1)(c)4., F.S.

<sup>14</sup> Section 1002.45(1)(c)5., F.S.

<sup>15</sup> Section 1002.45(1)(c), F.S. Multidistrict consortia include Panhandle Area Educational Consortium (PAEC), Heartland Educational Consortium (HEC), and Northeast Florida Educational Consortium (NEFEC). *See s. 1001.451, F.S.*

<sup>16</sup> Section 1002.45(4), F.S.

<sup>17</sup> Section 1002.45(8)(a)1., F.S.

<sup>18</sup> The performance of part-time 9-12 students is not included in the provider's school grade or school improvement rating. Performance of such students is included in the nonvirtual school that provides the student's primary instruction. Section 1002.45(8)(b), F.S.

<sup>19</sup> Section 1002.45(8)(a)2., F.S.

<sup>20</sup> Section 10082.45(8)(c), F.S.

<sup>21</sup> Section 1002.45(8)(c) and (d), F.S.

standards and must include a report on financial statements presented in accordance with generally accepted accounting principles.

A school district must provide at least three options for part-time and full-time virtual instruction if the school district is not eligible for the sparsity supplement. The bill clarifies that for purposes of this requirement, the calculation of the sparsity supplement is prior to any wealth adjustment. The bill also clarifies that school districts must provide at least one open enrollment period for full-time students of at least 90 days which ends at least 30 days before the first day of the school year thereby allowing school districts to offer more than one enrollment period.

## **Student Eligibility**

### Present Situation

Students are eligible to participate in the virtual instruction program if the student is eligible to enter kindergarten or first grade<sup>22</sup> or if the student was:<sup>23</sup>

- Enrolled in a public school and reported for funding in the Florida Education Finance Program (FEFP) in the prior school year;
- A dependent child of a member of the armed forces whose parent was transferred in the last 12 months;
- Enrolled during the prior school year in a school district operated virtual instruction program, K-8 virtual school program, or FLVS FT;<sup>24</sup> or
- A sibling of a student currently enrolled a virtual school program.<sup>25</sup>

These student eligibility requirements apply to: school district part-time or full-time kindergarten through grade 12 Virtual Instruction Programs (VIPs); full-time virtual charter school instruction; courses delivered in the traditional school setting through a virtual environment or through blended learning; virtual courses offered in the course code directory to students within the school district or in other school districts; and full-time instruction in grades 2 through 5 provided by FLVS.

### Effect of Proposed Changes

The bill revises the eligibility criteria for the FLVS FT program, the school district operated full-time virtual instruction program, and full-time virtual charter schools to allow students eligible to enter grades 2 through 5 to participate in these full-time programs.

Applying the student eligibility requirement to courses delivered in the traditional school setting prevented school districts from offering virtual or blended courses to all of their students. Consequently, the bill removes the student eligibility requirement for courses delivered in the traditional school setting. The bill clarifies that the funding and performance accountability requirements for blended learning courses offered by school districts are the same as those for traditional courses.

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<sup>22</sup> Section 1002.455(2)(e), F.S.

<sup>23</sup> Section 1002.455, F.S.

<sup>24</sup> Section 1002.455(2)(c), F.S.

<sup>25</sup> Section 1002.455(2)(d), F.S.

## **Integrity of Online Courses**

### Present Situation

It is unlawful for any individual to knowingly and willfully violate test security by: giving examinees access to test questions prior to testing, copying any portion of any secure test booklet, coaching examinees during testing, making answer keys available to examinees, failing to follow test administration directions, or participating in, directing, aiding, counseling, assisting in, or encouraging any of these prohibited acts.<sup>26</sup>

While these provisions are very proscriptive, they do not prohibit an individual from taking a course or examination on behalf of another person.

### Effect of Proposed Changes

The bill prohibits any individual from knowingly and willfully taking an online course or examination on behalf of another person. Any individual that violates this provision commits a misdemeanor of the first degree.

## **Online Course Requirement**

### Present Situation

Students entering grade 9 in the 2011-2012 school year must complete at least one course, within the 24 credits required for high school graduation, through online learning. An online course taken during grades 6 through 8 fulfills this requirement. The online course requirement may be met through courses offered by the Florida Virtual School, an online course offered by the high school, or an online dual enrollment course. Students enrolled in a full-time or part-time virtual instruction program meet this requirement.<sup>27</sup>

### Effect of Proposed Changes

The bill clarifies that a school district may not require the student to fulfill the online course requirement outside of the school day or in addition to the student's courses for a given semester. The online course requirement would not apply to a student who has an IEP which indicates that an online course would be inappropriate or to a student who is enrolled in a Florida high school and has less than 1 academic year remaining.

## **Florida Virtual School**

### Present Situation

The Florida Virtual School (FLVS) is a public online school providing students with several virtual education options.<sup>28</sup> FLVS offers more than 90 courses in core subjects, world languages, electives, honors, and Advanced Placement.<sup>29</sup>

FLVS offers individual course enrollments to all Florida students in grades 6-12, including public school, private school, and home education students.<sup>30</sup> FLVS also provides part-time instruction to students in grades 4-5 taking grades 6 through 8 courses. Each elementary school principal must notify the parent

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<sup>26</sup> Section 1008.24, F.S.

<sup>27</sup> Section 1003.428(2)(c), F.S.

<sup>28</sup> See Section 1002.37(1), F.S. See also Florida Virtual School, *Grade K-12 Options* <http://www.flvs.net/AREAS/CVP/Pages/default.aspx> (last visited November 28, 2011).

<sup>29</sup> Florida Virtual School, *Quick Facts*, <http://www.flvs.net/areas/aboutus/Pages/QuickFactsaboutFLVS.aspx> (last visited November 28, 2011).

<sup>30</sup> Florida Virtual School, *supra* note 19.

of each student who score at Level 4 or Level 5 on FCAT Reading or FCAT Mathematics of the option for the student to take accelerated courses through FLVS.<sup>31</sup>

FLVS has partnered with Connections Academy to provide a full-time virtual education program to students in grades K-12.<sup>32</sup> Florida Virtual School Full Time (FLVS FT) is open to any public school student in grades K-12 provided the student meets certain eligibility criteria.<sup>33</sup> Separate statutory requirements relating to student eligibility, assessment and accountability, and funding exist for each of these options.<sup>34</sup>

FLVS is governed by a board of trustees appointed by the governor,<sup>35</sup> and its performance is monitored by the Commissioner of Education and reported to the State Board of Education and Legislature.<sup>36</sup> FLVS is fully accredited by the Southern Association of Colleges and Schools and AdvanceED.<sup>37</sup>

Public school students receiving full-time and part-time instruction from the FLVS are required to take statewide assessments – including FCAT and statewide end-of-course exams. A student must take these assessments in the school district in which the student resides. A school district must provide access to the district's testing facilities.<sup>38</sup>

### Effect of Proposed Changes

The bill authorizes FLVS to offer part-time instruction to students in kindergarten through grade 3. The bill also expands part-time offerings in grades 4 and 5 by removing the limitation which restricted students to taking only grades 6 through 8 courses. The bill also repeals the requirement of each elementary school principal to notify certain students of the ability to take accelerated courses through the virtual school. Such notification would no longer be required because the previous restriction to grades 6 through 8 courses was removed thereby allowing those elementary students to take any course.

The bill requires school districts to allow FLVS students to take statewide assessments at the school to which the student would be assigned according to district school board attendance area polices, instead of any school within the district. In addition, the school district must provide the student access to the school's testing facilities. The bill may make it more convenient for FLVS students to comply with the assessment requirement.

## **Interscholastic Extracurricular Activities**

### Present Situation

In addition to students enrolled in traditional schools, eligible home school and charter school students may participate in interscholastic extracurricular activities at assigned public schools or at public schools to which the student could choose to attend, pursuant to district or interdistrict controlled open-enrollment provisions.<sup>39</sup> A student from a charter school may be eligible to participate in these activities

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<sup>31</sup> 1002.37(9), F.S.

<sup>32</sup> Florida Virtual School Full Time, *Florida Virtual School Full Time*, <http://www.flvsft.com/> (last visited May 26, 2010).

<sup>33</sup> Section 1002.37(8)(a), F.S.

<sup>34</sup> Section 1002.37, F.S.

<sup>35</sup> Section 1002.37(2), F.S.

<sup>36</sup> Section 1002.37(1)(a), F.S.

<sup>37</sup> Florida Virtual School, *Accreditation*, <http://www.flvs.net/areas/aboutus/Pages/accreditation.aspx> (last visited November 28, 2011); AdvanceED, *International Registry for Accreditation*, <http://www.advanced.org/oasis2/u/par/accreditation/summary?institutionId=22450> (last visited November 28, 2011).

<sup>38</sup> Section 1002.37(10)(c), F.S.

<sup>39</sup> Sections 1002.41(4) and 1006.15(3)(c) and (d), F.S. "Interscholastic activities" are limited to high school athletic competitions. Section 1006.20(1), F.S. The Florida High School Athletic Association defines interscholastic contest as "any competition between organized teams of different schools in a sport recognized or sanctioned" by the FHSAA. Florida High School Athletic Association, *Interscholastic Contests*, available at, <http://www.fhsaa.org/about> (last visited March 17, 2011). "Extracurricular" activities include

at the selected public school, if such activity is not offered by that charter school.<sup>40</sup> Likewise, private school students may participate at select public schools if the student is enrolled in a non- Florida High School Athletic Association (FHSAA) member private school of less than 125 students and the school does not offer an interscholastic or intrascholastic athletic program.<sup>41</sup> Eligible home school, charter school, and private school students must register with the public school their intent to participate in interscholastic extracurricular activities, and are subject to the same eligibility requirements as other public school students.<sup>42</sup>

To be eligible to participate in interscholastic extracurricular activities, a student must maintain a 2.0 grade point average (GPA) in the semester prior to participation, or a 2.0 cumulative GPA in specified high school courses. If a student's cumulative GPA falls below 2.0 in the specified courses, the student must execute an academic performance contract with the district school board, the FHSAA, and the student's parents. At a minimum, the contract must require the student to attend summer school to improve his or her GPA.<sup>43</sup> A student must also maintain good conduct to remain eligible to participate in interscholastic extracurricular activities. The district school board policy governs the eligibility of a student to participate in these activities if he or she is found to be involved in a felony or delinquent act.<sup>44</sup>

### Effect of Proposed Changes

The bill authorizes eligible FLVS FT students to participate in interscholastic extracurricular activities at the public school to which the student would be assigned according to district school board attendance area policies or which the student could choose to attend, pursuant to district or interdistrict controlled open-enrollment policies. FLVS FT students must meet the same academic standards and eligibility requirements applicable to private school, home school, and charter school students as well as any additional requirement as determined by the board of trustees of FLVS.

The bill requires that a student register his or her intent to participate in extracurricular activities with the school before the beginning date of the season for the activity in which he or she wishes to participate. A FLVS student must be allowed to participate in curricular activities if that is a requirement for an extracurricular activity.

## **Exceptional Student Education**

### Present Situation

Exceptional Student Education (ESE) is specially designed instruction and related services that are provided to students with disabilities and students who are identified as gifted.<sup>45</sup> Student enrollment in ESE programs is one factor considered in determining the funding a school district receives.<sup>46</sup>

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any school-authorized or education-related activity occurring during or outside the regular instructional school day. Section 1006.15(2), F.S.

<sup>40</sup> Section 1006.15(3)(d), F.S.

<sup>41</sup> Section 1006.15(8), F.S.

<sup>42</sup> Section 1006.15(3), F.S.

<sup>43</sup> Sections 1006.15(3)(a)(1) and (2) and 1003.43(1), F.S.

<sup>44</sup> Section 1006.15(3)(a)4., F.S.

<sup>45</sup> Section 1003.57(1), F.S.; rule 6A-6.03411(1)(m) and (n), F.A.C. Whether the gifted program should continue to be part of the exceptional student education (ESE) program or whether it should be a separate stand-alone program has been a topic of recent discussion. The Office of Program Policy Analysis and Government Accountability (OPPAGA) identified the advantages and disadvantages of classifying gifted students as exceptional students by reviewing available research and holding focus group discussions with parents, gifted students, teachers, and district administrators. See Office of Program Policy Analysis and Government Accountability, *Florida Gifted Grew Faster Than the Overall School Enrollment*, Report No. 08-01, at 11 (Jan. 2008), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0801rpt.pdf> [hereinafter *OPPAGA Report No. 08-01*].

<sup>46</sup> See s. 1011.62(1)(c), F.S.

The federal Individuals with Disabilities Education Act (IDEA) requires school districts to make a free appropriate public education (FAPE) available to students with disabilities ages 3 through 21.<sup>47</sup> A school district, at its discretion, may provide services to eligible infants and toddlers with disabilities below three years of age.<sup>48</sup> A FAPE must include special education and related services<sup>49</sup> that are provided by the public school system at no cost to the parent, which meet the standards of the state and which conform with the student's individual educational plan (IEP).<sup>50</sup>

The IDEA does not address gifted students; however, state law and State Board of Education rule require school districts to provide a FAPE to gifted students as well.<sup>51</sup> State law specifies that districts must provide special instruction and services to gifted students, but does not mandate or describe the specific types of instruction and services required.<sup>52</sup>

Services for exceptional education students are funded primarily via the Florida Education Finance Program (FEFP) through the use of basic funding, an ESE Guaranteed Allocation, and two weighted cost factors. FEFP funding reflects approximately 91 percent of the total funding for Florida's public school students. FEFP funds are calculated by multiplying the number of full-time equivalent (FTE) students in each of the funded education programs by cost factors to obtain weighted FTE students.<sup>53</sup> Weighted FTE students are then multiplied by a base student allocation and by a district cost differential. In FY 2010-11, \$980.5 million was appropriated to school districts through the ESE Guaranteed Allocation.<sup>54</sup>

Since July 1, 2000, approximately 95 percent of ESE students have generated funds at the same level as nondisabled students. These students are reported under basic programs 111 (grades PK-3 basic, with ESE services), 112 (grades 4-8 basic with ESE services) or 113 (grades 9-12 basic with ESE services). In order to fund exceptional education and related services (including therapies) for these students, an ESE Guaranteed Allocation was established by the Legislature in addition to the basic funding. The guaranteed allocation is a fixed amount provided to each district.<sup>55</sup>

For the remaining five percent of students with disabilities (those with the most intense needs), funding is determined using a matrix of services. Consistent with the services identified in the IEP, each matrix is completed by checking all the services that will be provided to the student. Students with the two highest matrix ratings (254 and 255) generate funding at a significantly higher weight than basic funding.<sup>56</sup>

Each year the IDEA awards (IDEA, Part B and IDEA, Part B Preschool) are made to states from the United States Department of Education. A major portion of these funds are distributed to school districts/agencies as entitlement grants. Allocations to districts/agencies are calculated using a federally-mandated formula. Funds must be used to supplement the excess costs of providing special

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<sup>47</sup> 20 U.S.C. s. 1400(d)(1)(A); 34 C.F.R. s. 300.101; rules 6A-6.03028(1) and 6A-6.03411(1)(p), F.A.C.; *see also* Individuals with Disabilities Education Act (IDEA) Fact Sheet.

<sup>48</sup> Rules 6A-6.0331 and 6A-6.03026, F.A.C.

<sup>49</sup> "Related services" means "transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes." "Related services" also include school health services and school nurse services, social work services in schools, and parent counseling and training. 34 C.F.R. s. 300.34 (a).

<sup>50</sup> 34 C.F.R. s. 300.17; rules 6A-6.03028(1) and 6A-6.03411(1)(p), F.A.C.

