



Education Appropriations Subcommittee

Meeting Packet

**March 24, 2014
12:30 p.m. – 2:30 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 24, 2014

- I.** Meeting Called To Order
- II.** Opening Remarks by Chair
- III.** Consideration of the following bills:
 - CS/HB 85 - Literacy Jump Start Pilot Project by Choice & Innovation Subcommittee and Rep. Lee
 - HB 87 Fine Arts Courses by Rep. McBurney
 - HB 279 - Public School Instruction by Rep. Hill, Diaz, M.
 - CS/HB 355 - Postsecondary Education Textbooks and Instructional Materials Affordability by Higher Education & Workforce Subcommittee and Rep. Porter
 - HB 7069 - Early Learning and Child Care Regulation by Education Committee and Rep. O'Toole
 - HB 7083 - School Choice by Choice & Innovation Subcommittee and Rep. Diaz, M.
 - HB 7117 - School Accountability by Education Committee and Rep. Adkins
- IV.** Closing Remarks
- V.** Meeting Adjourned

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 85 Literacy Jump Start Pilot Project
SPONSOR(S): Choice & Innovation Subcommittee and Lee, Jr.
TIED BILLS: IDEN./SIM. BILLS: SB 880

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|---------------------|--|--|
| 1) Choice & Innovation Subcommittee | 13 Y, 0 N, As CS | Rininger | Fudge |
| 2) Education Appropriations Subcommittee | | Ward  | Heflin  |
| 3) Education Committee | | | |

SUMMARY ANALYSIS

The bill requires the Office of Early Learning (OEL) to establish a 5-year Literacy Jump Start Pilot Project in St. Lucie County to assist low-income, at-risk children in developing emergent literacy skills. The OEL, in consultation with the Early Learning Coalition of St. Lucie County must select one or more municipalities to participate in the project. The OEL must seek partnerships with local nonprofit organizations and the business community to implement the project. The bill:

- Provides a definition for "emergent literacy".
- Defines child eligibility.
- Requires background screening for employees and volunteers participating in the pilot project.
- Requires instructors in the project to complete an emergent literacy training course approved by the OEL.
- Requires the OEL to select a local organization to implement the pilot project and provides criteria the organization must meet in order to be selected.
- Requires the instruction to be conducted in a subsidized housing unit to provide easy access for participating children and families.
- Encourages the organization selected to implement the pilot project to coordinate with the St. Lucie County Health Department for the provision of basic health screening and immunization.
- Requires the organization to submit an annual accountability report to the Office of Early Learning, the St. Lucie County Early Learning Coalition, the Governor, the President of the Senate, and the Speaker of the House of Representatives.
- Requires the selected organization to verify expenditures to the OEL by affidavit.

The bill has a fiscal impact on state government of \$100,000 which is allocated to OEL in House PCB APC 14-09. 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

Florida's Office of Early Learning (OEL) is the lead agency for administration of the federal Child Care and Development Block Grant Trust Fund¹ in Florida and must comply with the lead agency responsibilities under those sections.² The OEL is responsible for administering school readiness programs at the state level and providing guidance to early learning coalitions in the implementation of the program at the local level.³

The OEL provides funding and oversight to the School Readiness Program through the Early Learning Coalition of St. Lucie County. School Readiness services are offered by private schools, public schools, faith-based, profit and non-profit providers.⁴ The coalition determines a family's eligibility for School Readiness services, by considering several factors including verification of child age, residency, family income, purpose of care (work/education activities), whether children are at risk of abuse or neglect, and at risk of future school failure. The OEL must follow specified criteria for prioritizing participants for the School Readiness Program.⁵ The coalition currently partners with local non-profits and private businesses to administer early learning programs. Some individuals representing these entities may serve on the early learning coalition board. The coalition also verifies required instructor credentials and training, and monitors early learning provider sites.⁶

In 2013, the Legislature established the OEL within the Office of Independent Education and Parental Choice of the Department of Education (DOE). The OEL is administered by an executive director and is fully accountable to the Commissioner of Education but independently exercises all powers, duties, and functions prescribed by law regarding the school readiness program and the Voluntary Prekindergarten Education Program.⁷

Effect of Proposed Changes

The bill requires the OEL to:

- Establish the 5-year Literacy Jump Start Pilot Project in St. Lucie County.
- Select a local organization located in St. Lucie County to implement the pilot project.
- Consult with the Early Learning Coalition of St. Lucie County to select municipalities in St. Lucie County eligible for participation in the pilot project.
- Allocate funds for implementation of the pilot project.

A municipality within which locally or federally subsidized housing is located is eligible for participation in the pilot project.

The bill provides specific criteria that an organization must meet in order to be selected by the OEL to implement the pilot project. The organization must:

- Be located in St. Lucie County;

¹ 45 C.F.R. parts 98 and 99.

² Section 1002.82(1), F.S.

³ Section 1001.213(3), F.S.

⁴ Florida Department of Education 2013 Bill Analysis for HB 803

⁵ Section 1002.87(1), F.S.

⁶ Florida Department of Education 2013 Bill Analysis for HB 803

⁷ Section 1, 2013-252, L.O.F., *codified as s. 1001.213*, F.S.

- Be a not-for-profit corporation qualified as charitable under section 501(c)(3) of the Internal Revenue Code; and
- Provide training to parents to assist their children with success in school.

The bill identifies the Parents Academy of St. Lucie County as an example of a qualifying organization. The bill requires the OEL to oversee implementation of the project.

Instructors in the pilot project must have successfully completed an emergent literacy training course approved by the OEL. Further, the organization may not receive funds until it certifies in writing to the OEL, subject to confirmation by the office, that all of its volunteers, instructors, and noninstructional personnel who make direct contact with participating children have undergone level 2 background screening, which includes fingerprinting. The emergent literacy instruction must be conducted in a subsidized housing unit in order to provide easy access for participating children and families.

To participate in the pilot project a child must be:

- Two or 3 years of age
- Eligible for a federally subsidized child care program
- A member of a family that is economically disadvantaged and reside in locally or federally subsidized housing.

The bill provides the following definitions:

- "Economically disadvantaged" means having a family income that does not exceed 150 percent of the federal poverty level.
- "Emergent literacy" means a variety of early behaviors and skills associated with successful reading and writing development during the first 5 years of life that contribute to a child's foundations for literacy and learning and future success in school and life.

The bill encourages the organization implementing the pilot project to coordinate with the St. Lucie County Health Department for the provision of basic health screening and immunization services for children participating in the pilot project in conjunction with emergent literacy instruction. It also encourages the organization to engage in community outreach efforts to local community service organizations for the purpose of improving the availability and effective delivery of emergent literacy instruction.

The bill requires the organization selected to implement the pilot project to annually submit an accountability report to the OEL, the Early Learning Coalition of St. Lucie County, the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include, at minimum, the following information:

- The manner in which all state funds received by the organization are used to implement the pilot project, separated by type of expenditure and measured in exact dollar amounts;
- Other sources of funding received by the organization for purposes of providing emergent literacy instruction;
- The municipalities selected by the organization for participation in the pilot project;
- The identities of the organization's corporate officers;
- The number of children receiving emergent literacy instruction in each municipality; and
- Information and data relating to coordinated health screening and immunization services provided in conjunction with the emergent literacy instruction, if any.

The bill requires the organization to verify its expenditures of state funds for implementation of the pilot project to the OEL by affidavit. The format of the affidavit and the procedure of submission are to be determined by the OEL.

B. SECTION DIRECTORY:

Section 1. Creates an unnumbered section of law; requiring the OEL to establish the pilot project in St. Lucie County to assist low-income, at-risk children in developing emergent literacy skills; providing eligibility requirements for participation; requiring background screening for instructors, volunteers, and noninstructional personnel who make direct contact with children; requiring emergent literacy training for instructors; encouraging the coordination of basic health screening and immunization services in conjunction with emergent literacy instruction; requiring annual submission of an accountability report; requiring the OEL to allocate funds for the pilot project; requiring for the verification of expenditures by affidavit.

