



Education Appropriations Subcommittee

Meeting Packet

**March 18, 2014
3:00 p.m. – 6:00 p.m.
Morris Hall**



The Florida House of Representatives
APPROPRIATIONS COMMITTEE

Education Appropriations Subcommittee

Will Weatherford
Speaker

Erik Fresen
Chair

MEETING AGENDA

Morris Hall
March 18, 2014

- I.** Meeting Called To Order
- II.** Opening Remarks by Chair
- III.** Consideration of the following proposed committee bill:
PCB EDAS 14-02 - Education Funding
- IV.** Consideration of the following bills:
HB 5103 - Florida Personal Learning Accounts Program by Choice & Innovation
Subcommittee and Rep. Bileca
- V.** Chair's Budget Proposal for FY 2014-15
- VI.** Closing Remarks
- VII.** Meeting Adjourned

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB EDAS 14-02 Education Funding
SPONSOR(S): Education Appropriations Subcommittee
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Education Appropriations Subcommittee		Heflin <i>Aart</i>	Heflin <i>Aart</i>

SUMMARY ANALYSIS

The bill conforms statute to the funding decisions in the 2014-2015 GAA (GAA) and addresses issues relating to the education system. Specifically, the bill:

- Establishes the Florida Information Resource Network (FIRN) as the educational data transport service which school districts must use in their preparation for and implementation and administration of the statewide, standardized assessments established pursuant to s. 1008.22.
- Revises the date that a lab school must be in operation to be eligible to receive a proportional share of the sparsity supplement.
- Clarifies that McKay Scholarship payments shall not be reduced due to the 1.0 FTE cap.
- Revises the compliance calculation for public schools that fail to comply with the class size requirements.
- Repeals the undergraduate limitation on New College of Florida and establishes a Master's Degree in Data Science and Analytics.
- Provides the Department of Education authority to assess and collect fees from publishers participating in the instructional materials review and approval process and provide a stipend to be paid to instructional materials reviewers.
- Prohibits dually enrolled students from enrolling in more than 24 college credit hours before completing the college credit general education core coursework.
- Clarifies that eligible students in public schools, private schools, or home education programs are exempt from the payment of registration, tuition, and laboratory fees.
- Revises payment provisions required of school districts for dual enrollment provided by public postsecondary institutions.
- Exempts private secondary institutions from dual enrollment payment provisions.
- Provides that dual enrollment funding shall be provided, subject to annual appropriation, to public postsecondary institutions for specific credit hours not paid by school districts.
- Prohibits a school district from denying a student access to dual enrollment during the hours of instruction that would be necessary to earn 1.0 full-time equivalent student membership.
- Codifies the current standard tuition rates for workforce education programs, Florida colleges, and state universities.
- Clarifies that college transfer students are required to pay excess credit hours.
- Extends the payment provisions applicable to Florida Prepaid contracts to purchases before July 1, 2024, and establishes a maximum payment cap the Florida Prepaid College Board must pay to a state university on behalf of qualified beneficiaries.
- Expands eligibility requirements for independent colleges and universities participating in dual enrollment instruction, and increases opportunities for students to participate in dual enrollment by encouraging school districts to enter into dual enrollment agreements with eligible independent colleges and universities.
- Establishes the Technology Supplemental Allocation in the Florida Education Finance Program and prescribes the use of the funds allocated to this categorical.

The bill has an estimated state funding fiscal impact of \$25,213,283 that will be addressed in the House proposed GAA. See Fiscal Comments section for explanation of the fiscal impact of the bill.

The bill takes effect July 1, 2014.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: pcb02.EDAS.DOCX

DATE: 3/13/2014

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Florida Information Resource Network (FIRN)

Present Situation

The Florida Information Resource Network (FIRN) was created in the early 1980s to electronically link the state's public education entities to computing resources. FIRN's purpose was to provide equal access to computing resources for all public education entities, to enable the exchange of information among these entities, and to transmit administrative data to the Department of Education (DOE) in a timely manner.¹ FIRN was established within the Department of Education and over the years, its services expanded from providing a way to transmit administrative and student information to providing e-mail and connections to the Internet.

To address the challenge of the expanded use of FIRN services, FIRN was outsourced in July 2003. The State Technology Office,² on behalf of the DOE, contracted with a vendor to provide educational network services, including Internet access and data reporting services, to school districts, public postsecondary institutions and libraries. The services provided by the vendor were referred to as FIRN2 since they replaced the former FIRN network that was owned, operated, and maintained by the state. The vendor subcontracted with various telecommunications companies to provide connections to the Internet.³ The FIRN2 contract included a termination date of June 30, 2007; however, the contract also included an option of two one-year renewals which were executed.

The Department of Management Services issued a Request for Proposal No. DMS-08/09-061 for Internet Access and Telecommunications Services, which is the successor service to FIRN2. On January 1, 2009, the department executed a contract for this service. The contract included an expiration date of June 30, 2012, with a renewal option. Amendment 2 of the contract was executed in December 2011 to extend the term of the contract to June 30, 2015.

Since the passage of the federal Telecommunications Act of 1996, universal service funds have been used to fund a significant amount of FIRN's services. This federal act established the Universal Service Administrative Company (USAC), which is an independent, not-for-profit corporation designated by the Federal Communications Commission as the administrator of the universal service fund. USAC collects contributions from telecommunications carriers and administers support programs designed to help communities across the country secure access to affordable telecommunications services.⁴ One such program is the Schools and Libraries Program, commonly referred to as the E-rate program. The primary measure for determining a school's funding support for this program is the percentage of students eligible for free and reduced lunches under the National School Lunch Program.⁵

¹ FIRN 2008 Proviso Report, Recommendations and Options for the Continued Operation of the Florida Information Resource Network; submitted September 15, 2008.

² On July 1, 2005, the information technology functions that were previously performed by the State Technology Office were incorporated into the Department of Management Services' Enterprise Information Technology Services.

³ FIRN 2008 Proviso Report, Recommendations and Options for the Continued Operation of the Florida Information Resource Network; submitted September 15, 2008

⁴ <http://www.usac.org/about/>

⁵ <http://www.usac.org/sl/applicants/step04/alternative-discounts.aspx>

Beginning in Fiscal Year 2000-2001, FIRN services were supported by state general revenue, educational aids trust fund, and E-rate funds. In a 2006 report issued by the Office of Program Policy Analysis & Government Accountability, it stated that school districts' demand for increased bandwidth and Internet access was exceeding the level of funding provided in the GAA.⁶ As such, several school districts needed to purchase additional bandwidth and Internet access from other service providers.

In the Fiscal Year 2008-2009 GAA, proviso was included that directed the Commissioner of Education to submit a report that provided recommendations and options for the continued operation and funding of FIRN. The report was submitted on September 15, 2008, and the Commissioner of Education's recommendation was that the Legislature should continue to fund the services provided by FIRN to ensure that public schools receive funds for the sole purpose of purchasing FIRN's Internet services.⁷

The Fiscal Year 2009-2010 GAA included each school district's funding for FIRN into the Florida Education Finance Program (FEFP). Additionally, chapter 2009-59, Laws of Florida, created s. 1001.271, F.S., which provided that the Commissioner of Education, upon requisition from school districts, shall purchase the non E-rate portion of their Internet access services and related services. For Fiscal Year 2009-2010, each school district eligible for the E-rate funding was required to submit a requisition to the Commissioner for at least the same level of Internet access services used through the FIRN contract in Fiscal Year 2008-2009.

Effect of Proposed Changes

The bill establishes the Florida Information Resource Network (FIRN) as the educational data transport service that school districts shall use in the preparation for and implementation and administration of the statewide, standardized assessments established pursuant to s. 1008.22. The bill also clarifies that the FIRN may be used for other eligible purposes as identified by the school district; however, FIRN must be configured in such a manner that network traffic associated with the statewide, standardized assessments are given preferential and preemptive treatment over other network traffic.

The bill also requires that FIRN must comply with the standard that requires each full-time equivalent student funded in the Florida Education Finance Program to have access to one megabyte of bandwidth.

The bill also requires that the Department of Education collaborate with the Department of Management Services to ensure that FIRN is established in a manner that complies with all requirements necessary to receive federal funds that are available through the Schools and Libraries Program of the Universal Service Fund administered by the Universal Administrative Company.

Technology Supplemental Allocation

Present Situation

Beginning in Fiscal Year 1993-1994, the GAA included the Public School Technology state categorical that supported school districts' acquisition of technology-related equipment and infrastructure. The funds provided in this categorical were allocated by prorating the total of each school district's share of the state's total K-12 FTE.

⁶ OPPAGA Report No. 06-36, Users Satisfied with FIRN2; Options Exist for Future Services to Educational Entities.

⁷ FIRN 2008 Proviso Report, Recommendations and Options for the Continued Operation of the Florida Information Resource Network; submitted September 15, 2008.

History of Public School Technology Categorical	
Fiscal Year	Amount
1993-1994	\$55,000,000
1994-1995	\$55,000,000
1995-1996	\$54,850,000
1996-1997	\$65,542,728
1997-1998	\$79,000,000
1998-1999	\$0
1999-2000	\$62,400,000
2000-2001	\$62,400,000
2001-2002	\$62,400,000
2002-2003	\$62,400,000
2003-2004	\$49,914,766
2004-2005	\$49,914,766
2005-2006	\$49,914,766

For the Fiscal Year 2006-2007 GAA, the amount previously appropriated in the Public School Technology categorical was rolled up into the Florida Education Finance Program (FEFP). Currently there is no special categorical supporting school districts' acquisition of technology appropriated in the GAA. School districts use discretionary funds to support such acquisitions

Effect of Proposed Changes

The bill creates the Technology Supplemental Allocation in the Florida Education Finance Program to support school district efforts to create digital classrooms by integrating technology in classroom teaching and learning.

Subject to an annual appropriation, the bill prescribes the use of the funds allocated to this categorical as follows:

1. Costs associated with each school district's use of the Florida Information Resource Network (FIRN) established pursuant to s. 1001.271.
2. Costs associated with delivering high capacity Internet access to each school district's network aggregation location or locations.
3. Costs associated with delivering high capacity Internet access to individual schools' network aggregation location or locations.
4. Costs associated with upgrading a school district's network infrastructure necessary to deliver the high capacity Internet access to the school district's network aggregation location or locations or to the individual school.

The bill also allows a school district to use any remaining funds, after funding the identified items stated above, for the purchase electronic devices that comply with the standards published by the Department of Education.

Developmental Research (Laboratory) Schools Sparsity Supplement Eligibility

Present Situation

Section 1011.62(7), F.S., creates a sparsity supplemental allocation within the FEFP. The sparsity supplement provides additional funding to districts with 20,000 or fewer FTE⁸ and 3 or fewer high school centers. The supplement compensates districts for diseconomies of scale, or their inability to

⁸ Section 1011.62(7), F.S., states that a qualified district's full-time equivalent student membership shall be no less than 17,000 but no more than 24,000 FTE as prescribed annually by the Legislature in the GAA. Specific Appropriation 87, ch. 2013-40, L.O.F., prescribes 20,000 FTE as the maximum number of students a qualified district may have.

realize the efficiencies that larger districts can achieve due to their smaller student population. The sparsity supplement is allocated based on the total number of FTE in a district per high school center (capped at 3 high school centers) and adjusted for the wealth of the school district based on the district's total potential funds per FTE. If a district's sparsity supplement is less than \$100 per FTE, the supplement is increased to equal \$100 per FTE. Roughly half of the 67 school districts (32 in the 3rd calculation) and three developmental research (laboratory) schools receive a sparsity supplement in the 2013-14 fiscal year.⁹

Section 1002.32, F.S., creates a category of public schools known as developmental research (laboratory) schools (lab schools). Each lab school provides sequential instruction and is affiliated with the college of education within the state university of closest geographic proximity. A lab school to which a charter has been issued must be affiliated with the college of education within the state university that issued the charter, but is not subject to the requirement that the state university be of closest geographic proximity. Lab schools are eligible for the sparsity supplement if the lab school was established prior to September 1, 2002 and is established as a high school center (serves students in grades 9-12).

There were four developmental research lab schools established in law effective July 1, 1991:

- P.K. Yonge Developmental Research School located in Alachua County serves K-12 students and is affiliated with the University of Florida (UF).
- Florida Agricultural and Mechanical University (FAMU) Developmental Research School located in Leon County serves K-12 students.
- Florida State University School located in Leon County is a K-12 charter school.
- Alexander D. Henderson University School located in Palm Beach County is an elementary-middle school serving K-8 students on the campus of Florida Atlantic University in Boca Raton.

In addition, there are also three charter lab schools:

- Florida Atlantic University High School (FAU HS) located in Palm Beach County is a dual enrollment high school on the campus of Florida Atlantic University in Boca Raton which began serving grade 9-12 students in the 2004-2005 school year.
- The Pembroke Pines-Florida State University Charter Elementary School located in Broward County began serving students in grades K-5 in the 2003-2004 school year and is affiliated with Florida State University.
- Palm Pointe Educational Research School located in St. Lucie County began serving grade K-8 students in the 2008-2009 school year and is affiliated with Florida Atlantic University.

These schools are funded through the Florida Education Finance Program (FEFP) which includes a proportional share of the sparsity supplement for each eligible lab school in operation as of September 1, 2002 that also serves students in grades 9-12. Currently, only P.K. Yonge (UF), FAMU and FSU Leon are eligible to receive sparsity funds.

Effect of Proposed Changes

The bill modifies the eligibility for lab schools to receive sparsity funds by extending the operation date from 2002 to 2013 and clarifying that the lab school must be a permanent high school center to be eligible. The change would allow Florida Atlantic University High School to be eligible for the sparsity supplement and receive approximately \$580,000 in sparsity funds.

Maximum Class Size

Present Situation

⁹ Florida Education Finance Program 2013-14 3rd calculation, Florida Department of Education, Office of Funding and Financial Reporting, <http://www.fldoe.org/fefp/pdf/1314-Third.pdf>

In 2002, voters approved the Class Size Reduction Amendment to Section 1, Article IX of the Florida Constitution. The amendment required the Legislature by the beginning of the 2010 school year to make adequate provision to ensure that there are a sufficient number of classrooms in Florida so that the maximum number of students assigned to each teacher does not exceed:

- 18 students for prekindergarten through 3rd grade;
- 22 students for 4th through 8th grades; and
- 25 students for 9th through 12th grades.

Extracurricular courses are expressly excluded from the class size mandate; thus, its requirements apply only to core curricula courses, which are defined in s. 1003.01(14), F.S.

Additionally, the amendment requires that the Legislature provide sufficient funds, beginning in Fiscal Year (FY) 2003-2004, for school districts to reduce the average number of students in each classroom by at least two annually until the constitutionally prescribed maximum number of students is achieved. Under the initial implementing statute, compliance with the class size requirements was to be measured at the:

- District level for each of the three grade groupings during FYs 2003-2006.
- School level for each of the three grade groupings in FYs 2006-2008.
- Individual classroom level for each of the three grade groupings in FY 2008-2009 and thereafter.

The timeframe for measuring class size at the school level was extended twice by the Legislature. In 2008, the Legislature extended school level measurement through FY 2008-2009.¹⁰ The next year, the Legislature extended this timeframe by one more year, thereby delaying measurement of class size at the individual classroom level until FY 2010-2011 and thereafter.¹¹ Legislation enacted in 2010 established the compliance calculation for charter schools at the school level average.¹² Legislation enacted in 2013 granted the same treatment to district-operated schools of choice.¹³

In 2013, the Legislature also added a provision to exempt “blended learning courses” from the core courses required to be in compliance with class size.¹⁴ Currently no definition exists for what comprises a “blended learning course”.

To implement the class size amendment, the Legislature annually appropriates class size reduction categorical funding for school district operating costs. Additionally, the Legislature has appropriated funds for capital outlay (facility) needs and granted bonding authority to fund classroom construction and other capital needs related to class size reduction. Since 2003, the Legislature has appropriated more than \$25 billion for operational expenses and \$2.5 billion in facilities funding to implement the Class Size Reduction Amendment.

History of Funding for Class Size Reduction

¹⁰ Section 5, ch. 2008-142, L.O.F.

¹¹ Section 13, ch. 2009-59, L.O.F.

¹² s. 1002.33(16)(b)3., F.S., as created in section 6, ch. 2010-154, L.O.F.

¹³ s. 1002.31(9), F.S., as created in section 9, ch. 2013-250, L.O.F.

¹⁴ s. 1003.01(14), F.S., as modified in section 3, ch. 2013-225, L.O.F.

Fiscal Year	Operating Funds	Facilities Funds	Total Funds
2003-2004	\$ 468,198,634	\$ 600,000,000	\$ 1,068,198,634
2004-2005	\$ 972,191,216	\$ 100,000,000	\$ 1,072,191,216
2005-2006	\$ 1,507,199,696	\$ 83,400,000	\$ 1,590,599,696
2006-2007	\$ 2,108,529,344	\$1,100,000,000	\$ 3,208,529,344
2007-2008	\$ 2,640,719,730	\$ 650,000,000	\$ 3,290,719,730
2008-2009	\$ 2,729,491,033	\$ -	\$ 2,729,491,033
2009-2010	\$ 2,845,578,849	\$ -	\$ 2,845,578,849
2010-2011	\$ 2,913,825,383	\$ -	\$ 2,913,825,383
2011-2012	\$ 2,927,464,879	\$ -	\$ 2,927,464,879
2012-2013	\$ 2,974,748,257	\$ -	\$ 2,974,748,257
2013-2014	\$ 2,974,766,164	\$ -	\$ 2,974,766,164
Total to Date	\$25,062,713,185	\$2,533,400,000	\$27,596,113,185

Section 1003.03(4), F.S., requires the Department of Education (DOE) to reduce class size categorical funding for school districts and charter schools that are out of compliance with class size requirements. The penalty is calculated at the classroom level for traditional public schools and at the school level for charter schools and district-operated schools of choice. The penalties for traditional public schools and district-operated schools of choice are combined to make a total adjustment for each district. DOE must calculate the penalty for traditional public schools out of compliance as follows:

- Step 1:** Identify, for each grade grouping, the number of classrooms that exceed the maximum and the total number of students which exceeds the maximum for all classes.
- Step 2:** Determine the number of full-time equivalent (FTE) students which exceeds the maximum for each grade grouping.
- Step 3:** Multiply the total number of FTE students over the maximum for each grade grouping by the district's FTE dollar amount of the class size reduction operating categorical allocation for that year and calculate the total for all three grade groupings.
- Step 4:** Multiply the total number of FTE students over the maximum for all classes by an amount equal to 50 percent of the base student allocation adjusted by the district cost differential for the 2013-14 FY.

A school district's class size reduction operating categorical allocation is then reduced by an amount equal to the sum of the calculations in Steps 3 and 4. Beginning in FY 2014-2015 and thereafter, the total number of FTE students over the maximum for all classes must be multiplied by 100 percent, rather than 50 percent, of the base student allocation adjusted by the district cost differential, thereby increasing the amount of the penalty (see Step 4).

The reduced amount is the lesser of DOE's calculation or the undistributed balance of the school district's class size reduction operating categorical allocation. If a district made appropriate efforts to reduce class sizes but still failed to achieve compliance or an emergency caused noncompliance, the commissioner is authorized to recommend an alternative transfer amount for approval by the Legislative Budget Commission.¹⁵ Once the reduced amount is determined, after district appeals, the commissioner must prepare a reallocation of the funds made available as a bonus to districts that have fully met the class size requirements by calculating an amount that is up to five percent of the base student allocation multiplied by the total district FTE students. The reallocation total may not exceed 25 percent of the total funds reduced.