<sup>51</sup> *See* ss. 1003.01(3)(a) and 1011.62(1)(e)c.2., F.S.; rules 6A-6.0331(1) and 6A-6.03411(1)(m), F.A.C.

<sup>52</sup> Section 1003.57(1), F.S.

<sup>53</sup> Email, Florida Department of Education (Aug. 20, 2010).

<sup>54</sup> Specific Appropriation 78, s. 2, ch. 2010-152, L.O.F.

<sup>55</sup> Florida Department of Education, Bureau of School Business Services, Office of Funding and Financial Reporting, *Funding for Florida School Districts 2009-2010 Statistical Report*, available at <http://www.fldoe.org/fefp/pdf/fefpdist.pdf>.

<sup>56</sup> *Id.*



education and related services for students with disabilities. Remaining award funds are used by DOE to support capacity building and other state-level activities as required by the IDEA.<sup>57</sup>

### Effect of Proposed Changes

The bill requires full-time virtual instruction programs operated by FLVS<sup>58</sup> and school districts<sup>59</sup> to fulfill the obligations of a school district for exceptional students who are enrolled in such programs. The bill also authorizes a student whose individual educational plan indicates that full-time virtual instruction is appropriate to enroll in a full-time virtual instruction program.

Under the bill, funds for students identified as exceptional are allocated annually to the Florida Virtual School in the same manner such funds are allocated to school districts through the FEFP.

## **English for Speakers of Other Languages**

### Present Situation

English for Speakers of Other Languages (ESOL) is an educational approach in which English language learners (ELLs)<sup>60</sup> are instructed in the use of the English language. Their instruction is based upon a special curriculum that typically involves little or no use of the native language and focuses on language (as opposed to content). ESOL instructional strategies are also used to teach any subject in English to ELLs who have limited English proficiency in speaking, reading, writing or listening in English.<sup>61</sup>

A student is classified as an ELL if the student has been assessed for English language proficiency and qualifies as a non English speaker or limited English speaker on a Florida Department of Education (DOE) approved ESOL placement test.<sup>62</sup> During the 2009-10 academic year, there were 2,634,382 Prekindergarten through grade 12 students enrolled in Florida's public schools.<sup>63</sup> Of that number, 228,749 or 8.7 percent of the students were ELLs and 75.6 percent of the ELL students were Hispanic children.<sup>64</sup>

A district school board must:

- Develop and submit a district plan for providing English language instruction to DOE for review and approval;
- Identify ELLs through assessment;
- Provide for student exit from and reclassification into the English instruction program;
- Provide ELLs with ESOL instruction in English (to develop sufficient skills in listening, speaking, reading, and writing which enable the student to become proficient in English);
- Provide ELLs with ESOL instruction or home language instruction in reading, mathematics, science, social studies, and computer literacy;
- Maintain a student plan for each ELL;
- Provide qualified teachers;

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<sup>57</sup> *Id.*

<sup>58</sup> Section 1002.37, F.S.

<sup>59</sup> Section 1002.45, F.S.

<sup>60</sup> "English language learner" (ELL) means "Limited English proficient" (LEP) student. Rule 6A-6.0901(1), F.A.C. "Limited English Proficiency" is used by the U.S. Department of Education to refer to ELLs who lack sufficient mastery of English to meet standards and excel in an English-language classroom. Increasingly, ELL is used to describe this population because it highlights learning, rather than suggesting that non-native-English-speaking students are deficient." National Council of Teachers of English, *English Language Learners: A Policy Research Brief*, at 2 (2008), available at <http://www.ncte.org/library/NCTEFiles/Resources/PolicyResearch/ELLResearchBrief.pdf>.

<sup>61</sup> See rule 6A-6.0904, F.A.C. and s. 1003.56, F.S.

<sup>62</sup> Section 1003.56(2)(a), F.S.

<sup>63</sup> Florida Department of Education, Education Information and Accountability Services Data Report, *English Language Learners*, at 4 (July 2010), available at <http://www.fldoe.org/eias/eiaspubs/pdf/el0910.pdf>.

<sup>64</sup> *Id.* at 3 and 4.

- Provide equal access to other programs for eligible ELLs based on need; and
- Provide for parental involvement in ESOL programs.<sup>65</sup>

A school district is eligible to report full-time equivalent student membership in the ESOL program in the FEFP if the school district has a plan approved by DOE and the eligible student is identified as limited English proficient.<sup>66</sup>

*Effect of Proposed Changes*

The bill makes full-time virtual instruction programs subject to the same requirements applicable to school districts regarding ELL students. In doing so, full-time virtual instruction programs are eligible to report full-time equivalent student membership in the ESOL program in the FEFP, if the full-time virtual instruction program meets the same conditions applicable to school districts.

**B. SECTION DIRECTORY:**

**Section 1.** Amending s. 1002.20, F.S., relating to K-12 student and parental rights, authorizing FLVS FT students to participate in interscholastic extracurricular activities.

**Section 2.** Amending s. 1002.321, F.S., relating to digital learning, revising definition of blended learning courses, and prohibiting any individual from taking an online course or examination on behalf of someone else.

**Section 3.** Amending s. 1002.37, F.S., relating to the Florida Virtual School, requiring school districts to provide access to school testing facilities for FLVS students, revising student eligibility criteria for full-time instruction in grades 2 through 5; repealing a requirement that each elementary principal to notify certain students of the ability to take accelerated courses through FLVS, and expanding part-time instruction to kindergarten through grade 5.

**Section 4.** Amending s. 1002.45, F.S., relating to virtual instruction programs, clarifying calculation of the sparsity supplement, revising open enrollment period, expanding part-time virtual instruction, and revising provider requirements.

**Section 5.** Amending s. 1002.455, F.S., relating to student eligibility for K-12 virtual instruction, revising eligibility requirements for district full-time programs and specified school district courses.

**Section 6.** Amending s. 1003.428, F.S., relating to general requirements for high school graduation, clarifying applicability of online course requirement for high school graduation.

**Section 7.** Amending s. 1003.498, F.S., relating to school district virtual course offerings, defining blended learning courses offered by school districts.

**Section 8.** Amending s. 1003.57, F.S., relating to exceptional students instruction, requiring full-time virtual instruction programs to provide exceptional education services for specified students.

**Section 9.** Amending s. 1006.15, F.S., relating to student standards for participation in interscholastic and intrascholastic extracurricular student activities, authoring FLVS FT students to participate in interscholastic extracurricular activities if certain conditions are met.

**Section 10.** Amending s. 1011.61, F.S., relating to definitions, authorizing full-time virtual instruction programs to receive funding for exceptional student education services.

**Section 11.** Amending s. 1011.62, F.S., relating to funds for operation of schools, authorizing full-time virtual instruction programs to receive funding for providing an ESOL program.

<sup>65</sup> Section 1003.56 (3)(a)-(h), F.S.

<sup>66</sup> Section 1011.62(10)(g), F.S.

**Section 12.** 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:

The 2012-13 forecast estimates 1,266 or 67% of the 1,899 new kindergarten virtual Full Time Equivalent (FTE) will be from home or private schools. Another 5% of the students will be from other public schools and the remaining 28% will be new to the system.

The latest National Center for Education Statistics indicates 7.6% of home schooled children are in kindergarten.<sup>67</sup>

In 2010-11, there were 69,349 home schooled students in Florida. Of those students, using the national average of 7.6% of home schooled students are in kindergarten, it was estimated 5,265 Florida home schooled students were in kindergarten. The forecasted 1,266 students would be 2% of the 69,281 home schooled students expected in 2012-13.<sup>68</sup>

Based on the above estimates, a similar estimate could be expected for each additional grade level (grades 2 through 5). With current year funding of approximately \$6,200 per student, a conservative estimate of 1,300 students, in each grade group, coming into the school system estimates to be \$8m per grade.

For fiscal year 2012-13, the addition of grades 2, 3, 4, and 5 has an estimated fiscal of \$32.2m additional student funding for the Florida Education Finance Program.

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<sup>67</sup>National Center for Education Statistics, *Digest of Education Statistics*, available at [http://nces.ed.gov/programs/digest/d10/tables/dt10\\_040.asp](http://nces.ed.gov/programs/digest/d10/tables/dt10_040.asp) (last visited January 19, 2012).

<sup>68</sup> Florida Department of Education, *Home Education Fast Facts and Program Statistics*, available at [http://www.floridaschoolchoice.org/pdf/Home\\_Ed\\_Fast\\_Facts.pdf](http://www.floridaschoolchoice.org/pdf/Home_Ed_Fast_Facts.pdf).

### **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.



COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB KINS 12-02 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

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1 Committee/Subcommittee hearing PCB: K-20 Innovation  
2 Subcommittee  
3 Representative Jones offered the following:

**Amendment (with title amendment)**

6 Remove lines 1298-1397

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

12 Remove lines 84-90 and insert:  
13 Scholarship Program;



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



29 award; providing requirements for funding high school  
 30 credits; amending s. 1003.4295, F.S.; requiring that  
 31 students be advised of acceleration options;  
 32 authorizing all students to participate in the Credit  
 33 Acceleration Program; amending s. 1003.436, F.S.;

34 conforming provisions; amending s. 1003.437, F.S.;

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

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

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

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

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

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

102 (1) ACCEL OPTIONS.-

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

108 (b) At a minimum, each school must offer the following  
 109 ACCEL options: whole-grade and midyear promotion; subject-matter  
 110 acceleration; virtual instruction in higher grade level  
 111 subjects; and the Credit Acceleration Program under s.

112 1003.4295. Additional ACCEL options may include, but are not

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

118 (2) ELIGIBILITY AND PROCEDURAL REQUIREMENTS.-

119 (a) Principal determined eligibility requirements.-

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

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

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

141 progression plan under s. 1008.25.

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

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

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

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

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

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

155 (4) ACCEL REQUIREMENTS.—

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

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

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169 opportunity to participate in the ACCEL option.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

237 (19) INSTRUCTIONAL MATERIALS.—

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

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

246 1002.41 Home education programs.—

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

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

252 1003.02 District school board operation and control of



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

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

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

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

280 1003.428 General requirements for high school graduation;

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281 revised.—

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

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

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

299 1003.4281 Early high school graduation.—

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

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

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

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

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

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

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

333 1003.4295 Acceleration options ~~courses~~.-

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

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

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

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

358 1003.436 Definition of "credit".-

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

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

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

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

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

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

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

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

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

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

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

397  
 398 For the purposes of class ranking, district school boards may  
 399 exercise a weighted grading system pursuant to s. 1007.271.

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

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

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

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

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

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

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

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

438 1007.27 Articulated acceleration mechanisms.—

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

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

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

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



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

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

495 1007.271 Dual enrollment programs.—

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

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

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

533 the program.

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

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

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

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

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

589 qualifications.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

683 (9) ~~(6)~~ The Commissioner of Education shall appoint faculty  
 684 committees representing public school, Florida College System  
 685 institution, and university faculties to identify postsecondary  
 686 courses that meet the high school graduation requirements of s.  
 687 1003.428, s. 1003.429, or s. 1003.43 ~~7~~ and to establish the  
 688 number of postsecondary semester credit hours of instruction and  
 689 equivalent high school credits earned through dual enrollment  
 690 pursuant to this section that are necessary to meet high school  
 691 graduation requirements. Such equivalencies shall be determined  
 692 solely on comparable course content and not on seat time  
 693 traditionally allocated to such courses in high school. The  
 694 Commissioner of Education shall recommend to the State Board of  
 695 Education those postsecondary courses identified to meet high  
 696 school graduation requirements, based on mastery of course  
 697 outcomes, by their course numbers, and all high schools shall  
 698 accept these postsecondary education courses toward meeting the  
 699 requirements of s. 1003.428, s. 1003.429, or s. 1003.43.

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



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

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

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

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

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729 program, an eligible home education secondary student must:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

812 (20) A postsecondary institution shall assign letter

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

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

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

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

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

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

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

841 requirements for participation in the dual enrollment program.

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

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

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

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

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

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

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

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

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

868 (o) Any institutional responsibilities for student

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869 transportation, if provided.

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

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

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

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

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

894 1008.22 Student assessment program for public schools.—

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

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

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

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



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

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

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

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

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

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

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

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

1008 d. Contingent upon funding provided in the General

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1262 1009.25 Fee exemptions.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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2012

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

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

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

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

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

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB KINS 12-02 Student Acceleration Options in Public Education  
**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		Valenstein <i>JB</i>	Sherry <i>HES</i>

### SUMMARY ANALYSIS

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

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

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

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

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

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

See FISCAL COMMENTS.

The bill takes effect July 1, 2012.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### **Acceleration Options**

##### General Information

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

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

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

Acceleration options that may be used by school districts for students include flexible class grouping; whole-grade and midyear promotion; single-subject acceleration; enrichment programs; self-paced instruction; curriculum compacting; advanced content instruction; telescoping curriculum; combined classes; grade clustering; and virtual instruction in higher level courses.<sup>4</sup> Additionally, students may participate in the IB Diploma Programs, Middle Years, or Primary Years<sup>5</sup> or the Cambridge AICE program, the Cambridge Secondary 2 Program, the Cambridge Secondary 1 program, or the Cambridge Primary Program.<sup>6</sup> Secondary students may also participate in the AP Program, the dual enrollment program, the early admission program, and the credit acceleration program (CAP).<sup>7</sup> For explanations of these acceleration options, please refer to Appendix A.

Each high school must offer an IB program, an AICE program, or a combination of at least four courses in dual enrollment or AP.<sup>8</sup> Additionally, school districts must allow students to take the statewide, standardized end-of-course (EOC) assessments which a student must pass in order to graduate from

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<sup>1</sup> Section 1002.23(2)(d), F.S.

<sup>2</sup> Section 1002.23(7)(d), F.S.

<sup>3</sup> See s. 1008.25, F.S.

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

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

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

<sup>7</sup> Sections 1007.27(5) and (6), 1007.271, and 1003.4295(3), F.S.

<sup>8</sup> Section 1003.4295(2), F.S.

high school even if the student is not enrolled in the course - this is known as the CAP program.<sup>9</sup> Other acceleration options are not required to be offered by a school district.<sup>10</sup>

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

### Advanced Placement Program

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

In 2010, 43.5% of Florida seniors had taken an AP exam while in high school. During this same time period, the national average was 28.3%.<sup>15</sup> The difference can likely be attributed to the exemption Florida provides to all public secondary students from the payment of any fees for the administration of an AP examination, regardless of whether the student achieves a passing score.<sup>16</sup>

In addition to providing a fee exemption, there are currently no statewide student eligibility requirements for participation in the AP program. Also, school grade calculations more heavily weighted participation in the course over performance in the course. As a result, the number of students participating in the AP program continues to rise; however, the passage rate has decreased since 1999. In 1999, 59,811 examinations were taken by Florida students and 54.8% scored high enough to qualify for college credit.<sup>17</sup> In 2010, 276,290 examinations were taken by Florida students and 41% scored high enough to qualify for college credit.<sup>18</sup>

The cost of an AP examination in 2012 will be \$87.<sup>19</sup> Using the passage rate and number of tests administered from 2010 as a conservative estimate, the total cost of administering AP examinations could be \$24 million for 41% of students to earn college credit.

The Articulation Coordinating Committee (ACC) identifies, and the State Board of Education (State Board) and the Board of Governors (BOG) approve, the AP examination scores required to obtain college credit. Currently, students are recommended for college credit only if they receive an examination score of three or higher on a 5-point scale.<sup>20</sup> In 2011, the Legislature passed HB 7151, which in part, specifically requires the use of data relating to student performance in subsequent postsecondary courses to determine the appropriate examination scores for which college credit is to

<sup>9</sup> Section 1003.4295(3), F.S.