Section 2. Provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

Expenditures:

The bill requires the OEL to allocate funds to implement the Literacy Jump Start Pilot Project. House PCB APC 14-09 provides \$100,000 for the Literacy Jump Start Pilot Project in OEL's appropriation.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 18, 2014, the Choice & Innovation Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment replaces DOE with the OEL as the entity charged with establishing the pilot project and administering the program.

This bill analysis is drafted to the committee substitute.

A bill to be entitled

An act relating to the Literacy Jump Start Pilot Project; requiring the Office of Early Learning to establish the pilot project in St. Lucie County to assist low-income, at-risk children in developing emergent literacy skills; requiring the office to select an organization to implement the pilot project; requiring the office to oversee implementation of the pilot project; providing eligibility requirements for participation; requiring background screening for instructors, volunteers, and noninstructional personnel who make direct contact with children; requiring emergent literacy training for instructors; encouraging the coordination of basic health screening and immunization services in conjunction with emergent literacy instruction; requiring annual submission of an accountability report; requiring the office to allocate funds for the pilot project; providing an effective date.

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

Section 1. (1) The Office of Early Learning shall establish the 5-year Literacy Jump Start Pilot Project in St. Lucie County to assist low-income, at-risk children in developing emergent literacy skills.

27 (a) The Office of Early Learning shall consult with local
 28 organizations within St. Lucie County and identify an
 29 organization to implement the pilot project. The office shall
 30 also consult with the Early Learning Coalition of St. Lucie
 31 County to select municipalities within St. Lucie County eligible
 32 for participation in the pilot project. The office shall oversee
 33 the implementation of the pilot project.

34 (b) A municipality is eligible for participation in the
 35 pilot project if locally or federally subsidized housing is
 36 located within the municipality.

37 (c) The Office of Early Learning shall select to implement
 38 the pilot project a local organization that is a not-for-profit
 39 corporation, qualified as charitable under s. 501(c)(3) of the
 40 Internal Revenue Code, that provides training to parents to
 41 assist their children with success in school, such as the Parent
 42 Academy of St. Lucie County or another similarly qualified local
 43 organization. The office may select a faith-based organization;
 44 however, funds provided for the purpose of implementing the
 45 pilot project may be used for only those purposes expressly
 46 provided in this section and may not be used for the purpose of
 47 religious indoctrination.

48 (2) The organization selected by the Office of Early
 49 Learning must use funds provided for the pilot project only to
 50 provide emergent literacy instruction to children. In order to
 51 provide easy access for participating children and families, the

52 | instruction must be provided in a subsidized housing unit
 53 | located within an eligible municipality selected by the office.

54 | (3) As used in this section, the term "emergent literacy"
 55 | means a variety of early behaviors and skills associated with
 56 | successful reading and writing development.

57 | (4) A child is eligible to receive emergent literacy
 58 | instruction provided through the pilot project only if the child
 59 | is:

60 | (a) Two or 3 years of age;

61 | (b) Eligible for a federally subsidized child care
 62 | program; and

63 | (c) A member of a family that is economically
 64 | disadvantaged and resides in locally or federally subsidized
 65 | housing. For purposes of this paragraph, "economically
 66 | disadvantaged" means having a family income that does not exceed
 67 | 150 percent of the federal poverty level.

68 | (5) The organization selected by the Office of Early
 69 | Learning may not receive any funds from the state for purposes
 70 | of implementing the pilot project until the office receives
 71 | written certification from the organization and confirms that
 72 | all of the organization's volunteers, instructors, and
 73 | noninstructional personnel who make direct contact with children
 74 | have cleared level 2 background screening pursuant to s. 435.04,
 75 | Florida Statutes, within 5 years before implementation of the
 76 | pilot project. The organization shall require volunteers and
 77 | applicants for employment as instructors or noninstructional

78 personnel who make direct contact with children participating in
 79 the pilot project to undergo level 2 background screening
 80 pursuant to s. 435.04, Florida Statutes, before hiring the
 81 applicant or allowing the volunteer to participate in the pilot
 82 project. The organization may not use state funds provided to
 83 implement the pilot project to pay for background screening.

84 (6) An instructor in the pilot project must successfully
 85 complete an emergent literacy training course, approved by the
 86 Office of Early Learning, before providing emergent literacy
 87 instruction under this section.

88 (7) The organization is encouraged to coordinate with the
 89 St. Lucie County Health Department for the provision of basic
 90 health screening and immunization services for children
 91 participating in the pilot project in conjunction with emergent
 92 literacy instruction. The organization is further encouraged to
 93 engage in community outreach efforts to local community service
 94 organizations for the purpose of improving the availability and
 95 effective delivery of emergent literacy instruction.

96 (8) By December 31 of each year that the organization
 97 provides emergent literacy instruction, the organization shall
 98 submit an accountability report to the Office of Early Learning,
 99 the Early Learning Coalition of St. Lucie County, the Governor,
 100 the President of the Senate, and the Speaker of the House of
 101 Representatives. The accountability report must include, at a
 102 minimum, the following information:

103 (a) The manner in which all state funds received by the
 104 organization are used to implement the pilot project, separated
 105 by type of expenditure and measured in exact dollar amounts.

106 (b) Other sources of funding received by the organization
 107 for purposes of providing emergent literacy instruction.

108 (c) The municipalities selected by the Office of Early
 109 Learning for participation in the pilot project.

110 (d) The identities of the organization's officers.

111 (e) The number of children receiving emergent literacy
 112 instruction in each municipality.



113 (f) Information and data relating to coordinated health
 114 screening and immunization services provided in conjunction with
 115 the emergent literacy instruction, if any.

116 (9) The Office of Early Learning shall allocate funds for
 117 implementation of the pilot project pursuant to this section.
 118 Expenditures of state funds pursuant to this section must be
 119 verified by affidavit submitted to the office in a procedure and
 120 format determined by the office.

121 Section 2. This act shall take effect July 1, 2014.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 87 Fine Arts Courses
SPONSOR(S): McBurney and others
TIED BILLS: IDEN./SIM. BILLS: SB 420

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|-----------|--|--|
| 1) K-12 Subcommittee | 11 Y, 0 N | Brink | Ahearn |
| 2) Education Appropriations Subcommittee | | Ward  | Heflin  |
| 3) Education Committee | | | |

SUMMARY ANALYSIS

The bill requires the Commissioner of Education to prepare an annual report that includes information, based on annual reporting by schools, regarding student access to, and participation in, fine arts courses; the number and certification status of educators providing arts instruction; educational facilities designed and classroom space equipped for fine arts instruction; and the manner in which schools are providing the core curricular content for fine arts established in the Next Generation Sunshine State Standards. The report must be posted on the Department of Education's website and updated annually.

The bill defines fine arts courses, for purposes of the annual report, to include visual arts, music, dance, and theatre courses.

The bill has an indeterminate fiscal impact on state and local governments. See Fiscal Analysis and Economic Impact Statement.

The bill provides an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

High school students are required to earn one credit in fine or performing arts, speech and debate, or a practical arts course that incorporates artistic content and techniques of creativity and imagination.¹ Eligible practical arts courses are identified in the Course Code Directory.² In addition, the state's academic standards are required to include standards for instruction for visual and performing arts. Such standards must include specific curricular content and include distinct grade level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade five. The standards for grades six through 12 may be organized by grade clusters of more than one grade level.³

Some studies have indicated a correlation between instruction in fine and performing arts and student achievement in core academic subjects, including reading.⁴

The Commissioner of Education (commissioner) is required to file various annual reports relating to certain aspects of public K-12 education in Florida. For example, the commissioner must annually report statewide assessment results for the state, school districts, and schools. The annual report must describe the performance of each public school and its major student populations, and include the percent of students performing at or above grade level and making a year's worth of progress in reading and mathematics.⁵ However, no reporting requirements exist with respect to instruction in fine or performing arts.