History of Class Size Transfer (& Reallocation) Calculation

for Traditional Public Schools				
		Pre-Appeals	Post-Appeals	After Plan
District	2003-04	\$21,488,179	\$1,479,948	
District	2004-05	\$11,354,475	\$1,076,719	
District	2005-06	\$5,222,735	\$496,059	
School	2006-07	\$7,836,834	\$3,273,943	
School	2007-08	\$5,330,411	\$333,302	
School	2008-09	\$1,396,108	\$0	
School	2009-10	\$1,912,030	\$267,263	
Classroom	2010-11	\$40,795,637	\$31,305,124	\$7,826,281
Classroom	2011-12	\$58,749,605	\$43,407,465	\$10,851,866
Classroom	2012-13	\$26,965,789	\$22,698,784	\$5,674,696
Classroom	2013-14	\$12,674,357	\$9,558,513	\$2,389,628
History of Class Size Transfer (& Reallocation) Calculation for Charter Schools				
		Pre-Appeals	Post-Appeals	After Plan
N/A	2003-04	\$0	\$0	
N/A	2004-05	\$0	\$0	
N/A	2005-06	\$0	\$0	
School	2006-07	\$6,831,504	\$2,724,878	
School	2007-08	\$802,515	\$194,836	
N/A	2008-09	\$0	\$0	
N/A	2009-10	\$0	\$0	
School	2010-11	\$2,292,191	\$355,539	\$88,885
School	2011-12	\$3,921,323	\$652,851	\$163,213
School	2012-13	\$1,570,397	\$431,345	\$107,836
School	2013-14	\$835,448	\$204,863	\$51,216
History of Class Size Transfer (& Reallocation) Calculation for Choice Schools				
		Pre-Appeals	Post-Appeals	After Plan
School	2013-14	\$1,129,183	\$475,592	\$118,898

Districts that fail to comply with the class size requirements must submit a plan certified by the district school board by February 1 which describes the actions the district will take in order to be in compliance by October of the following year. For districts that submit the plan by the required deadline, the funds remaining after the reallocation calculation must be added back to the district's class size reduction operating categorical allocation based on each qualifying district's proportion of the total reduction for all qualifying districts for which a reduction was calculated. The amount added back may not be greater than the amount that was reduced.¹⁶

Effect of Proposed Changes

The bill amends s. 1003.03(04), F.S., to revise the method for calculating the penalty schools that fail to comply with the class size requirements by calculating steps 2, 3, and 4 at the school average instead of at the classroom level. The increase in the penalty scheduled to begin in FY 2014-15 and thereafter is repealed. The bill repeals exemptions to the class size requirement for charters and schools of choice because compliance for all school types will be calculated at the school average. School districts must continue to assign students to teachers in a manner that meets the classroom level maximums. Districts that exceed the classroom level maximums will still be required to implement a compliance plan. However, calculation of the penalty at the school average and maintaining the lower penalty amount of 50 percent of the BSA will reduce the monetary penalties levied against school districts.

John F. McKay Scholarships for Students with Disabilities Program

Present Situation

The John F. McKay Scholarships for Students with Disabilities Program is created in s. 1002.39, F.S., to provide the option for students with disabilities to attend a public school other than the one to which the student is assigned, or to provide a scholarship to a private school of choice. The McKay Scholarship Program allows parents of students with disabilities to choose the best academic environment for their children. This program provides eligible students the opportunity to attend a participating private school or transfer to another public school. Eligible students include students who have been issued an Individualized Education Plan (IEP) or a 504 Accommodation Plan that is effective for more than 6 months. Students must also have been enrolled and reported for funding by a Florida school district the year prior to applying for a scholarship. Students with parents in the Armed Forces who transfer to Florida due to a permanent change in orders may also be eligible.

During the 2012-13 school year, the most recent complete year of funding, \$168.9 million was paid to scholarship program participants. The state calculated maximum scholarship amount for IEP students enrolled ranged from \$4,395 to \$19,105, with an average amount of \$7,019. The average amount for students with a 504 Plan was \$3,977. In 2012-13, 26,611 students from 1,163 private schools participated in the program. The amount of each student's scholarship is equal to the amount the student would have received in the public school to which the student is assigned or the amount of the private school's tuition and fees, whichever is less.

Students participating in the McKay scholarship program are reported for funding by the school district in which the student was previously reported for FEFP funding. The department then transfers the amount of the scholarship from the district's FEFP funding to be provided to the school of the parent's choice. McKay Scholarship students are allowed to take up to two virtual courses from the Florida Virtual School (FLVS) per school year as provided in section 1002.39(3)(f), F.S. If a student takes advantage of the option to take virtual courses the student would be reported for funding by both the school district and the FLVS.

Beginning in the 2013-2014 fiscal year, the Department of Education (DOE) has the ability to match student identification numbers to verify where the education instructional of the student is being provided. DOE is able to match student records and identify students receiving excess hours of instruction above the 1.0 FTE as defined in section 1011.61(4), F.S. In 2013, in an effort to expand options for students, yet contain the costs of additional FTE students in the FEFP, the method for reporting FTE was amended to allow all courses reported for a student to be equally shared among providers of instruction but limit each student to 1.0 FTE, thus allowing all courses to earn funding in the FEFP. Due to the change in policy and the ability of DOE to match student records and calculate a prorated amount of funding based on the 1.0 FTE cap, McKay scholarship payment awards have been adjusted for the 2013-14 school year if a McKay scholarship student participates in virtual courses. The proration of the scholarship amount has resulted in parents paying increased tuition to participating private schools.

Effect of Proposed Changes

The bill amends ss. 1002.39 and 1011.62, F.S., to clarify that McKay Scholarship payments are not subject to the 1.0 FTE cap, resulting in scholarship payments not being reduced due to McKay recipients taking virtual courses. There is no change to the statutory language limiting the number of virtual courses a McKay recipient may take of no more than two virtual courses per school year.

New College of Florida – Master in Data Science and Analytics

Present Situation

New College of Florida is statutorily established as the residential liberal arts honors college of the State of Florida with the mission of providing quality 4-year undergraduate education. The student body is comprised of approximately 830 primarily Floridian students enrolled full time and seeking undergraduate degrees. Degree programs with the highest enrollment are psychology, biology, and anthropology.

Effect of Proposed Changes

The bill amends s. 1004.32, F.S., to expand the mission of New College to allow for the establishment of a 2-year master's degree program in data science and analytics. Prior to implementation, this program must be proposed and approved by the Board of Governors and funded in the GAA.

State Instructional Materials Reviewers

Present Situation

Section 1006.29, F.S., establishes a statewide process for the adoption of instructional materials. The Commissioner of Education must annually determine the academic areas in which instructional materials must be submitted for adoption. Instructional materials for each educational subject area are adopted in five-year intervals. The commissioner appoints three state instructional materials reviewers for each content area up for adoption.

School districts implementing an instructional materials program may collect fees from publishers who submit instructional materials for review. Such fees may not exceed the actual cost to review a publisher submission up to a maximum of \$3,500.

Effect of Proposed Changes

The bill amends s. 1006.29, F.S., to provide the Department of Education the authority to assess and collect fees up to \$1,000 from publishers participating in the instructional materials review and approval process. The fees collected for this process may only be used to provide a stipend to instructional materials reviewers.

Dual Enrollment

Current Situation

Dual Enrollment (DE) is a successful acceleration mechanism that allows students to simultaneously earn credit toward high school completion, and a career certificate, or an associate or baccalaureate degree. Section 1007.271, F.S., authorizes the program and provides that dually enrolled students are exempt from paying registration, tuition, and laboratory fees for DE courses taken at postsecondary institutions such as school district technical centers, Florida College System (FCS) institutions, or State University System (SUS) institutions.¹⁷

Florida public high school students are provided DE instructional materials such as books, free of charge. Private school and home education students are responsible for the costs of their instructional materials and transportation; however, Florida College System institutions are not prohibited from

providing instructional materials at no cost to these students.¹⁸ Additional funds are provided within the Florida Education Finance Program (FEFP) for DE instructional materials.¹⁹

All 67 school districts participate in DE which may be coordinated between the district and a public or private college or university or a school district technical center. Florida Statute currently provides that district school boards and FCS institutions may enter into DE enrollment articulation agreements with independent colleges and universities.²⁰ In Academic Year 2012-2013, approximately 65,463 students participated in DE. Of these 52,306 (80%) were at state colleges; 7,683 (12%) were at state universities, and 5,474 (8%) were at school district technical centers. DE instruction may take place on the postsecondary institution campus or a high school campus. OPPAGA reported that 76% of the DE coursework is provided on college campuses, while 26% is provided at high schools.²¹

Funding for Dual Enrollment

Public School Districts

Funding is provided to school districts through the Florida Education Finance Program (FEFP), the formula used to determine appropriations for public school funding. The Legislature annually appropriates funds in the FEFP based on enrollment estimates adopted by the statutorily required Education Estimating Conference for Public Schools.²² The FEFP is calculated five times throughout the year to arrive at each year's final allocation for each school district. Each calculation uses the latest information available regarding the number of students reported by districts. The FEFP uses a measurement for each student called a full-time-equivalent (FTE). One FTE equals one school year of instruction, at least 720 hours of instruction in grades K-3, or 900 hours of instruction for students in grades 4-12, which is equivalent to six courses.²³ However, if a student takes more than the minimum six course requirement, a school district receives the same amount of funding for that student. The courses above six are subject to the 1.0 FTE cap in s. 1011.612(4), F.S.

Students in DE programs are included in FTE calculations for basic programs for grades 9 through 12 in determining funding FEFP.²⁴ Instructional time for DE may vary from 900 hours; however the school district may only report the student for the maximum of 1.0 FTE.

Public Postsecondary Institutions

Students in DE courses are also reported for funding as FTE enrollments for a district technical center, Florida College System (FCS) institution or university conducting the DE instruction.²⁵ The Education Estimating Conference is required to develop official information relating to the state and private educational systems, including forecasts of student enrollment. The FCS provides estimated FTE counts to the Legislature through the Education Estimating Conference on FCS Enrollment.²⁶ The estimated FTE provided by colleges includes the number of dually enrolled FTE.

The FCS reported a 61% increase in enrollment in DE courses between academic years 2007-2008 and 2011-2012. In the 2007-2008 fiscal year, tuition and fees made up 32.9% of total college funds. Currently, tuition and fees are 45.3% of colleges' total appropriated operational funds. Public

¹⁸ Section 1011.62(1)(i), F.S.

¹⁹ Specific Appropriation 84 proviso, Chapter 2012-118, Laws of Florida, FY 2012-2013 GAA

²⁰ Section 1007.33(23), F.S.

²¹ OPPAGA research memorandum, Dual Enrollment: Instructional and Funding Arrangements, December 2011 (updated via OPPAGA 2013 survey of Florida colleges, universities and school districts. Research from this document primarily focused on agreements between school districts and Florida College System institutions.

²² Section 216.136, F.S.

²³ Section 1011.61(1)(a)(1), F.S.

²⁴ Section 1011.62(1)(i), F.S.

²⁵ Section 1011.62(i), F.S.

²⁶ Section 216.136, F.S.

postsecondary institutions do not receive student tuition and fees from students in the dual enrollment program. As dual enrollment instruction has increased the Florida College System estimated the loss in tuition and fees in 2011-2012 to be \$58.2 million. OPPAGA's research project estimated the loss on only those courses taught on college campuses to be \$43.1 million.²⁷

In 2013-2014, the Legislature made statutory changes that required public schools to pay tuition costs from district Florida Education Finance Programs (FEFP) appropriations to compensate colleges and universities for DE FTE.²⁸ Schools are required to pay the standard tuition rate of tuition per credit hour for DE coursework taken by school district students if the instruction takes place on the college or university campus. If the student is provided the instruction on the high school campus by a college or university faculty member, the school districts are required to reimburse the college or university institution for costs associated with the proportion of salary and benefits and other actual costs incurred by the college or university to provide the instruction. Finally, when the instruction is provided at the high school by school district faculty, the school district must fund the college or university's costs associated with offering the program.

Dual Enrollment Coursework Beyond the 1.0 FTE Policy

Some students enroll in DE courses beyond the hours of instruction a school district generates FEFP funding. FEFP funding is not generated by the school district for coursework taken the after the sixth period, or for summer term enrollments. Current law requires school districts to pay from FEFP allocations, the standard rate of tuition for any DE courses taken at a public postsecondary institution.

According to DOE, 2012-2013 Survey 2 & 3 student membership reports indicate approximately 25,487 students were enrolled in 91,892 courses (275,676 credit hours) outside the student's hours of instruction necessary to generate 1.0 FTE as funded in the FEFP (6 courses). At the FCS standard tuition rate of \$71.98, the estimated cost is \$19,843,158. FCS Summer Term 2013-2014 college records indicate 13,223 public school students took 66,548 credit hours. At the FCS standard tuition rate of \$71.98, the estimated cost is \$4,790,125. Therefore, \$24,633,283 represents the amount of tuition school districts are required to pay from FEFP funds for which they do not receive state funds.

General Education Requirements

While most coursework taken by dually enrolled students are college general education requirement courses, approximately six percent of dual enrollment coursework taken is not. The five most frequently taken dual enrollment courses taken in Academic Year 2012-2013 were Freshman Composition I (ENC 1101), Freshman Composition II (ENC 1102), College Algebra (MAC 1105), Introduction to Psychology (PSY 2012), and American Government (POS 2041).²⁹ Enrolling in general education courses provides a stable foundation toward completion of degrees without accumulating excess credit hours upon degree completion. Currently there is no required prioritization order for dually enrolled students to enroll in general education coursework before elective coursework.

Independent Colleges and Universities Participating in Dual Enrollment

Current statute limits independent colleges or universities participating in dual enrollment programs to those institutions which are not for profit, and are accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and schools.

²⁷ OPPAGA research memorandum, Dual Enrollment: Instructional and Funding Arrangements, December 2011.

²⁸ Chapter 2013-45, Laws of Florida

²⁹ <http://www.fldoe.org/fcs/transparencyaccountability.asp> Dual Enrollment & Accelerated Learning Options "What courses do dual enrollment students take?"

Effect of Changes

Section 1007.271(2), F.S., is amended to proscribe that students enrolling in college credit DE programs beginning with the academic year 2014-2015 may not enroll in more than 24 college credit hours before completing the college credit general education core coursework as specified in s. 1007.25(3), F.S.

Section 1009.271(16), F.S., is amended to clarify that any student, regardless of public or private school or home education program enrollment, who meets the eligibility requirements and chooses to participate in dual enrollment programs is exempt from the payment of registration, tuition, and laboratory fees.

A new subsection is added as supplementary encouragement for school districts to increase access to student in DE programs by entering into dual enrollment agreements with eligible independent colleges and universities. Section 1011.62(1)(i), F.S., is also amended to include the supplementary encouragement.

Section 1009.27(21), F.S., is amended to clarify that articulation agreements are between school district school superintendent and public postsecondary institution rather than just Florida College System institutions. Articulation agreement requirements for private postsecondary institutions are added, and articulation agreements for public and private postsecondary institutions must document transferability of course credit between Florida's postsecondary institutions.

Section 1009.27(21)(n), F.S., is amended to revise and clarify payment provisions related to DE. These provisions include that:

- School districts are required to pay public postsecondary institutions the standard tuition rate per credit hour when DE course instruction takes place on the public postsecondary institution's campus when the course is taken as part of the student's hours of instruction necessary to generate 1.0 FTE pursuant to s. 1011.61(1)(c), F.S. Therefore, school districts are not required to pay for DE coursework for hours above the cap.
- School districts must reimburse the costs associated with the public postsecondary institution's proportion of salary and benefits when DE is provided on the high school site by public postsecondary institution faculty. Requirements for school districts to pay any other actual costs associated with the postsecondary institutions offering the program are removed.
- A developmental research school is exempt from articulation agreement requirements when the agreement provision for DE coursework is between the developmental research school and its affiliated state university.
- Private secondary institutions are exempt from payment of the standard rate of tuition for private secondary school students enrolled in DE courses at public postsecondary institutions.
- Subject to annual appropriation, funding shall be provided to public postsecondary institutions for specific DE credit hours not paid for by school districts.

Section 1011.62, F.S., is amended with regard to eligibility requirements for independent colleges and universities participating in DE programs.

- Not-for-profit institutions, and institutions located in Florida but may not hold a Florida charter will be eligible to participate in DE program.
- Independent colleges and universities accredited by agencies recognized by the United States Department of Education rather than only the Commission on Colleges of the Southern

Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools will be able to participate in the DE program.

- Provisions that currently restrict students who select the option of enrolling in an eligible independent institution from being exempt from tuition, fees, and instructional materials are removed.

Higher Education Base Tuition Rates

Present Situation

The standard rates of tuition for the State University System, Florida College System, and Workforce Education programs established by the Legislature for Fiscal Year 2013-2014 are as follows:

Postsecondary Tuition Rates - Fiscal Year 2013-2014

Program	Unit	Category of Institution	Rate of State Support (Fiscal Year 2013-2014)
Workforce Programs (non-college credit) Applied Technology Diploma Career Certificate	Contact Hour		\$2.33
			\$6.99
Workforce Programs (non-college credit) Applied Technology Diploma Career Certificate	Contact Hour		\$2.33
			\$6.99
Undergraduate Advanced and Professional Postsecondary Vocational Developmental Education Educator Preparation Institute Programs	Credit Hour		\$71.98
			\$215.94
Baccalaureate	Credit Hour		\$91.79
			Determined by Institution
Undergraduate	Credit Hour		\$105.07
			Determined by Institution
Graduate Programs			Determined by Institution

The sections of statute which establish the base tuition rates have not been updated since 2011 and no longer establish the most current tuition rates as shown in the chart above. The standard rate of tuition was established in the GAA for the 2012-13 academic year and was used as the default base rate for the 2013-14 academic year prior to the implementation of the CPI increase due to the Governor's veto of the rate established in the GAA.

Effect of Proposed Changes

The bill codifies the current year tuition rates for the State University System, Florida College System, and Workforce Education programs.

State University System Excess Credit Hour Surcharge

Current Situation

Section 1009.286, F.S., requires a surcharge of 100 percent of tuition be assessed for each credit hour in excess of 110 percent of the number of credit hours required for completion of the students' registered degree program.

Effect of Changes

The bill clarifies students who are transferring from a college into a university are also required to pay 100 percent of tuition for excess credit hours above 110 percent of the credit hours required for their degree. Students enrolling in these additional courses will be assessed an increased fee in an effort to encourage them to complete the necessary degree requirements in a timely manner.

Florida Prepaid - Prepaid Payment Plans

Present Situation

Section 1009.98, F.S. establishes the Stanley G. Tate Florida Prepaid College Program (Prepaid Plan) to assist families in planning and saving for a college education. The Prepaid Plan contracts lock in many of the costs associated with postsecondary attendance at the time the contracts are purchased.

The Florida Prepaid College Board (board) is authorized to offer advance payment contracts (APC) for a Florida College System tuition plan, a university tuition plan, a Florida College System plus university tuition plan, a university dormitory plan, a local fee plan, and a tuition differential fee plan. Each year, the Prepaid College Board conducts an analysis of the actuarial adequacy of the Prepaid Trust Fund.³⁰ In order to conduct this analysis, a series of assumptions are made regarding investment yield, tuition increases, tuition differential fee increases, local fee increases, and dormitory fee increases.³¹ The result of the analysis is a determination of the actuarial reserve, which means the amount by which the expected value of the assets in the Prepaid Trust Fund exceeds the value of the expected liabilities. Below is a chart showing a four-year history of the actuarial reserve.

Actuarial Information

	2010	2011	2012	2013
Actuarial Reserve	\$482,626,581	\$589,408,656	\$569,458,560	\$834,449,416
As % of Expected Liabilities	5.1%	6.0%	4.9%	7.6%

To provide greater predictability to both the Prepaid College Board and the state universities, Chapter 2009-60, Laws of Florida, included provisions that established a payment methodology to state universities on behalf of beneficiaries of advance payment contracts that were purchased prior to July 1, 2009. The payment methodology specifies the level of tuition increases and tuition differential increases that the Prepaid College Board will pay each year, based on the actuarial reserve for that year.