<sup>10</sup> See s. 1003.4295, F.S.

<sup>11</sup> Section 1002.37(9), F.S.

<sup>12</sup> Sections 1003.4295(1), and 1003.02(1)(i), F.S.

<sup>13</sup> Section 1007.27(6), F.S.

<sup>14</sup> Florida Department of Education, *2010-11 Florida Counseling for Future Education Handbook*, at 76, available at [http://facts23.facts.org/florida/facts/Home\\_Page/Counselors\\_and\\_Educators/Advising\\_Manuals/Counseling\\_for\\_Future\\_Education\\_Handbook/!ut/p/c5/04\\_SB8K8xLLM9MSSzPy8xBz9CP0os3iDEEtPfx9TQwN3Sz8DA093C38\\_M19\\_A393I6B8JE55izBzArrDQfYBV\\_eAAjgZQeZgJFgEuhkAT3D28DLydDT2NzdDksdiPV95Y388jPzdVvyA3wiDTU9cRANgSS\\_Y1/dl3/d3/L2dJQSEvUUt3QS9ZQnZ3LzZtMFQ5SU9MNTEwRzlOMDBJRzhPTjZNTzBPRzQ!!](http://facts23.facts.org/florida/facts/Home_Page/Counselors_and_Educators/Advising_Manuals/Counseling_for_Future_Education_Handbook/!ut/p/c5/04_SB8K8xLLM9MSSzPy8xBz9CP0os3iDEEtPfx9TQwN3Sz8DA093C38_M19_A393I6B8JE55izBzArrDQfYBV_eAAjgZQeZgJFgEuhkAT3D28DLydDT2NzdDksdiPV95Y388jPzdVvyA3wiDTU9cRANgSS_Y1/dl3/d3/L2dJQSEvUUt3QS9ZQnZ3LzZtMFQ5SU9MNTEwRzlOMDBJRzhPTjZNTzBPRzQ!!) (last visited Jan. 19, 2012).

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

<sup>16</sup> Section 1007.27(6), F.S.

<sup>17</sup> Florida Department of Education, *Advanced Placement Exam Results Florida Public Schools 1999-2005*, at 3 (Jan. 2006), available at <http://www.fldoe.org/evaluation/pdf/aptextprt1999-2005.pdf>.

<sup>18</sup> Florida Department of Education presentation to KINS on Nov. 1, 2011.

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

<sup>20</sup> Section 1007.27(6), F.S.; see also Articulation Coordinating Committee, *Credit by Exam Equivalencies*, available at [www.fldoe.org/articulation/pdf/ACC-CBE.pdf](http://www.fldoe.org/articulation/pdf/ACC-CBE.pdf).

be awarded for AP courses.<sup>21</sup> The ACC is conducting a review and is expected to make its recommendation to the State Board and the BOG by August 2012.<sup>22</sup>

### Dual Enrollment Program

The Dual Enrollment Program is an acceleration option that allows an eligible high school or home education student to enroll in a postsecondary course creditable toward high school graduation and an associate or baccalaureate degree or career certificate.<sup>23</sup> A secondary student must be enrolled in a public secondary school or a private secondary school using a curriculum that satisfies the state's high school graduation requirements.<sup>24</sup> Additionally, a student must have a 3.0 unweighted grade point average to enroll in college-level courses and a 2.0 unweighted grade point average to enroll in career certificate courses. In order for a student to enroll in a college credit course, the student must demonstrate adequate pre-collegiate preparation on a basic computation and communication skills assessment through the common placement examination. Exceptions to the required grade point averages may be granted if the school district and the postsecondary institution agree and the terms of such agreement are contained in a dual enrollment interinstitutional articulation agreement.<sup>25</sup> Florida College System (FCS) institutions may establish additional admissions requirements to ensure student readiness for postsecondary instruction, but such requirements may not arbitrarily prohibit students who have demonstrated the ability to master advanced courses from participating in dual enrollment courses.<sup>26</sup> Eligibility requirements for home education students are identified by each postsecondary institution. The requirements for home education students cannot exceed those required of other dually enrolled students.<sup>27</sup>

### Early Admission

Early admission is a type of dual enrollment that allows students to enroll in postsecondary courses on a full-time basis on a college or technical center campus. As with all dual enrollment programs, students earn both high school and college or career credits for courses completed and are exempt from the payment of registration, tuition, and laboratory fees.<sup>28</sup> Participation in the career early admission program is limited to students who have completed a minimum of six semesters of full-time secondary enrollment, including studies undertaken in the ninth grade.<sup>29</sup> By rule, in order for a student to be considered a full-time dual enrollment early admission student, the student must enroll in a minimum of 12 college credit hours, but may not be required to enroll in more than 15 college credit hours.<sup>30</sup>

## **Student Progression Plans**

Each district school board is required to establish a comprehensive program for student progression, commonly referred to as a student progression plan. A student progression plan must include standards for evaluating each student's performance; specific levels of performance in reading, writing, science, and mathematics for each grade level, including the levels of performance on statewide assessments as defined by the Commissioner of Education, below which a student must receive remediation, or be retained;<sup>31</sup> and appropriate alternative placement for a student who has been

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<sup>21</sup> Section 11, ch. 2011-177, L.O.F.; s. 1007.27(2), F.S.

<sup>22</sup> Email, Florida Department of Education, Office of Legislative Affairs (Dec. 20, 2011).

<sup>23</sup> Section 1007.271(1), F.S.

<sup>24</sup> Section 1007.271(2), F.S.; *see also* ss. 1002.42(2) and 100.43, F.S. Section 1007.271(2), F.S., references the required curriculum with regard to the courses required for high school graduation under s. 1003.43, F.S., which applies to students entering high school before the 2007-08 academic year. Section 1003.428, F.S., applies to students who entered high school in the 2007-08 year and thereafter. Additionally, s. 1003.429, F.S., provides accelerated graduation options for students who entered high school in the 2006-07 academic year and thereafter.

<sup>25</sup> *See infra* text accompanying notes 60-65 for an explanation of interinstitutional articulation agreements.

<sup>26</sup> Section 1007.271(3), F.S.

<sup>27</sup> Section 1007.271(10)(b), F.S.

<sup>28</sup> Section 1007.271(7) and (8), F.S.

<sup>29</sup> Section 1007.271(8), F.S.

<sup>30</sup> Rule 6A-14.064(1)(g), F.A.C.

<sup>31</sup> If the student is retained, he or she must be placed into an intensive program that is different from the previous year's program and that takes into account the student's learning style. Section 1008.25(2)(b), F.S.

retained two or more years.<sup>32</sup> Additionally, the student progression plans must include the Sunshine State Standards or the Next Generation Sunshine State Standards,<sup>33</sup> as appropriate, for each subject area and all dual enrollment courses contained within the district interinstitutional articulation agreement.<sup>34</sup>

### End-of-Course (EOC) Assessments

An EOC assessment is a subject-specific assessment that is administered at the end of a particular course. All state EOC assessments must be rigorous, statewide, standardized, and developed or approved by the DOE.<sup>35</sup> In 2010, the Legislature required the DOE to implement a statewide, standardized EOC assessment for Algebra I, Geometry, and Biology I at the high school level, and an EOC assessment in Civics Education at the middle school level.<sup>36</sup> Contingent upon funding, the Commissioner of Education is also required to establish an implementation schedule for the development and administration of additional statewide, standardized EOC assessments in English/Language Arts II, Algebra II, Chemistry, Physics, Earth/Space Science, United States History, and World History.<sup>37</sup> Currently, the DOE is developing an EOC assessment in U.S. History.<sup>38</sup>

Statewide, standardized EOC assessments in Algebra I, Geometry, Biology I, and Civics Education are required to have a one-year baseline administration, in which the student's performance on the EOC assessment constitutes 30 percent of the student's final course grade. After the one-year baseline administration, students must pass the EOC assessment in order to receive credit for the course, and ultimately graduate since these courses are required for high school graduation.<sup>39</sup> The EOC assessment in U.S. History is required to constitute at least 30 percent of the student's final course grade. Likewise, should EOC assessments be developed in English/Language Arts II, Algebra II, Chemistry, Physics, Earth/Space Science, or World History, performance on the EOC assessment will constitute 30 percent of the student's final course grade.<sup>40</sup>

Additionally, the Commissioner of Education is authorized to select one or more nationally developed comprehensive examinations, including, but not limited to, examinations for Advanced Placement, International Baccalaureate, and Advanced International Certificate of Education courses or industry-approved examinations to earn national industry certifications identified in the Industry Certification Funding List for use as EOC assessments.<sup>41</sup>

### High School Graduation

In order to graduate from high school, a student must earn credits in the required high school courses and achieve the required grade point average, with the number of credits, required courses, and required grade point average varying based upon which graduation option the student selects.<sup>42</sup> Students have three graduation options including the traditional 24-credit option, the accelerated 18-credit College Preparatory Program option, and the accelerated 18-credit Career Preparatory Program option. Students must also pass the 10<sup>th</sup> grade FCAT in Reading and Mathematics or attain concordant scores on a different standardized test.<sup>43</sup>

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<sup>32</sup> Section 1008.25(2), F.S.

<sup>33</sup> See s. 1003.41, F.S.

<sup>34</sup> Rule 6A-1.09401(3), F.A.C.; s. 1007.235(4), F.S.; see *infra* text accompanying notes 60-65 for an explanation of interinstitutional articulation agreements.

<sup>35</sup> Section 1008.22(3)(c)2.a., F.S.

<sup>36</sup> Chapter 2010-22, L.O.F.; ss. 1003.4156(1)(a), 1008.22(3)(c)2., F.S.

<sup>37</sup> Section 1008.22(3)(c)2.c., F.S.

<sup>38</sup> Rule 6A-1.09422(3)(e), F.A.C.

<sup>39</sup> Section 1008.22(3)(c)2.a.(I) and (II), F.S. The requirement to pass the EOC assessments in Algebra I, Geometry, and Biology I is not coupled with a student's grade, therefore, a student could receive a grade of "C" in the course but not achieve the necessary credit to graduate if that student did not pass the EOC assessment; s. 1003.428, F.S.

<sup>40</sup> Section 1008.22(3)(c)2.b., F.S.

<sup>41</sup> Section 1008.22(3)(c)2.b., F.S.

<sup>42</sup> Sections 1003.428, 1003.429, and 1003.43, F.S.

<sup>43</sup> Sections 1003.428(4)(b), 1003.429(6)(a), 1003.43(5)(a), and 1008.22(3)(c)6. and (10), F.S.

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

	<b>Traditional 24-Credit Option<sup>44</sup> (s. 1003.428, F.S.)</b>	<b>Accelerated 18-Credit Options</b>	
		<b>COLLEGE PREPARATORY (s. 1003.429(1)(b), F.S.)</b>	<b>CAREER PREPARATORY (s. 1003.429(1)(c), F.S.)</b>
<b>English</b>	4 credits (with major concentration in composition, reading for information, and literature)	4 credits (with major concentration in composition and literature)	4 credits (with major concentration in composition and literature)
<b>Mathematics</b>	4 credits, including: <ul style="list-style-type: none"> <li>❖ 1 credit in Algebra I, the equivalent, or a higher-level mathematics course (must pass EOC)</li> <li>❖ 1 credit in Geometry or equivalent (performance on an EOC in Geometry constitutes 30 percent of a student's final course grade)</li> </ul>	4 credits, including: <ul style="list-style-type: none"> <li>❖ 1 credit in Algebra I, or a higher-level mathematics course (must pass EOC)</li> <li>❖ 1 credit in Geometry or equivalent (performance on an EOC in Geometry constitutes 30 percent of a student's final course grade)</li> </ul>	4 credits, including: <ul style="list-style-type: none"> <li>❖ 1 credit in Algebra I (performance on an EOC in Algebra I constitutes 30 percent of a student's final course grade)</li> <li>❖ 1 credit in Geometry or equivalent</li> </ul>
<b>Science</b>	3 credits (2 credits must have a laboratory component) including: <ul style="list-style-type: none"> <li>❖ Biology I (performance on an EOC in Biology I constitutes 30 percent of a student's final course grade)</li> </ul>	3 credits (2 credits must have a laboratory component) including: <ul style="list-style-type: none"> <li>❖ Biology I (performance on an EOC in Biology I constitutes 30 percent of a student's final course grade)</li> </ul>	3 credits (2 credits must have a laboratory component) including: <ul style="list-style-type: none"> <li>❖ Biology I (performance on an EOC in Biology I constitutes 30 percent of a student's final course grade)</li> </ul>
<b>Social Studies / Social Sciences</b>	3 credits in Social Studies, including: <ul style="list-style-type: none"> <li>❖ 1 credit in US History</li> <li>❖ 1 credit in World History</li> <li>❖ ½ credit in Economics</li> <li>❖ ½ credit in US Government</li> </ul>	3 credits in Social Sciences, including: <ul style="list-style-type: none"> <li>❖ 1 credit in US History</li> <li>❖ 1 credit in World History</li> <li>❖ ½ credit in Economics</li> <li>❖ ½ credit in US Government</li> </ul>	3 credits in Social Sciences, including: <ul style="list-style-type: none"> <li>❖ 1 credit in US History</li> <li>❖ 1 credit in World History</li> <li>❖ ½ credit in Economics</li> <li>❖ ½ credit in US Government</li> </ul>
<b>Second Language</b>	None	2 credits in the same second language	None
<b>Fine or Performing Arts / Speech and Debate / Practical Arts</b>	1 credit (three options): <ul style="list-style-type: none"> <li>❖ Fine or Performing Arts;</li> <li>❖ Speech and Debate; or</li> <li>❖ An approved Practical Arts Course</li> </ul>	None	None
<b>Vocational or Career Education</b>	None	None	Three options: <ul style="list-style-type: none"> <li>❖ 3 credits in vocational or career education program;</li> <li>❖ 3 credits in career and technical certificate dual enrollment courses; or</li> <li>❖ 5 credits in vocational or career education courses</li> </ul>
<b>Physical Education</b>	1 credit (including integration of health)	None	None
<b>Electives</b>	8 credits in Electives	2 credits	1 credit <sup>45</sup>

<sup>44</sup> For the graduation requirements for students who entered high school before the 2007-08 academic year, see s. 1003.43, F.S.

<sup>45</sup> If a student earns 5 credits in vocational or career education courses, no elective credit is required. Section 1003.429(1)(c)6., F.S.