Effect of Proposed Changes

The bill requires the commissioner to prepare an annual report that includes information, based on annual reporting by schools, regarding student access to, and participation in, fine arts courses; the number and certification status of educators providing arts instruction; educational facilities designed and classroom space equipped for fine arts instruction; and the manner in which schools are providing the core curricular content for fine arts established in the Next Generation Sunshine State Standards. The report must be posted on the Department of Education's website and updated annually.

The bill defines fine arts courses, for purposes of the annual report, to include visual arts, music, dance, and theatre courses.

B. SECTION DIRECTORY:

Section 1. Creates s. 1003.4995, F.S., requiring the Commissioner of Education to prepare an annual report relating to student access to and participation in fine arts courses and information on educators, facilities, and instruction in such courses.

¹ Section 1003.4282(2)(a)5., F.S.

² Florida Department of Education, Course Code Directory and Instruction Personnel Assignments, available at <https://www.fldoe.org/articulation/CCD/files/PACourses1314.pdf>.

³ Section 1003.41(2)(e), F.S.

⁴ See, e.g., The President's Committee on the Arts and The Arts Education Partnership, *Champions of Change: The Impact of the Arts on Learning* (1999), available at <http://artsedge.kennedy-center.org/champions/pdfs/ChampsReport.pdf>; James S. Catterall, et al., National Endowment for the Arts, *The Arts and Achievement in At-Risk Youth: Findings from Four Longitudinal Studies* (2012), available at <http://www.nea.gov/research/Arts-At-Risk-Youth.pdf>.

⁵ Section 1008.34(1), F.S.

Section 2. 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:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

There are indeterminable costs associated with the requirement for both the school district and the DOE as this required information is not currently collected and a standardized reporting tool to collect this required information and generate the report will be necessary.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill requires the annual report prepared by the commissioner to include a description of "student access to . . . fine arts courses . . ." It is unclear what "student access to fine arts courses" means or whether data on such information could be reported.

The bill requires a report to be posted on the DOE's website and updated annually, but does not identify a specific date.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

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A bill to be entitled
An act relating to fine arts courses; creating s.
1003.4995, F.S.; requiring the Commissioner of
Education to prepare an annual report relating to
student access to and participation in fine arts
courses and information on educators, facilities, and
instruction in such courses; providing an effective
date.

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



Section 1. Section 1003.4995, Florida Statutes, is created
to read:

1003.4995 Fine arts report.—The Commissioner of Education shall prepare an annual report that includes a description, based on annual reporting by schools, of student access to and participation in fine arts courses, which are visual arts, music, dance, and theatre courses; the number and certification status of educators providing instruction in the courses; educational facilities designed and classroom space equipped for fine arts instruction; and the manner in which schools are providing the core curricular content for fine arts established in the Next Generation Sunshine State Standards. The report shall be posted on the Department of Education's website and updated annually.

Section 2. This act shall take effect July 1, 2014.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 279 Public School Instruction
SPONSOR(S): Hill and others
TIED BILLS: IDEN./SIM. BILLS: SB 252

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|-----------|---|--|
| 1) K-12 Subcommittee | 11 Y, 0 N | Brink | Ahearn |
| 2) Education Appropriations Subcommittee | | Seifert  | Heflin  |
| 3) Education Committee | | | |

SUMMARY ANALYSIS

The bill requires public schools to provide instruction on the events surrounding the terrorist attacks of September 11, 2001, and the impact of those events on the nation.

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

The bill provides an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation:

Section 1003.42(2), F.S., establishes components of required instruction for public school students. Instructional staff must teach the following content:

- The history and content of the Declaration of Independence, to include specific consents which include in part including national sovereignty, and natural law;
- The history, meaning, significance, and effect of the provisions of the Constitution of the United States with emphasis on each of the ten amendments that make up the Bill of Rights;
- The arguments in support of adopting our republican form of government, as they are embodied in the most important of the Federalist Papers;
- Flag education, including proper flag display and flag salute;
- The elements of civil government, including the primary functions of and interrelationships between the Federal Government, the state, and its counties, municipalities, school districts, and special districts;
- The history of the United States, including the period of discovery, early colonies, the War for Independence, the Civil War, the expansion of the United States to its present boundaries, the world wars, and the civil rights movement to the present;
- The history of the Holocaust;
- The history of African Americans;
- The elementary principles of agriculture;
- The true effects of all alcoholic beverages and narcotics upon the human body and mind;
- Kindness to animals;
- The history of the state;
- The conservation of natural resources;
- Comprehensive health education that addresses concepts of community health; consumer health; environmental health; family life, including in part, an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy; mental and emotional health; and dating violence and abuse;
- Such additional materials, subjects, courses, or fields in such grades as are prescribed by law or by rules of the State Board of Education and the district school board in fulfilling the requirements of law;
- The study of Hispanic contributions to the United States;
- The study of women's contributions to the United States;
- The nature and importance of free enterprise to the United States economy;
- A character-development program in kindergarten through grade 12; and
- In order to encourage patriotism, the sacrifices that veterans have made in serving our country and protecting democratic values worldwide.

The law does not establish any particular grade level or courses within which instruction on these topics must be provided. However, the Department of Education takes steps to ensure that the enumerated content is taught in public schools.

Current law does not require instruction on the impact of September 11, 2001, on our nation; however, the Department of Education's website includes multiple resources to support educators and students in researching and understanding the effects of the event.¹

Additionally, federal law designates September 11, 2001, as Patriot Day in honor of the individuals who lost their lives as a result of the terrorist attacks against the United States on September 11, 2001.²

Effect of Proposed Changes:

The bill requires that the events surrounding the terrorist attacks of September 11, 2001, and the impact of those events on the nation be included in the required instruction for public school students. School districts could incorporate remembrance of these events in instruction and school-related activities on Patriot Day, September 11, and throughout the year in other subjects.

B. SECTION DIRECTORY:

Section 1. Creates s. 1003.42(2)(u), F.S.; requiring that instructional staff of public schools provide instruction to students about the terrorist attacks occurring on September 11, 2001, and the impact of those events.

Section 2. 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:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

There is no anticipated fiscal impact associated with this bill. Providing instruction as required by the bill would not necessitate expenditure of funds because free resources are available for use, such as those listed by the Department of Education on its website. If districts choose to purchase additional

¹ See Florida Department of Education, Patriot Day and National Day of Service and Remembrance, available at <http://www.fldoe.org/bii/humanities/pdc.asp> (last visited Feb. 21, 2014).

² Public Law 107-89. See 36 U.S.C. s. 144.

instructional materials, funds received pursuant to the instructional materials categorical under the Florida Education Finance Program (FEFP) formula can be used.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to public school instruction; amending
 3 s. 1003.42, F.S.; requiring that instructional staff
 4 of public schools provide instruction to students
 5 about the terrorist attacks occurring on September 11,
 6 2001, and the impact of those events; providing an
 7 effective date.

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 9 WHEREAS, former Representative Clay Ford, Jr., who lost his
 10 battle with cancer during the 2013 Legislative Session, served
 11 his country in the United States Army as an infantry officer in
 12 a number of assignments ranging from Germany to the Pentagon,
 13 retiring as a full colonel, and

14 WHEREAS, in 1975, Representative Clay Ford, Jr., served as
 15 a member of the Arkansas House of Representatives, and, in
 16 February 2007, he was elected as a member of the Florida House
 17 of Representatives and reelected in 2008, and

18 WHEREAS, as a member of the Florida House of
 19 Representatives, Representative Clay Ford, Jr., had a passion
 20 for education and served on many committees, including the PreK-
 21 12 Policy Committee, and

22 WHEREAS, Representative Clay Ford, Jr., was a member of
 23 many organizations, including the Arkansas Bar Association and
 24 The Florida Bar as an attorney, the Military Officers
 25 Association of America, and the National Rifle Association, and

26 WHEREAS, this act honors Representative Clay Ford, Jr.'s

27 | legacy of service to this country and his passion for education
 28 | and the military, NOW, THEREFORE,

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

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32 | Section 1. Paragraph (u) is added to subsection (2) of
 33 | section 1003.42, Florida Statutes, to read:

34 | 1003.42 Required instruction.—

35 | (2) Members of the instructional staff of the public
 36 | schools, subject to the rules of the State Board of Education
 37 | and the district school board, shall teach efficiently and
 38 | faithfully, using the books and materials required that meet the
 39 | highest standards for professionalism and historic accuracy,
 40 | following the prescribed courses of study, and employing
 41 | approved methods of instruction, the following:

42 | (u) The events surrounding the terrorist attacks occurring
 43 | on September 11, 2001, and the impact of those events on the
 44 | nation.