Actuarial Reserve, % of Expected Liabilities	<5%	5% - 6%	6% - 7%	≥7.5%
Board Payment to Universities Above Fee Assessed Previous Year	5.5%	6.0%	6.5%	7.0%

In addition, for APC's purchased prior to 2009, the amount paid to universities for local fees was set at five percent above the amount assessed for local fees in the preceding fiscal year, and six percent above the amount assessed for dormitory fees in the preceding fiscal year.

Current law provides that the board shall pay state universities the actual amount assessed for registration fees, the tuition differential, local fees, and dormitory fees for advance payment contracts purchased on or after July 1, 2009.

³⁰ Section 1009.971(4)(f), F.S.

³¹ Florida Prepaid College Board, *Analysis of Actuarial Adequacy as of June 30, 2008*.

Effect of Proposed Changes

The bill amends s. 1009.98(10), F.S., to extend payment provisions relating to the amount the Prepaid board must pay to any state university on behalf of a qualified beneficiaries of advance payment contracts. The prior date of July 1, 2009 is extended to July 1, 2024. The bill establishes the maximum payment cap based on the aggregate actual tuition and fees charged by Florida's state universities. The Board will pay each university the lesser of either the statutorily required assessment for that fiscal year, or the actual of the aggregated amount charged for registration fees, tuition differential, local and dormitory fees.

According to the Prepaid College Board, these changes will reduce the current purchase price for prepaid plans. The newborn price of the four-year university plan would be reduced by at least \$10,000 for future participants. In addition, over 26,000 Florida families who purchased plans at higher prices in recent years would receive refunds totaling over \$50 million. Future monthly payments would also be reduced for those purchasers paying monthly instalments.

Because this legislation caps future payments to state universities at the lesser of actual tuition and fees, or the statutory percentages based on the board's actuarial reserve, in years that tuition and fees exceed the payment provisions, universities would not be able to collect the full rate of tuition and fees.

B. SECTION DIRECTORY:

Section 1: Amends s. 1001.271, F.S., establishing the Florida Information Resource Network.

Section 2: Amends s. 1001.64, F.S., revising a cross reference.

Section 3: Amends s. 1001.65, F.S., revising a cross reference.

Section 4: Amends s. 1002.31, F.S., repealing requirements relating to the class size exemption for public schools of choice.

Section 5: Amends s. 1002.32, F.S., revising the date that a lab school must be in operation to be eligible to receive a proportional share of the sparsity supplement.

Section 6: Amends s. 1002.33, F.S., relating to the class size exemption for charter schools.

Section 7: Amends s. 1002.39, F.S., clarifying that McKay Scholarship payments shall not be reduced due to the 1.0 FTE cap.

Section 8: Amends s. 1002.451, F.S., relating to the class size exemption for the district innovation schools of technology program.

Section 9: Amends s. 1003.01, F.S., relating to the definition of core courses for the purpose of class size compliance.

Section 10: Amends s. 1003.03, F.S., revising the compliance calculation for traditional public schools that fail to comply with the class size requirements by performing the compliance calculation at the school average instead of at the classroom level.

Section 11: Amends s. 1003.436, F.S., revising a cross reference.

Section 12: Amends s. 1004.32, F.S., removing the undergraduate limitation and establishing a 2-year Master's Degree program at New College of Florida, subject to appropriation.

Section 13: Amends s. 1006.29, F.S., providing the Department of Education the authority to assess and collect fees from publishers participating in the instructional materials review and approval process and provide a stipend to be paid to instructional materials reviewers.

Section 14: Amends s. 1007.271, F.S., relating to dual enrollment access; coursework requirements; transferability of credits; payment provisions between school districts and postsecondary institutions; exempting private secondary institutions from payment provisions; exempting developmental research schools from articulation agreements, clarifying that public, private and home education program students are exempt from the payment of tuition and fees for dual enrollment courses; and establishing funding provisions to reimburse public postsecondary institutions for specific dual enrollment credit hours that school districts are not required to pay.

Section 15: Amends s. 1008.25, F.S., revising a cross reference.

Section 16: Amends s. 1009.22, F.S., updating the current standard tuition rates for workforce education programs.

Section 17: Amends s. 1009.23, F.S., updating the current standard tuition rates for Florida colleges.

Section 18: Amends s. 1009.24, F.S., updating the current standard tuition rates for state universities.

Section 19: Amends s. 1009.286, F.S., clarifying that college transfer students are required to pay excess credit hours.

Section 20: Amends s. 1009.98, F.S., extending the payment provisions applicable to Florida Prepaid contracts to purchases before July 1, 2024, and establishing a maximum payment cap the Florida Prepaid College Board must pay to a state university on behalf of qualified beneficiaries.

Section 21: Amends s. 1011.61, F.S., clarifying that McKay Scholarship payments shall not be reduced due to the 1.0 FTE cap.

Section 22: Amends s. 1011.62, F.S., revising eligibility for independent colleges and universities participating in instruction of dual enrollment coursework; increasing opportunities for dual enrollment by encouraging school districts to enter into dual enrollment agreements with independent colleges and universities; exempting dually enrolled and early admission students from the payment of instructional materials and tuition and fees applicable at eligible independent institutions, and creating the Technology Supplemental Allocation in the FEFP.

Section 23: Amends s. 1011.80, F.S., revising a cross reference.

Section 24: Provides an effective date of July 1, 2014.

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:

School districts will not have to pay for dual enrollment hours of instruction which are currently not provided from Florida Education Finance Program funding.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Opportunities for independent colleges and universities to participate in dual enrollment articulation agreements with school districts will be increased. Independent colleges and universities may receive tuition payments from a school district at the standard rate of tuition per credit hour as currently provided to a Florida College System institution.

Changes made to the methodology for which the Prepaid College Board pays state universities on behalf of beneficiaries of Prepaid tuition contracts lowers future contract prices, and provides savings to parents who recently purchased contracts. The board estimates prices for future Prepaid tuition contracts will be reduced from \$53,729 to less than \$43,000. Current contract holders will see a reduction in monthly payments, and more than 26,000 Florida families who purchased plans at higher prices in recent years will receive refunds of approximately \$50 million.

D. FISCAL COMMENTS:

The bill modifies the eligibility for lab schools to receive sparsity funds by changing the operation date from 2002 to 2013 and limiting the funds to existing high school centers. The change would allow Florida Atlantic University High School to receive approximately \$580,000 in sparsity funds. If the sparsity allocation remains unchanged in the FEFP, the funds generated by Florida Atlantic High School would result in a proportionate reduction to the funds generated by any other sparsity eligible district. The additional funding necessary for FAU high school to receive a sparsity supplement is accounted for in the House proposed GAA.

The bill clarifies that McKay Scholarship payments are not subject to the 1.0 FTE limitation therefore scholarship payments are not reduced due to McKay recipients taking virtual courses. McKay recipients are limited in the number of virtual courses they may take to no more than two. It is unknown the exact number of McKay recipients taking virtual courses, but it is estimated that the cost of the two courses would not be more than \$1,000.

The bill provides the Department of Education the authority to assess and collect fees up to \$1,000 from publishers participating in the instructional materials approval process. This change has no fiscal impact to the state.

The bill revises the compliance calculation for traditional public schools that fail to comply with the class size requirements by performing the compliance calculation at the school average instead of at the classroom level, so the amount deducted from a school district's class size reduction operating categorical will be reduced.

The bill provides that public postsecondary institutions shall be funded for those dual enrollment credit hours taken by students in excess of the hours of instruction provided for in the Florida Education Finance Program (FEFP). The calculated cost for these hours in excess of the hours of instruction necessary to generate 1.0 full-time equivalent student as paid for within the FEFP equates to \$24,633,283. This funding is subject to annual appropriation in the GAA and is accounted for in the proposed House GAA.

State universities could be impacted by changes made to payment provisions for the Prepaid College Program related to payments on behalf of qualified beneficiaries who purchased advance payment contracts. By capping future payments to state universities at the lesser of actual tuition and fees, or the statutory percentages based on the board's actuarial reserve, in years that university tuition and fees exceed the payment provisions set forth universities would not be able to collect the full rate of tuition and fees.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

2. Other:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to education funding; amending s.
 3 1001.271, F.S.; establishing the Florida Information
 4 Resource Network according to specified requirements;
 5 providing for school district use of the network and
 6 requirements for compliance; amending ss. 1001.64 and
 7 1001.65, F.S.; correcting cross-references; repealing
 8 s. 1002.31(9), F.S., relating to the calculation for
 9 compliance with maximum class size for a school or
 10 program that is a public school of choice under the
 11 controlled open enrollment program; amending s.
 12 1002.32, F.S.; revising eligibility requirements for
 13 developmental research schools to receive sparsity
 14 supplement funds; amending s. 1002.33, F.S.; revising
 15 requirements for charter school compliance with
 16 maximum class size requirements; amending s. 1002.39,
 17 F.S.; providing that the John M. McKay Scholarship
 18 amount is not subject to a specified maximum value for
 19 funding; amending s. 1002.451, F.S.; revising
 20 requirements for district innovation school of
 21 technology compliance with maximum class size
 22 requirements; amending s. 1003.01, F.S.; removing
 23 certain courses from the definition of the term "core-
 24 curricula courses" as the term relates to maximum
 25 class size requirements; amending s. 1003.03, F.S.;
 26 requiring the Department of Education to make an

27 annual determination relating to maximum class size
 28 compliance; calculating a school district's class size
 29 categorical allocation reduction at the school average
 30 when maximum class size requirements are not met;
 31 revising the calculation; amending s. 1003.436, F.S.;
 32 correcting a cross-reference; amending s. 1004.32,
 33 F.S.; revising the mission and goals of New College of
 34 Florida; providing for a master's degree program in
 35 data science and analytics at New College of Florida;
 36 amending s. 1006.29, F.S.; authorizing the department
 37 to assess and collect fees relating to the
 38 instructional materials approval process; authorizing
 39 a stipend to be paid to instructional materials
 40 reviewers; amending s. 1007.271, F.S.; providing
 41 coursework requirements for dual enrollment students;
 42 revising provisions relating to dual enrollment
 43 articulation agreements, participating postsecondary
 44 institutions, student eligibility, costs incurred by
 45 participating entities, payment, and funding; amending
 46 s. 1008.25, F.S.; correcting a cross-reference;
 47 amending s. 1009.22, F.S.; revising workforce
 48 education postsecondary tuition and out-of-state
 49 student fees; amending s. 1009.23, F.S.; revising
 50 Florida College System institution tuition and out-of-
 51 state student fees; amending s. 1009.24, F.S.;
 52 revising state university resident undergraduate

53 tuition; amending s. 1009.286, F.S.; revising
 54 provisions relating to the excess hour surcharge;
 55 amending s. 1009.98, F.S.; revising provisions
 56 relating to advance payment contracts and payment to a
 57 state university on behalf of a qualified beneficiary;
 58 amending s. 1011.61, F.S.; providing that the
 59 scholarship amount paid to a student enrolled in the
 60 John M. McKay Scholarships for Students with
 61 Disabilities Program is not subject to a specified
 62 maximum value for funding; amending s. 1011.62, F.S.;
 63 revising provisions relating to dual enrollment
 64 instruction provided by eligible independent colleges
 65 and universities; providing for student access to dual
 66 enrollment; creating a technology supplemental
 67 allocation and providing for use of the funds;
 68 amending s. 1011.80, F.S.; correcting a cross-
 69 reference; providing an effective date.

70
 71 Be It Enacted by the Legislature of the State of Florida:

72
 73 Section 1. Section 1001.271, Florida Statutes, is amended
 74 to read:

75 1001.271 Florida Information Resource Network.—
 76 (1) There is established an educational data transport
 77 service which shall be known as ~~The Commissioner of Education~~
 78 ~~shall facilitate and coordinate the use of the Florida~~

79 ~~Information Resource Network by school districts, educational~~
 80 ~~institutions in the Florida College System, universities, and~~
 81 ~~other eligible users.~~ The Department of Education shall
 82 collaborate with the Department of Management Services to
 83 establish the Florida Information Resource Network in a manner
 84 that complies with all requirements necessary to receive federal
 85 funds that are available through the Schools and Libraries
 86 Program, commonly cited as the E-rate program, of the federal
 87 Universal Service Fund administered by the Universal Service
 88 Administrative Company under direction of the Federal
 89 Communications Commission.

90 (2) The Florida Information Resource Network shall be used
 91 by each school district in preparation for and implementation
 92 and administration of the statewide, standardized assessments
 93 administered pursuant to s. 1008.22. A school district may use
 94 the network for other eligible purposes as identified by the
 95 district. However, the network must be configured in such a
 96 manner that network traffic associated with the statewide,
 97 standardized assessments is given preferential and preemptive
 98 treatment over other network traffic.

99 (3) The Florida Information Resource Network must comply
 100 with:

101 (a) The standard that requires each full-time equivalent
 102 student funded in the Florida Education Finance Program to have
 103 access to one megabyte of bandwidth.

104 (b) All applicable state and federal laws, rules,

105 regulations, and policies regarding the security and privacy of
 106 student records and data.

107 Section 2. Paragraph (a) of subsection (8) of section
 108 1001.64, Florida Statutes, is amended to read:

109 1001.64 Florida College System institution boards of
 110 trustees; powers and duties.—

111 (8) Each board of trustees has authority for policies
 112 related to students, enrollment of students, student records,
 113 student activities, financial assistance, and other student
 114 services.

115 (a) Each board of trustees shall govern admission of
 116 students pursuant to s. 1007.263 and rules of the State Board of
 117 Education. A board of trustees may establish additional
 118 admissions criteria, which shall be included in the dual
 119 enrollment articulation agreement developed according to s.
 120 1007.271(22) ~~1007.271(21)~~, to ensure student readiness for
 121 postsecondary instruction. Each board of trustees may consider
 122 the past actions of any person applying for admission or
 123 enrollment and may deny admission or enrollment to an applicant
 124 because of misconduct if determined to be in the best interest
 125 of the Florida College System institution.

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

128 1001.65 Florida College System institution presidents;
 129 powers and duties.—The president is the chief executive officer
 130 of the Florida College System institution, shall be corporate

131 secretary of the Florida College System institution board of
132 trustees, and is responsible for the operation and
133 administration of the Florida College System institution. Each
134 Florida College System institution president shall:

135 (21) Develop and implement jointly with school
136 superintendents a comprehensive dual enrollment articulation
137 agreement for the students enrolled in their respective school
138 districts and service areas pursuant to s. 1007.271(22)
139 ~~1007.271(21)~~.

140 Section 4. Subsection (9) of section 1002.31, Florida
141 Statutes, is repealed.

142 Section 5. Paragraph (a) of subsection (9) of section
143 1002.32, Florida Statutes, is amended to read:

144 1002.32 Developmental research (laboratory) schools.—

145 (9) FUNDING.—Funding for a lab school, including a charter
146 lab school, shall be provided as follows:

147 (a) Each lab school shall be allocated its proportional
148 share of operating funds from the Florida Education Finance
149 Program as provided in s. 1011.62 based on the county in which
150 the lab school is located and the General Appropriations Act.
151 The nonvoted ad valorem millage that would otherwise be required
152 for lab schools shall be allocated from state funds. The
153 required local effort funds calculated pursuant to s. 1011.62
154 shall be allocated from state funds to the schools as a part of
155 the allocation of operating funds pursuant to s. 1011.62. Each
156 eligible lab school in operation as of September 1, 2013 ~~2002~~,

157 with a permanent high school center shall also receive a
 158 proportional share of the sparsity supplement as calculated
 159 pursuant to s. 1011.62. In addition, each lab school shall
 160 receive its proportional share of all categorical funds, with
 161 the exception of s. 1011.68, and new categorical funds enacted
 162 after July 1, 1994, for the purpose of elementary or secondary
 163 academic program enhancement. The sum of funds available as
 164 provided in this paragraph shall be included annually in the
 165 Florida Education Finance Program and appropriate categorical
 166 programs funded in the General Appropriations Act.

167 Section 6. Paragraph (b) of subsection (16) of section
 168 1002.33, Florida Statutes, is amended to read:

169 1002.33 Charter schools.-

170 (16) EXEMPTION FROM STATUTES.-

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

173 1. Section 286.011, relating to public meetings and
 174 records, public inspection, and criminal and civil penalties.

175 2. Chapter 119, relating to public records.

176 3. Section 1003.03, relating to the maximum class size,
 177 ~~except that the calculation for compliance pursuant to s.~~
 178 ~~1003.03 shall be the average at the school level.~~

179 4. Section 1012.22(1)(c), relating to compensation and
 180 salary schedules.

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

182 6. Section 1012.335, relating to contracts with

183 instructional personnel hired on or after July 1, 2011.

184 7. Section 1012.34, relating to the substantive
185 requirements for performance evaluations for instructional
186 personnel and school administrators.

187 Section 7. Paragraph (a) of subsection (10) of section
188 1002.39, Florida Statutes, is amended to read:

189 1002.39 The John M. McKay Scholarships for Students with
190 Disabilities Program.—There is established a program that is
191 separate and distinct from the Opportunity Scholarship Program
192 and is named the John M. McKay Scholarships for Students with
193 Disabilities Program.

194 (10) JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.—

195 (a)1. The maximum scholarship granted for an eligible
196 student with disabilities shall be equivalent to the base
197 student allocation in the Florida Education Finance Program
198 multiplied by the appropriate cost factor for the educational
199 program that would have been provided for the student in the
200 district school to which he or she was assigned, multiplied by
201 the district cost differential.

202 2. In addition, a share of the guaranteed allocation for
203 exceptional students shall be determined and added to the amount
204 in subparagraph 1. The calculation shall be based on the
205 methodology and the data used to calculate the guaranteed
206 allocation for exceptional students for each district in chapter
207 2000-166, Laws of Florida. Except as provided in subparagraphs
208 3. and 4., the calculation shall be based on the student's

209 grade, matrix level of services, and the difference between the
 210 2000-2001 basic program and the appropriate level of services
 211 cost factor, multiplied by the 2000-2001 base student allocation
 212 and the 2000-2001 district cost differential for the sending
 213 district. The calculated amount shall include the per-student
 214 share of supplemental academic instruction funds, instructional
 215 materials funds, technology funds, and other categorical funds
 216 as provided in the General Appropriations Act.

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

222 4. Until the school district completes the matrix required
 223 by paragraph (5)(b), the calculation shall be based on the
 224 matrix that assigns the student to support level I of service as
 225 it existed prior to the 2000-2001 school year. When the school
 226 district completes the matrix, the amount of the payment shall
 227 be adjusted as needed.

228 5. The scholarship amount for a student eligible under s.
 229 504 of the Rehabilitation Act of 1973 shall be based on the
 230 program cost factor the student currently generates through the
 231 Florida Education Finance Program.

232 6. The scholarship amount is not subject to the maximum
 233 value for funding a student as provided in s. 1011.61(4).

234 Section 8. Paragraph (a) of subsection (5) of section

235 | 1002.451, Florida Statutes, is amended to read:

236 | 1002.451 District innovation school of technology
237 | program.—

238 | (5) EXEMPTION FROM STATUTES.—

239 | (a) An innovation school of technology is exempt from
240 | chapters 1000-1013. However, an innovation school of technology
241 | shall comply with the following provisions of those chapters:

242 | 1. Laws pertaining to the following:

- 243 | a. Schools of technology, including this section.
- 244 | b. Student assessment program and school grading system.
- 245 | c. Services to students who have disabilities.
- 246 | d. Civil rights, including s. 1000.05, relating to
247 | discrimination.

248 | e. Student health, safety, and welfare.

249 | 2. Laws governing the election and compensation of
250 | district school board members and election or appointment and
251 | compensation of district school superintendents.

252 | 3. Section 1003.03, governing maximum class size, ~~except~~
253 | ~~that the calculation for compliance pursuant to s. 1003.03 is~~
254 | ~~the average at the school level.~~

255 | 4. Sections 1012.22(1)(c) and 1012.27(2), relating to
256 | compensation and salary schedules.