## School Funding through the Florida Education Finance Program

The Florida Education Finance Program (FEFP) is the funding formula adopted by the Legislature in 1973 to allocate funds appropriated to school districts for K-12 public school operations.<sup>46</sup> The FEFP implements the constitutional requirement for a uniform system of free public education<sup>47</sup> and is an allocation model based upon individual student participation in educational programs. The purpose of the funding system is “to guarantee to each student in the “Florida public educational system the availability of programs and services appropriate to his or her educational needs which are substantially equal to those available to any similar student notwithstanding geographic differences and varying local economic factors.”<sup>48</sup>

In order to equalize funding among the school districts, the FEFP takes into account the local property tax base; costs of educational programs; district cost differential; and sparsity of student population.<sup>49</sup>

The FEFP allocates funds to each school district based upon actual student enrollment.<sup>50</sup> The FEFP uses a unit of measurement for each student called a full-time equivalent (FTE). One FTE equals one school year of instruction provided to a student.<sup>51</sup> Generally one FTE equals at least 720 hours of instruction in grades K-3 and at least 900 hours of instruction in grades 4-12.<sup>52</sup> In general, the maximum value for funding a student through the FEFP is one FTE student membership for a school year. A yearlong course (one credit), taken by a student equals 1/6 of an FTE. Funding is capped at six full year courses or 6 credits. A school district does not currently receive additional funding for providing a student an additional course above six credits.<sup>53</sup>

## Bright Futures Scholarship Program

The Bright Futures Scholarship (BFS) Program is a primarily lottery-funded scholarship program created to reward Florida high school graduates who merit recognition for high academic achievement by providing them with scholarships to pursue postsecondary education at eligible public and independent postsecondary institutions in Florida.<sup>54</sup> The BFS Program consists of three scholarship awards, the Florida Academic Scholars Award, the Florida Medallion Scholars Award, and the Florida Gold Seal Vocational Scholars Award.<sup>55</sup> To be considered for any of the BFS awards, a student must apply prior to high school graduation, or the student will forfeit his or her future eligibility for an award.<sup>56</sup>

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

- Be a Florida resident;
- Earn a standard Florida high school diploma or its equivalent;
- Be accepted by and enrolled in an eligible Florida public or independent postsecondary education institution for at least six credit hours per semester or the equivalent;
- Not have been found guilty of, or entered a plea of nolo contendere to, a felony charge, unless the student has been granted clemency; and
- Have completed an application for the program prior to high school graduation.<sup>57</sup>

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<sup>46</sup> Chapter 73-345, L.O.F.

<sup>47</sup> Art. IX, s. 1(a), Fla. Const.

<sup>48</sup> Chapter 73-345, L.O.F.

<sup>49</sup> Section 1011.62, F.S.; Florida Department of Education, *Overview of School District Funding* (2011-12), at 1, available at <http://www.fldoe.org/fefp/pdf/fefpdist.pdf>.

<sup>50</sup> See s. 1011.62(1)(d), F.S.

<sup>51</sup> Section 1011.61(1)(a), F.S.

<sup>52</sup> Section 1011.61(1)(a)1., F.S.

<sup>53</sup> See s. 1011.61(1)(c), F.S.; Florida Department of Education, *Overview of School District Funding* (2011-12) at 10, available at <http://www.fldoe.org/fefp/pdf/fefpdist.pdf>.

<sup>54</sup> Section 1009.53(1), F.S.

<sup>55</sup> Sections 1009.53(2), 1009.534, 1009.535, and 1009.536, F.S.

<sup>56</sup> Sections 1009.53(3) and 1009.531(1)(f) and (2), F.S.

<sup>57</sup> Sections 1009.40(1), 1009.531(1) and (2), F.S.

In addition to the student eligibility requirements above, each BFS award also has specific student eligibility requirements, including, required coursework, grade point averages, test scores, and community service.<sup>58</sup>

The DOE evaluates students twice each year, either after the seventh or eighth semester of high school. However, even if a student qualifies after the seventh semester of high school, the DOE only issues awards for the fall term. Therefore, if a student graduates from high school midyear, the student must wait until the fall term to receive a BFS award.<sup>59</sup>

### **District Interinstitutional Articulation Agreement**

District school superintendents and Florida College System (FCS) institution presidents must jointly develop and implement a comprehensive articulated acceleration program for the students enrolled in their respective school districts and service areas. Each superintendent and president must develop a comprehensive interinstitutional articulation agreement for the school district and FCS institution that serves the school district. An articulation committee must be established by the superintendent and the president to develop the interinstitutional articulation agreement. While not required, each state university president is encouraged to designate a university representative to participate in the development of the interinstitutional articulation agreement. Each interinstitutional articulation agreement must be completed before high school registration for the fall term of the following school year.<sup>60</sup>

The interinstitutional articulation agreements must include various provisions related to dual enrollment such as, a delineation of courses and programs available to students eligible to participate in dual enrollment; a delineation of the process by which students and their parents are informed about opportunities to participate in an articulated acceleration program; a delineation of the process by which students, and their parents, exercise the student's option to participate in a dual enrollment course; a list of postsecondary courses that meet the criteria for inclusion in a district articulated acceleration program to be counted toward meeting graduation requirements; a delineation of institutional responsibilities regarding student screening before enrollment and monitoring student performance after enrollment in dual enrollment courses; and identification of the responsibility of the postsecondary educational institution for assigning letter grades for dual enrollment courses and the responsibility of school districts for posting dual enrollment course grades to the high school transcript as assigned by the postsecondary institution awarding the credit.<sup>61</sup>

In addition to the dual enrollment provisions, the interinstitutional articulation agreements must also include a ratification or modification of all existing articulation agreements; mechanisms and strategies for reducing the incidence of postsecondary remediation in math, reading, and writing for first-time-enrolled recent high school graduates; and mechanisms and strategies for promoting "tech prep" programs of study. Additionally, the interinstitutional articulation agreement must include a plan that outlines the mechanisms and strategies for improving the preparation of elementary, middle, and high school teachers.<sup>62</sup>

All dual enrollment courses listed within the interinstitutional articulation agreement must be incorporated, either directly or by reference, into the district school board's student progression plan.<sup>63</sup>

The DOE is required to review each interinstitutional articulation agreement and certify the statewide course number of postsecondary courses that meet each district's graduation requirements.<sup>64</sup>

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<sup>58</sup> Sections 1009.534, 1009.535, and 1009.536, F.S.

<sup>59</sup> Telephone interview with Director, State Scholarship and Grant Programs, Florida Department of Education (Jan. 11, 2011).

<sup>60</sup> Section 1007.235(1) and (2), F.S.

<sup>61</sup> Section 1007.235(2), F.S.

<sup>62</sup> Section 1007.235(2) and (3), F.S.

<sup>63</sup> Section 1007.235(4), F.S.

<sup>64</sup> Section 1007.235(5), F.S.

District school boards and FCS institutions are authorized to enter into additional interinstitutional articulation agreements with state universities. Additionally, district school boards may enter into interinstitutional agreements with eligible independent colleges and universities and state universities and FCS institutions may enter into interinstitutional articulation agreements with eligible nonpublic secondary schools.<sup>65</sup>

### **Admissions Requirements for an FCS Institution**

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

An applicant must also have a demonstrated level of achievement of college-level communication and computation skills and any other requirements established by the board of trustees of the institution.<sup>66</sup>

A student who has been awarded a special diploma or a certificate of completion is not eligible to enroll in college credit courses, but may enroll in certificate career education programs. Admission into other programs within an FCS institution includes education requirements established by the institution's board of trustees.<sup>67</sup>

### **Effect of Proposed Changes**

#### **Academically Challenging Curriculum to Enhance Learning (ACCEL) options**

The bill establishes Academically Challenging Curriculum to Enhance Learning (ACCEL) options which are educational options that provide academically challenging curriculum or accelerated instruction to eligible public school students in kindergarten through grade 12. The bill does not create new acceleration options, but allows principals to do so and provides more information about and greater access to existing acceleration options through parental notification and parent initiated student participation.

At a minimum, the bill requires each school to offer whole grade and midyear promotion; subject-matter acceleration; virtual instruction in higher grade level subjects; and the credit acceleration program<sup>68</sup> (CAP). Schools may also offer other ACCEL options, which may include, but are not limited to, enriched science, technology, engineering, and mathematics (STEM) coursework; enrichment programs; flexible grouping; advanced academic courses; combined classes; self-paced instruction; curriculum compacting; advanced-content instruction; and telescoping curriculum.<sup>69</sup>

Each principal must specify the student eligibility requirements for virtual instruction in higher grade level subjects. Principals must also establish eligibility requirements for whole grade promotion, midyear promotion, and subject-matter acceleration when the promotion or acceleration occurs within the principal's school. This allows an elementary principal to establish student eligibility requirements

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<sup>65</sup> Section 1007.235(6) and (7), F.S.

<sup>66</sup> Section 1007.263(2), F.S.

<sup>67</sup> Section 1007.263(3) and (4), F.S.

<sup>68</sup> Section 1003.4295(3), F.S.

<sup>69</sup> For explanations of these acceleration options, please refer to Appendix A.

for a student to be promoted from 4<sup>th</sup> grade to 5<sup>th</sup> grade, but not from 5<sup>th</sup> grade to 6<sup>th</sup> grade, unless the school serves students in 6<sup>th</sup> grade.

For whole grade promotion, midyear promotion, or subject-matter acceleration that would result in a student attending a different school, the school district must establish student eligibility requirements and procedural requirements. Therefore, a school district would establish student eligibility requirements and procedural requirements for a student to be promoted from 8<sup>th</sup> grade to 9<sup>th</sup> grade. Examples of procedural requirements a school district may establish include the verification of facility capacity, class size, and transportation availability.

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

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

Principals currently provide information to parents and students on a variety of educational topics, which may include the availability of acceleration options. For example, on August 30, 2011, one Collier County principal sent parents a letter informing them of the acceleration options available in their child's school.<sup>71</sup> The bill requires principals to inform parents and students of the ACCEL options available at the school and the student eligibility requirements. By requiring parental notification by the principal, all parents will receive information regarding the opportunities provided by the principal for their students to participate in acceleration options.

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

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

If a student participates in certain ACCEL options pursuant to parental request, a performance contract must be executed by the student, the parent, and the principal, for each ACCEL option in which the student participates. A performance contract is required for whole-grade promotion, midyear promotion, and subject-matter acceleration when the promotion or acceleration occurs within a

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

<sup>71</sup> Letter to Parents from Sea Gate Elementary School Principal, Collier County, August 30, 2011. The letter stated, in part, "Schools in Collier County are committed to excellence in all educational endeavors. As a part of this commitment, differentiated instruction designed to meet the learning needs of all students is provided in each classroom every day. For students requiring acceleration beyond the typical grade level curriculum, as evidenced by performance both in the classroom and on standardized tests, a variety of options are available: Guided Reading Instruction based on above-grade level materials; Flexible grouping in math to encourage exploration beyond grade level expectations; Pre-Laureate Curriculum focused on developing and enhancing reference, research, writing and presentation skills across the curriculum; and Study Skills Curriculum to promote lifelong organization and planning skills."

principal's school; virtual instruction in higher grade level subjects; or an alternative ACCEL option established by a principal. Performance contracts must require compliance with minimum attendance and conduct requirements and any other ACCEL requirements, which may include participation in extracurricular activities, educational outings, field trips, interscholastic competitions, and other activities related to the ACCEL option selected.

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

To further expand access to accelerated coursework, the bill allows all students, not just secondary students, to participate in the credit acceleration program (CAP program). There have been reports of elementary school students that have been unable to take the Algebra I EOC assessment to earn high school credit because the law limits the CAP program to secondary students. The bill allows elementary school students the opportunity to take an EOC assessment, and if passed earn high school credit.

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

### **Student Progression Plans**

The bill expands the information a school district's student progression plan must contain. The bill amends the student progression plan to include a list of the eligibility and procedural requirements established by a school district for certain ACCEL options. School districts are only required to establish eligibility and procedural requirements for whole-grade promotion, midyear promotion, and subject-matter acceleration when the promotion or acceleration would result in a student attending a different school. The student progression plan must also delineate the school district's process for a parent to request student participation in these ACCEL options.

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

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

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

### **Early High School Graduation**

The bill authorizes a student to graduate from high school in fewer than four years if the student has completed a minimum of 24 credits and meets the general requirements for graduation. If a student meets the requirements, the district school board cannot prevent the student from graduating early. Early graduation is defined as graduating from high school in less than 8 semesters or the equivalent.

Currently, students often remain in high school even if they have met the general requirements for graduation in fewer than eight semesters. These students remain in high school and accumulate additional credits. Students may be discouraged from graduating early from high school because they are unable to receive an initial Bright Futures Scholarship award midyear.

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

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

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

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

### **End-of-Course (EOC) Assessments**

The bill requires the EOC assessment for Algebra I to be administered four times each year, beginning with the 2012-13 school year. As of the 2011-12 academic year, Algebra I is the only must pass EOC assessment. Per current law, Biology I and Geometry EOC assessments will also be must pass beginning in the 2012-13 school year, but the bill does not require four administrations of those EOC assessments. Accordingly, they will only be administered three times per year.

The fourth administration of the Algebra I EOC assessment will provide students taking the course through the Florida Virtual School a shorter time period between the completion of the course and the administration of an EOC assessment.

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

The bill also authorizes a school district to report 1/6 FTE for each student who passes an EOC assessment without being enrolled in the corresponding course. This may encourage school districts to increase the number of students participating in the credit acceleration program, since the bill allows a school district to report 1/6 FTE for students even if the student did not take the course, as long as the EOC assessment was passed.

The opportunities for additional FTE are limited to 1 FTE per year, unless a student graduates early from high school. If a student graduates early, the school district may report up to 1/2 FTE for students that graduate one semester early and up to 1 FTE for students that graduate at least one year early for any unpaid credits delivered by the district.

### **Bright Futures Scholarship Program**

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

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

### **Advanced Placement (AP) Program**

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

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

### **Dual Enrollment Program**

#### *Student Eligibility*

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

The bill clarifies that in order to continue enrollment in the dual enrollment program, a student must maintain a 3.0 high school grade point average and the minimum postsecondary grade point average established by the postsecondary institution. Additionally, a student may lose the opportunity to participate in the dual enrollment program if the student is disruptive to the learning process. These requirements are currently required by State Board rule.

Per State Board rule, to be considered a full-time early admission dual enrollment student, a student must enroll in at least 12 college credit hours per semester, but may not be required to enroll in more

than 15 college credit hours per semester.<sup>72</sup> The bill codifies this rule, maintaining the same credit hour requirements.

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

#### Faculty Standards

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

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

The faculty standards established by the bill apply to all dual enrollment faculty members including those teaching a dual enrollment course on a high school campus. Additionally, the faculty standards established in the bill are consistent with those required by the Southern Association of Colleges and Schools (SACS) Commission on Colleges and are currently outlined in State Board rule.<sup>73</sup>

#### Curriculum Standards

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

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

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

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<sup>72</sup> Rule 6A-14.064(1)(g), F.A.C.

<sup>73</sup> Rule 6A-14.064(2), F.A.C.



deadlines for submission of grades in the appropriate format. The bill requires the faculty to be advised of institution-wide grading guidelines before teaching a dual enrollment course.

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

The curriculum standards established in the bill are consistent with those required by the SACS Commission on Colleges and are currently outlined in State Board rule.<sup>74</sup>

#### Dual Enrollment Articulation Agreement

In an effort to streamline the dual enrollment program, the bill repeals s. 1007.235, F.S., related to District Interinstitutional Articulation Agreements and reestablishes the provisions related to dual enrollment in s. 1007.271, F.S.<sup>75</sup> The bill requires each district school superintendent and FCS institution president to develop a comprehensive dual enrollment articulation agreement for their respective school district and FCS institution. As done for developing a district interinstitutional articulation agreement, the superintendent and the president must establish an articulation committee to develop the dual enrollment agreement. State university presidents are authorized to designate a university representative to participate in the development of the dual enrollment articulation agreement.