45 |

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

48 | Section 2. This act shall take effect July 1, 2014.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 355 Postsecondary Education Textbook and Instructional Materials Affordability
SPONSOR(S): Higher Education and Workforce Subcommittee, Porter
TIED BILLS: IDEN/SIM. BILLS: SB 530

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|---------------------|--------------------------|--|
| 1) Higher Education & Workforce Subcommittee | 12 Y, 0 N, As CS | Ammel | Sherry |
| 2) Education Appropriations Subcommittee | | Butler <i>(initials)</i> | Heflin <i>(initials)</i> |
| 3) Education Committee | | | |

SUMMARY ANALYSIS

The bill provides additional information to students regarding costs for textbooks and instructional materials by:

- Applying provisions of the textbook affordability law to instructional materials and providing a definition for instructional materials.
- Requiring Florida College System (FCS) institutions and state universities to post prominently in the course registration system and on their websites a hyperlink to lists of required and recommended textbooks and other instructional materials for each course and course section at least 14 days prior to the first day of class registration for each term.
- Clarifying what information is required to be posted for textbooks and materials that do not have an International Standard Book Number (ISBN).
- Requiring institutions to post new, used, and if applicable, rental price information for textbooks and other instructional materials for each course and course section, including the website or other contact information for the bookstore.
- Requiring public colleges and universities to use textbooks for a minimum of three years in undergraduate courses; providing for exceptions to this requirement; and requiring an annual report to the board of trustees regarding any exceptions granted, and the rationale for making such exceptions. The report must be posted on the college or university website.
- Requiring each FCS institution and university to annually report to its chancellor the cost of undergraduate textbooks and instructional materials by course and course section, adoption cycles for high-enrollment courses, any institution specific initiatives that reduce the cost of textbooks and instructional materials, the number of courses and course sections that did not meet the posting deadline, and additional information as determined by the chancellors. The chancellors must then compile the reports and submit a comprehensive report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31 each year.
- Requiring FCS and SUS institutions to annually provide electronic copies of their textbook and instructional materials affordability policies and procedures to the State Board of Education (SBE), or BOG, as applicable. SBE and BOG will provide a link to this information on their respective websites.
- Requiring the Governor to appoint a task force to research options that will reduce the cost of textbooks and instructional materials; specifying that membership must include the Chancellors of the FCS and SUS, students currently enrolled in public postsecondary institutions, representatives from FCS and SUS institutions, textbook publishers, and bookstore owners or managers; outlining specific duties of the task force; and requiring the task force to submit recommendations to the Governor and the Legislature no later than July 1, 2015.
- The fiscal impact to FCS and SUS institutions are indeterminate. See Fiscal Comments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

In 2008, the Legislature created a new section in law to address textbook affordability by: prohibiting employees of a Florida College System (FCS) institution or state university from receiving anything of value in exchange for requiring a student to purchase a specific textbook; requiring the FCS institutions and universities to provide specific information for textbooks to students prior to the first day of classes; and requiring the State Board of Education (SBE) and the Board of Governors (BOG) to adopt policies, procedures, and guidelines that would further efforts to minimize the cost of textbooks.¹

Employee Requirements

The law prohibits an employee of a FCS institution or state university from demanding or receiving any payment, loan, subscription, advance, deposit of money, service, or anything of value in exchange for requiring students to purchase specific textbooks.² The law permits employees to receive:

- Sample copies, instructor copies, or instructional materials that may not be sold for any type of compensation if specifically marked as free samples not for resale;
- Royalties or other compensation from sales of textbooks that include the instructor's own writing or work;
- Honoraria for academic peer review of course materials;
- Fees associated with activities such as reviewing, critiquing, or preparing support materials for textbooks pursuant to guidelines adopted by the SBE or BOG; and
- Training in the use of course materials and learning technologies.³

Textbook Information Requirements

State universities and FCS institutions are required to post on their websites, as early as is feasible, but not less than 30 days prior to the first day of class for each term, a list of each textbook required for each course for the term. The list must include the International Standard Book Number (ISBN) for each required textbook and, at a minimum, the following: the title; all authors listed; publishers, edition number, copyright date, published date, and other relevant information necessary to identify the specific textbook.⁴

Rules and Regulations

The SBE adopted Rule 6A-14.092, F.A.C.⁵, in January 2009, and the BOG adopted Regulation 8.003 in March 2009,⁶ each in accordance with the following statutory requirements that:

- Textbook adoptions are made with sufficient lead time to bookstores in order to confirm availability of textbooks and ensure maximum availability of used books.

¹ Section 1, ch. 2008-78, L.O.F

² Section 1004.085(1), F.S.

³ Section 1004.085(2), F.S.

⁴ Section 1004.085(3), F.S.

⁵ See <https://www.flrules.org/gateway/ruleNo.asp?id=6A-14.092>

⁶ See http://www.flbog.edu/documents_regulations/regulations/8_003_Textbook_Adoption.pdf

- The course instructor or academic department offering the course confirms that all items ordered, including individual items as part of a bundled package, are going to be used.
- The course instructor or academic department offering the course determines, before adoption of the textbook, that a new edition differs significantly and substantially enough from earlier versions that there is value in changing to the new edition.
- The policies shall address the availability of required textbooks to students otherwise unable to afford the cost.⁷

Effect of Proposed Changes

The bill includes instructional materials within the provisions of the current affordability requirements and defines “instructional materials” as educational materials for use within a course that may be available in printed or digital format.

Employee Requirements

The bill applies the same provisions to instructional materials as it does to textbooks with regard to prohibiting employees from receiving any kind of payment for requiring students to purchase specific textbooks or instructional materials.

Textbook Information Requirements

The bill specifies that FCS institutions and state universities must prominently post information for required and recommended textbooks and instructional materials in the course registration system and on their websites. The information must be posted at least 14 days before the first day of student registration and include hyperlinks to lists of required and recommended textbooks and instructional materials for each course and course section.

The list must also include the new and used retail price and the rental price, if applicable, for all required and recommended textbooks and instructional materials for purchase at the institution’s designated bookstore or other specified vendor. It must have the website or other contact information for the bookstore.

Rules and Regulations

The bill maintains current law requiring the SBE and BOG to adopt policies, procedures and guidelines, related to textbook affordability, but revises for the inclusion of instructional materials.

The bill also requires that textbooks for an undergraduate course be in use for a minimum of three years in that course, unless an exception has been approved by the institution’s president or designee. The president or his or her designee must annually report to the institution’s board of trustees any exceptions granted and the rationale for such exceptions. The report must be posted on the FCS institution’s or state university’s website.

Reporting Requirements

The bill requires each FCS institution and state university to annually report to the Chancellor of the FCS or the Chancellor of the State University System (SUS), as applicable, the following:

- The cost of undergraduate textbooks and instructional materials by course and course section;
- The adoption cycles for high-demand courses as determined by the chancellors;
- Any institution specific initiatives that reduce the cost of textbooks and instructional materials;

⁷ Section 1004.085(4), F.S. Note - The Legislature amended 1004.085, F.S. in 2011 to include the consideration of open-access textbooks within the policies and procedures. The SBE rule and BOG regulation have not been updated to include these provisions.

- The number of courses and course sections that did not meet the posting deadline; and
- Additional information as determined by the chancellors.

The chancellors must compile the institution reports and submit, no later than December 31 each year, a comprehensive report to the Governor, BOG, the President of the Senate, and the Speaker of the House of Representatives.