257 | 5. Section 1012.33(5), relating to workforce reductions,
258 | for annual contracts for instructional personnel. This
259 | subparagraph does not apply to at-will employees.

260 | 6. Section 1012.335, relating to contracts with

261 instructional personnel hired on or after July 1, 2011, for
 262 annual contracts for instructional personnel. This subparagraph
 263 does not apply to at-will employees.

264 7. Section 1012.34, relating to requirements for
 265 performance evaluations of instructional personnel and school
 266 administrators.

267 Section 9. Subsection (14) of section 1003.01, Florida
 268 Statutes, is amended to read:

269 1003.01 Definitions.—As used in this chapter, the term:

270 (14) "Core-curricula courses" means:

271 (a) Courses in language arts/reading, mathematics, social
 272 studies, and science in prekindergarten through grade 3,
 273 excluding any extracurricular courses pursuant to subsection
 274 (15);

275 (b) Courses in grades 4 through 8 in subjects that are
 276 measured by state assessment at any grade level and courses
 277 required for middle school promotion, excluding any
 278 extracurricular courses pursuant to subsection (15);

279 (c) Courses in grades 9 through 12 in subjects that are
 280 measured by state assessment at any grade level and courses that
 281 are specifically identified by name in statute as required for
 282 high school graduation and that are not measured by state
 283 assessment, excluding any extracurricular courses pursuant to
 284 subsection (15);

285 (d) Exceptional student education courses; and

286 (e) English for Speakers of Other Languages courses.

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The term is limited in meaning and used for the sole purpose of designating classes that are subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution. This term does not include courses offered under ss. ~~1002.321(4)(e), 1002.33(7)(a)2.b.,~~ 1002.37, 1002.415, 1002.45, and 1003.499.

Section 10. Subsection (4) of section 1003.03, Florida Statutes, is amended to read:

1003.03 Maximum class size.—

(4) ACCOUNTABILITY.—

(a) The department shall annually determine whether the number of students assigned to each individual classroom exceeds the class size maximums, as required in subsection (1), based upon the October student membership survey.

~~(b)(a)~~ If the department determines that the number of students assigned to any classroom ~~individual class~~ exceeds the class size maximum as determined at the school average, as required in subsection (1), based upon the October student membership survey, the department shall:

~~1. Identify, for each grade group, the number of classes in which the number of students exceeds the maximum and the total number of students which exceeds the maximum for all classes.~~

1.2. Determine the number of FTE students which exceeds the maximum for each grade group calculated at the school

313 average.

314 2.3- Multiply the total number of FTE students which
 315 exceeds the maximum for each grade group calculated at the
 316 school average by the district's FTE dollar amount of the class
 317 size categorical allocation for that year and calculate the
 318 total for all three grade groups.

319 3.4- Multiply the total number of FTE students which
 320 exceeds the maximum for all classes calculated at the school
 321 average by an amount equal to 50 percent of the base student
 322 allocation adjusted by the district cost differential for each
 323 ~~of the 2010-2011 through 2013-2014 fiscal years and by an amount~~
 324 ~~equal to the base student allocation adjusted by the district~~
 325 ~~cost differential in the 2014-2015 fiscal year and thereafter.~~

326 4.5- Reduce the district's class size categorical
 327 allocation by an amount equal to the sum of the calculations in
 328 subparagraphs 2. and 3. ~~and 4.~~

329 (c) (b) The amount of funds reduced shall be the lesser of
 330 the amount calculated in paragraph (b) ~~(a)~~ or the undistributed
 331 balance of the district's class size categorical allocation. The
 332 Florida Education Finance Program Appropriation Allocation
 333 Conference shall verify the department's calculation in
 334 paragraph (b) ~~(a)~~. The commissioner may withhold distribution of
 335 the class size categorical allocation to the extent necessary to
 336 comply with paragraph (b) ~~(a)~~.

337 (d) (e) In lieu of the reduction calculation in paragraph
 338 (b) ~~(a)~~, if the Commissioner of Education has evidence that a

339 district was unable to meet the class size requirements despite
 340 appropriate efforts to do so or because of an extreme emergency,
 341 the commissioner may recommend by February 15, subject to
 342 approval of the Legislative Budget Commission, the reduction of
 343 an alternate amount of funds from the district's class size
 344 categorical allocation.

345 (e) ~~(d)~~ Upon approval of the reduction calculation in
 346 paragraphs (b) - (d) ~~(a) - (e)~~, the commissioner must prepare a
 347 reallocation of the funds made available for the districts that
 348 have fully met the class size requirements. The funds shall be
 349 reallocated by calculating an amount of up to 5 percent of the
 350 base student allocation multiplied by the total district FTE
 351 students. The reallocation total may not exceed 25 percent of
 352 the total funds reduced.

353 (f) ~~(e)~~ Each district that has not complied with the
 354 requirements in subsection (1) shall submit to the commissioner
 355 by February 1 a plan certified by the district school board that
 356 describes the specific actions the district will take in order
 357 to fully comply with the requirements in subsection (1) by
 358 October of the following school year. If a district submits the
 359 certified plan by the required deadline, the funds remaining
 360 after the reallocation calculation in paragraph (e) ~~(d)~~ shall be
 361 added back to the district's class size categorical allocation
 362 based on each qualifying district's proportion of the total
 363 reduction for all qualifying districts for which a reduction was
 364 calculated in paragraphs (b) - (d) ~~(a) - (e)~~. However, no district

365 shall have an amount added back that is greater than the amount
 366 that was reduced.

367 (g)~~(f)~~ The department shall adjust school district class
 368 size reduction categorical allocation distributions based on the
 369 calculations in paragraphs (b) - (f) ~~(a) - (e)~~.

370 Section 11. Paragraph (a) of subsection (1) of section
 371 1003.436, Florida Statutes, is amended to read:

372 1003.436 Definition of "credit".-

373 (1) (a) For the purposes of requirements for high school
 374 graduation, one full credit means a minimum of 135 hours of bona
 375 fide instruction in a designated course of study that contains
 376 student performance standards, except as otherwise provided
 377 through the Credit Acceleration Program (CAP) under s.
 378 1003.4295(3). One full credit means a minimum of 120 hours of
 379 bona fide instruction in a designated course of study that
 380 contains student performance standards for purposes of meeting
 381 high school graduation requirements in a district school that
 382 has been authorized to implement block scheduling by the
 383 district school board. The State Board of Education shall
 384 determine the number of postsecondary credit hours earned
 385 through dual enrollment pursuant to s. 1007.271 that satisfy the
 386 requirements of a dual enrollment articulation agreement
 387 according to s. 1007.271(22) ~~1007.271(21)~~ and that equal one
 388 full credit of the equivalent high school course identified
 389 pursuant to s. 1007.271(9).

390 Section 12. Subsection (1) of section 1004.32, Florida

391 Statutes, is amended, and subsection (4) is added to that
 392 section, to read:

393 1004.32 New College of Florida.—

394 (1) MISSION AND GOALS.—New College of Florida with a
 395 campus in Sarasota County serves a distinctive mission as the 4-
 396 year residential liberal arts honors college of the State of
 397 Florida. To maintain this mission, New College of Florida has
 398 the following goals:

399 (a) To provide a quality education to students of high
 400 ability who, because of their ability, deserve a program of
 401 study that is both demanding and stimulating.

402 (b) To engage in ~~undergraduate~~ educational reform by
 403 combining educational innovation with educational excellence.

404 (c) To provide programs of study that allow students to
 405 design their educational experience as much as possible in
 406 accordance with their individual interests, values, and
 407 abilities.

408 (d) To challenge students ~~undergraduates~~ not only to
 409 master existing bodies of knowledge but also to extend the
 410 frontiers of knowledge through original research.

411 (4) MASTER IN DATA SCIENCE AND ANALYTICS.—New College of
 412 Florida shall establish a 2-year master's degree program in data
 413 science and analytics upon approval from the Board of Governors.
 414 This subsection shall be implemented to the extent funding is
 415 provided in the General Appropriations Act.

416 Section 13. Paragraph (d) is added to subsection (1) of

417 section 1006.29, Florida Statutes, to read:

418 1006.29 State instructional materials reviewers.—

419 (1)

420 (d) The department may assess and collect fees from
 421 publishers participating in the instructional materials approval
 422 process. The amount assessed and collected must be posted on the
 423 department's website. The fees may not exceed the actual cost of
 424 the review process and may not exceed \$1,000 per submission by a
 425 publisher. Fees collected for this process shall be deposited
 426 into the department's operating trust fund so that each
 427 instructional materials reviewer under paragraph (b) may be paid
 428 a stipend.

429 Section 14. Subsections (2), (3), (4), (8), (16), and (17)
 430 of section 1007.271, Florida Statutes, are amended; subsections
 431 (21) through (24) are renumbered as subsections (22) through
 432 (25), respectively, and amended, and a new subsection (21) is
 433 added to that section, to read:

434 1007.271 Dual enrollment programs.—

435 (2) For the purpose of this section, an eligible secondary
 436 student is a student who is enrolled in a Florida public
 437 secondary school or in a Florida private secondary school which
 438 is in compliance with s. 1002.42(2) and provides a secondary
 439 curriculum pursuant to s. 1003.428 or s. 1003.4282. Students who
 440 are eligible for dual enrollment pursuant to this section may
 441 enroll in dual enrollment courses conducted during school hours,
 442 after school hours, and during the summer term. However, if the

443 student is projected to graduate from high school before the
 444 scheduled completion date of a postsecondary course, the student
 445 may not register for that course through dual enrollment. The
 446 student may apply to the postsecondary institution and pay the
 447 required registration, tuition, and fees if the student meets
 448 the postsecondary institution's admissions requirements under s.
 449 1007.263. Instructional time for dual enrollment may vary from
 450 900 hours; however, the full-time equivalent student membership
 451 value shall be subject to the provisions in s. 1011.61(4). Any
 452 student enrolled as a dual enrollment student is exempt from the
 453 payment of registration, tuition, and laboratory fees. Applied
 454 academics for adult education instruction, developmental
 455 education, and other forms of precollegiate instruction, as well
 456 as physical education courses that focus on the physical
 457 execution of a skill rather than the intellectual attributes of
 458 the activity, are ineligible for inclusion in the dual
 459 enrollment program. Recreation and leisure studies courses shall
 460 be evaluated individually in the same manner as physical
 461 education courses for potential inclusion in the program.
 462 Beginning with the academic year 2014-2015, students enrolling
 463 in a college credit dual enrollment program may not enroll in
 464 more than 24 college credit hours before completing the college
 465 credit general education core coursework pursuant to s.
 466 1007.25(3).

467 (3) Student eligibility requirements for initial
 468 enrollment in college credit dual enrollment courses must

469 include a 3.0 unweighted high school grade point average and the
 470 minimum score on a common placement test adopted by the State
 471 Board of Education which indicates that the student is ready for
 472 college-level coursework. Student eligibility requirements for
 473 continued enrollment in college credit dual enrollment courses
 474 must include the maintenance of a 3.0 unweighted high school
 475 grade point average and the minimum postsecondary grade point
 476 average established by the postsecondary institution. Regardless
 477 of meeting student eligibility requirements for continued
 478 enrollment, a student may lose the opportunity to participate in
 479 a dual enrollment course if the student is disruptive to the
 480 learning process such that the progress of other students or the
 481 efficient administration of the course is hindered. Student
 482 eligibility requirements for initial and continued enrollment in
 483 career certificate dual enrollment courses must include a 2.0
 484 unweighted high school grade point average. Exceptions to the
 485 required grade point averages may be granted on an individual
 486 student basis if the educational entities agree and the terms of
 487 the agreement are contained within the dual enrollment
 488 articulation agreement established pursuant to subsection (22)
 489 ~~(21)~~. Florida College System institution boards of trustees may
 490 establish additional initial student eligibility requirements,
 491 which shall be included in the dual enrollment articulation
 492 agreement, to ensure student readiness for postsecondary
 493 instruction. Additional requirements included in the agreement
 494 may not arbitrarily prohibit students who have demonstrated the

495 ability to master advanced courses from participating in dual
 496 enrollment courses.

497 (4) District school boards may not refuse to enter into a
 498 dual enrollment articulation agreement with a public
 499 postsecondary local Florida College System institution if that
 500 ~~Florida College System~~ institution has the capacity to offer
 501 dual enrollment courses.

502 (8) Each district school board shall inform all secondary
 503 students and their parents of dual enrollment as an educational
 504 option and mechanism for acceleration. Students and their
 505 parents shall be informed of student eligibility requirements,
 506 the option for taking dual enrollment courses within the regular
 507 school day and beyond the regular school year, and the minimum
 508 academic credits required for graduation. District school boards
 509 shall annually assess the demand for dual enrollment and provide
 510 that information to each partnering postsecondary institution.
 511 Alternative grade calculation, weighting systems, and
 512 information regarding student education options that
 513 discriminate against dual enrollment courses are prohibited.

514 (16) A student, regardless of the student's enrollment in
 515 a public or private school or home education program, who meets
 516 ~~Students who meet~~ the eligibility requirements of this section
 517 and who chooses ~~choose~~ to participate in dual enrollment
 518 programs is ~~are~~ exempt from the payment of registration,
 519 tuition, and laboratory fees.

520 (17) Instructional materials assigned for use within dual

521 enrollment courses shall be made available to dual enrollment
 522 students from Florida public high schools free of charge. This
 523 subsection does not prohibit a postsecondary ~~Florida College~~
 524 ~~System~~ institution from providing instructional materials at no
 525 cost to a home education student or student from a private
 526 school. Instructional materials purchased by a district school
 527 board or postsecondary ~~Florida College System~~ institution ~~board~~
 528 ~~of trustees~~ on behalf of dual enrollment students shall be the
 529 property of the board against which the purchase is charged.

530 (21) To increase opportunities for students to participate
 531 in dual enrollment, school districts are encouraged to enter
 532 into dual enrollment agreements with eligible independent
 533 colleges and universities pursuant to s. 1011.62(1)(i).

534 (22) ~~(21)~~ Each district school superintendent and each
 535 public or private postsecondary ~~Florida College System~~
 536 institution president shall develop a comprehensive dual
 537 enrollment articulation agreement for the respective school
 538 district and postsecondary ~~Florida College System~~ institution.
 539 The superintendent and president shall establish an articulation
 540 committee for the purpose of developing the agreement. Each
 541 state university president may designate a university
 542 representative to participate in the development of a dual
 543 enrollment articulation agreement. A dual enrollment
 544 articulation agreement shall be completed and submitted annually
 545 by the postsecondary ~~Florida College System~~ institution to the
 546 Department of Education on or before August 1. The agreement

547 must include, but is not limited to:

548 (a) A ratification or modification of all existing
549 articulation agreements.

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

553 (c) A delineation of courses and programs available to
554 students eligible to participate in dual enrollment, documenting
555 transferability of course credit between public and private
556 postsecondary institutions in the state.

557 (d) A description of the process by which students and
558 their parents exercise options to participate in the dual
559 enrollment program.

560 (e) A list of any additional initial student eligibility
561 requirements for participation in the dual enrollment program.

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

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

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

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

571 (j) Exceptions, if any, to the professional rules,
572 guidelines, and expectations stated in the faculty or adjunct

573 faculty handbook for the postsecondary institution.

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

577 (l) The responsibilities of the school district regarding
 578 the determination of student eligibility before participating in
 579 the dual enrollment program and the monitoring of student
 580 performance while participating in the dual enrollment program.

581 (m) The responsibilities of the postsecondary Florida
 582 ~~College System~~ institution regarding the transmission of student
 583 grades in dual enrollment courses to the school district.

584 (n) A funding provision that delineates costs incurred by
 585 each entity.

586 1. School districts shall pay public postsecondary
 587 institutions the standard tuition rate per credit hour from
 588 funds provided in the Florida Education Finance Program ~~to the~~
 589 ~~institution providing instruction~~ when dual enrollment course
 590 ~~such~~ instruction takes place on the public postsecondary
 591 institution's campus and the course is taken as part of the
 592 student's hours of instruction necessary to generate 1.0 full-
 593 time equivalent student pursuant to s. 1011.61(1)(c) ~~to cover~~
 594 ~~instructional and support costs incurred by the postsecondary~~
 595 ~~institution~~. When dual enrollment is provided on the high school
 596 site by public postsecondary institution faculty, the school
 597 district shall reimburse the costs associated with the public
 598 postsecondary institution's proportion of salary and benefits

599 ~~and other actual costs of the postsecondary institution to~~
 600 provide the instruction. When dual enrollment course instruction
 601 is provided on the high school site by school district faculty,
 602 the school district is not ~~shall be~~ responsible only for payment
 603 to the public postsecondary institution ~~institution's actual~~
 604 ~~costs associated with offering the program.~~ A public
 605 postsecondary institution may enter into an agreement with the
 606 school district to authorize teachers to ~~who~~ teach dual
 607 enrollment courses at the high school site or the public
 608 postsecondary institution. A school district may not deny a
 609 student access to dual enrollment, or to dual enrollment during
 610 the hours of instruction that would be necessary to earn 1.0
 611 full-time equivalent student membership as specified in s.
 612 1011.61(1)(c), unless the student is ineligible to participate
 613 in the program subject to provisions specifically outlined in
 614 this section.

615 2. School districts shall pay private postsecondary
 616 institutions no more than the standard rate of tuition
 617 authorized for a Florida College System institution.

618 3. A developmental research school established under s.
 619 1002.32 is exempt from participating in an articulation
 620 agreement specified in this subsection when the dual enrollment
 621 coursework is provided by the developmental research school's
 622 affiliated state university.

623 4. Private secondary schools and students in home
 624 education programs are not subject to payment provisions

625 specified in this paragraph for the purpose of dual enrollment.

626 5. Subject to annual appropriation in the General
 627 Appropriations Act, a public postsecondary institution shall
 628 receive an amount of funding equivalent to the standard tuition
 629 rate per credit hour for each dual enrollment course taken by a
 630 student in excess of the hours of instruction necessary to
 631 generate 1.0 full-time equivalent student pursuant to s.
 632 1011.61(1)(c).

633 (o) Any institutional responsibilities for student
 634 transportation, if provided.

635 ~~(23)~~ ~~(22)~~ The Department of Education shall develop an
 636 electronic submission system for dual enrollment articulation
 637 agreements and shall review, for compliance, each dual
 638 enrollment articulation agreement submitted pursuant to
 639 subsection (22) ~~(21)~~. The Commissioner of Education shall notify
 640 the district school superintendent and the postsecondary Florida
 641 ~~College System~~ institution president if the dual enrollment
 642 articulation agreement does not comply with statutory
 643 requirements and shall submit any dual enrollment articulation
 644 agreement with unresolved issues of noncompliance to the State
 645 Board of Education.

646 ~~(24)~~ ~~(23)~~ District school boards and Florida College System
 647 institutions may enter into additional dual enrollment
 648 articulation agreements with state universities for the purposes
 649 of this section. ~~School districts may also enter into dual~~
 650 ~~enrollment articulation agreements with eligible independent~~

651 ~~colleges and universities pursuant to s. 1011.62(1)(i).~~
 652 (25) ~~(24)~~ Postsecondary institutions may enter into dual
 653 enrollment articulation agreements with private secondary
 654 schools pursuant to subsection (2). Private secondary schools
 655 are exempt from payment provisions outlined in paragraph
 656 (22) (n).

657 Section 15. Paragraph (g) of subsection (2) of section
 658 1008.25, Florida Statutes, is amended to read:

659 1008.25 Public school student progression; remedial
 660 instruction; reporting requirements.-

661 (2) COMPREHENSIVE STUDENT PROGRESSION PLAN.-Each district
 662 school board shall establish a comprehensive plan for student
 663 progression which must:

664 (g) List, or incorporate by reference, all dual enrollment
 665 courses contained within the dual enrollment articulation
 666 agreement established pursuant to s. 1007.271(22) ~~1007.271(21)~~.