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

- A ratification or modification of all existing articulation agreements;
- The process by which students and their parents are informed about opportunities to participate in the dual enrollment program;
- A delineation of available dual enrollment courses;
- The process by which students and their parents exercise the option to participate in the dual enrollment program;
- Any additional initial eligibility requirements for student participation in the dual enrollment program;
- A delineation of high school credits earned for completion of each dual enrollment course;
- The process for informing students and parents of college course-level expectations;
- The policies and procedures, if any, for determining exceptions to the grade point average requirements on an individual student basis;
- The policies relating to dual enrollment course withdrawals and repeats as determined by the postsecondary institution;
- Exceptions, if any, to the professional guidelines, rules, and expectations established in the faculty or adjunct faculty handbook for the postsecondary institution;
- Exceptions, if any, to the guidelines, rules, and expectations in the student handbook of the postsecondary institution that apply to faculty;
- The responsibilities of the school district regarding student screening prior to participation in the dual enrollment program and the monitoring of student performance while participating in the dual enrollment program;
- The responsibilities of the FCS institution regarding the transmission of student grades in dual enrollment courses to the school district;
- A funding agreement that delineates costs incurred by each entity,<sup>76</sup> and
- The institutional responsibility for student transportation, if provided.

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<sup>74</sup> Rule 6A-14.064(3), F.A.C.

<sup>75</sup> See *infra* text accompanying notes 77-83 for an explanation of the district interinstitutional articulation agreement elements the bill repeals.

<sup>76</sup> The bill states school districts should share funding to cover instructional and support costs incurred by the postsecondary institution.

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

The dual enrollment articulation agreement must be submitted by the FCS institution to the DOE on or before August 1 each year, through the electronic submission system developed by the DOE. The DOE has had an electronic submission system for district interinstitutional articulation agreements since 2009. The bill maintains the requirement that the DOE review, for compliance, each articulation agreement, but also requires the Commissioner of Education to inform the district school superintendent and the FCS institution president if the articulation agreement does not comply with statutory requirements and must submit any articulation agreement with unresolved issues of noncompliance to the State Board. The DOE has annually collected and reviewed district interinstitutional articulation agreements, but never had a defined course of action if the agreements did not comply with the law.

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

#### Other Requirements

The DOE is currently required to develop a statement on transfer guarantees that informs students, prior to enrollment in a dual enrollment course, of the potential for the course to articulate into a postsecondary education certificate or degree program. The bill requires the statement on transfer guarantees to inform both students and their parents.

Currently, district school boards must notify all secondary students of the dual enrollment program and the eligibility requirements. The bill requires parents to also be informed of the dual enrollment eligibility requirements.

District school boards must also annually assess the demand for dual enrollment and provide that information to each partnering postsecondary institution. School districts currently assess this information, along with the demand for other advanced courses, but do not currently provide the information to the partnering postsecondary institutions.

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

#### **Admissions Requirements for an FCS Institution**

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

#### **District Interinstitutional Articulation Agreements**

The bill repeals s. 1007.235, F.S., related to District Interinstitutional Articulation Agreements. FCS institutions and school districts no longer have to enter into district interinstitutional articulation agreements; however, the bill requires FCS institutions and school districts to annually establish dual enrollment articulation agreements. Although previously included in the district interinstitutional articulation agreements, the dual enrollment articulation agreements are not required to include:

- A process for converting college credit hours earned to high school credit based upon mastery of course outcomes.
  - A committee appointed by the Commissioner of Education establishes the number of postsecondary semester credit hours of instruction and equivalent high school credits earned through dual enrollment.<sup>77</sup> It is unnecessary for a local dual enrollment articulation agreement to include a process established in law.
- Mechanisms and strategies for reducing the incidence of postsecondary remediation in math, reading, and writing for first-time-enrolled recent high school graduates.
  - Florida high schools are required to evaluate, before the beginning of grade 12, the college readiness of each student who scores at Level 2 or 3 on the 10<sup>th</sup> Grade Reading FCAT, or Level 2 through 4 on a standardized state-wide mathematics assessment.<sup>78</sup> These students must take the Postsecondary Education Readiness Test. If a student fails the PERT, the student must complete appropriate postsecondary preparatory instruction before graduating from high school.<sup>79</sup> It is unnecessary for a local dual enrollment articulation agreement to include mechanisms and strategies when state law prescribes heightened requirements to reduce the incidence of postsecondary remediation.
- Mechanisms and strategies for promoting “tech prep” programs of study.
  - Federal legislation addresses “Programs of Study” that were formerly referred to as “tech prep” programs.<sup>80</sup> Similar information is contained within career and professional education programs including the Career and Professional Academies.<sup>81</sup>
- A plan that outlines the mechanisms and strategies for improving the preparation of elementary, middle, and high school teachers.
  - Florida law authorizes postsecondary educator preparation institutes at Florida College System institutions.<sup>82</sup> The purpose of these programs is to provide access to needed elementary, middle and high school teacher preparation for students in each college service area. FCS institutions and school districts work closely together to ensure quality teacher outcomes. Given this collaboration, it is unnecessary to require a plan within the dual enrollment articulation agreement that is unrelated to the dual enrollment program.<sup>83</sup>

### **Joint Dual Enrollment and Advanced Placement Instruction**

The bill repeals s. 1007.272, F.S., related to joint dual enrollment and advanced placement instruction. By repealing this section, school districts may no longer conduct advanced placement instruction within dual enrollment courses. Joint AP and dual enrollment courses have become unnecessary due to the expansion of access to acceleration mechanisms and because students are required to choose which credit they wish to pursue at the beginning of the course.

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

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

<sup>77</sup> Section 1007.271(6), F.S.

<sup>78</sup> Standardized state-wide mathematics assessments currently include Algebra I, and Geometry end-of-course assessments.

<sup>79</sup> Section 1008.30(2), F.S.

<sup>80</sup> 20 U.S.C. s. 2301 et seq.

<sup>81</sup> Email, Florida Department of Education, Legislative Affairs (Jan. 12, 2012); *see* s. 1003.493, F.S.

<sup>82</sup> Section 1004.85, F.S.

<sup>83</sup> *See* email, Florida Department of Education, Legislative Affairs (Jan. 12, 2012).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

articulation agreements and to review agreements for compliance; and authorizing dual enrollment articulation agreements with state universities, eligible independent colleges and universities, and private secondary schools.

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

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

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

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

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

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

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

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

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

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

See FISCAL COMMENTS.

#### 2. Expenditures:

See FISCAL COMMENTS.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

See FISCAL COMMENTS.

#### 2. Expenditures:

See FISCAL COMMENTS.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See FISCAL COMMENTS.

D. FISCAL COMMENTS:

ACCEL Options

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

Early High School Graduation

The bill provides students the option to graduate early from high school and authorizes school districts to receive funding for unpaid credits delivered to students who graduate at least one semester early. In order to receive funding for unpaid credits, school districts will need to change the way they track credits. Similarly, DOE will need to change the way it tracks student progression and credits earned. At this time, the fiscal impact is unknown. In order to develop a fiscal impact, DOE reports it would have to conduct a needs analysis of DOE's system and the district systems.<sup>84</sup>

After the upfront programming costs, paying districts for unpaid credits is anticipated to be fiscally neutral and possibly provide cost savings. If a student graduates early, the district can receive funding for unpaid credits provided to the student by the district, however, the amount is capped at 1/2 FTE for students that graduate one semester early and 1 FTE for students that graduate at least one year early.

Additionally, school districts may incur an insignificant fiscal impact due to the expanded advising requirements for students. However, school districts are currently required to advise students of available acceleration options; the bill simply expands the required advisement to include the options of early and accelerated graduation.

End-of-Course (EOC) Assessments

The Algebra I EOC is currently administered three times a year. The bill adds a fourth administration. DOE anticipates to incur a cost of \$750,000, which includes the costs of administration and those associated with increasing the number of test questions in the Algebra I test bank, to maintain test security.

A school district may incur upfront costs in order to report 1/6 FTE for those students who pass an EOC assessment without being enrolled in the course. Excluding upfront costs, the fiscal impact is anticipated to be neutral since the total FTE a school district can earn is capped at 1 FTE.

Due to the performance funding established by the bill, a school district may receive less funding for courses with EOC assessments, beginning in the fourth year of administration, if the school district has students that do not pass the EOC assessment. Additionally, DOE estimates substantial upfront costs for both the DOE and districts to update their data bases to properly capture and report these changes.<sup>85</sup>

Advanced Placement

By establishing the student eligibility requirements for AP courses, the bill may save over \$6.5 million.<sup>86</sup> In 2010, 171,238 students enrolled in AP courses. These students took 276,290 examinations with 41% earning 3 or higher.<sup>87</sup> The cost of an AP examination in 2012 will be \$87.<sup>88</sup> Using the passage rate and number of tests administered from 2010 as a conservative estimate, the total cost of administering AP examinations could be \$24 million for 41% of students to earn college credit.

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<sup>84</sup> Email, Florida Department of Education, Legislative Affairs (Jan. 19, 2012).

<sup>85</sup> Email, Florida Department of Education, Legislative Affairs (Jan. 17, 2012).

<sup>86</sup> See email, Florida Department of Education, Legislative Affairs (Jan. 10, 2012).

<sup>87</sup> Florida Department of Education presentation to KINS on Nov. 1, 2011.

<sup>88</sup> College Board, *Exam Fees and Reductions: 2012*, <http://apcentral.collegeboard.com/apc/public/exam/calendar/190165.html> (last visited Jan. 19, 2012).

According to the DOE, over 77% of students with grade point averages below 3.0 fail to earn college credit on AP examinations.<sup>89</sup>

### Dual Enrollment

The dual enrollment articulation agreement may result in cost savings for the district school boards and FCS institutions, but at minimum, establishing a dual enrollment articulation agreement should be cost neutral for the entities. The bill requires district school superintendents and FCS institution presidents to establish a dual enrollment articulation agreement. The cost savings may result from the elimination of some of the requirements in the district interinstitutional articulation agreement that superintendents and presidents are currently required to establish.

DOE is required to establish an electronic submission system. The DOE has had, since 2009, an electronic system for submission of articulation agreements. The DOE anticipates the submission system will likely need to be modified slightly, but the modifications can be completed in-house with little fiscal impact.<sup>90</sup>

No fiscal impact is anticipated for the faculty and curriculum standards for dual enrollment courses established by the bill, since these standards are currently required by rule.

FCS institutions may incur a minimal, indeterminate fiscal impact due to the required home education articulation agreement. However, the institutions are currently providing home education student most of the items required by the agreement.

### Bright Futures Scholarship Program

By establishing a Bright Futures Scholarship Program application deadline of August 31 for students that will graduate from high school midyear, the DOE anticipates minimal fiscal impacts since the review of the application will be incorporated into the standard review of eighth semester applicants.<sup>91</sup>

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

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

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

#### 2. Other:

None.

### B. RULE-MAKING AUTHORITY:

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

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

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<sup>89</sup> Email, Florida Department of Education, Legislative Affairs (Jan. 10, 2012).

<sup>90</sup> Email, Florida Department of Education, Office of Articulation (Jan. 19, 2012).

<sup>91</sup> Telephone interview with Director, State Scholarship and Grant Programs, Office of Student Financial Assistance, Florida Department of Education (Jan. 11, 2012).

#### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.



## APPENDIX A

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

- *Whole Grade Promotion*: Allows a student to be placed one or more grade levels ahead of chronological-age peers.<sup>92</sup>
- *Midyear Promotion*: Allows a student to be promoted one or more grade levels during a school year if the student demonstrates proficiency on the appropriate curriculum standards.<sup>93</sup>
- *Subject-Matter Acceleration*: Allows a student to be placed in classes with older peers for a part of the day in one or more content areas. Subject-matter acceleration may be accomplished by the student either physically moving to a higher-level class for instruction or using higher-level curricular or study materials.<sup>94</sup>
- *Virtual instruction in higher grade level subjects*: Provides a student additional access to subject-matter acceleration.
- *Enrichment Programs*: Provide more depth, breadth, or complexity to the presentation of curriculum content than the general curriculum.<sup>95</sup>
- *Flexible Grouping*: Allows students with similar needs, abilities, or interests to be grouped together.<sup>96</sup>
- *Combined Classes*: Allows a younger student to interact academically and socially with older peers, for example a fourth- and fifth-grade split room. Combined classes do not necessarily result in advanced grade placement.<sup>97</sup>
- *Self-Paced Instruction*: Allows a student to proceed through learning and instructional activities at a self-selected pace. A student has control over all pacing decisions in self paced instruction.<sup>98</sup>
- *Curriculum Compacting*: Reduces the amount of introductory activities, drills, and practice time in the student's instruction. The time gained may be used for more advanced content instruction or to participate in enrichment activities. Curriculum compacting does not necessarily result in advanced grade placement.<sup>99</sup>
- *Telescoping Curriculum*: Reduces the amount of instructional time. For example, a student could complete a one-year course in one semester, or three years of middle school in two years. Telescoping curriculum differs from curriculum compacting in that time saved from telescoping always results in advanced grade placement. Telescoping curriculum is planned to fit a precise time schedule.<sup>100</sup>
- *Credit Acceleration Program (CAP)*: Allows a middle or high school student to earn high school credit in a course that requires a statewide, standardized end-of-course (EOC) assessment if the student attains a score indicating satisfactory performance on the corresponding assessment. A student does not have to be enrolled in or complete the course to take the EOC assessment during the regular administration of the assessment.<sup>101</sup>
- *IB Programs*: Provide an intensive curriculum established by the International Baccalaureate Organization for students aged 3 to 19 years that help develop intellectual, personal, emotional,

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<sup>92</sup> See The Templeton National Report on Acceleration, *A Nation Deceived: How Schools Hold Back America's Brightest Students*, Vol. 2, at 5-6 (Oct. 2004), available at [http://www.accelerationinstitute.org/Nation\\_Deceived/Get\\_Report.aspx](http://www.accelerationinstitute.org/Nation_Deceived/Get_Report.aspx), (last visited Jan. 19, 2012), [hereinafter *A Nation Deceived*].

<sup>93</sup> See s. 1008.25(7)(b)4., F.S.

<sup>94</sup> *A Nation Deceived*, supra note 45.

<sup>95</sup> Florida Department of Education, *Acceleration of Gifted Students* (2003), available at [http://www.fldoe.org/ESE/pdf/gift\\_accel.pdf](http://www.fldoe.org/ESE/pdf/gift_accel.pdf).

<sup>96</sup> See email, Florida Department of Education, Office of Legislative Affairs (Sept. 30, 2011).

<sup>97</sup> See *A Nation Deceived*, supra note 45.

<sup>98</sup> *A Nation Deceived*, supra note 45.

<sup>99</sup> *A Nation Deceived*, supra note 45.

<sup>100</sup> *A Nation Deceived*, supra note 45.

<sup>101</sup> Section 1003.4295(3), F.S.

and social skills.<sup>102</sup> Students are eligible to receive postsecondary credit if they obtain a passing score on the corresponding IB examination.<sup>103</sup>

- *Cambridge Programs*: Provide a curriculum established by the University of Cambridge International Examinations for students aged 5 to 19 years. Examples of the programs include the Advanced International Certificate of Education (AICE) and the International General Certificate of Secondary Education.<sup>104</sup> Students are eligible to receive postsecondary credit if they obtain a passing score on the corresponding AICE examination.<sup>105</sup>
- *Advanced Placement Program*: A nationwide program administered by the College Board consisting of more than 30 college-level courses and examinations. Students are eligible to receive postsecondary credit if they obtain a passing score on the corresponding AP examination.<sup>106</sup>
- *Dual Enrollment Program*: Allows eligible secondary students to enroll in a postsecondary course that provides credit towards high school graduation and a postsecondary degree or certificate.<sup>107</sup>

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<sup>102</sup> International Baccalaureate Organization, About the International Baccalaureate, <http://www.ibo.org/general/who.cfm> (last visited Jan. 19, 2012).