Additionally, the bill requires each FCS institution and state university to annually submit to the SBE and BOG electronic copies of its current textbook and instructional materials affordability policies and procedures. The SBE and BOG must provide this information on their websites.

Preeminent State Research University Institute for Online Learning

The bill requires that the preeminent state research university institute for online learning include costs for instructional materials when determining tuition for the online degree program.

Governor's Task Force

The bill requires the Governor to appoint a task force to research options that will reduce the cost of textbooks and instructional materials. The task force must include representatives from:

- Florida College System institutions, in addition to the Chancellor;
- State universities, in addition to the Chancellor;
- Textbook and instructional materials publishers;
- Bookstore owners or managers; and
- Students who are currently enrolled in a postsecondary institution.

The task force must utilize the information in the SBE and BOG annual reports previously described and must, at a minimum, consider the following:

- Any existing FCS or SUS initiative to reduce the cost of textbooks and instructional materials;
- Bulk purchasing of e-textbooks;
- Expanding the use of open-access textbooks and instructional materials;
- Textbook and instructional materials rental options;
- Statewide agreements with publishers and vendors; and
- The development of online portals at each institution that will assist students in buying, renting, selling, and sharing textbooks and instructional materials.

The bill requires the task force to submit recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than July 1, 2015.

B. SECTION DIRECTORY:

Section 1. Amends 1004.085, F.S., to: define "instructional materials"; apply textbook affordability policies and procedures to instructional materials; require an institution and university to post in the course registration system and on their website information relating to required and recommended textbooks and other instructional materials; require annual reporting by institutions and universities to the chancellors of FCS and SUS; require an annual comprehensive report from the chancellors to the Governor, BOG, the President of the Senate, and the Speaker of the House of Representatives; require the Governor to appoint a task force to research options that will reduce the cost of textbooks and instructional materials; specify membership requirements for the task force; outline duties of the task force; require the task force to submit recommendations to the Governor and Legislature no later than July 1, 2015; and require SBE and BOG to publish on their websites a report of textbook and other instructional materials affordability policies and procedures.

Section 2. Amends 1001.7065, F.S., to include the cost of instructional materials in determining tuition for an online degree program offered by the preeminent state research university institute for online learning.

Section 3. 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:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Students may spend less on textbooks if they have ample time and information to search for best prices.

D. FISCAL COMMENTS:

As reported by the Division of Florida Colleges, institutional costs associated with providing additional required information to students and reporting requirements are indeterminate and variable by college. Associated costs can be absorbed within current resources. No cost data was provided by the Board of Governors for the State University System, but it is anticipated that costs are indeterminate and variable by university as well.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 5, 2014, the Higher Education and Workforce Subcommittee reported HB 355 favorably as a committee substitute. The committee adopted a strike-all amendment that included several new provisions, including, but not limited to:

- Providing a definition of "instructional materials."
- Requiring institutions to post textbook and instructional materials information for each course and course section in the course registration system as well as on the website.
- Requiring institutions, for undergraduate courses, to use the same textbook in that course for a minimum of three years, unless granted an exemption.
- Revising the information required in the annual reports.
- Requiring the Governor to establish a task force to research options that will reduce the cost of textbooks and instructional materials.

The analysis is drafted to the committee substitute as adopted by the Higher Education and Workforce Subcommittee.

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26 Section 1. Section 1004.085, Florida Statutes, is amended
 27 to read:

28 1004.085 Textbook and instructional materials
 29 affordability.-

30 (1) As used in this section, the term "instructional
 31 materials" means educational materials for use within a course
 32 that may be available in printed or digital format.

33 (2)~~(1)~~ An ~~No~~ employee of a Florida College System
 34 institution or state university may not demand or receive any
 35 payment, loan, subscription, advance, deposit of money, service,
 36 or anything of value, present or promised, in exchange for
 37 requiring students to purchase a specific textbook or
 38 instructional material for coursework or instruction.

39 (3)~~(2)~~ An employee may receive:

40 (a) Sample copies, instructor copies, or instructional
 41 materials. These materials may not be sold for any type of
 42 compensation if they are specifically marked as free samples not
 43 for resale.

44 (b) Royalties or other compensation from sales of
 45 textbooks or instructional materials that include the
 46 instructor's own writing or work.

47 (c) Honoraria for academic peer review of course
 48 materials.

49 (d) Fees associated with activities such as reviewing,
 50 critiquing, or preparing support materials for textbooks or
 51 instructional materials pursuant to guidelines adopted by the

52 | State Board of Education or the Board of Governors.

53 | (e) Training in the use of course materials and learning
54 | technologies.

55 | (4)~~(3)~~ Each Florida College System institution
56 | ~~institutions~~ and state university universities shall post
57 | prominently in the course registration system and on its website
58 | ~~on their websites~~, as early as is feasible, but at least 14 not
59 | ~~less than 30 days~~ before ~~prior to~~ the first day of student
60 | registration class for each term, a hyperlink to lists list of
61 | ~~each textbook~~ required and recommended textbooks and
62 | instructional materials for each course and course section
63 | offered at the institution during the upcoming term. The lists
64 | ~~posted list~~ must include:

65 | (a) The International Standard Book Number (ISBN) for each
66 | required and recommended textbook and instructional material.

67 | (b) For a textbook or instructional material for which an
68 | ISBN is not available, textbook or other identifying
69 | information, which must include, at a minimum, all of the
70 | following: the title, all authors listed, publishers, edition
71 | number, copyright date, published date, and other relevant
72 | information necessary to identify the specific textbook or
73 | instructional material textbooks ~~textbooks~~ required and recommended for
74 | each course.

75 | (c) The new and used retail price and the rental price, if
76 | applicable, for a required and recommended textbook or
77 | instructional material for purchase at the institution's

78 designated bookstore or other specified vendor, including the
 79 website or other contact information for the bookstore.

80
 81 The State Board of Education and the Board of Governors shall
 82 include in the policies, procedures, and guidelines adopted
 83 under subsection (5) ~~(4)~~ certain limited exceptions to this
 84 notification requirement for courses ~~classes~~ added after the
 85 notification deadline.

86 (5) ~~(4)~~ The State Board of Education and the Board of
 87 Governors each shall adopt textbook and instructional materials
 88 affordability policies, procedures, and guidelines for
 89 implementation by Florida College System institutions and state
 90 universities, respectively, that further efforts to minimize the
 91 cost of textbooks and instructional materials for students
 92 attending such institutions while maintaining the quality of
 93 education and academic freedom. The policies, procedures, and
 94 guidelines shall, at a minimum, require ~~provide for~~ the
 95 following:

96 (a) That textbook and instructional material adoptions are
 97 made with sufficient lead time to bookstores so as to confirm
 98 availability of the requested materials and, where possible,
 99 ensure maximum availability of used textbooks and instructional
 100 materials ~~books~~.

101 (b) That, in the textbook and instructional material
 102 adoption process, the intent to use all items ordered,
 103 particularly each individual item sold as part of a bundled

104 package, is confirmed by the course instructor or the academic
105 department offering the course before the adoption is finalized.

106 (c) That a course instructor or the academic department
107 offering the course determines, before a textbook or
108 instructional material is adopted, the extent to which a new
109 edition differs significantly and substantively from earlier
110 versions and the value to the student of changing to a new
111 edition or the extent to which an open-access textbook or
112 instructional material may exist and be used.

113 (d) That a textbook or instructional material for an
114 undergraduate course shall remain in use for a minimum of 3
115 years in that undergraduate course, unless an exception is
116 approved by the institution's president or designee. An
117 exception must be based upon a determination that the new
118 edition differs significantly and substantially from earlier
119 versions and that there is value to the student in changing to
120 the new edition. The institution's president or designee shall
121 annually report to the institution's board of trustees all
122 exceptions granted, including the rationale used to approve each
123 exception. The annual report shall be maintained on the
124 institution's website.

125 (e) ~~(d)~~ That the establishment of policies shall address
126 the availability of required and recommended textbooks and
127 instructional materials to students otherwise unable to afford
128 the cost, including consideration of the extent to which an
129 open-access textbook or instructional material may be used.