667 Section 16. Paragraph (c) of subsection (3) of section
 668 1009.22, Florida Statutes, is amended to read:

669 1009.22 Workforce education postsecondary student fees.-

670 (3)

671 (c) ~~Effective July 1, 2011,~~ For programs leading to a
 672 career certificate or an applied technology diploma, the
 673 standard tuition shall be \$2.33 ~~\$2.22~~ per contact hour for
 674 residents and nonresidents and the out-of-state fee shall be
 675 \$6.99 ~~\$6.66~~ per contact hour. For adult general education
 676 programs, a block tuition of \$45 per half year or \$30 per term

677 shall be assessed for residents and nonresidents, and the out-
 678 of-state fee shall be \$135 per half year or \$90 per term. Each
 679 district school board and Florida College System institution
 680 board of trustees shall adopt policies and procedures for the
 681 collection of and accounting for the expenditure of the block
 682 tuition. All funds received from the block tuition shall be used
 683 only for adult general education programs. Students enrolled in
 684 adult general education programs may not be assessed the fees
 685 authorized in subsection (5), subsection (6), or subsection (7).

686 Section 17. Paragraphs (a) and (b) of subsection (3) of
 687 section 1009.23, Florida Statutes, are amended to read:

688 1009.23 Florida College System institution student fees.—

689 (3) (a) ~~Effective July 1, 2011,~~ For advanced and
 690 professional, postsecondary vocational, developmental education,
 691 and educator preparation institute programs, the standard
 692 tuition shall be \$71.98 ~~\$68.56~~ per credit hour for residents and
 693 nonresidents, and the out-of-state fee shall be \$215.94 ~~\$205.82~~
 694 per credit hour.

695 (b) ~~Effective July 1, 2011,~~ For baccalaureate degree
 696 programs, the following tuition and fee rates shall apply:

697 1. The tuition shall be \$91.79 ~~\$87.42~~ per credit hour for
 698 students who are residents for tuition purposes.

699 2. The sum of the tuition and the out-of-state fee per
 700 credit hour for students who are nonresidents for tuition
 701 purposes shall be no more than 85 percent of the sum of the
 702 tuition and the out-of-state fee at the state university nearest

703 the Florida College System institution.

704 Section 18. Paragraph (a) of subsection (4) of section
705 1009.24, Florida Statutes, is amended to read:

706 1009.24 State university student fees.-

707 (4)(a) Effective July 1, 2014 ~~2011~~, the resident
708 undergraduate tuition for lower-level and upper-level coursework
709 shall be \$105.07 ~~\$103.32~~ per credit hour.

710 Section 19. Subsection (2) of section 1009.286, Florida
711 Statutes, is amended to read:

712 1009.286 Additional student payment for hours exceeding
713 baccalaureate degree program completion requirements at state
714 universities.-

715 (2) State universities shall require a student to pay an
716 excess hour surcharge for each credit hour in excess of the
717 number of credit hours required to complete the baccalaureate
718 degree program in which the student is enrolled. ~~The excess hour~~
719 ~~surcharge shall become effective for~~ Students who enter a state
720 university for the first time or who transfer to a state
721 university and maintain continuous enrollment shall pay as
722 follows:

723 ~~(a) For the 2009-2010 and 2010-2011 academic years, an~~
724 ~~excess hour surcharge equal to 50 percent of the tuition rate~~
725 ~~for each credit hour in excess of 120 percent.~~

726 ~~(b) For the 2011-2012 academic year, an excess hour~~
727 ~~surcharge equal to 100 percent of the tuition rate for each~~
728 ~~credit hour in excess of 115 percent.~~

729 ~~(c) For the 2012-2013 academic year and thereafter, an~~
730 excess hour surcharge equal to 100 percent of the tuition rate
731 for each credit hour in excess of 110 percent.

732 Section 20. Subsection (10) of section 1009.98, Florida
733 Statutes, is amended to read:

734 1009.98 Stanley G. Tate Florida Prepaid College Program.—

735 (10) PAYMENTS ON BEHALF OF QUALIFIED BENEFICIARIES.—

736 (a) As used in this subsection, the term:

737 1. "Actuarial reserve" means the amount by which the
738 expected value of the assets exceed the expected value of the
739 liabilities of the trust fund.

740 2. "Dormitory fees" means the fees included under advance
741 payment contracts pursuant to paragraph (2) (d).

742 3. "Fiscal year" means the fiscal year of the state
743 pursuant to s. 215.01.

744 4. "Local fees" means the fees covered by an advance
745 payment contract provided pursuant to subparagraph (2) (b) 2.

746 5. "Tuition differential" means the fee covered by advance
747 payment contracts sold pursuant to subparagraph (2) (b) 3. The
748 base rate for the tuition differential fee for the 2012-2013
749 fiscal year is established at \$37.03 per credit hour. The base
750 rate for the tuition differential in subsequent years is the
751 amount assessed ~~paid by the board~~ for the tuition differential
752 for the preceding year adjusted pursuant to subparagraph (b) 2.

753 (b) Effective with the 2009-2010 academic year and
754 thereafter, and notwithstanding the provisions of s. 1009.24,

755 the amount paid by the board to any state university on behalf
 756 of a qualified beneficiary of an advance payment contract whose
 757 contract was purchased before July 1, 2024 ~~2009~~, shall be:

758 1. As to registration fees, if the actuarial reserve is
 759 less than 5 percent of the expected liabilities of the trust
 760 fund, the board shall pay the state universities 5.5 percent
 761 above the amount assessed for registration fees in the preceding
 762 fiscal year. If the actuarial reserve is between 5 percent and 6
 763 percent of the expected liabilities of the trust fund, the board
 764 shall pay the state universities 6 percent above the amount
 765 assessed for registration fees in the preceding fiscal year. If
 766 the actuarial reserve is between 6 percent and 7.5 percent of
 767 the expected liabilities of the trust fund, the board shall pay
 768 the state universities 6.5 percent above the amount assessed for
 769 registration fees in the preceding fiscal year. If the actuarial
 770 reserve is equal to or greater than 7.5 percent of the expected
 771 liabilities of the trust fund, the board shall pay the state
 772 universities 7 percent above the amount assessed for
 773 registration fees in the preceding fiscal year, whichever is
 774 greater.

775 2. As to the tuition differential, if the actuarial
 776 reserve is less than 5 percent of the expected liabilities of
 777 the trust fund, the board shall pay the state universities 5.5
 778 percent above the base rate for the tuition differential fee in
 779 the preceding fiscal year. If the actuarial reserve is between 5
 780 percent and 6 percent of the expected liabilities of the trust

781 fund, the board shall pay the state universities 6 percent above
782 the base rate for the tuition differential fee in the preceding
783 fiscal year. If the actuarial reserve is between 6 percent and
784 7.5 percent of the expected liabilities of the trust fund, the
785 board shall pay the state universities 6.5 percent above the
786 base rate for the tuition differential fee in the preceding
787 fiscal year. If the actuarial reserve is equal to or greater
788 than 7.5 percent of the expected liabilities of the trust fund,
789 the board shall pay the state universities 7 percent above the
790 base rate for the tuition differential fee in the preceding
791 fiscal year.

792 3. As to local fees, the board shall pay the state
793 universities 5 percent above the amount assessed for local fees
794 in the preceding fiscal year.

795 4. As to dormitory fees, the board shall pay the state
796 universities 6 percent above the amount assessed for dormitory
797 fees in the preceding fiscal year.

798 5. Qualified beneficiaries of advance payment contracts
799 purchased before July 1, 2007, are exempt from paying any
800 tuition differential fee.

801 (c) Notwithstanding the amount assessed for registration
802 fees, the tuition differential, or local fees, with respect to
803 the aggregate sum of those fees, the amount paid by the board to
804 a state university on behalf of a qualified beneficiary of an
805 advance payment contract purchased before July 1, 2024, shall
806 not exceed 100 percent of the amount charged by the state

807 university for the aggregate sum of those fees.

808 (d) Notwithstanding the amount assessed for dormitory
 809 fees, the amount paid by the board to a state university on
 810 behalf of a qualified beneficiary of an advance payment contract
 811 purchased before July 1, 2024, shall not exceed 100 percent of
 812 the amount charged by the state university for dormitory fees.

813 (e)~~(e)~~ The board shall pay state universities the actual
 814 amount charged ~~assessed~~ in accordance with law for registration
 815 fees, the tuition differential, local fees, and dormitory fees
 816 for advance payment contracts purchased on or after July 1, 2024
 817 ~~2009~~.

818 (f)~~(d)~~ The board shall annually evaluate or cause to be
 819 evaluated the actuarial soundness of the trust fund.

820 Section 21. Subsection (4) of section 1011.61, Florida
 821 Statutes, is amended to read:

822 1011.61 Definitions.—Notwithstanding the provisions of s.
 823 1000.21, the following terms are defined as follows for the
 824 purposes of the Florida Education Finance Program:

825 (4) The maximum value for funding a student in
 826 kindergarten through grade 12 or in a prekindergarten program
 827 for exceptional children as provided in s. 1003.21(1)(e) shall
 828 be the sum of the calculations in paragraphs (a), (b), and (c)
 829 as calculated by the department.

830 (a) The sum of the student's full-time equivalent student
 831 membership value for the school year or the equivalent derived
 832 from paragraphs (1)(a) and (b), subparagraph (1)(c)1., sub-

833 subparagraphs (1)(c)2.b. and c., subparagraph (1)(c)3., and
 834 subsection (2). If the sum is greater than 1.0, the full-time
 835 equivalent student membership value for each program or course
 836 shall be reduced by an equal proportion so that the student's
 837 total full-time equivalent student membership value is equal to
 838 1.0.

839 (b) If the result in paragraph (a) is less than 1.0 full-
 840 time equivalent student and the student has full-time equivalent
 841 student enrollment pursuant to sub-sub-subparagraph
 842 (1)(c)1.b.(VIII), calculate an amount that is the lesser of the
 843 value in sub-sub-subparagraph (1)(c)1.b.(VIII) or the value of
 844 1.0 less the value in paragraph (a).

845 (c) The full-time equivalent student enrollment value in
 846 sub-subparagraph (1)(c)2.a.

847

848 A scholarship provided to a student enrolled in the John M.
 849 McKay Scholarships for Students with Disabilities Program
 850 pursuant to s. 1002.39 is not subject to the maximum value for
 851 funding a student as provided in this subsection.

852 Section 22. Paragraph (i) of subsection (1) and paragraph
 853 (a) of subsection (4) of section 1011.62, Florida Statutes, are
 854 amended, subsection (12) is renumbered as subsection (13) and
 855 amended, subsections (13) and (14) are renumbered as subsections
 856 (14) and (15), respectively, and a new subsection (12) is added
 857 to that section, to read:

858 1011.62 Funds for operation of schools.—If the annual

859 allocation from the Florida Education Finance Program to each
 860 district for operation of schools is not determined in the
 861 annual appropriations act or the substantive bill implementing
 862 the annual appropriations act, it shall be determined as
 863 follows:

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

868 (i) Calculation of full-time equivalent membership with
 869 respect to dual enrollment instruction.—Students enrolled in
 870 dual enrollment instruction pursuant to s. 1007.271 may be
 871 included in calculations of full-time equivalent student
 872 memberships for basic programs for grades 9 through 12 by a
 873 district school board. Instructional time for dual enrollment
 874 may vary from 900 hours; however, the full-time equivalent
 875 student membership value shall be subject to the provisions in
 876 s. 1011.61(4). Dual enrollment full-time equivalent student
 877 membership shall be calculated in an amount equal to the hours
 878 of instruction that would be necessary to earn the full-time
 879 equivalent student membership for an equivalent course if it
 880 were taught in the school district. Students in dual enrollment
 881 courses may also be calculated as the proportional shares of
 882 full-time equivalent enrollments they generate for a Florida
 883 College System institution or university conducting the dual
 884 enrollment instruction. Early admission students shall be

885 | considered dual enrollments for funding purposes. Students may
 886 | be enrolled in dual enrollment instruction provided by an
 887 | eligible independent college or university and may be included
 888 | in calculations of full-time equivalent student memberships for
 889 | basic programs for grades 9 through 12 by a district school
 890 | board. ~~However, these provisions of law which exempt dual~~
 891 | ~~enrolled and early admission students from payment of~~
 892 | ~~instructional materials and tuition and fees, including~~
 893 | ~~laboratory fees, shall not apply to students who select the~~
 894 | ~~option of enrolling in an eligible independent institution. To~~
 895 | increase opportunities for students to participate in dual
 896 | enrollment, school districts are encouraged to enter into an
 897 | agreement with an independent college or university. An
 898 | independent college or university which is located ~~and chartered~~
 899 | in Florida, ~~is not for profit,~~ is accredited by an accrediting
 900 | agency recognized by the United States Department of Education
 901 | ~~the Commission on Colleges of the Southern Association of~~
 902 | ~~Colleges and Schools or the Accrediting Council for Independent~~
 903 | ~~Colleges and Schools,~~ and confers degrees as defined in s.
 904 | 1005.02 is ~~shall be~~ eligible for inclusion in the dual
 905 | enrollment or early admission program. Students enrolled in dual
 906 | enrollment instruction shall be exempt from the payment of
 907 | tuition and fees, including laboratory fees. No student enrolled
 908 | in college credit mathematics or English dual enrollment
 909 | instruction shall be funded as a dual enrollment unless the
 910 | student has successfully completed the relevant section of the

911 entry-level examination required pursuant to s. 1008.30. A
 912 school district may not deny a student access to dual enrollment
 913 during the hours of instruction that would be necessary to earn
 914 1.0 full-time equivalent student membership as specified in s.
 915 1011.61(1)(c), unless the student is ineligible to participate
 916 in the program.

917 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
 918 Legislature shall prescribe the aggregate required local effort
 919 for all school districts collectively as an item in the General
 920 Appropriations Act for each fiscal year. The amount that each
 921 district shall provide annually toward the cost of the Florida
 922 Education Finance Program for kindergarten through grade 12
 923 programs shall be calculated as follows:

924 (a) Estimated taxable value calculations.—

925 1.a. Not later than 2 working days prior to July 19, the
 926 Department of Revenue shall certify to the Commissioner of
 927 Education its most recent estimate of the taxable value for
 928 school purposes in each school district and the total for all
 929 school districts in the state for the current calendar year
 930 based on the latest available data obtained from the local
 931 property appraisers. The value certified shall be the taxable
 932 value for school purposes for that year, and no further
 933 adjustments shall be made, except those made pursuant to
 934 paragraphs (c) and (d), or an assessment roll change required by
 935 final judicial decisions as specified in paragraph (14)(b)
 936 ~~(13)(b)~~. Not later than July 19, the Commissioner of Education

937 shall compute a millage rate, rounded to the next highest one
 938 one-thousandth of a mill, which, when applied to 96 percent of
 939 the estimated state total taxable value for school purposes,
 940 would generate the prescribed aggregate required local effort
 941 for that year for all districts. The Commissioner of Education
 942 shall certify to each district school board the millage rate,
 943 computed as prescribed in this subparagraph, as the minimum
 944 millage rate necessary to provide the district required local
 945 effort for that year.

946 b. The General Appropriations Act shall direct the
 947 computation of the statewide adjusted aggregate amount for
 948 required local effort for all school districts collectively from
 949 ad valorem taxes to ensure that no school district's revenue
 950 from required local effort millage will produce more than 90
 951 percent of the district's total Florida Education Finance
 952 Program calculation as calculated and adopted by the
 953 Legislature, and the adjustment of the required local effort
 954 millage rate of each district that produces more than 90 percent
 955 of its total Florida Education Finance Program entitlement to a
 956 level that will produce only 90 percent of its total Florida
 957 Education Finance Program entitlement in the July calculation.

958 2. On the same date as the certification in sub-
 959 subparagraph 1.a., the Department of Revenue shall certify to
 960 the Commissioner of Education for each district:

961 a. Each year for which the property appraiser has
 962 certified the taxable value pursuant to s. 193.122(2) or (3), if

963 applicable, since the prior certification under sub-subparagraph
 964 1.a.

965 b. For each year identified in sub-subparagraph a., the
 966 taxable value certified by the appraiser pursuant to s.
 967 193.122(2) or (3), if applicable, since the prior certification
 968 under sub-subparagraph 1.a. This is the certification that
 969 reflects all final administrative actions of the value
 970 adjustment board.

971 (12) TECHNOLOGY SUPPLEMENTAL ALLOCATION.-

972 (a) The technology supplemental allocation is created to
 973 support school district efforts to integrate technology in
 974 classroom teaching and learning to improve student performance.
 975 Subject to an annual appropriation, the funds allocated under
 976 this subsection must be used for the following:

977 1. Costs associated with each school district's use of the
 978 Florida Information Resource Network established pursuant to s.
 979 1001.271, which represent the amount that is not funded by the
 980 federal funds available through the Schools and Libraries
 981 Program, commonly cited as the E-rate program, of the federal
 982 Universal Service Fund administered by the Universal Service
 983 Administrative Company under direction of the Federal
 984 Communications Commission.

985 2. Costs associated with delivering high-capacity Internet
 986 access to each school district's network aggregation location or
 987 locations. These costs include special construction costs
 988 related to new or enhanced fiber or other high-speed network

989 infrastructure deployment to school district network aggregation
 990 location or locations, school district entrance facility costs
 991 associated with the new network infrastructure, and network-to-
 992 network interconnection costs necessary to extend the Florida
 993 Information Resource Network.

994 3. Costs associated with delivering high-capacity Internet
 995 access to individual schools. These costs include special
 996 construction costs related to new or enhanced fiber or other
 997 high-speed network infrastructure deployment to individual
 998 schools and individual school entrance facility costs associated
 999 with the new network infrastructure.

1000 4. Costs associated with upgrading a school district's
 1001 network infrastructure necessary to deliver high-capacity
 1002 Internet access to the school district's network aggregation
 1003 location or locations or to the individual school. Eligible
 1004 expenditures include wireless access points and controllers,
 1005 data networking equipment, and labor costs associated with their
 1006 installation; wireless cable drops; and routers.

1007 (b) After funding the items identified in paragraph (a), a
 1008 school district may use remaining funds allocated under this
 1009 subsection to purchase electronic devices that comply with the
 1010 technology requirements published by the Department of Education
 1011 pursuant to ss. 1006.29(4) and 1008.22(3)(d)4.

1012 (13)-(12) QUALITY ASSURANCE GUARANTEE.—The Legislature may
 1013 annually in the General Appropriations Act determine a
 1014 percentage increase in funds per K-12 unweighted FTE as a

1015 minimum guarantee to each school district. The guarantee shall
 1016 be calculated from prior year base funding per unweighted FTE
 1017 student which shall include the adjusted FTE dollars as provided
 1018 in subsection (14) ~~(13)~~, quality guarantee funds, and actual
 1019 nonvoted discretionary local effort from taxes. From the base
 1020 funding per unweighted FTE, the increase shall be calculated for
 1021 the current year. The current year funds from which the
 1022 guarantee shall be determined shall include the adjusted FTE
 1023 dollars as provided in subsection (14) ~~(13)~~ and potential
 1024 nonvoted discretionary local effort from taxes. A comparison of
 1025 current year funds per unweighted FTE to prior year funds per
 1026 unweighted FTE shall be computed. For those school districts
 1027 which have less than the legislatively assigned percentage
 1028 increase, funds shall be provided to guarantee the assigned
 1029 percentage increase in funds per unweighted FTE student. Should
 1030 appropriated funds be less than the sum of this calculated
 1031 amount for all districts, the commissioner shall prorate each
 1032 district's allocation. This provision shall be implemented to
 1033 the extent specifically funded.