<sup>103</sup> Section 1007.27(8), F.S.

<sup>104</sup> University of Cambridge International Examinations, Cambridge AICE Diploma Overview, <http://www.cie.org.uk/qualifications/academic/uppersec/aice> (last visited Jan. 19, 2012).

<sup>105</sup> Section 1007.27(9), F.S.

<sup>106</sup> Section 1007.27(6), F.S.; Florida Department of Education, *Advanced Placement Program*, available at <http://www.fldoe.org/flbpso/otherpubschopt/advplacement.asp> (last visited Jan. 19, 2012).

<sup>107</sup> Section 1007.271(1), F.S.



1 A bill to be entitled  
 2 An act relating to parent empowerment in education;  
 3 amending s. 1001.10, F.S.; conforming a cross-  
 4 reference; amending s. 1002.20, F.S.; authorizing  
 5 parents of students who are assigned to certain  
 6 underperforming public schools to submit a petition to  
 7 the school district requesting implementation of a  
 8 school turnaround option; requiring a school district,  
 9 upon request, to provide a parent with a performance  
 10 evaluation for each classroom teacher assigned to his  
 11 or her child; requiring notification to the parent of  
 12 each student who is assigned to a classroom teacher  
 13 who is teaching out-of-field or who has received  
 14 unsatisfactory performance evaluations and of the  
 15 availability of virtual instruction; amending s.  
 16 1002.32, F.S.; correcting a cross-reference; creating  
 17 s. 1003.07, F.S., the Parent Empowerment Act;  
 18 requiring each school district to notify parents of  
 19 students attending a lowest-performing school that has  
 20 been unable to improve performance after  
 21 implementation of a school turnaround option;  
 22 authorizing parents to submit a petition requesting  
 23 implementation of an available school turnaround  
 24 option; providing requirements for a petition and its  
 25 consideration and adoption by the district school  
 26 board; requiring rulemaking; amending s. 1008.33,  
 27 F.S.; identifying the options for improving a school  
 28 identified in the lowest-performing category as school

29 turnaround options; authorizing parents to submit a  
 30 petition to the school district to implement a  
 31 specified school turnaround option; amending s.  
 32 1012.2315, F.S.; requiring that each district school  
 33 board adopt rules to implement an assistance plan for  
 34 out-of-field classroom teachers and requiring their  
 35 participation in certain programs; requiring that the  
 36 school district annually notify the parent of each  
 37 student assigned to an out-of-field classroom teacher  
 38 or an underperforming classroom teacher and of the  
 39 availability of virtual instruction; requiring that a  
 40 school district, upon request, provide a parent with  
 41 the performance evaluation of each classroom teacher  
 42 assigned to his or her child; prohibiting the  
 43 consecutive assignment of students to classroom  
 44 teachers who receive certain performance evaluations;  
 45 repealing s. 1012.42, F.S., relating to teachers  
 46 teaching out-of-field; providing an effective date.

47

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

49

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

52 1001.10 Commissioner of Education; general powers and  
 53 duties.—

54 (3) To facilitate innovative practices and ~~to allow~~ local  
 55 selection of educational methods, the State Board of Education  
 56 may authorize the commissioner to waive, upon the request of a

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

72 | Section 2. Paragraph (d) is added to subsection (21) of  
 73 | section 1002.20, Florida Statutes, and subsections (24) and (25)  
 74 | are added to that section, to read:

75 | 1002.20 K-12 student and parent rights.—Parents of public  
 76 | school students must receive accurate and timely information  
 77 | regarding their child's academic progress and must be informed  
 78 | of ways they can help their child to succeed in school. K-12  
 79 | students and their parents are afforded numerous statutory  
 80 | rights including, but not limited to, the following:

81 | (21) PARENTAL INPUT AND MEETINGS.—

82 | (d) Parent empowerment.—Parents of students who are  
 83 | assigned to a public school that does not improve performance  
 84 | following implementation of a school turnaround option under s.

85 1008.33(5)(a) may submit a petition to the school district  
 86 requesting implementation of a school turnaround option pursuant  
 87 to s. 1003.07.

88 (24) PERSONNEL EVALUATION REPORTS.—Upon request by the  
 89 parent of a public school student, the school district must  
 90 provide the parent with the performance evaluation for each  
 91 classroom teacher assigned to his or her child, pursuant to s.  
 92 1012.31.

93 (25) ASSIGNMENT TO TEACHERS.—

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

101 (b) When a student is assigned to a classroom teacher who  
 102 has received two consecutive annual performance evaluation  
 103 ratings of unsatisfactory, two annual performance evaluation  
 104 ratings of unsatisfactory within a 3-year period, or three  
 105 consecutive annual performance evaluation ratings of needs  
 106 improvement or a combination of needs improvement and  
 107 unsatisfactory under s. 1012.34, the school district shall  
 108 notify the parent regarding the performance evaluation rating of  
 109 the classroom teacher. The notification must inform the parent  
 110 that virtual instruction from a teacher with an annual  
 111 performance evaluation rating of effective or highly effective  
 112 is available pursuant to s. 1012.2315(7).

113 Section 3. Paragraph (c) of subsection (7) of section  
 114 1002.32, Florida Statutes, is amended to read:

115 1002.32 Developmental research (laboratory) schools.—  
 116 (7) PERSONNEL.—

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

119 Section 4. Section 1003.07, Florida Statutes, is created  
 120 to read:

121 1003.07 Parent empowerment.—

122 (1) This section may be cited as the "Parent Empowerment  
 123 Act."

124 (2) Each school district must provide written notification  
 125 to the parents of eligible students, as defined in paragraph

126 (3)(b), when a public school has been unable to improve  
 127 performance following implementation of a school turnaround  
 128 option and must implement a different option, as required under

129 s. 1008.33(5). The written notification shall inform parents  
 130 that they may, by petition, request implementation of a school  
 131 turnaround option by the school in the following school year.

132 The notification shall be provided to parents within 30 calendar  
 133 days after the school district receives notice from the  
 134 Department of Education that the school must implement a

135 different school turnaround option. The notification by the  
 136 school district shall include:

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

139 (b) A description of the process for implementing school  
 140 turnaround options, including the date by which the school



141 | district must submit its implementation plan to the State Board  
 142 | of Education;

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

144 |       (d) The date and location of the publicly noticed district  
 145 | school board meeting, required under paragraph (4) (a), at which  
 146 | the school board will consider the petition; and

147 |       (e) School district contact information for additional  
 148 | questions.

149 |       (3) (a) Prior to the school district's selection and  
 150 | implementation of a different school turnaround option for the  
 151 | following school year, parents may submit a petition selecting  
 152 | an available school turnaround option, as described in the  
 153 | notification provided pursuant to paragraph (2) (a), for  
 154 | consideration by the district school board.

155 |       (b) Only one parent per eligible student may sign the  
 156 | petition. An eligible student is a student enrolled in the  
 157 | school in which the school turnaround option will be implemented  
 158 | or a student who is scheduled, the following school year, for  
 159 | assignment to the school in which the school turnaround option  
 160 | will be implemented, according to the district school board's  
 161 | enrollment policies.

162 |       (c) A parent must date the petition on the day it is  
 163 | signed and identify the eligible student on the petition.

164 |       (d) If the school district chooses to verify signatures on  
 165 | the petition, the district shall use existing student enrollment  
 166 | documentation or other records containing parent signatures.

167 |       (4) (a) The school turnaround option selected by parents  
 168 | must be considered for implementation by the district school

169 board at a publicly noticed school board meeting if the petition  
 170 is signed and dated by a majority of the parents of eligible  
 171 students. A majority is more than one-half of the parents who  
 172 are eligible to sign the petition pursuant to paragraph (3)(b).

173 (b) The district school board may adopt the school  
 174 turnaround option selected by parents or a different school  
 175 turnaround option selected by the school board. If the district  
 176 school board does not adopt the school turnaround option  
 177 selected by parents, it must include that option with the  
 178 implementation plan submitted to the State Board of Education  
 179 under s. 1008.33(5)(b). If the state board determines that the  
 180 school turnaround option selected by parents is more likely to  
 181 improve the academic performance of students at the school, it  
 182 shall remand the district school board's implementation plan to  
 183 the school board. The district school board shall submit to the  
 184 state board an implementation plan for the school turnaround  
 185 option selected by parents.

186 (5) The State Board of Education shall adopt rules  
 187 pursuant to ss. 120.536(1) and 120.54 to establish a model  
 188 petition format, petition submission process, standards for  
 189 verifying signatures, and timelines for district school board  
 190 consideration of a petition at a publicly noticed meeting.

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

193 1008.33 Authority to enforce public school improvement.—

194 (5)(a) In the school year after a school is initially  
 195 identified as a school in the lowest-performing category, the  
 196 school district must submit a plan, which is subject to approval

197 by the State Board of Education, for implementing one of the  
 198 following school turnaround options at the beginning of the next  
 199 school year. The plan must be implemented unless the school  
 200 moves from the lowest-performing category:

201 1. Convert the school to a district-managed turnaround  
 202 school by means that include implementing a turnaround plan  
 203 approved by the Commissioner of Education which shall become the  
 204 school's improvement plan;

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

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

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

212 (b) If a school does not move from the lowest-performing  
 213 category during the initial year of implementing one of the  
 214 school turnaround options in paragraph (a), the school district  
 215 must submit a plan, which is subject to approval by the State  
 216 Board of Education, for implementing a different option in  
 217 paragraph (a) at the beginning of the next school year, unless  
 218 the State Board of Education determines that the school is  
 219 likely to move from the lowest-performing category if additional  
 220 time is provided to implement intervention and support  
 221 strategies. The State Board of Education shall determine whether  
 222 a school district may continue to implement a school turnaround  
 223 ~~an~~ option beyond 1 year while a school remains in the lowest-  
 224 performing category. Parents of students who are assigned to a

225 public school that is required to implement a different school  
 226 turnaround option may petition the school district to implement  
 227 a school turnaround option selected by the parents pursuant to  
 228 s. 1003.07.

229 Section 6. Section 1012.2315, Florida Statutes, is amended  
 230 to read:

231 1012.2315 Assignment of teachers.-

232 (1) LEGISLATIVE FINDINGS AND INTENT.-The Legislature finds  
 233 disparities between teachers assigned to teach in a majority of  
 234 schools that do not need improvement and schools that do need  
 235 improvement pursuant to s. 1008.33. The disparities may be found  
 236 in the assignment of temporarily certified teachers, teachers in  
 237 need of improvement, and out-of-field teachers and in the  
 238 performance of the students. It is the intent of the Legislature  
 239 that district school boards have flexibility through the  
 240 collective bargaining process to assign teachers more equitably  
 241 across the schools in the district.

242 (2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF  
 243 IMPROVEMENT.-School districts may not assign a higher percentage  
 244 than the school district average of temporarily certified  
 245 teachers, teachers in need of improvement, or out-of-field  
 246 teachers to schools in one of the three lowest-performing  
 247 categories under s. 1008.33(3)(b). Each school district shall  
 248 annually certify to the Commissioner of Education that this  
 249 requirement has been met. If the commissioner determines that a  
 250 school district is not in compliance with this subsection, the  
 251 State Board of Education shall be notified and shall take action  
 252 pursuant to s. 1008.32 in the next regularly scheduled meeting

253 to require compliance.

254 (3) SALARY INCENTIVES.—District school boards may ~~are~~  
 255 ~~authorized to~~ provide salary incentives to meet the requirement  
 256 of subsection (2). A district school board may not sign a  
 257 collective bargaining agreement that precludes the school  
 258 district from providing sufficient incentives to meet this  
 259 requirement.

260 (4) COLLECTIVE BARGAINING.—Notwithstanding provisions of  
 261 chapter 447 relating to district school board collective  
 262 bargaining, collective bargaining provisions may not preclude a  
 263 school district from providing incentives to high-quality  
 264 teachers and assigning such teachers to low-performing schools.

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

266 (a) Each district school board shall adopt rules for  
 267 implementing an assistance plan for each classroom teacher who  
 268 is teaching out-of-field. The assistance plan must provide  
 269 teachers who are teaching out-of-field with priority  
 270 consideration in professional development activities and require  
 271 such teachers to participate in a certification or staff  
 272 development program that provides the competencies required for  
 273 the assigned duties. The assistance plan must also include  
 274 duties of administrative personnel and other instructional  
 275 personnel for assisting a teacher who is teaching out-of-field  
 276 in providing instructional services to students.

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

280 1. Outside the field in which the teacher is certified;

281 2. Outside the field that was the teacher's minor field of  
 282 study; or

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

286  
 287 The notification must inform the parent that virtual instruction  
 288 from a certified in-field teacher with an annual performance  
 289 evaluation rating of effective or highly effective under s.  
 290 1012.34 is available to his or her child through the virtual  
 291 instruction options listed under s. 1002.321(4).

292 (6)~~(5)~~ REPORT.-

293 ~~(a)~~ By July 1, 2012, the Department of Education shall  
 294 annually report on its website, in a manner that is accessible  
 295 to the public, the performance rating data reported by district  
 296 school boards under s. 1012.34. The report must include the  
 297 percentage of classroom teachers, instructional personnel, and  
 298 school administrators receiving each performance rating  
 299 aggregated by school district and by school.

300 (7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE  
 301 EVALUATIONS.-

302 (a)~~(b)~~ Notwithstanding ~~the provisions of~~ s.  
 303 1012.31(3)(a)2., each school district shall annually notify  
 304 ~~report to~~ the parent of any student who is assigned to a  
 305 classroom teacher or school administrator having two consecutive  
 306 annual performance evaluation ratings of unsatisfactory under s.  
 307 1012.34, two annual performance evaluation ratings of  
 308 unsatisfactory within a 3-year period under s. 1012.34, or three

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309 consecutive annual performance evaluation ratings of needs  
 310 improvement or a combination of needs improvement and  
 311 unsatisfactory under s. 1012.34. The notification must inform  
 312 the parent that virtual instruction from a teacher with a  
 313 performance evaluation rating of highly effective or effective  
 314 under s. 1012.34 is available to his or her child through the  
 315 virtual instruction options listed under s. 1002.321(4).

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

320 (c) If a student is currently taught by a classroom  
 321 teacher who receives, in that school year, a performance  
 322 evaluation rating of needs improvement or unsatisfactory under  
 323 s. 1012.34, the student may not be assigned the following school  
 324 year to a classroom teacher, in the same subject area, who  
 325 received a performance evaluation rating of needs improvement or  
 326 unsatisfactory in the preceding school year.

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

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

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCS for HB 1191 Parent Empowerment in Education  
**SPONSOR(S):** K-20 Innovation Subcommittee  
**TIED BILLS:** IDEN./SIM. BILLS: SB 1718

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-20 Innovation Subcommittee		Beagle	Sherry
1) Rulemaking & Regulation Subcommittee		GB	ARS
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

### SUMMARY ANALYSIS

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

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

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

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

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

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

The bill takes effect July 1, 2012.



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### **School Improvement and Intervention**

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

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

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

##### **Effect of Proposed Changes**

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

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

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

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

<sup>2</sup> Section 1008.33(2)(b) and (4), F.S.

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

<sup>4</sup> Section 1008.33(5)(b), F.S.

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

Only one parent per eligible student may sign the petition. One signature may be given by the parent for each child who is an eligible student. A parent must date the petition on the day it is signed and identify the eligible student on the petition. If the school district chooses to verify signatures on the petition, the district must use existing student enrollment documentation or other records containing parent signatures. A majority is achieved when signatures are collected for more than one-half of the parents who are eligible to sign the petition. The petition must be submitted before the school district selects a turnaround option.