130 ~~(f)(e)~~ That course instructors and academic departments
 131 are encouraged to participate in the development, adaptation,
 132 and review of open-access textbooks and instructional materials
 133 and, in particular, open-access textbooks and instructional
 134 materials for high-demand general education courses.

135 (6) Each Florida College System institution and state
 136 university shall report annually to the Chancellor of the
 137 Florida College System or the Chancellor of the State University
 138 System, as applicable, the cost of undergraduate textbooks and
 139 instructional materials, by course and course section; the
 140 adoption cycles for high-enrollment courses as determined by the
 141 chancellors; specific initiatives of the institution that reduce
 142 the cost of textbooks and instructional materials; the number of
 143 courses and course sections that were not able to meet the
 144 textbook and instructional materials posting deadline; and
 145 additional information as determined by the chancellors.
 146 Annually, by December 31, the chancellors shall compile the
 147 institution reports and submit a comprehensive report to the
 148 Governor, the President of the Senate, and the Speaker of the
 149 House of Representatives.

150 (7) Each Florida College System institution and state
 151 university shall send annually to the State Board of Education
 152 or the Board of Governors, as applicable, electronic copies of
 153 its current textbook and instructional materials affordability
 154 policies and procedures. The State Board of Education and the
 155 Board of Governors shall provide a link to this information on

156 their respective websites.

157 (8) (a) The Governor shall appoint a task force which
 158 includes the Chancellor of the Florida College System, the
 159 Chancellor of the State University System, students who are
 160 currently enrolled in a public postsecondary institution, and
 161 representatives from Florida College System institutions, state
 162 universities, textbook and instructional materials publishers,
 163 and bookstore owners or managers.

164 (b) The task force shall research options to reduce the
 165 cost of print and digital textbooks and instructional materials
 166 for all students. The task force shall use the information
 167 provided pursuant to subsections (5) and (6) to determine the
 168 best methods to reduce costs and must, at a minimum, consider
 169 the following:

170 1. Any existing Florida College System or State University
 171 System initiative to reduce the cost of textbooks and
 172 instructional materials.

173 2. Bulk purchasing of e-textbooks.

174 3. Expanding the use of open-access textbooks and
 175 instructional materials.

176 4. Textbook and instructional materials rental options.

177 5. Statewide agreements with publishers and vendors.

178 6. The development of online portals at each institution
 179 that will assist students in buying, renting, selling, and
 180 sharing textbooks and instructional materials.

181 (c) By July 1, 2015, the task force shall submit

182 recommendations to the Governor, the President of the Senate,
 183 and the Speaker of the House of Representatives.

184 Section 2. Paragraph (k) of subsection (4) of section
 185 1001.7065, Florida Statutes, is amended to read:

186 1001.7065 Preeminent state research universities program.-

187 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
 188 ONLINE LEARNING.-A state research university that, as of July 1,
 189 2013, meets all 12 of the academic and research excellence
 190 standards identified in subsection (2), as verified by the Board
 191 of Governors, shall establish an institute for online learning.
 192 The institute shall establish a robust offering of high-quality,
 193 fully online baccalaureate degree programs at an affordable cost
 194 in accordance with this subsection.

195 (k) The university shall establish a tuition structure for
 196 its online institute in accordance with this paragraph,
 197 notwithstanding any other provision of law.

198 1. For students classified as residents for tuition
 199 purposes, tuition for an online baccalaureate degree program
 200 shall be set at no more than 75 percent of the tuition rate as
 201 specified in the General Appropriations Act pursuant to s.
 202 1009.24(4) and 75 percent of the tuition differential pursuant
 203 to s. 1009.24(16). No distance learning fee, fee for campus
 204 facilities, or fee for on-campus services may be assessed,
 205 except that online students shall pay the university's
 206 technology fee, financial aid fee, and Capital Improvement Trust
 207 Fund fee. The revenues generated from the Capital Improvement

208 Trust Fund fee shall be dedicated to the university's institute
 209 for online learning.

210 2. For students classified as nonresidents for tuition
 211 purposes, tuition may be set at market rates in accordance with
 212 the business plan.

213 3. Tuition for an online degree program shall include all
 214 costs associated with instruction, materials, and enrollment,
 215 excluding costs associated with the provision of textbooks and
 216 instructional materials pursuant to s. 1004.085 and physical
 217 laboratory supplies.

218 4. Subject to the limitations in subparagraph 1., tuition
 219 may be differentiated by degree program as appropriate to the
 220 instructional and other costs of the program in accordance with
 221 the business plan. Pricing must incorporate innovative
 222 approaches that incentivize persistence and completion,
 223 including, but not limited to, a fee for assessment, a bundled
 224 or all-inclusive rate, and sliding scale features.

225 5. The university must accept advance payment contracts
 226 and student financial aid.

227 6. Fifty percent of the net revenues generated from the
 228 online institute of the university shall be used to enhance and
 229 enrich the online institute offerings, and 50 percent of the net
 230 revenues generated from the online institute shall be used to
 231 enhance and enrich the university's campus state-of-the-art
 232 research programs and facilities.

233 7. The institute may charge additional local user fees

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234 | pursuant to s. 1009.24(14) upon the approval of the Board of
235 | Governors.

236 | 8. The institute shall submit a proposal to the president
237 | of the university authorizing additional user fees for the
238 | provision of voluntary student participation in activities and
239 | additional student services.

240 | Section 3. This act shall take effect July 1, 2014.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 355 (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 Porter offered the following:

4
5 **Amendment**

6 Remove lines 55-85 and insert:

7 (4)-(3) Beginning with registration for the 2014 fall
8 semester, each Florida College System institution institutions
9 and state university universities shall post prominently in the
10 course registration system and on its website on their websites,
11 as early as is feasible, but at least 14 not less than 30 days
12 before prior to the first day of student registration class for
13 each term, a hyperlink to lists list of each textbook required
14 and recommended textbooks and instructional materials for each
15 course and course section offered at the institution during the
16 upcoming term. The lists posted list must include:

17 (a) The International Standard Book Number (ISBN) for each

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Published On: 3/21/2014 7:47:29 PM

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18 | required and recommended textbook and instructional material.

19 | (b) For a textbook or instructional material for which an
20 | ISBN is not available, ~~textbook or~~ other identifying
21 | information, which must include, at a minimum, all of the
22 | following: the title, all authors listed, publishers, edition
23 | number, copyright date, published date, and other relevant
24 | information necessary to identify the specific textbook or
25 | instructional material ~~textbooks~~ required and recommended for
26 | each course.



27 | (c) The new and used retail price and the rental price, if
28 | applicable, for a required and recommended textbook or
29 | instructional material for purchase at the institution's
30 | bookstore or other specified vendor, including the website or
31 | other contact information for the bookstore.

32 |
33 | The State Board of Education and the Board of Governors shall
34 | include in the policies, procedures, and guidelines adopted
35 | under subsection (5) ~~(4)~~ certain limited exceptions to this
36 | notification requirement for courses ~~classes~~ added after the
37 | notification deadline. An institution that is unable to comply
38 | with this subsection for the 2014 fall semester must provide a
39 | quarterly report to the State Board of Education or to the Board
40 | of Governors, as applicable, documenting the institution's
41 | efforts to be in compliance with this subsection by registration
42 | for the 2015 fall semester.