1034 Section 23. Subsection (10) of section 1011.80, Florida
 1035 Statutes, is amended to read:

1036 1011.80 Funds for operation of workforce education
 1037 programs.—

1038 (10) A high school student dually enrolled under s.
 1039 1007.271 in a workforce education program operated by a Florida
 1040 College System institution or school district career center

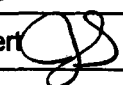
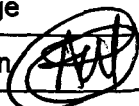
1041 generates the amount calculated for workforce education funding,
 1042 including any payment of performance funding, and the
 1043 proportional share of full-time equivalent enrollment generated
 1044 through the Florida Education Finance Program for the student's
 1045 enrollment in a high school. If a high school student is dually
 1046 enrolled in a Florida College System institution program,
 1047 including a program conducted at a high school, the Florida
 1048 College System institution earns the funds generated for
 1049 workforce education funding, and the school district earns the
 1050 proportional share of full-time equivalent funding from the
 1051 Florida Education Finance Program. If a student is dually
 1052 enrolled in a career center operated by the same district as the
 1053 district in which the student attends high school, that district
 1054 earns the funds generated for workforce education funding and
 1055 also earns the proportional share of full-time equivalent
 1056 funding from the Florida Education Finance Program. If a student
 1057 is dually enrolled in a workforce education program provided by
 1058 a career center operated by a different school district, the
 1059 funds must be divided between the two school districts
 1060 proportionally from the two funding sources. A student may not
 1061 be reported for funding in a dual enrollment workforce education
 1062 program unless the student has completed the basic skills
 1063 assessment pursuant to s. 1004.91. A student who is coenrolled
 1064 in a K-12 education program and an adult education program may
 1065 be reported for purposes of funding in an adult education
 1066 program. If a student is coenrolled in core curricula courses

1067 for credit recovery or dropout prevention purposes and does not
 1068 have a pattern of excessive absenteeism or habitual truancy or a
 1069 history of disruptive behavior in school, the student may be
 1070 reported for funding for up to two courses per year. Such a
 1071 student is exempt from the payment of the block tuition for
 1072 adult general education programs provided in s. 1009.22(3)(c)
 1073 ~~1009.22(3)(d)~~. The Department of Education shall develop a list
 1074 of courses to be designated as core curricula courses for the
 1075 purposes of coenrollment.

1076 Section 24. This act shall take effect July 1, 2014.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 5103 **PCB CIS 14-02** **Florida Personal Learning Account Program**
SPONSOR(S): Choice & Innovation Subcommittee, Bileca
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Choice & Innovation Subcommittee	11 Y, 2 N	Beagle	Fudge
1) Education Appropriations Subcommittee		Seifer 	Heflin 
2) Appropriations Committee			

SUMMARY ANALYSIS

The bill conforms statute to the funding decisions in the 2014-2015 GAA (GAA) and addresses issues relating to the education system.

The bill establishes the Florida Personal Learning Account program (account) to provide parents of students with disabilities more flexibility to customize their child's education. To be eligible for an account, a student must:

- Be a Florida resident;
- Be eligible to enroll in kindergarten through 5th grade or have received an account in the previous year;
- Be identified as having autism, cerebral palsy, down syndrome, an intellectual disability, Prader-Willi syndrome, or Spina bifida, or for a student in kindergarten, as a high-risk child; and
- Have an individual educational plan (IEP) and be eligible for Florida Education Finance Program (FEFP) matrix support levels IV or V.

The parent must select educational services for the student, pay for the services "up front," and request reimbursement for services from the account. Parents may be reimbursed for educational services from a private school, specialized instructional services, private tutoring, virtual education, curriculum, educational evaluations, therapy services, and the \$25 application fee charged by the scholarship funding organization (SFO) that administers the account. Educational services from a private school and specialized instructional services must be consistent with the student's IEP. Funds remaining after educational services are purchased may be used for other medical services for the student, if requirements are met.

Account funding is calculated using the same calculation as the McKay program. In order to enable the Department of Education (DOE) to calculate funding for a student's account, the student's school district of residence must report him or her for FEFP funding. DOE calculates funding for the student and then transfers the funding quarterly to an SFO. The SFO must maintain separate accounts for each eligible student, verify qualifying expenditures, and reimburse the parent for eligible services provided to the student. When requesting reimbursement for services, the parent must submit receipts or other relevant supporting documentation and an affidavit stating compliance with expenditure requirements.

Specialized instructional service providers must be approved by DOE. Private schools selected by the parent to deliver educational services to the student must be participating in a state school choice scholarship program. Each participating student's educational progress must be evaluated annually in a manner that is similar to the home education law. SFOs are audited annually and must submit quarterly reports to DOE.

The estimated state funding impact \$8.8 million, which is provided in the FEFP in the House proposed GAA. See Fiscal Analysis & Economic Impact Statement.

The bill takes effect July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Education of Students with Disabilities

The federal Individuals with Disabilities Education Act provides (IDEA) grants to assist states in providing a free appropriate public education (FAPE) to all children with disabilities residing in the state aged three to 21.¹ A FAPE must include special education services that are provided by the public school system at no cost to the parent, which meet the standards of the state and are in conformity with the student's individual educational plan (IEP).²

The IDEA requires states to have policies and procedures in place to identify, locate, and evaluate all children with disabilities in the state who need special education and related services. These policies and procedures are known as "child find." State child find activities must include policies for identifying not only public school children, but also homeless, migrant, and private school children with disabilities.³

In Florida, children with disabilities are referred to as exceptional students. The disabilities that qualify a student as exceptional are an intellectual disability; autism spectrum disorder; a speech impairment; a language impairment; an orthopedic or other health impairment; a traumatic brain injury; a visual impairment; an emotional or behavioral disability; a specific learning disability, including dyslexia, dyscalculia, or developmental aphasia; deafness, hard of hearing, or dual sensory impairment; or developmental delays from birth through five years old or if the student is hospitalized or homebound.⁴

Special education services are specially designed instruction and related services necessary for an exceptional student to benefit from education. Such services may include transportation; diagnostic and evaluation services; social services; physical and occupational therapy; speech and language pathology services; job placement; orientation and mobility training; braillists, typists, and readers for the blind; interpreters and auditory amplification; services provided by a certified listening and spoken language specialist; rehabilitation counseling; transition services; mental health services; guidance and career counseling; specified materials, assistive technology devices, and other specialized equipment; and other such services identified in State Board of Education rules.⁵

Students may be referred for an evaluation for exceptional student education (ESE) services by their parents or by school staff and evaluations must be completed within 60 days of such referral.⁶ With few exceptions,⁷ prior to referring a student for evaluation as a student with a disability, school districts must conduct classroom observations; vision and hearing screenings; review anecdotal, social, psychological, medical, and achievement data; and use a problem solving/response to instruction or intervention (PS/RtI) method to develop and implement evidenced based general education interventions to address the student's academic or behavioral issues.⁸ If the school-based team determines that general education interventions are not sufficiently effective, a referral for evaluation is

¹ 20 U.S.C. s.1400 et. seq., as amended by P.L. 108-446; 34 C.F.R. s. 300.17.

² 34 C.F.R. s. 300.17 and 34 C.F.R. s. 300.34 (a); rules 6A-6.03028(1) and 6A-6.03411(1)(p), F.A.C.

³ 34 C.F.R. ss. 300.111, 300.131, and 303.321.

⁴ Sections 1003.01(3)(a) and 1003.21(1)(e), F.S.

⁵ Section 1003.01(3)(b), F.S.

⁶ Section 1003.57(1)(c), F.S.; rule 6A-6.0331(3), F.A.C.

⁷ For children below mandatory school attendance age and who are not yet enrolled in kindergarten, the general education intervention requirements are not applicable. However, these children are required to have existing social, psychological, and medical data reviewed with a health screening, if necessary; and vision and hearing screenings are required to rule out sensory deficits. Additional screenings may be conducted, if warranted. Rule 6A-6.0331(2), F.A.C.

⁸ Rule 6A-6.0331(1), (3), and (6), F.A.C.

made. A student may not be evaluated for ESE eligibility without the prior informed consent of the parent. A team of professionals and the student's parent (i.e., eligibility staffing committee) review the evaluation results to determine if the student meets the requirements for eligibility under one or more state board rules and if there is evidence of a need for special education and related services.⁹

If a student is found eligible for an ESE program, an IEP is developed for the student.¹⁰ An IEP team must meet to develop a plan to address the student's needs.¹¹ The multidisciplinary team includes school and district staff, and other experts who have knowledge or expertise regarding the student, if necessary.¹² Parents also participate in the development of the plans, which may not be implemented until the parent provides consent for initial placement in the ESE program.¹³ The IEP must be completed within 30 calendar days following the determination of a student's eligibility for special education services.¹⁴ An IEP must be reviewed at least annually, and may be revised if necessary.¹⁵

A FAPE must be provided in the least restrictive environment (LRE). To be in compliance with the LRE requirement, states must educate students with disabilities with their nondisabled peers to the maximum extent appropriate. Special classes, special schooling, or other removal of the student from the regular education environment should only occur if the nature and severity of his or her disability is such that an appropriate education in regular classes cannot be achieved satisfactorily.¹⁶ IDEA authorizes instruction to be provided in one or more of the following settings:

- Regular class.
- Special class.
- Special day school or residential school.
- Special class in a hospital or facility operated by a noneducational agency.
- Individual instruction in a hospital.
- Home instruction.¹⁷

The LRE must be considered during the development of the student's IEP.¹⁸

Funding for Students with Disabilities

Services for exceptional education students are funded primarily through the Florida Education Finance Program (FEFP) using basic funding, an ESE Guaranteed Allocation, and two weighted cost factors. FEFP funds are calculated by multiplying the number of full-time equivalent (FTE) students in each of the funded education programs by the cost factors to obtain weighted FTE students. Weighted FTE students are then multiplied by a base student allocation and by a district cost differential. Program cost factors are determined by the Legislature and represent relative cost differences among the FEFP programs. Generally speaking, funding generated by a particular exceptional student reflects the severity of his or her disability and resulting educational needs.¹⁹

Exceptional education cost factors are determined by using a matrix of services to document the services that each exceptional student will receive. In order to generate funds using one of the two weighted cost factors, a matrix of services must be completed at the time of the student's initial

⁹ Rule 6A-6.0331(3)-(6), F.A.C.

¹⁰ Rule 6A-6.03028(3), F.A.C.

¹¹ Rules 6A-6.03028(3), F.A.C.

¹² Rules 6A-6.03028(3)(c), F.A.C.

¹³ Rule 6A-6.0331(4) and (9), F.A.C.

¹⁴ Rule 6A-6.03028(3)(f), F.A.C.

¹⁵ Rule 6A-6.6.03028(3)(j), F.A.C.

¹⁶ 34 C.F.R. s. 300.114(a)(2); s. 1003.57(1)(a), F.S.; rule 6A-6.03028(3)(i), F.A.C.

¹⁷ 34 C.F.R. ss. 300.103, 300.104, 300.114, 300.115, and 300.116; s. 1003.57(1)(a), F.S.; rule 6A-6.03028(3)(i), F.A.C.

¹⁸ *L.G. et al. v. School Bd. Of Palm Beach County, Fla.*, 512 F. Supp.2d 1240, 1247-1249 (S.D. Fla. 2007).

¹⁹ Section 1011.62(1), F.S.; Florida Department of Education, 2013-14 Funding for Florida School Districts, at 1, 13-14, and 19 (2013), available at <http://www.fldoe.org/fefp/pdf/fefpdist.pdf> [hereinafter 2013-14 Funding for Florida School Districts].

placement into an ESE program and at least once every three years.²⁰ The program cost factors for exceptional students for use in the 2013-14 fiscal year are:

- Kindergarten and Grades 1, 2 and 3 with ESE Services -- cost factor 1.125.
- Grades 4, 5, 6, 7 and 8 with ESE Services -- cost factor 1.000.
- Grades 9, 10, 11 and 12 with ESE Services -- cost factor 1.011.
- Support Level IV -- cost factor 3.558.
- Support Level V -- cost factor 5.089.²¹

ESE services for students below support levels IV and V are considered basic programs and are assigned the same cost factor weighting as regular education students. These students generate FTE funding using the appropriate basic program weight for their grade level and the ESE Guaranteed Allocation provides for the additional services needed by these students. Students funded at support levels IV and V have more severe disabilities and, therefore, receive greater weighting.²²

McKay Scholarship Funding

The John M. McKay Scholarships for Students with Disabilities Program (McKay Program) provides scholarships for eligible students with disabilities to attend an eligible public or private school of their choice.²³ The maximum scholarship granted for an eligible student is equivalent to the base student allocation in the FEFP multiplied by the appropriate cost factor for the educational program that would have been provided for the student in the district school to which he or she was assigned, multiplied by the district cost differential. In addition, a share of the ESE guaranteed allocation is added to this amount based on the calculation for the ESE guaranteed allocation provided in the 2000 General Appropriations Act. The calculation is based upon the student's grade level, matrix level of services, and the difference between the FY 2000-2001 basic program and the appropriate level of services cost factor, multiplied by the FY 2000-2001 base student allocation and the FY 2000-2001 district cost differential for the sending district. The calculated amount includes the per-student share of supplemental academic instruction funds, instructional materials funds, technology funds, and other categorical funds. The calculation is based upon the school district in which the parent resides at the time of the scholarship request.²⁴

Each student's scholarship is either the calculated amount or the amount of the private school's tuition and fees, whichever is less.²⁵ Each school district must report scholarship recipients attending a private school to DOE, separately from other students.²⁶ DOE must transfer, from General Revenue funds only, the applicable scholarship amount from the school district's total FEFP funding entitlement and categorical accounts to a separate account for the scholarship program for quarterly disbursement (on July 1, September 1, December 1, or February 1) to the parents of participating students.²⁷

Parents of students entering the scholarship program must submit to DOE all documentation required for the student's participation, including the private school's and the student's fee schedules, at least 30 days before the first quarterly scholarship payment is made for the student.²⁸ Upon notification from DOE that this documentation has been received, the Chief Financial Officer must make scholarship

²⁰ Section 1011.62(1)(e)ja.-b., F.S.

²¹ Section 1011.62(1)(c) and (e), F.S.

²² *Id.*

²³ Section 1002.39(1), F.S.

²⁴ Section 1002.39(10)(a), F.S. Until the school district completes the matrix of services, the calculation is based on the matrix that assigns the student to support level I of service as it existed prior to the 2000-2001 school year. When the school district completes the matrix, the amount of the payment is adjusted as needed. The scholarship amount for a student eligible under s. 504 of the Rehabilitation Act of 1973 is based upon the student's existing FEFP program cost factor. *Id.*

²⁵ Section 1002.39(10)(b), F.S. The amount of any assessment fee required by the participating private school may be paid from the total amount of the scholarship. *Id.*

²⁶ Section 1002.39(10)(c), F.S.

²⁷ Section 1002.39(10)(d), F.S.

²⁸ *Id.*

payments in four equal amounts no later than the quarterly transfer dates. The initial payment is made after DOE verification of admission acceptance, and subsequent payments are made upon verification of continued enrollment and attendance at the private school. Payment must be by individual warrant made payable to the student's parent and mailed by DOE to the private school of the parent's choice, and the parent must restrictively endorse the warrant to the private school for deposit into the account of the private school.²⁹ Subsequent to each scholarship payment, DOE must request from the Department of Financial Services a sample of endorsed warrants to review and confirm compliance with endorsement requirements.³⁰

Scholarship Funding Organizations

The Florida Tax Credit Scholarship Program (FTC Program)³¹ was established to encourage taxpayers to make private, voluntary contributions to non-profit scholarship-funding organizations (SFOs); expand educational opportunities for families that have limited financial resources; and enable Florida's children to achieve a greater level of excellence in their education.³² The FTC Program provides a tax credit to taxpayers that contribute to SFOs. SFOs use these contributions to award scholarships to eligible low-income students for private school tuition and fees or transportation expenses to a Florida public school located outside of the school district in which the student resides.³³

Eligible nonprofit SFOs are charitable organizations that are exempt from the federal income tax³⁴ with their principal offices located within the state. Florida law specifies several ethical and accountability requirements for SFOs. Among other things, SFOs must:

- Comply with federal law³⁵ prohibiting discrimination based on race, color, or national origin by any program receiving federal financial assistance.
- Require owners and operators to submit to a Level 2 background screening³⁶ upon employment or engagement of services and every five years thereafter. Owners or operators that fail the Level 2 background screening are ineligible to provide scholarships.
- Not own or operate a private school that is participating in the FTC Program.
- Not restrict or reserve scholarships for use at a particular private school or provide a scholarship to the child of an owner or operator.
- Maintain separate accounts for scholarship and operating funds.
- Provide the Auditor General and DOE with an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant.
- Prepare and submit quarterly reports to DOE.³⁷

Step Up for Students is currently the only SFO authorized to award FTC scholarships. DOE has approved A.A.A. Scholarship Foundation, Life is Energy Scholarship Foundation, and Rotary Club of Spring Hill Scholarship Fund to begin funding scholarships in the the 2014-15 school year.³⁸

Home Education Student Evaluations

Among other things, the parent of a student enrolled in a home education program must keep a log of educational instruction and services that is made contemporaneously with delivery of the instruction

²⁹ Section 1002.39(10)(e), F.S.

³⁰ Section 1002.39(10)(f), F.S.

³¹ Section 1002.395, F.S.

³² Section 1002.395(1)(b), F.S.

³³ Section 1002.395(3), (5), and (6)(d), F.S. An eligible contribution is a monetary contribution from a taxpayer to an eligible nonprofit SFO. The taxpayer may not designate a specific child as the beneficiary of the contribution. Section 1002.395(2)(e), F.S.

³⁴ Section 1002.395(2)(f), F.S.; see 26 U.S.C. s. 501(c)(3) and chs. 607, 608, and 617, F.S.

³⁵ See 42 U.S.C. s. 2000d.

³⁶ Level 2 background screening requires individuals to be screened against a statutorily prescribed list of 51 offenses. See s. 435.04, F.S.

³⁷ Section 1002.395(6)(a)-(n), F.S.

³⁸ Florida Department of Education, *FTC Program Scholarship Funding Organizations*, <https://www.floridaschoolchoice.org/Information/ctc/SFO.asp> (last visited March 6, 2014).

and services and samples of any writings, worksheets, workbooks, or creative materials used or developed by the student. The portfolio must be preserved by the parent for two years and made available for inspection by the district school superintendent, or designee, upon 15 days' written notice.³⁹

Additionally, the parent of a home education student must provide for an annual educational evaluation which documents the student's demonstration of educational progress at a level commensurate with his or her ability, which may include:

- Evaluation of the student's work portfolio by a certified teacher selected by the parent;
- Any nationally normed student achievement test administered by a certified teacher;
- A statewide, standardized assessment administered by a certified teacher, at a location and under testing conditions approved by the school district;
- Evaluation by a licensed psychologist or school psychologist; or
- Any other valid measurement tool mutually agreed upon by the district school superintendent of the district in which the student resides and the student's parent.⁴⁰

The district school superintendent must review and accept the results of the annual educational evaluation. If a student fails to make educational progress, the superintendent must notify his or her parent in writing. The parent has one year from the date of receipt of such notice to provide remedial instruction to the student. If the student, upon reevaluation, does not demonstrate educational progress at the end of the probationary period, the home education program must be discontinued.⁴¹

Regular School Attendance

The law requires all children who have attained the age of six years or who will have attained the age of six years by February 1 of any school year or who are older than six years of age but who have not attained the age of 16 years, to attend school.⁴² Each parent of a child within the compulsory attendance age is responsible for the child's school attendance.⁴³ Compliance with compulsory school attendance requirements, i.e., "regular school attendance," may be achieved by attendance in:

- A public school;
- A private, parochial, religious, or denominational school;
- A home education program; or
- A private tutoring program.⁴⁴

Effect of Proposed Changes

Student Eligibility

The bill establishes the Florida Personal Learning Account (account) program to enable parents of students with disabilities to customize their child's education using a wide range of instructional services. The parent of a student who resides in this state may request and receive an account if the student is:

³⁹ Section 1002.41(1)(b), F.S.

⁴⁰ Section 1002.41(1)(c), F.S.

⁴¹ Section 1002.41(2), F.S.

⁴² Section 1003.21(1), F.S.

⁴³ Section 1003.24, F.S.

⁴⁴ Section 1003.01(13), F.S.