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

The bill enables parents of students attending a low-performing school to play a larger role in improving the school's performance. Likewise, the petition process may result in increased parental involvement in school affairs, which research identifies as a key component of school improvement.<sup>5</sup>

### **Educator Performance and Student Assignments**

Research indicates that teacher effectiveness is the most important school-level variable influencing student learning. Students who are taught by ineffective teachers perform at much lower levels than students demonstrating comparable ability taught by high-performing teachers. Students taught by an ineffective teacher for even one year experience long-term negative impacts on achievement.<sup>6</sup>

In Florida, the performance of classroom teachers<sup>7</sup> is annually evaluated based upon student performance and instructional practice criteria. Student performance must comprise at least 50 percent of the performance evaluation and must be measured in terms of student learning growth on statewide assessments or, for subjects and grades not tested by statewide assessments, school district-selected assessments.<sup>8</sup> Measurement of student learning growth for classroom teachers must be based upon students assigned to the employee over the course of three school years.<sup>9</sup>

<sup>5</sup> The PEW Center on the States, *Engaged Families, Effective Pre-K: State Policies that Bolster Student Success*, at 1 (June 2010), available at [http://www.pewcenteronthestates.org/uploadedFiles/PkN\\_Family\\_Engagement\\_FINAL.pdf?n=4141](http://www.pewcenteronthestates.org/uploadedFiles/PkN_Family_Engagement_FINAL.pdf?n=4141); Southwest Educational Development Laboratory, *A New Wave of Evidence: The Impact of School, Family, and Community Connections on Student Achievement*, at 24 (2002), available at <http://www.sedl.org/cgi-bin/pdfexit.cgi?url=http://www.sedl.org/connections/resources/evidence.pdf> (review of research regarding parental involvement and student success).

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

<sup>7</sup> Classroom teachers are a sub-set of the larger personnel class known as "instructional personnel." Instructional personnel and school administrators are evaluated annually. Instructional personnel also include guidance counselors, social workers, career specialists, school psychologists, librarians and media specialists, learning resource specialists, instructional trainers, adjunct educators, and education paraprofessionals. Section 1012.01(2)(a)-(e), F.S. School administrators are school principals, school directors, career center directors, and assistant principals. Section 1012.01(3)(a), F.S.

<sup>8</sup> Section 1012.34(3)(a) and (7), F.S. Newly hired teachers must be evaluated at least twice in the first year of teaching. Section 1012.34(3)(a), F.S. School districts may request approval by the Department of Education to use a student achievement measure or a combination of student learning growth and achievement when such measures are appropriate. Likewise, districts may request approval to determine appropriate measures based upon course characteristics and personnel assignments. Section 1012.34(2)(d) and (7)(c)-(d), F.S.

<sup>9</sup> Section 1012.34(3)(a)1.a.-b., F.S. Exceptions apply based upon personnel classification or availability of data. *Id.*

Instructional practice criteria for classroom teachers are based upon the state board adopted Florida Educator Accomplished Practices (FEAP). The FEAPs include such essential teaching skills as subject matter knowledge, classroom management, and lesson planning and delivery. These criteria are primarily evaluated through classroom observation.<sup>10</sup>

Each classroom teacher is assigned one of four performance ratings:

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

Performance evaluation results must be used as a basis for professional development, compensation, retention, transfers, and promotions. The law authorizes a school principal to refuse the placement or transfer of a classroom teacher who is not rated effective or highly effective. However, the law does not prohibit a school district from assigning a student in consecutive school years to a classroom teacher rated unsatisfactory or needs improvement.<sup>11</sup>

Information regarding educator performance evaluations is provided to the public annually. School districts must annually report to DOE educator performance evaluation ratings. DOE must annually post on its website the percentage of classroom teachers, other instructional personnel, and school administrators receiving each performance rating by school district and school.<sup>12</sup>

Additionally, school districts must annually report to parents the fact that their child is assigned to a classroom teacher whose performance evaluations indicate chronic low-performance, i.e., teachers who have two consecutive unsatisfactory performance evaluations, two unsatisfactory evaluations in a three-year period, or three consecutive evaluations of needs improvement or any combination of needs improvement and unsatisfactory.<sup>13</sup> School districts are not expressly required to provide a teacher's performance evaluation to parents who request it; however, such evaluations become public records after one year, at which time the evaluation must be furnished to any parent or member of the public who requests it.<sup>14</sup>

Each district school board must adopt a plan for assisting teachers teaching subject matter outside their certification area, minor field of study, or a subject area in which the teacher has demonstrated sufficient expertise. The plan must provide such teachers with priority consideration in professional development activities and require their participation in a certification or staff development program that addresses the competencies required for the assigned duties. The assistance plan must include duties of administrative personnel and other instructional personnel for assisting out-of-field teachers. The law requires each district school board to notify in writing the parents of students who are assigned to an out-of-field teacher.<sup>15</sup>

### **Effect of Proposed Changes**

The bill authorizes a parent to request from the school district the performance evaluation of any classroom teacher assigned to his or her child. Current law requiring that educator performance

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<sup>10</sup> Section 1012.34(3)(a), F.S.

<sup>11</sup> Sections 1012.22(1)(e) and 1012.34(2)(b), F.S.

<sup>12</sup> Section 1012.34(1)(c), F.S.

<sup>13</sup> Section 1012.2315(5)(b), F.S.

<sup>14</sup> Section 1012.31(3)(a)2., F.S.

<sup>15</sup> Section 1012.42(1) and (2), F.S. This reporting requirement applies to teachers who are teaching subject matter that is outside the field in which the teacher is certified, outside the field that was the applicant's minor field of study, or outside the field in which the applicant has demonstrated sufficient subject area expertise. Section 1012.42(2), F.S.

evaluations remain confidential until the end of the school year immediately following the school year in which the evaluation was conducted applies to such requests.<sup>16</sup>

Additionally, the bill expands parental notification regarding a child's assignment to classroom teachers teaching out-of-field to also require that the parent of the child be informed of the availability of virtual instruction delivered by an in-field teacher with an annual performance evaluation rating of effective or highly effective. Likewise, notification sent to parents regarding a child's assignment to a classroom teacher whose performance evaluations indicate chronic low-performance<sup>17</sup> must also inform the parent that virtual instruction from a teacher with an annual performance evaluation rating of effective or highly effective is available. These changes will better inform parents of their options when their child is assigned to out-of-field or low-performing teachers.

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

#### B. SECTION DIRECTORY:

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

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

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

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

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

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

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

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

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

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<sup>16</sup> Section 1012.31(3)(a)2., F.S.

<sup>17</sup> This reporting requirement applies to a classroom teacher who has two consecutive unsatisfactory performance evaluations, two unsatisfactory evaluations in a three-year period, or three consecutive evaluations of needs improvement or any combination of needs improvement and unsatisfactory. Section 1012.2315(5)(b), F.S.

None.

2. Expenditures:

None.

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

1. Revenues:

None.

2. Expenditures:

None

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

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill requires the State Board of Education to adopt rules establishing a model parent petition format, petition submission process, standards for verifying signatures, and timelines for school board consideration of a petition at a publicly noticed meeting.

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

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

Not applicable.



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 291 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: K-20 Innovation  
2 Subcommittee  
3 Representative Renuart offered the following:  
4

5 **Amendment**

6 Remove lines 21-23 and insert:

7 (e) Adopt guidelines to educate youth athletes and their  
8 parents, athletic coaches, officials, and administrators of the  
9 nature and risk of concussion and head injury.

10  
11 Remove lines 49-52 and insert:

12 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.-  
13 (e) The organization shall adopt guidelines to educate  
14 youth athletes and their parents, athletic coaches, officials,  
15 and administrators of the nature and risk of concussion and head  
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A bill to be entitled  
 An act relating to youth athletes; amending ss.  
 943.0438 and 1006.20, F.S.; requiring an independent  
 sanctioning authority for youth athletic teams and the  
 Florida High School Athletic Association to adopt  
 guidelines, bylaws, and policies relating to the  
 nature and risk of concussion and head injury in youth  
 athletes; requiring informed consent for participation  
 in practice or competition; requiring removal from  
 practice or competition under certain circumstances  
 and written medical clearance to return; providing an  
 effective date.

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

Section 1. Paragraphs (e), (f), and (g) are added to  
 subsection (2) of section 943.0438, Florida Statutes, to read:  
 943.0438 Athletic coaches for independent sanctioning  
 authorities.—

(2) An independent sanctioning authority shall:

(e) Adopt guidelines to educate athletic coaches,  
 officials, administrators, youth athletes, and their parents or  
 guardians of the nature and risk of concussion and head injury.

(f) Adopt bylaws or policies that require the parent or  
 guardian of a youth who is participating in athletic competition  
 or who is a candidate for an athletic team to sign and return an  
 informed consent that explains the nature and risk of concussion  
 and head injury, including the risk of continuing to play after



29 concussion or head injury, each year before participating in  
 30 athletic competition or engaging in any practice, tryout,  
 31 workout, or other physical activity associated with the youth's  
 32 candidacy for an athletic team.

33 (g) Adopt bylaws or policies that require each youth  
 34 athlete who is suspected of sustaining a concussion or head  
 35 injury in a practice or competition to be immediately removed  
 36 from the activity. A youth athlete who has been removed from an  
 37 activity may not return to practice or competition until the  
 38 youth receives written medical clearance to return stating that  
 39 the youth athlete no longer exhibits signs, symptoms, or  
 40 behaviors consistent with a concussion or other head injury.  
 41 Medical clearance must be authorized by the appropriate health  
 42 care professional trained in the diagnosis, evaluation, and  
 43 management of concussions as defined by the Sports Medicine  
 44 Advisory Committee of the Florida High School Athletic  
 45 Association.

46 Section 2. Paragraphs (e), (f), and (g) are added to  
 47 subsection (2) of section 1006.20, Florida Statutes, to read:

48 1006.20 Athletics in public K-12 schools.—

49 (2) ADOPTION OF BYLAWS.—

50 (e) The organization shall adopt guidelines to educate  
 51 athletic coaches, officials, administrators, student athletes,  
 52 and their parents of the nature and risk of concussion and head  
 53 injury.

54 (f) The organization shall adopt bylaws or policies that  
 55 require the parent of a student who is participating in  
 56 interscholastic athletic competition or who is a candidate for

57 | an interscholastic athletic team to sign and return an informed  
58 | consent that explains the nature and risk of concussion and head  
59 | injury, including the risk of continuing to play after  
60 | concussion or head injury, each year before participating in  
61 | interscholastic athletic competition or engaging in any  
62 | practice, tryout, workout, or other physical activity associated  
63 | with the student's candidacy for an interscholastic athletic  
64 | team.

65 |       (g) The organization shall adopt bylaws or policies that  
66 | require each student athlete who is suspected of sustaining a  
67 | concussion or head injury in a practice or competition to be  
68 | immediately removed from the activity. A student athlete who has  
69 | been removed from an activity may not return to practice or  
70 | competition until the student receives written medical clearance  
71 | to return stating that the student athlete no longer exhibits  
72 | signs, symptoms, or behaviors consistent with a concussion or  
73 | other head injury. Medical clearance must be authorized by the  
74 | appropriate health care professional trained in the diagnosis,  
75 | evaluation, and management of concussions as defined by the  
76 | Sports Medicine Advisory Committee of the Florida High School  
77 | Athletic Association.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 291 Youth Athletes  
**SPONSOR(S):** Renuart and others  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 256, SB 948

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Innovation Subcommittee		Valenstein	Sherry <i>Sherry</i>
2) Health & Human Services Access Subcommittee			
3) Education Committee			

**SUMMARY ANALYSIS**

The bill requires independent sanctioning authorities and the Florida High School Athletic Association (FHSAA) to adopt guidelines to educate athletic coaches, officials, administrators, athletes, and their parents or guardians of the nature and risk of concussions and head injuries.

Independent sanctioning authorities and the FHSAA must also adopt bylaws or policies that require the parent or guardian of an athlete who is participating in an athletic competition or is a candidate for an athletic team to sign an informed consent that explains the nature and risk of concussions and head injuries. The bill requires the signed informed consent to be returned prior to the athlete participating in any practice, tryout, workout, athletic competition, or other physical activity associated with candidacy for an athletic team.

Additionally, the bill requires the independent sanctioning authority and the FHSAA to adopt bylaws or policies that require each athlete who is suspected of sustaining a concussion or head injury to be removed from practice or competition until the athlete receives written medical clearance to return from an appropriate health care professional trained in the diagnosis, evaluation, and management of concussions, as defined by the Sports Medicine Advisory Committee of the FHSAA.

The bill does not have a fiscal impact.

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

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Overview

*Youth Athletics:* Current law defines a youth athletic independent sanctioning authority as a private, nongovernmental entity that organizes, operates or coordinates a youth athletic team in Florida that includes one or more minors and is not affiliated with a private school. As an example, Pop Warner is an independent sanctioning authority in Florida.<sup>1</sup> An independent sanctioning authority is currently required to conduct background screenings on each current and prospective athletic coach, disqualify an athletic coach that fails the background screening, and provide written notice to a disqualified athletic coach.<sup>2</sup>

*Public High School Athletics:* The Florida High School Athletic Association (FSHAA) is designated as the governing nonprofit organization of athletics in Florida public schools.<sup>3</sup> Currently, the FHSAA is required to adopt bylaws to establish eligibility requirements for all students, prohibit recruiting students for athletic purposes, and require students participating in athletics to satisfactorily pass an annual medical evaluation.<sup>4</sup>

Over 30 states<sup>5</sup> across the country have passed legislation that targets youth sports-related head injuries.<sup>6</sup> Additionally, the "Protecting Student Athletes from Concussions Act of 2011" has been filed in the U.S. House of Representatives. This legislation requires each state educational agency to issue regulations establishing minimum requirements for the prevention and treatment of concussions, in order to be eligible to receive funds under the Elementary and Secondary Education Act. The bill is currently in the Subcommittee on Early Childhood, Elementary, and Secondary Education.<sup>7</sup>

The Centers for Disease Control and Prevention (CDC) define a concussion as a type of traumatic brain injury that is caused by a bump, blow, or jolt to the head that can change the way the brain normally works. Concussions may also occur from a blow to the body that causes the head to move rapidly back and forth. Additional damage can occur from repeat concussions. A repeat concussion occurs when a person receives another concussion before the brain recovers from the first. Repeat concussions can slow recovery or increase the likelihood of having long-term problems, and in rare cases, can result in brain swelling, permanent brain damage, and even death.<sup>8</sup> In an effort to raise awareness and provide education to coaches, athletes and parents of athletes, the CDC has created free tools that provide important information on preventing, recognizing, and responding to a concussion.<sup>9</sup>

As an example of one independent athletic sanctioning authority, Pop Warner adopted a rule related to concussions on September 30, 2010. The rule requires a player who is suspected of having a

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<sup>1</sup> See Pop Warner Little Scholars, Inc., <http://www.popwarner.com/aboutus/pop.asp> (last visited Jan. 13, 2012).

<sup>2</sup> Section 943.0438, F.S.

<sup>3</sup> While high school is typically defined to include grades 9 through 12, for the purposes of athletics in public K-12 schools, high school is defined to include grades 6-12. Section 1006.20(1), F.S.

<sup>4</sup> Section 1006.20(1) and (2), F.S.