43 |

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7069 PCB EDC 14-01 Early Learning and Child Care Regulation
SPONSOR(S): Education Committee, O'Toole
TIED BILLS: **IDEN./SIM. BILLS:**

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|-----------|---|--|
| Orig. Comm.: Education Committee | 16 Y, 0 N | Beagle | Mizereck |
| 1) Education Appropriations Subcommittee | | Seifert  | Heflin  |

SUMMARY ANALYSIS

Currently, the state-funded early learning programs, i.e., the School Readiness and Voluntary Prekindergarten Education (VPK) programs, are delivered by a diverse range of providers, including public schools, licensed child care providers, licensed-exempt child care providers, and nonpublic schools. The child health and safety standards applicable to each provider type and the degree to which minimum levels of health and safety are inspected and enforced vary widely. Among other things, the bill increases early learning provider health and safety requirements and personnel quality by requiring:

- Private providers to be licensed or, if the provider is a licensed-exempt faith-based provider or nonpublic school, agree to substantially comply with specified child care licensing standards and submit to inspections by the Department of Children and Families (DCF) or local licensing agency.
- Providers to notify parents of health and safety violations and prominently post citations that result in disciplinary action and inspection reports on the premises.
- That providers with class I violations in the previous year be denied program eligibility unless certain requirements are met.
- By January 1, 2016, personnel to be at least 18 years of age and hold a high school diploma (or equivalent), with exceptions.
- By January 1, 2015, personnel to be trained in first aid and cardiopulmonary resuscitation, with exceptions.
- Personnel to be trained in developmentally appropriate practices aligned to the age and needs of children served by the personnel.
- The Office of Early Learning (OEL) to develop online training on the School Readiness program performance standards and provider personnel to complete the training.

Several bill provisions effect child care regulation in general. Among other things, the bill adds failure to report child abuse as a disqualifying offense for child care employment and requires employment history checks; prohibits licensed child care providers who have been disciplined for serious licensing violations from transferring ownership to relatives in order to remain in business; requires family day care homes (FDCH) to conspicuously post their license or registration on the premises and substitutes for FDCH operators to meet the same training requirements as the operator.

The bill reduces regulatory burdens on state agencies and child care providers by authorizing Early Learning Coalitions (ELC) to allow private providers to determine child eligibility for the VPK program and requiring ELCs, OEL, and DCF to cooperate in reducing paperwork and duplicative regulations; expanding DCF's authority to conduct abbreviated inspections to include FDCHs and large family child care homes (LFCCH); clarifying that worker's and unemployment compensation requirements do not apply to providers who are exempt under state and federal law; and extending to LFCCHs certain protections regarding zoning, property insurance, and utility rates currently available to FDCHs. The bill also directs the Division of Law Revision and Information to change the name of the School Readiness Program to the Child Care and Development Program and the term FDCH to family child care home.

The bill has an indeterminate fiscal impact on state government. Nonpublic schools and license-exempt faith-based providers of state-funded early learning programs may experience increased costs associated with increased health and safety regulation. See Fiscal Analysis & Economic Impact Statement.

The bill takes effect July 1, 2014

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FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Early Learning and Child Care Regulation

Present Situation

Florida's Office of Early Learning (OEL)¹ provides state-level administration for two state-funded early learning programs serving preschool age children – the School Readiness program and the Voluntary Prekindergarten Education (VPK) program. Both programs differ in purpose and utilize a variety of providers to deliver program services, such as licensed and unlicensed child care providers and public and nonpublic schools.² The Florida Department of Children and Families Office of Child Care Regulation (DCF), as the agency responsible for the state's child care provider licensing program, regulates child care providers that provide early learning programs.³

School Readiness Program

The School Readiness program provides subsidies for child care services and early childhood education for children of low-income families; children in protective services who are at risk of abuse, neglect, or abandonment; and children with disabilities. The School Readiness Program is a state-federal partnership between OEL and the Office of Child Care of the United States Department of Health and Human Services.⁴ The School Readiness program receives funding from a mixture of state and federal sources, including the federal Child Care and Development Fund (CCDF) block grant, the federal Temporary Assistance for Needy Families (TANF) block grant, and general revenue and other state funds.⁵ The program is administered at the county or regional level by early learning coalitions (ELC).⁶

In order to be eligible to deliver the School Readiness program, a provider must be:

- A licensed child care facility;
- A licensed or registered family day care home (FDCH);
- A licensed large family child care home (LFCCH);
- A public school or nonpublic school;
- A license-exempt faith-based child care provider;
- A before-school or after-school program; or

¹ In 2013, the Legislature established the Office of Early Learning in the Office of Independent Education and Parental Choice within the Department of Education (DOE). The office is administered by an executive director and is fully accountable to the Commissioner of Education but shall independently exercise all powers, duties, and functions prescribed by law, as well as adopt rules for the establishment and operation of the school readiness program and the Voluntary Prekindergarten Education Program. Section 1, 2013-252, L.O.F., *codified as* s. 1001.213, F.S.

² Parts V and VI, ch. 1002, F.S.

³ *See* ss. 402.301-319, F.S., and Parts V and VI, ch. 1002, F.S.

⁴ Part VI, ch. 1002, F.S.; 42 U.S.C. ss. 618 & 9858-9858q; U.S. Department of Health and Human Services, *Child Care and Development Fund Fact Sheet* (2014), available at http://www.acf.hhs.gov/sites/default/files/assets/FS_OCC_0.pdf.

⁵ Specific Appropriations 78A and 79, s. 2, ch. 2013-40, L.O.F.

⁶ Sections 1002.83-1002.85, F.S. There are currently 31 ELCs, which is the maximum permitted by law. Section 1002.83(1), F.S.; *see* Florida's Office of Early Learning, *Early Learning Coalition Directory* (Feb. 5, 2014), <http://www.floridaearlylearning.com/sites/www/Uploads/files/Parents/CoalitionDirectory.pdf>.

- An informal child care provider authorized in the state's CCDF plan.⁷

Voluntary Prekindergarten Education Program

The VPK program is a voluntary, free prekindergarten program offered to eligible four-year old children in the year before admission to kindergarten.⁸ Children enrolled in the VPK program receive instruction in emergent literacy and mathematics skills necessary for kindergarten readiness.⁹ A child must be a Florida resident and attain four years of age on or before September 1 of the academic year to be eligible for the VPK program. Parents may choose either a school-year or summer program offered by either a public school or private prekindergarten provider.¹⁰ A parent enrolling a child in the VPK program must complete and submit an application to the ELC. Thus, public school and private prekindergarten providers do not determine child eligibility for the program.¹¹

Local oversight of individual VPK program providers is split, with ELCs providing administration over programs delivered by private prekindergarten providers and school districts administering public school VPK programs.¹² Each district school board determines which district schools will offer the school-year and summer VPK programs and such schools must register with the ELC.¹³

The VPK program may be offered by either a private prekindergarten provider or a public school. To offer the VPK program, a private prekindergarten provider must be a:

- Licensed child care facility;
- Licensed FDCH;
- Licensed LFCCH;
- Nonpublic school; or
- License-exempt faith-based child care provider.¹⁴

In addition, a private prekindergarten provider must:

- Be accredited by an accrediting association that is a member of either the National Council for Private School Accreditation, or the Florida Association of Academic Nonpublic Schools, or be accredited by the Southern Association of Colleges and Schools, the Western Association of Colleges and Schools, the North Central Association of Colleges and Schools, the Middle States Association of Colleges and Schools, or the New England Association of Colleges and

⁷ Section 1002.88(1)(a), F.S. Generally speaking, informal child care is care provided by a relative. See Florida's Office of Early Learning, *Child Care and Development Fund State Plan FFY 2014-15*, at 71 (Oct. 1, 2013), available at http://www.floridaearlylearning.com/sites/www/Uploads/files/Oel%20Resources/2014-2015_CCDF_Plan_%20Optimized.pdf.

⁸ Part V, ch. 1002, F.S.; see also Art. IX, s. 1(b)-(c), Fla. Const. The VPK program originated from a ballot initiative proposing an amendment to the Florida Constitution in the November 2002 general election. The amendment required the Legislature to establish a free prekindergarten education program for every four-year old child residing in Florida by the 2005 academic year. Voters approved the amendment by a total of 59 percent for to 41 percent against. Florida Department of State, Division of Elections, *Voluntary Universal Prekindergarten Education*, <http://election.dos.state.fl.us/initiatives/initdetail.asp?account=34708&seqnum=1> (last visited Feb. 9, 2014).

⁹ Section 1002.67(1)(a), F.S.