- Eligible to enter kindergarten to grade 5 or received an account in the previous school year;
- Identified as having autism,⁴⁵ cerebral palsy,⁴⁶ down syndrome,⁴⁷ an intellectual disability,⁴⁸ Prader-Willi syndrome,⁴⁹ or Spina bifida,⁵⁰ or for a student in kindergarten, as a high-risk child,⁵¹ by the school district in which he or she resides and the district has completed an IEP written in accordance with rules of the state board; and
- Assigned to FEFP matrix support levels IV or V.

At least 60 calendar days prior to one of the payment transfer dates, i.e. May 1, July 1, September 1, or December 1, parents must apply for an account to an eligible SFO. If the student does not already have a qualifying IEP, the parent must request that the school district in which he or she resides evaluate the student and prepare an IEP, which must be completed within 30 calendar days. Upon completion of the IEP, the school district must provide the parent with an estimate of the amount of funds the student may receive in the account. Once a student is determined to be eligible for an account, the SFO establishes an account for the student. The parent must register the student's participation in an account with the school district, which participation satisfies regular school attendance requirements. School districts are not responsible for providing a FAPE to a student who receives an account, unless the student enrolls in public school. Students receiving an account are treated as a unilateral parent placement for purposes of state and federal law, excluding preparation of the IEP.

Allowable Expenditures

Parents first procure allowable services for the student and then must apply for reimbursement of expenses. Expenditures are reimbursed only after the SFO verifies the expenditure was made in compliance with the program. Funds from the account may be used for:

- Specialized instructional services.
- Tuition and fees for instructional services from a private school that is eligible to participate in the McKay Program or FTC Program.
- Private tutoring.
- Curriculum.
- Tuition and fees for virtual instruction⁵² or DOE-approved online courses.⁵³
- Costs for annual home education evaluation.
- The \$25 scholarship application fee.
- Services such as applied behavior analysis, speech-language pathology, occupational therapy, or physical therapy.

⁴⁵ "Autism" means a pervasive, neurologically based developmental disability of extended duration which causes severe learning, communication, and behavior disorders with age of onset during infancy or childhood. Section 393.063(3), F.S.

⁴⁶ Cerebral palsy is a group of disabling symptoms of extended duration which results from damage to the developing brain that may occur before, during, or after birth and results in loss or impairment of control over voluntary muscles. Section. 393.063(4), F.S.

⁴⁷ Down syndrome is a disorder caused by the presence of an extra chromosome 21. Section 393.063(13), F.S.

⁴⁸ Intellectual disability is significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior which manifests before the age of 18 and can reasonably be expected to continue indefinitely. Section 393.063(21), F.S.

⁴⁹ Prader-Willi syndrome is an inherited condition typified by neonatal hypotonia with failure to thrive, hyperphagia or an excessive drive to eat which leads to obesity usually at 18 to 36 months of age, mild to moderate intellectual disability, hypogonadism, short stature, mild facial dysmorphism, and a characteristic neurobehavior. Section 393.063(25), F.S.

⁵⁰ Spina bifida is a medical diagnosis of spina bifida cystica or myelomeningocele. Section 393.063(36), F.S.

⁵¹ A high-risk child is a child from 3 to 5 years of age with a developmental delay in cognition, language, or physical development. Section 393.063(20)(a), F.S.

⁵² Participating students may enroll in virtual instruction provided by a DOE approved virtual instruction provider or the Florida Virtual School. See ss. 1002.45 and 1002.37, F.S.

⁵³ Two types of approved online course may be used under the bill- Florida approved courses and college credit for online courses. Florida approved courses include massive open online courses (MOOC) or remedial education associated with courses measured by statewide assessments approved by DOE. MOOCs may be authorized in Algebra I, biology, geometry, and civics. Such course may be used to satisfy promotion or high school graduation requirements. See s. 1003.499, F.S. Beginning in the 2015-2016 school year, students will be able to earn college credit for online courses, including MOOCs, prior to initial enrollment at a postsecondary institution. See s. 1004.0961, F.S.

- Medical services prescribed by a licensed physician, if funds remain in the account after the purchase of educational services necessary to meet the student's educational needs, provided that such medical services are related to the student's disability.

In order to receive reimbursement for specialized instructional services or private school educational services, such services must be consistent with the student's IEP. Specialized instructional service providers must be approved by DOE, be providing services through the Agency for Persons with Disabilities, or be authorized to provide services to students with disabilities enrolled in the Voluntary Prekindergarten Education program. A private school must be participating in the McKay Program or FTC Program.

Account Funding

Account funding is calculated using the same calculation as the McKay Program. In order to enable DOE to calculate funding for a student's account, the student's school district of residence must report him or her for FEFP funding. Students receiving an account must be reported separately from students attending district public schools, but are included in the districts' FEFP allocation. DOE must transfer the funding quarterly to an SFO. The SFO must maintain separate accounts for each eligible student, verify qualifying expenditures, and reimburse the parent for eligible services provided to the student. When requesting reimbursement for services, the parent must submit receipts or other relevant supporting documentation and an affidavit stating compliance with expenditure requirements.

Any unused funds are rolled over to the next fiscal year, unless the student returns to public school, is determined ineligible for the program based upon reevaluation of the IEP or an annual evaluation of educational progress, graduates from high school, or attains age 22, whichever occurs first. If an account is terminated, remaining funds revert to the state.

Program Accountability

The SFO must verify that expenditures are permissible before reimbursing parents for services. Participating SFOs must submit quarterly reports to DOE regarding students served, services reimbursed, and providers used. SFOs must provide the Auditor General and DOE with an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant. DOE must approve instructional services providers, monitor program compliance, and establish a complaint process and adjudicate complaints.

The bill requires participating students to undergo an annual educational evaluation that is similar to that required for home education students. Parents must participate in annual IEP reviews and may not receive any rebate or refund from service providers. The state is not liable for any claim arising from the award or use of an account.

B. SECTION DIRECTORY:

Section 1. Creates s. 1002.411, F.S., relating to Florida Personal Learning Accounts.

Section 2. Amends s. 1003.01(13), F.S., relating to the definitions of "regular school attendance."

Section 3. Amends s. 11.45, F.S., relating to authority of the Auditor General.

Section 4. Provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Because there is little to no data available on home school or private school children who might qualify for a Personal Learning Account under the bill, assumptions were made based upon the number of students in public school that would meet the criteria to qualify for an account. That ratio of qualified students was then applied to the total home school population of 75,801 and the private school population of 320,423. The private school population was then adjusted for the students currently receiving funding through the McKay Program. Based upon this methodology, the number of qualified home school students in kindergarten through 5th grade is estimated at 432 at an estimated cost of \$5.2 million. The number of qualified private school students in kindergarten through 5th grade is 300 at an estimated cost of \$3.6 million. Thus, the total estimated cost of the program is \$8.8 million, which is provided in the FEFP in the House proposed GAA. These costs were based on an average of the actual 2012-13 McKay Program payments made for the students that would be eligible to receive an account.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

SFOs may charge parents of participating students a \$25 application fee.

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:

In *Bush v. Holmes*, the Florida Supreme Court distinguished other publicly funded educational choice programs, such as a program designed to meet the unique educational needs of students with disabilities, from the Opportunity Scholarship Program, which it found unconstitutional.⁵⁴

B. RULE-MAKING AUTHORITY:

The bill directs the State Board of Education to adopt rules to implement the Florida Personal Learning Account program, including any rules necessary to coordinate the respective responsibilities of DOE, district school boards, and SFOs regarding the funding and administration of accounts; criteria, timelines, and a reporting format for quarterly reports by SFOs; and a standard application form to be used by parents and SFOs.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 11, 2014, the Choice & Innovation Subcommittee adopted two amendments and reported the proposed committee bill favorably. The amendments:

- Removed provisions requiring the Auditor General to conduct an annual financial and compliance audit of SFOs participating in the Florida Personal Learning Account Program.
- Instead required that the SFO provide the Auditor General and DOE with an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant.
- Clarified that SFOs must submit quarterly reports to DOE.

The amendments align the bill's audit and quarterly reporting requirements with existing law applicable to SFOs participating in the FTC Program.

1 A bill to be entitled
2 An act relating to the Florida Personal Learning
3 Account Program; creating s. 1002.411, F.S.;
4 establishing the Florida Personal Learning Account
5 Program; defining terms; providing student eligibility
6 criteria for receipt of a Florida Personal Learning
7 Account; providing parent and student responsibilities
8 for program participation; specifying allowable
9 expenditures of account funds; requiring an annual
10 evaluation of each participating student's educational
11 progress and school district review of the evaluation;
12 specifying that parents are responsible for procuring
13 educational services for a participating student;
14 specifying that school districts are not obligated to
15 provide a free appropriate public education for
16 participating students; prohibiting participating
17 students from having multiple accounts or
18 participating in school choice scholarship programs;
19 authorizing a nonprofit scholarship-funding
20 organization to establish accounts for eligible
21 students; specifying duties of nonprofit scholarship-
22 funding organizations for administration and funding
23 of accounts, annual audits, and quarterly reporting;
24 specifying Department of Education duties regarding
25 approved service providers, oversight of nonprofit
26 scholarship-funding organizations, investigation and

27 adjudication of complaints, and reporting by nonprofit
 28 scholarship-funding organizations; specifying school
 29 district duties regarding initial evaluations and
 30 individual educational plan development and review;
 31 providing a calculation for funding accounts;
 32 requiring school districts to report participating
 33 students to the department for funding; requiring
 34 quarterly transfer of funds by the department to
 35 nonprofit scholarship-funding organizations; providing
 36 for the carryforward of funds remaining in an account
 37 at the end of a fiscal year; specifying the conditions
 38 under which an account is terminated and providing for
 39 the reversion of funds; exempting the state from
 40 liability regarding the award or use of accounts;
 41 requiring rulemaking; amending s. 1003.01, F.S.;
 42 revising the definition of the term "regular school
 43 attendance" to add participation in the Florida
 44 Personal Learning Account Program; amending s. 11.45,
 45 F.S.; authorizing the Auditor General to conduct
 46 audits of the accounts and records of nonprofit
 47 scholarship-funding organizations participating in the
 48 Florida Personal Learning Account Program; providing
 49 an effective date.

50
 51 Be It Enacted by the Legislature of the State of Florida:
 52

53 Section 1. Section 1002.411, Florida Statutes, is created
 54 to read:

55 1002.411 Florida Personal Learning Account Program.-

56 (1) FLORIDA PERSONAL LEARNING ACCOUNT PROGRAM.-The Florida
 57 Personal Learning Account Program is established to enable
 58 parents of students with disabilities to customize their child's
 59 education using a wide range of instructional services.

60 (2) DEFINITIONS.-

61 (a) "Approved provider" means a provider of specialized
 62 instructional services approved by the department, individuals
 63 providing services through the Agency for Persons with
 64 Disabilities, and providers approved pursuant to s. 1002.66.

65 (b) "Certified teacher" means a teacher who holds a valid
 66 Florida professional certificate issued pursuant to s. 1012.56
 67 to teach academic subjects at the elementary or secondary level.

68 (c) "Curriculum" means a complete course of study for a
 69 particular content area or grade level, including any required
 70 supplemental materials.

71 (d) "Eligible student" or "participating student" means a
 72 student with a disability who is eligible for, or is
 73 participating in, the Florida Personal Learning Account Program,
 74 as applicable.

75 (e) "Student with a disability" means a student in
 76 kindergarten through grade 5 who has autism, cerebral palsy,
 77 Down syndrome, an intellectual disability, Prader-Willi
 78 syndrome, or spina bifida, as defined in s. 393.063. For a

79 student in kindergarten, the term also means a high-risk child
80 as defined in s. 393.063(20)(a).

81 (3) FLORIDA PERSONAL LEARNING ACCOUNT ELIGIBILITY.—The
82 parent of a student who resides in this state may request and
83 receive a Florida Personal Learning Account if:

84 (a) The student is eligible to enter kindergarten or grade
85 1 through grade 5 or received a Florida Personal Learning
86 Account established pursuant to this section in the previous
87 school year;

88 (b) The student has been identified as a student with a
89 disability by the school district in which he or she resides and
90 the district has completed an individual educational plan
91 written in accordance with rules of the State Board of
92 Education; and

93 (c) The student is assigned to matrix Support Level IV or
94 Support Level V pursuant to s. 1011.62(1).

95
96 For a student who is a first-time applicant, an administrative
97 or a judicial proceeding may not be pending regarding the
98 contents of the student's individual educational plan. For a
99 student who is applying to renew a current Florida Personal
100 Learning Account, the existence of a pending administrative or
101 judicial proceeding about a subsequent individual educational
102 plan does not affect continued eligibility for an account.

103 (4) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
104 PARTICIPATION.—

105 | (a) To receive a Florida Personal Learning Account, the
 106 | parent of an eligible student must:

107 | 1. No later than 60 days before one of the payment
 108 | transfer dates specified in paragraph (8)(d), submit an
 109 | application to an eligible nonprofit scholarship-funding
 110 | organization in order to receive that payment and, if the
 111 | student does not already have an active individual educational
 112 | plan, request an evaluation from the school district in which
 113 | the student resides; and

114 | 2. Obtain an individual educational plan in accordance
 115 | with subsection (7) no later than 30 days before one of the
 116 | payment transfer dates specified in paragraph (8)(d) in order to
 117 | receive that payment.

118 | (b) To maintain eligibility in the Florida Personal
 119 | Learning Account Program, the parent of an eligible student
 120 | must:

121 | 1. Register the student's participation in the program
 122 | with the school district in which the student resides and
 123 | release the school district from all obligations to educate the
 124 | student.

125 | 2. Participate in the initial development of the
 126 | individual educational plan and the annual review of the plan
 127 | under subsection (7).

128 | 3. Submit eligible expenses to the nonprofit scholarship-
 129 | funding organization designated by the parent for reimbursement
 130 | of qualifying expenditures. Reimbursement requests must be

131 supported by documentation of services rendered, such as
 132 receipts or invoices, and accompanied by an affidavit signed by
 133 the parent certifying his or her compliance with the
 134 requirements of this section. Eligible expenses include:
 135 a. Specialized instructional services by approved
 136 providers that are consistent with the student's individual
 137 educational plan.
 138 b. Tuition and fees for instructional services from an
 139 eligible private school under s. 1002.39(8) or s. 1002.395(8) to
 140 implement the student's individual educational plan.
 141 c. Private tutoring pursuant to s. 1002.43.
 142 d. Tuition and fees for enrollment in a virtual education
 143 program provided by an approved virtual education provider
 144 pursuant to s. 1002.37 or s. 1002.45 or in an approved online
 145 course offered pursuant to s. 1003.499 or s. 1004.0961.
 146 e. Curriculum.
 147 f. Costs incurred to comply with the annual educational
 148 evaluation required in this paragraph.
 149 g. The fee authorized by paragraph (5) (a).
 150 h. Services such as applied behavior analysis as defined
 151 in s. 627.6686, speech-language pathology as defined in s.
 152 468.1125, occupational therapy as defined in s. 468.203, and
 153 physical therapy as defined in s. 486.021.
 154 i. Medical services prescribed by a physician licensed
 155 under chapter 458 or chapter 459 if funds remain in the Florida
 156 Personal Learning Account after the purchase of educational

157 services necessary to meet the student's educational needs and
 158 if such medical services are related to the student's
 159 disability.

160 4. Maintain a portfolio of records and materials that
 161 consists of:

162 a. A log of educational instruction and services that is
 163 made contemporaneously with delivery of the instruction and
 164 services and that designates by title any reading materials
 165 used.

166 b. Samples of writings, worksheets, workbooks, or creative
 167 materials used or developed by the student.

168

169 The portfolio must be preserved by the parent for 2 years and
 170 made available for inspection by the district school
 171 superintendent, or his or her designee, upon 15 days' written
 172 notice. This subparagraph does not require the district school
 173 superintendent to inspect the portfolio.

174 5. Provide for an annual educational evaluation which
 175 documents the student's demonstration of educational progress at
 176 a level commensurate with his or her ability, which may include:

177 a. Evaluation of the student's work portfolio by a
 178 certified teacher selected by the parent;

179 b. Any nationally normed student achievement test
 180 administered by a certified teacher;

181 c. A statewide, standardized assessment administered by a
 182 certified teacher, at a location and under testing conditions

183 approved by the school district;

184 d. Evaluation by an individual holding a valid, active
 185 license pursuant to the provisions of s. 490.003(7) or (8); or

186 e. Any other valid measurement tool mutually agreed upon
 187 by the district school superintendent of the district in which
 188 the student resides and the student's parent.

189 (c) The district school superintendent must review and
 190 accept the results of the annual educational evaluation of a
 191 participating student. If the student does not demonstrate
 192 educational progress at a level commensurate with his or her
 193 ability, the district school superintendent must notify the
 194 parent, in writing, that such progress has not been achieved. If
 195 the student remains eligible for a Florida Personal Learning
 196 Account, the parent has 1 year after the date of receipt of the
 197 written notification to provide remedial instruction to the
 198 student. At the end of the 1-year probationary period, the
 199 student must be reevaluated pursuant to subparagraph (b)5.
 200 Continued participation in the Florida Personal Learning Account
 201 Program is contingent upon the student demonstrating educational
 202 progress commensurate with her or his ability at the end of the
 203 probationary period.

204 (d) The parent is responsible for procuring the services
 205 necessary to educate the student. Once the student receives a
 206 Florida Personal Learning Account, the district school board is
 207 not obligated to provide the student with a free appropriate
 208 public education. For purposes of s. 1003.57 and the Individuals

209 with Disabilities Education Act, a participating student has
 210 only those rights that apply to all other unilaterally
 211 parentally placed students, except that, when requested by the
 212 parent, school district personnel must develop an individual
 213 educational plan in accordance with subsection (7).

214 (e) The parent is responsible for the payment of all
 215 eligible expenses in excess of the amount in the Florida
 216 Personal Learning Account in accordance with the terms agreed to
 217 between the parent and the providers and may not receive any
 218 refund or rebate of any expenditures made in accordance with
 219 subparagraph (b)3.

220 (f) A student is eligible for only one Florida Personal
 221 Learning Account and may not receive a scholarship under part
 222 III of this chapter.

223 (5) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
 224 ORGANIZATIONS.—A nonprofit scholarship-funding organization
 225 participating in the Florida Tax Credit Scholarship Program
 226 under s. 1002.395 may establish Florida Personal Learning
 227 Accounts for eligible students. An eligible nonprofit
 228 scholarship-funding organization must:

229 (a) Receive applications and determine student eligibility
 230 in accordance with the requirements of this section. Once an
 231 application is approved, the nonprofit scholarship-funding
 232 organization must provide the department with information on the
 233 student to enable the school district to report the student for
 234 funding in accordance with subsection (8). A nonprofit

235 scholarship-funding organization may charge the parent of an
 236 eligible student up to a \$25 fee to establish the Florida
 237 Personal Learning Account but may not receive any other fees.

238 (b) Establish and maintain separate accounts for each
 239 eligible student.

240 (c) Verify qualifying expenditures before receipt of the
 241 quarterly distribution by the department.

242 (d) Return any unused funds to the department when a
 243 student is no longer eligible for a Florida Personal Learning
 244 Account.

245 (e) Provide to the Auditor General and the department an
 246 annual financial and compliance audit of its accounts and
 247 records conducted by an independent certified public accountant
 248 in accordance with rules adopted by the Auditor General. The
 249 audit must be conducted in compliance with generally accepted
 250 auditing standards and must include a report on financial
 251 statements presented in accordance with generally accepted
 252 accounting principles set forth by the American Institute of
 253 Certified Public Accountants for not-for-profit organizations
 254 and a determination of compliance with requirements in this
 255 section. Audits must be provided to the Auditor General and the
 256 Department of Education within 180 days after completion of the
 257 nonprofit scholarship-funding organization's fiscal year. If a
 258 nonprofit scholarship-funding organization does not submit an
 259 annual audit, the Auditor General shall conduct the audit
 260 required by this paragraph.