<sup>5</sup> The states with laws that target youth sports-related head injuries are: Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Utah, Vermont, Virginia, Washington, and Wyoming. National Conference of State Legislatures, Traumatic Brain Injury Legislation, Nov. 2011, available at, [www.ncsl.org/default.aspx?tabid=18687](http://www.ncsl.org/default.aspx?tabid=18687) (last visited Jan. 13, 2012).

<sup>6</sup> *Id.*

<sup>7</sup> Protecting Student Athletes from Concussions Act of 2011, H.R. 469, 112th Cong. (2011).

<sup>8</sup> Centers for Disease Control and Prevention, Heads Up Concussion in Youth Sports, A Fact Sheet for Coaches, available at, [http://www.cdc.gov/concussion/pdf/coaches\\_Engl.pdf](http://www.cdc.gov/concussion/pdf/coaches_Engl.pdf).

<sup>9</sup> Centers for Disease Control and Prevention, Concussion in Sports, Centers for Disease Control and Prevention, available at, <http://www.cdc.gov/concussion/sports/index.html> (last visited Jan. 13, 2012).

concussion to be removed from practice, play, or competition. Pursuant to the rule, a player may not return to Pop Warner activities until the player has been evaluated by a currently licensed medical professional trained in the evaluation and management of concussions and receives written clearance to return to play from that licensed practitioner.<sup>10</sup>

On June 14, 2011, the FHSAA Board of Directors addressed the issue of safety of student athletes by adopting the *FHSAA Concussion Action Plan*, which is incorporated into the *2011-12 FHSAA Handbook*; adding language to the *Consent and Release from Liability Certificate* about the potential dangers of concussions and head and neck injuries in interscholastic athletics; and adding a required course, *Concussion in Sports – What You Need to Know*, for all FHSAA-member school head coaches and paid coaches.<sup>11</sup> The FHSAA currently requires that any athlete who exhibits signs, symptoms, or behaviors consistent with a concussion (such as loss of consciousness, headache, dizziness, confusion, or balance problems) shall be immediately removed from the contest or practice and shall not return to play until cleared by an appropriate health-care professional.<sup>12</sup> An appropriate health-care professional is defined as a “licensed physician (MD, as per Chapter 458, Florida Statutes), a licensed osteopathic physician (DO, as per Chapter 459, Florida Statutes), a licensed physicians assistant [sic] under the supervision of a MD/DO (as per Chapters [sic] 458.347 and 459.022, Florida Statutes) or a health care professional trained in the management of concussions.”<sup>13</sup>

Additionally, the FHSAA has established the following “Return to Play Criteria”:

- (1) No athlete should return to play or practice on the same day of a suspected concussion. “When in doubt, sit them out!”
- (2) Any athlete suspected of having a concussion should be evaluated by an appropriate health-care professional that day or within 24 hours.
- (3) Any athlete with a suspected concussion should be medically cleared by an appropriate health-care professional prior to resuming participation in any practice or competition.
- (4) After medical clearance, return to play should follow a step-wise protocol with provisions for delayed return to play based upon the return of any signs or symptoms.<sup>14</sup>

### **Effect of Proposed Changes**

*Youth Athletics:* The bill requires an independent sanctioning authority to adopt guidelines to educate athletic coaches, officials, administrators, youth athletes, and their parents or guardians relating to the nature and risk of concussions and head injuries. An independent sanctioning authority must also adopt bylaws or policies that require the parent or guardian of a youth athlete who is participating in an athletic competition, or is a candidate for an athletic team, to sign an informed consent that explains the nature and risk of concussions and head injuries. The bill requires the signed informed consent to be returned before the youth athlete participates in any practice, tryout, workout, athletic competition, or other physical activity associated with candidacy for an athletic team. By requiring those involved in athletics to receive information related to concussions and head injuries, the bill may reduce the number of concussions and long-term problems associated with repeat concussions.

Additionally, the bill requires the independent sanctioning authority to adopt bylaws or policies that require a youth athlete who is suspected of sustaining a concussion or head injury to be removed from practice or competition, until the youth receives written medical clearance to return from an appropriate health care professional trained in the diagnosis, evaluation, and management of concussions, as

<sup>10</sup> Pop Warner Little Scholars Official Rules 2010, Part III, Art. 17, s. 2, available at <http://www.popwarner.com/admin/pdf/2010%20Concussion%20Rule%20Change.pdf>.

<sup>11</sup> Florida Department of Education Analysis of SB 256, Oct. 11, 2011, at 4; see also Official Minutes of Board of Directors Meeting, June 13-14, 2011, Florida High School Athletic Association, available at

[http://www.fhsaa.org/sites/default/files/orig\\_uploads/gov/board/2010-11/minutes/june.pdf](http://www.fhsaa.org/sites/default/files/orig_uploads/gov/board/2010-11/minutes/june.pdf).

<sup>12</sup> Administrative Policy 6.1.3.1 Concussions, Florida High School Athletic Association, available at [http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/administrative\\_policies\\_77pgs.pdf](http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/administrative_policies_77pgs.pdf).

<sup>13</sup> Administrative Procedure 1.2.1 Appropriate Health-Care Professional Defined, Florida High School Athletic Association, available at [http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/administrative\\_procedures\\_126pgs.pdf](http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/administrative_procedures_126pgs.pdf).

<sup>14</sup> Administrative Procedure 1.2.3 Return to Play Criteria, Florida High School Athletic Association, available at [http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/administrative\\_procedures\\_126pgs.pdf](http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/administrative_procedures_126pgs.pdf).

defined by the Sports Medicine Advisory Committee of the FHSAA. The medical clearance must state that the youth athlete no longer exhibits signs, symptoms, or behaviors consistent with a concussion or other head injury. By requiring written medical clearance for a youth athlete to return to play, the bill will help prevent further injury by preventing a youth athlete from returning to play before his or her brain has recovered.

*Public High School Athletics:* The bill requires the FHSAA to adopt additional guidelines and bylaws or policies related to concussions and head injuries. The FHSAA must adopt guidelines to educate athletic coaches, officials, administrators, student athletes, and their parents relating to the nature and risk of concussions and head injuries. The FHSAA must also adopt either bylaws or policies that require the parent of a student athlete who is a candidate for an interscholastic athletic team or is participating in an interscholastic athletic competition to sign an informed consent that explains the nature and risk of concussions and head injuries. The bill requires the signed informed consent to be returned before the student athlete participates in any practice, tryout, workout, athletic competition, or other physical activity associated with candidacy for an athletic team. By requiring those involved in athletics to receive information related to concussions and head injuries, the bill may reduce the number of concussions and long-term problems associated with repeat concussions.

Additionally, the bill requires the FHSAA to adopt bylaws or policies that require each student athlete who is suspected of sustaining a concussion or head injury to be removed from practice or competition, until the student athlete receives written medical clearance to return from an appropriate health care professional trained in the diagnosis, evaluation, and management of concussions, as defined by the Sports Medicine Advisory Committee of the FHSAA. The medical clearance must state that the student athlete no longer exhibits signs, symptoms, or behaviors consistent with a concussion or other head injury. By requiring written medical clearance for a student to return to play, the bill will help prevent further injury by preventing a student from returning to play before his or her brain has recovered.

The bill requires both independent sanctioning authorities and the FHSAA to adopt policies relating to concussions and head injuries. The FHSAA and some independent sanctioning authorities have already adopted policies that comply with the bill, but for those independent sanctioning authorities that have not yet adopted policies, the entities will be able to use policies and information made available through the CDC and other sources, as the bill only requires the entities to adopt policies, not develop them.

## B. SECTION DIRECTORY:

**Section 1.** Amends s. 943.0438, F.S., relating to athletic coaches for independent sanctioning authorities; requiring an independent sanctioning authority for youth athletic teams to adopt guidelines, bylaws or policies relating to the nature and risk of concussions and head injuries in youth athletes; requiring informed consent for participation in practice or competition; and requiring removal from practice or competition under certain circumstances and certain written clearance to return.

**Section 2.** Amends s. 1006.20, F.S., relating to athletics in public K-12 schools; requiring the Florida High School Athletic Association to adopt guidelines, bylaws, or policies relating to the nature and risk of concussions and head injuries in student athletes; requiring informed consent for participation in practice or competition; and requiring removal from practice or competition under certain circumstances and certain written clearance to return.

**Section 3.** Provides an effective date of July 1, 2012.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

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

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

- The bill requires the adoption of guidelines to educate "their parents." It is unclear whose parents need to be educated.
- The bill requires the FHSAA to adopt guidelines or policies; however, the section of law being amended is entitled "Adoption of Bylaws." The word "guidelines" on line 50 should be changed to bylaws, and the word "policies" should be removed from line 54, or the catchline should be amended to include guidelines and policies.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.





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

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

13  
 14           Section 1.   Section 1004.096, Florida Statutes, is created  
 15   to read:

16           1004.096 College credit for military training and  
 17   education courses.—The Board of Governors shall adopt  
 18   regulations and the State Board of Education shall adopt rules  
 19   that enable eligible members of the United States Armed Forces  
 20   to earn academic college credit at public postsecondary  
 21   educational institutions for college-level training and  
 22   education acquired in the military. The regulations and rules  
 23   shall include procedures for credential evaluation and the award  
 24   of academic college credit, including, but not limited to,  
 25   equivalency and alignment of military coursework with  
 26   appropriate college courses, course descriptions, type and  
 27   amount of college credit that may be awarded, and transfer of  
 28   credit.

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

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

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

**SPONSOR(S):** Harrell and others

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Innovation Subcommittee		Thomas <i>MT</i>	Sherry <i>HRS</i>
2) Rulemaking & Regulation Subcommittee			
3) Higher Education Appropriations Subcommittee			
4) Education Committee			

**SUMMARY ANALYSIS**

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

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

The bill does not appear to have a fiscal impact.

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

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

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

#### American Council on Education (ACE)

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

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

According to the Board of Governors, institutions consult with and follow the ACE Military Guide Online<sup>5</sup> to determine how military training and experience might be awarded for equivalent course credit. Military courses that are recommended by the ACE Military Guide for college credit would be considered first to determine if they meet degree requirements, and second to determine if they can fulfill any electives. Some types of military training, such as the Advanced Helicopter Pilot Training 1 course, may not be accepted at a state university because there is no equivalent course and it is more vocational in nature than academic credit.<sup>6</sup>

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

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

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

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

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

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

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

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

### Servicemembers Opportunity Colleges (SOC)

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

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

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

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

### **Effect of Proposed Changes**

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

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

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

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

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

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

<sup>7</sup> American Council on Education, *A Transfer Guide: Understanding Your Military Transcript and ACE Credit Recommendations*, available at [http://www.acenet.edu/Content/NavigationMenu/ProgramsServices/MilitaryPrograms/TransferGuide\\_Updated2011.pdf](http://www.acenet.edu/Content/NavigationMenu/ProgramsServices/MilitaryPrograms/TransferGuide_Updated2011.pdf).

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

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

<sup>10</sup> *Id.*

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

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

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

### D. FISCAL COMMENTS:

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

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

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

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.



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

16  
 17 Be It Enacted by the Legislature of the State of Florida:  
 18

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

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

23           683.147 American Founders' Month.—

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

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



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

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

36 1003.44 Patriotic programs; rules.—

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

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

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

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

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

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

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

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

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

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

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

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

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Innovation Subcommittee		Graf <i>JEG</i>	Sherry <i>APS</i>
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

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

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

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

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

The bill does not appear to have a fiscal impact.

The bill takes effect July 1, 2012.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Present Situation**

##### **Required Instruction in Public Schools**

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

##### **Patriotic Programs**

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

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

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

##### **Recitation of the Declaration of Independence**

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

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<sup>1</sup> Section 1003.42 (1) and (2)(a)-(d), F.S.

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

<sup>3</sup> Section 1003.44(2), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> Section 1003.421, F.S.

## **Effect of Proposed Changes**

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

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

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

Current law authorizes each district school board to provide instruction on patriotic programs, requires DOE to distribute a copy of the law on patriotic programs to each district school board, and requires each district school superintendent to distribute a copy of the law to all teachers and administrators. The bill expands patriotic programs to include specified information on founding fathers and the founding documents. The bill also changes the scope of distribution of a copy of the law on patriotic programs from all teachers and administrators to all instructional personnel<sup>6</sup> and school administrators<sup>7</sup>.

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

**Section 1.** Provides a short title.

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

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

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

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

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

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

None.

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<sup>6</sup> Section 1012.01(2), F.S.

<sup>7</sup> Section 1012.01(3)(c), F.S.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

Not applicable.





COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 4195 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

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1 Committee/Subcommittee hearing bill: K-20 Innovation  
2 Subcommittee  
3 Representative Grant offered the following:  
4

5 **Amendment (with title amendment)**

6 Remove lines 11-12 and insert:

7 Section 1. Paragraph (f) of subsection (2) of section  
8 1004.93, Florida Statutes, is repealed.  
9

10  
11  
12 -----  
13 **T I T L E A M E N D M E N T**

14 Remove lines 3-4 and insert:

15 s. 1004.93(2)(f), F.S., to delete recreational or  
16

HB 4195

2012

1                                   A bill to be entitled  
2           An act relating to adult general education; repealing  
3           s. 1004.93(2)(e) and (f), F.S., to delete lifelong  
4           learning courses or activities and recreational or  
5           leisure courses as priorities in providing adult  
6           education program academic services; providing an  
7           effective date.

8

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

10

11           Section 1. Paragraphs (e) and (f) of subsection (2) of  
12 section 1004.93, Florida Statutes, are repealed.

13

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4195 Adult General Education

SPONSOR(S): Grant

TIED BILLS: IDEN./SIM. BILLS:

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

SUMMARY ANALYSIS

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.

The bill does not appear to have a fiscal impact.

The bill takes effect July 1, 2012.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Present Situation**

##### **Adult General Education**

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>1</sup>

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>2</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>3</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>4</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>5</sup>

#### **Funding**

Funds for adult general education programs are included in the funds appropriated for workforce education programs.<sup>6</sup> These funds are provided in the General Appropriations Act.<sup>7</sup>

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<sup>1</sup> Section 1004.02(3), F.S.

<sup>2</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>3</sup> Section 1004.93(2), F.S.

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

<sup>5</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>6</sup> Section 1011.80(1)(a), F.S.

<sup>7</sup> Sections 1 and 2, ch. 2011-69, L.O.F.

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 not provided for instruction in lifelong learning courses.<sup>8</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>9</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 [under adult general education] designed to improve the employability of the state's workforce."<sup>10</sup> As a result, DOE has not developed standards and curriculum frameworks for such courses.<sup>11</sup> Additionally, lifelong learning courses and courses related to recreational and leisurely pursuits are not supported by state funds.

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

**Section 1.** Amends s. 1004.93, F.S., relating to adult general education, repealing 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.

**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:**

None.

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<sup>8</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>9</sup> Section 1004.93(2)(f), F.S.; *see also* s. 1011.84(3)(b)3., F.S.

<sup>10</sup> Section 1004.02(3), F.S.

<sup>11</sup> Telephone interview with staffs from the Florida Department of Education (Jan. 20, 2012).

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

None.

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

Section 1011.84(1)(c), F.S., authorizes the reporting of students enrolled in lifelong learning courses pursuant to s. 1004.93, F.S. in determining the amount to be included in the Florida College System Program Fund for the current operating program.<sup>12</sup> Repeal of paragraph (e) of subsection (2) of section 1004.93, F.S., may prohibit Florida College System institutions from reporting such students for funding purposes.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

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<sup>12</sup> Section 1011.84(1)(c), F.S.