261 (f) Prepare and submit quarterly reports to the department
 262 pursuant to paragraph (6)(f). In addition, a nonprofit
 263 scholarship-funding organization must submit in a timely manner
 264 any information requested by the department relating to the
 265 Florida Personal Learning Account Program.

266 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
 267 must:

268 (a) Maintain a list of approved providers.

269 (b) Require each eligible nonprofit scholarship-funding
 270 organization to verify eligible expenditures as provided in
 271 subparagraph (4)(b)3. before reimbursement.

272 (c) Investigate any written complaint of a violation of
 273 this section in accordance with the process established by s.
 274 1002.395(9)(f).

275 (d) Notify an eligible nonprofit scholarship-funding
 276 organization of any of the organization's identified students
 277 who are receiving educational scholarships pursuant to part III
 278 of this chapter.

279 (e) Notify an eligible nonprofit scholarship-funding
 280 organization of any of the organization's identified students
 281 who have established a Florida Personal Learning Account with
 282 another eligible nonprofit scholarship-funding organization or
 283 have been reported for funding by a school district or the
 284 Florida Virtual School.

285 (f) Require quarterly reports by an eligible nonprofit
 286 scholarship-funding organization regarding the number of

287 students participating in the program, the providers of services
 288 to students, and other information deemed necessary by the
 289 department.

290 (7) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

291 (a) Upon the request of a parent submitted at least 60
 292 days before a payment transfer date specified in paragraph
 293 (8)(d), the school district in which the student resides shall
 294 conduct an initial evaluation of a student in accordance with s.
 295 1003.57. If a determination is made that the student has a
 296 disability and needs special education and related services, an
 297 individual educational plan must be developed.

298 (b) Evaluations and individual educational plans must be
 299 completed within the timeframes set forth in rules of the State
 300 Board of Education. If a student has been identified as a
 301 student with a disability under the Individuals with
 302 Disabilities Education Act pursuant to a current evaluation team
 303 report but the student does not have an individual educational
 304 plan because the student is not currently enrolled in a public
 305 school, the school district shall prepare an individual
 306 educational plan for the student.

307 (c) Upon completion of a student's individual educational
 308 plan, the school district shall provide the parent with an
 309 estimate of the approximate amount of funds that the student may
 310 receive in a Florida Personal Learning Account.

311 (d) The school district in which an eligible student
 312 resides must:

313 1. Review the annual educational evaluation in accordance
 314 with paragraph (4)(c).

315 2. Annually review the individual educational plan of each
 316 student with a Florida Personal Learning Account in consultation
 317 with the personnel of providers of the services selected by the
 318 parent for the student under subparagraph (4)(b)3.

319 (e) The school district developing the individual
 320 educational plan is not obligated to provide a participating
 321 student with a free appropriate public education. However, if,
 322 at any time, a parent of a participating student decides to
 323 enroll the student in the school district, the school district
 324 must provide the student with a free appropriate public
 325 education.

326 (8) FLORIDA PERSONAL LEARNING ACCOUNT FUNDING AND
 327 PAYMENT.—

328 (a) The maximum amount granted for an eligible student
 329 with disabilities shall be calculated in accordance with s.
 330 1002.39(10)(a).

331 (b) The school district shall report to the department for
 332 funding all students who are receiving a Florida Personal
 333 Learning Account. These students must be reported separately
 334 from other students reported for purposes of the Florida
 335 Education Finance Program.

336 (c) Following notification on July 1, September 1,
 337 December 1, or February 1 of the number of program participants,
 338 the department shall transfer, from general revenue funds only,

339 the amount calculated under paragraph (a) from the school
 340 district's total funding entitlement under the Florida Education
 341 Finance Program and from authorized categorical accounts to a
 342 separate account for the Florida Personal Learning Account
 343 Program for quarterly disbursement to the nonprofit scholarship-
 344 funding organization for participating students.

345 (d) After the department verifies the establishment of a
 346 Florida Personal Learning Account for a participating student by
 347 the nonprofit scholarship-funding organization, the department
 348 shall make payments to the nonprofit scholarship-funding
 349 organization selected by the parent in four equal amounts no
 350 later than September 1, November 1, February 1, and April 1 of
 351 each academic year in which the account is in force.

352 (e) Any funds remaining in a Florida Personal Learning
 353 Account for an eligible student are carried forward to the next
 354 fiscal year until termination of the account. A Florida Personal
 355 Learning Account shall be terminated if the student enrolls in
 356 and is reported for funding in any public educational program
 357 under s. 1000.04(1), (3), or (4); is determined ineligible for a
 358 Florida Personal Learning Account under this section; graduates
 359 from high school; or reaches 22 years of age, whichever occurs
 360 first. Once an account is terminated, all remaining funds revert
 361 to the state.

362 (9) LIABILITY.—No liability shall arise on the part of the
 363 state based on the award or use of a Florida Personal Learning
 364 Account.

365 (10) RULES.—The State Board of Education shall adopt rules
 366 to implement this section, including rules necessary to
 367 coordinate the respective responsibilities of the department,
 368 school districts, and nonprofit scholarship-funding
 369 organizations regarding the funding and administration of
 370 Florida Personal Learning Accounts; criteria, timelines, and a
 371 reporting format for quarterly reports by nonprofit scholarship-
 372 funding organizations; and a standard application form to be
 373 used by parents and nonprofit scholarship-funding organizations.

374 Section 2. Subsection (13) of section 1003.01, Florida
 375 Statutes, is amended to read:

376 1003.01 Definitions.—As used in this chapter, the term:

377 (13) "Regular school attendance" means the actual
 378 attendance of a student during the school day as defined by law
 379 and rules of the State Board of Education. Regular attendance
 380 within the intent of s. 1003.21 may be achieved by ~~attendance~~
 381 ~~in~~:

382 (a) Attendance in a public school supported by public
 383 funds;

384 (b) Attendance in a parochial, religious, or
 385 denominational school;

386 (c) Attendance in a private school supported in whole or
 387 in part by tuition charges or by endowments or gifts;

388 (d) Participation in a home education program under s.
 389 1002.41; ~~that meets the requirements of chapter 1002; or~~

390 (e) Attendance in a private tutoring program under s.

HB 5103

2014

391 1002.43; or
 392 (f) Participation in the Florida Personal Learning Account
 393 Program under s. 1002.411 ~~that meets the requirements of chapter~~
 394 ~~1002.~~

395 Section 3. Paragraph (y) is added to subsection (3) of
 396 section 11.45, Florida Statutes, to read:

397 11.45 Definitions; duties; authorities; reports; rules.-

398 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.-The
 399 Auditor General may, pursuant to his or her own authority, or at
 400 the direction of the Legislative Auditing Committee, conduct
 401 audits or other engagements as determined appropriate by the
 402 Auditor General of:

403 (y) The accounts and records of a nonprofit scholarship-
 404 funding organization participating in the Florida Personal
 405 Learning Account Program established by s. 1002.411.

406 Section 4. This act shall take effect July 1, 2014.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 5103 (2014)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Education Appropriations
2 Subcommittee

3 Representative Bileca offered the following:
4

5 **Amendment**

6 Remove lines 135-159 and insert:

7 a. Specialized instructional services by an approved
8 provider.

9 b. Tuition and fees for instructional services from an
10 eligible private school under s. 1002.39(8) or s. 1002.395(8).

11 c. Private tutoring pursuant to s. 1002.43.

12 d. Tuition and fees for enrollment in a virtual education
13 program provided by an approved virtual education provider
14 pursuant to s. 1002.37 or s. 1002.45 or in an approved online
15 course offered pursuant to s. 1003.499 or s. 1004.0961.

16 e. Curriculum.

187341 - HB 5103 line 135 Bileca.docx

Published On: 3/17/2014 8:01:07 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 5103 (2014)

Amendment No. 1

17 f. Costs incurred to comply with the annual educational
18 evaluation required in this paragraph.

19 g. The fee authorized by paragraph (5) (a).

20 h. Services such as applied behavior analysis as defined
21 in s. 627.6686, speech-language pathology as defined in s.
22 468.1125, occupational therapy as defined in s. 468.203, and
23 physical therapy as defined in s. 486.021.

24

25

26

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 5103 (2014)

Amendment No.2

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Education Appropriations
 2 Subcommittee

3 Representative Bileca offered the following:

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

6 Between lines 394 and 395, insert:

7 Section 3. Section 1003.438, Florida Statutes, is
 8 repealed.

9

10

11

12

13

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

14

Remove line 44 and insert:

15

Personal Learning Account Program; repealing s. 1003.438, F.S.,

16

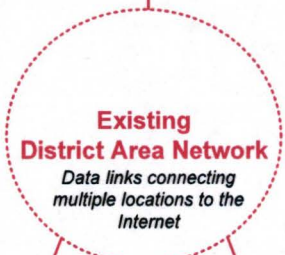
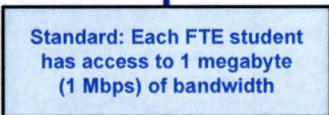
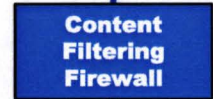
relating to special high school graduation requirements for

17

certain exceptional students; amending s. 11.45,

Education Technology Infrastructure Costs

\$86,328,468



Bandwidth

Total to Provide 1 Mbps/Student \$36,813,946 +
Next Generation Security Bundle \$11,854,619 +
Potential E-rate Reimbursement \$25,287,699 -
Total Recurring Cost \$23,380,866

Technology Construction Costs for District Area Networks

\$5,067,974 (Non-Recurring)

Technology Construction Costs to Schools

\$25,116,922 (Non-Recurring)

Network Infrastructure Costs at Schools

\$32,762,706 (\$14,262,706 Non-Recurring)

Proposed Technology Supplemental Allocation

					RECURRING 23,380,866	NON-RECURRING 25,116,922	NON-RECURRING 14,262,706	RECURRING 18,500,000		
									Network Infrastructure Costs at Schools Minimum Funding	
District*	2014-15 Forecast FTE Less Virtual	Annualized Secure Internet Cost	Annualized NG Security Bundle Cost	Potential E-rate Funding ¹	Bandwidth Allocation Columns (2+3) - 4	Technology Construction Costs to Schools Allocation	Network Infrastructure Costs at Schools Allocation	Allocation - \$250,000 per District	Total Technology Allocation	
	-1-	-2-	-3-	-4-	-5-	-6-	-7-	-8-	-9-	
1 Alachua	26,967.35	291,325	110,745	-189,653	212,417	259,831	147,546	250,000	869,794	
2 Baker	4,641.46	139,666	49,220	-101,314	87,572	48,361	27,462	250,000	413,395	
3 Bay	26,666.31	291,325	110,745	-203,199	198,871	251,941	143,065	250,000	843,877	
4 Bradford*	2,899.25	258,231	32,813	-192,124	98,920	31,160	17,694	250,000	397,774	
5 Brevard	70,099.04	782,927	295,319	-473,279	604,967	652,327	370,425	250,000	1,877,719	
6 Broward	261,437.92	2,621,924	996,703	-1,804,408	1,814,219	2,405,886	1,366,188	250,000	5,836,293	
7 Calhoun*	2,155.95	225,854	26,251	-168,035	84,070	22,816	12,956	250,000	369,842	
8 Charlotte	15,411.64	246,792	80,393	-181,318	145,867	144,615	82,120	250,000	622,602	
9 Citrus	14,173.00	200,278	73,830	-150,869	123,239	140,427	79,742	250,000	593,408	
10 Clay	34,485.28	430,991	159,965	-244,501	346,455	327,894	186,196	250,000	1,110,545	
11 Collier	44,126.08	491,602	184,575	-333,749	342,428	413,696	234,918	250,000	1,241,042	
12 Columbia	10,029.38	200,278	73,830	-147,144	126,964	105,022	59,637	250,000	541,623	
13 Miami-Dade	352,261.78	3,495,898	1,328,937	-2,698,484	2,126,351	3,244,575	1,842,440	250,000	7,463,366	
14 De Soto	4,742.24	139,666	49,220	-116,900	71,986	88,126	27,328	250,000	397,440	
15 Dixie	2,046.59	81,820	22,969	-68,483	36,306	22,056	12,525	250,000	320,887	
16 Duval	127,021.30	1,365,577	516,809	-876,291	1,006,095	1,176,448	668,049	250,000	3,100,592	
17 Escambia	39,827.71	491,602	184,575	-352,036	324,141	373,275	211,965	250,000	1,159,381	
18 Flagler	12,373.35	200,278	73,830	-137,831	136,277	116,472	66,139	250,000	568,888	
19 Franklin*	1,179.66	144,601	13,125	-121,031	36,695	12,498	7,097	250,000	306,290	
20 Gadsden	5,262.20	139,666	49,220	-116,900	71,986	55,458	31,492	250,000	408,936	
21 Gilchrist	2,487.62	86,531	29,532	-64,379	51,684	27,161	15,423	250,000	344,268	
22 Glades	1,506.88	78,410	19,688	-51,045	47,053	16,044	9,111	250,000	322,208	
23 Gulf*	1,781.57	188,986	19,688	-135,333	73,341	19,204	10,905	250,000	353,450	
24 Hamilton*	1,607.96	188,986	19,688	-158,181	50,493	16,884	9,587	250,000	326,964	
25 Hardee	5,150.95	139,666	49,220	-111,705	77,181	52,437	29,776	250,000	409,394	
26 Hendry	6,819.18	200,278	73,830	-162,045	112,063	68,039	38,636	250,000	468,738	
27 Hernando	21,241.00	291,325	110,745	-224,874	177,196	203,876	115,771	250,000	746,843	
28 Highlands	12,050.65	200,278	73,830	-156,457	117,651	116,084	65,918	250,000	549,653	
29 Hillsborough	201,664.11	2,039,274	775,213	-1,384,463	1,430,024	1,870,251	1,062,026	250,000	4,612,301	
30 Holmes	3,197.72	139,666	49,220	-107,808	81,078	34,577	19,635	250,000	385,290	
31 Indian River	17,685.94	291,325	110,745	-208,618	193,452	164,545	93,438	250,000	701,435	
32 Jackson	6,173.92	200,278	73,830	-152,732	121,376	66,329	37,665	250,000	475,370	
33 Jefferson	934.19	66,283	13,125	-55,479	23,929	10,507	5,967	250,000	290,403	
34 Lafayette*	1,174.11	144,601	13,125	-107,583	50,143	13,206	7,499	250,000	320,848	
35 Lake	40,742.61	491,602	184,575	-333,749	342,428	390,973	222,015	250,000	1,205,416	
36 Lee	86,977.42	873,975	332,234	-642,109	564,100	810,727	460,373	250,000	2,085,200	
37 Leon	33,247.81	430,991	159,965	-268,550	322,406	314,326	178,491	250,000	1,065,223	
38 Levy	5,328.96	139,666	49,220	-116,900	71,986	59,071	33,544	250,000	414,601	
39 Liberty*	1,378.34	168,612	16,407	-133,288	51,731	15,503	8,803	250,000	326,037	
40 Madison	2,418.20	86,531	29,532	-70,012	46,051	26,210	14,883	250,000	337,144	
41 Manatee	45,757.50	582,650	221,490	-400,980	403,160	426,464	242,169	250,000	1,321,793	
42 Marion	40,960.25	491,602	184,575	-384,039	292,138	402,904	228,790	250,000	1,173,832	
43 Martin*	18,278.32	2,582,308	110,745	-1,512,974	1,180,079	171,365	97,310	250,000	1,698,754	
44 Monroe	8,097.28	200,278	73,830	-130,381	143,727	75,956	43,132	250,000	512,815	
45 Nassau*	11,024.34	1,291,154	73,830	-768,495	596,489	112,307	63,774	250,000	1,022,570	
46 Okaloosa	30,092.54	317,696	114,026	-183,184	248,538	284,373	161,482	250,000	944,393	
47 Okeechobee	6,272.41	200,278	73,830	-160,182	113,926	62,410	35,440	250,000	461,776	
48 Orange	188,557.53	1,948,227	738,298	-1,340,770	1,345,755	1,742,915	989,719	250,000	4,328,389	
49 Osceola	58,278.96	582,650	221,490	-433,492	370,648	545,609	309,825	250,000	1,476,082	
50 Palm Beach	180,987.15	1,814,232	677,594	-1,231,682	1,260,144	1,669,238	947,881	250,000	4,127,263	
51 Pasco	66,764.68	782,927	295,319	-502,404	575,842	627,305	356,217	250,000	1,809,364	
52 Pinellas	102,265.82	1,074,252	406,064	-709,329	770,987	941,625	534,704	250,000	2,497,316	
53 Polk	95,983.54	1,013,640	381,454	-754,148	640,946	909,788	516,626	250,000	2,317,360	
54 Putnam	10,620.69	200,278	73,830	-160,182	113,926	109,932	62,425	250,000	536,283	
55 St. Johns	33,727.23	430,991	159,965	-200,411	390,545	326,756	185,549	250,000	1,152,850	
56 St. Lucie	37,988.35	491,602	184,575	-370,324	305,853	352,191	199,992	250,000	1,108,036	
57 Santa Rosa	25,111.71	291,325	110,745	-170,687	231,383	241,849	137,335	250,000	860,567	
58 Sarasota	41,176.66	491,602	184,575	-297,173	379,004	382,550	217,232	250,000	1,228,786	
59 Seminole	63,088.33	722,316	270,709	-429,922	563,103	584,635	331,986	250,000	1,729,724	
60 Sumter	8,129.35	200,278	73,830	-141,556	132,552	80,621	45,781	250,000	508,954	
61 Suwannee*	5,770.78	516,462	49,220	-413,066	152,616	62,918	35,728	250,000	501,262	
62 Taylor*	2,655.18	242,073	29,532	-202,615	68,990	28,195	16,010	250,000	363,195	
63 Union*	2,286.38	225,854	26,251	-168,035	84,070	24,194	13,739	250,000	372,003	
64 Volusia	60,604.47	642,130	231,334	-453,857	419,607	569,983	323,666	250,000	1,563,256	
65 Wakulla	4,947.43	139,666	49,220	-100,015	88,871	51,766	29,396	250,000	420,033	
66 Walton	8,011.33	200,278	73,830	-141,556	132,552	84,062	47,735	250,000	514,349	
67 Washington	3,275.43	139,666	49,220	-116,900	71,986	35,806	20,332	250,000	378,124	
68 Washington Special	91.96	26,371	3,281	-7,358	22,294	1,005	571	250,000	273,870	
69 FAMU Lab School	465.23	46,515	6,563	-12,978	40,100	4,398	2,498	250,000	296,996	
70 FAU Palm Beach	969.90	34,919	11,918	-9,742	37,095	8,945	5,080	250,000	301,120	
71 FAU St Lucie	1,433.53	51,611	17,614	-14,400	54,825	13,290	7,547	250,000	325,662	
72 FSU Broward	684.17	24,431	7,611	-6,816	25,226	6,296	3,575	250,000	285,097	
73 FSU Leon	1,675.74	59,836	18,640	-16,694	61,782	15,843	8,996	250,000	336,621	
74 UF Lab School	1,099.16	66,283	13,125	-18,493	60,915	10,590	6,014	250,000	327,519	
Total	2,678,509.96	36,813,946	11,854,619	-25,287,699	23,380,866	25,116,922	14,262,706	18,500,000	81,260,494	FEFP
									5,067,974	non-FEFP
									86,328,468	

¹ Projected E-rate discount is based on the discount rate published by the Florida Department of Education for the 2013 funding application. Projection assumes applicants submit requests for the level and price of services reflected and that 100% of requests are funded. The total cost of the Internet access, which includes a Firewall, is eligible for Priority 1 E-rate funding based on the fact that the Firewall is included as part of the basic Internet access subscription and cannot be ordered separately through the current FIRN contract.

* Districts located outside the contracted franchise area of the vendor may not be able to utilize the negotiated pricing in Amendment 4 of the FIRN contract. For those districts, original FIRN bundled pricing was used in the calculations.