¹⁰ Section 1002.53(2)-(3), F.S.

¹¹ Section 1002.53(4), F.S.

¹² Sections 1002.53(6), 1002.55(1), 1002.61(1), and 1002.63(1), F.S.

¹³ Sections 1002.61(3)(a) and (8)(a) and 1002.63(3) and (8)(a), F.S. School districts must offer a summer VPK program and may limit enrollment at individual public schools so long as admission is provided to every eligible student who seeks enrollment in the district's summer program. Sections 1002.53(6)(b) and 1002.61(3)(a), F.S.

¹⁴ Section 1002.55(3)(a) and (h), F.S.; see also rule 6M-8.300(3), F.A.C.; s. 402.305, F.S. (child care facilities licensing); s. 402.3025, F.S. (nonpublic schools); s. 402.313, F.S. (FDCH licensing); s. 402.3131, F.S. (LFCCH licensing); s. 402.316, F.S. (faith-based provider exempt from licensure).

Schools; and has written accreditation standards that meet the state's licensing requirements and requires at least one onsite visit before accreditation is granted;¹⁵

- Hold a current Gold Seal Quality Care designation;¹⁶ or
- Be licensed and demonstrate to the ELC that the provider meets the VPK program's statutory requirements.¹⁷

Unlicensed (registered) FDCHs and informal child care providers are not eligible to offer the VPK program.¹⁸

Child Care Personnel and Instructor Qualifications

An application for a child care personnel position with a licensed child care facility, FDCH, or LFCCH must require the applicant to disclose, under penalty of perjury, whether he or she has ever worked for a provider that has had its license denied, revoked, or suspended in any state or jurisdiction or if he or she, individually, has been the subject of a disciplinary action or been fined while so employed.¹⁹ Child care employers must conduct employment history checks on prospective employees.²⁰ The law generally requires all employers of employees who are subject to background screening requirements to furnish copies of personnel records of employees and former employees, including records of termination or disciplinary actions, when requested by other employers. The law shields such employers from any liability resulting from such release of employment records, unless the employer maliciously falsifies the records.²¹

Child care personnel employed by licensed child care facilities, licensed and registered FDCHs, LFCCHs, licensed-exempt child care providers, and nonpublic schools and VPK program instructors employed by public schools, must undergo Level 2²² background screening.²³ The Level 2 screening requirement for public school VPK program instructors differs with the screening requirements for other public school instructional personnel. Such personnel are screened against a distinct list of 59 disqualifying offenses.²⁴

Currently, the minimum age for employment as child care personnel is 16 years of age.²⁵ The minimum age for employment in an instructional capacity with a public school district is 18 years of age.²⁶ Licensed child care facility personnel, FDCH operators and substitutes for the operator who work more than 40 hours per month, and LFCCH operators must complete introductory child care training and .5 unit of continuing education, which includes, among other things, early literacy and language

¹⁵ Section 1002.55(3)(b)1., F.S.

¹⁶ Section 402.281, F.S.; rule 65C-22.009, F.A.C.; *see also* Florida Department of Children and Family Services, *Gold Seal Quality Care*, <http://www.dcf.state.fl.us/childcare/goldseal.shtml> (last visited Feb. 21, 2014). DCF issues the Gold Seal Quality Care designation to child care facilities, LFCCHs, and FDCHs that are accredited by a nationally recognized accrediting association with standards that meet or exceed DCF-adopted standards. DCF's standards are based upon those of the National Association for the Education of Young Children, National Association of Family Child Care, and National Early Childhood Program Accreditation Commission. Section 402.281(1)-(3), F.S.

¹⁷ Section 1002.55(3)(b), F.S.

¹⁸ Section 1002.55(3)(a), F.S..

¹⁹ Section 402.3055(1)(b), F.S.

²⁰ Section 402.302(15), F.S.

²¹ Section 435.10, F.S.

²² Level 2 background screening requires individuals to be screened against a statutorily prescribed list of 51 offenses. *See* s. 435.04, F.S.

²³ Sections 402.302(15)(definition of screening), 402.305(2)(child care facilities), 402.313(3)(FDCH), 402.3131(2)(LFCCH), 1002.55(3)(d)-(e)(private provider of VPK school year program), 1002.61(5)-(6)(public school and private providers of the VPK summer program), and 1002.63(5)-(6), F.S. (public school provider of school year VPK program).

²⁴ Sections 1012.315 and 1012.32, F.S.; rule 6A-5.056(8), F.A.C. (crimes involving moral turpitude).

²⁵ Section 402.305(2)(c), F.S.

²⁶ Section 1012.32(1), F.S.

development.²⁷ Introductory training for licensed child care facility personnel and LFCCH operators includes developmentally appropriate practices courses for serving infants and toddlers, preschoolers, school-age children, and special needs children.²⁸ There is no requirement that introductory training or continuing education address emergent numeracy skills or that personnel take developmentally appropriate practices courses aligned to the specific age group or child classification to which they are assigned.

A licensed child care facility must have at least one employee on site who is trained in first aid and cardiopulmonary resuscitation (CPR). Operators of FDCHs and LFCCHs and their substitutes must also be trained in these techniques.²⁹

The law specifies minimum allowable educational credentials for VPK program instructors, which vary depending on whether they work for a private or public school provider or teach during a school year or summer program. Such credentials include the child development associate credential, various education and early childhood-related associates or bachelor's degrees, or a Florida professional teaching certificate.³⁰ There is no requirement that other child care personnel employed by a VPK program provider or School Readiness program provider hold a high school diploma.

The law requires OEL to develop and adopt standards and benchmarks that address the age-appropriate progress of children in the development of school readiness skills. These standards must be aligned with the performance standards adopted for children in the VPK program and must address:

- Approaches to learning.
- Cognitive development and general knowledge.
- Numeracy, language, and communication.
- Physical development.
- Self-regulation.³¹

Each ELC must provide professional development to School Readiness program teachers regarding the OEL-adopted performance standards.³²

Child Health and Safety

State-funded early learning programs are delivered by a diverse range of providers, including licensed child care providers, licensed-exempt child care providers, public schools, and nonpublic schools. The child health and safety standards applicable to each provider type and degree to which minimum levels of health and safety are inspected and enforced vary widely.

²⁷ Section 402.305(2)(d)1. and 5., F.S. (licensed child care facilities); s. 402.313(1)(a)6. and (6), F.S. and rule 65C-20.009(3), F.A.C. (FDCH) and 402.3131(5), F.S. and rule 65C-20.013(5), F.A.C. (LFCCH).

²⁸ Section 402.305(2)(d), F.S. and rule 65C-22.003(2)(a)3., F.A.C. (licensed child care facilities); s. 402.3131(3), F.S. and rule 65C-20.013(5)(b), F.A.C. (LFCCH).

²⁹ Section 402.305(7)(a), F.S.; rule 65C-20.009(3)(c), F.S.

³⁰ Section 1002.55(3)(c)1. and (4), F.S.

³¹ Section 1002.82(2)(j), F.S.

³² Section 1002.83(13), F.S.

| Early Learning Providers by Classification ³³ | | |
|--|--------------------------|-------------|
| Provider Classification | Eligible Providers | |
| | School Readiness Program | VPK Program |
| Licensed Child Care Facility | 5,413 | 4,694 |
| Licensed FDCH | 1,468 | 49 |
| Registered FDCH | 198 | Ineligible |
| Licensed LFCCH | 233 | 41 |
| Public School | 782 | 1,026 |
| Nonpublic School | 224 | 82 |
| Faith-Based Exempt | 221 | 144 |
| Informal Provider | 18 | Ineligible |

Licensed Providers

DCF issues licenses to child care facilities, FDCHs, and LFCCHs. A county may designate a local licensing agency to license such providers if its licensing standards meet or exceed DCF's standards. Five counties have established local licensing agencies – Broward, Hillsborough, Palm Beach, Pinellas, and Sarasota.³⁴

Child care provider licenses must be renewed annually.³⁵ Licensure is optional for FDCHs; however, homes that choose not to be licensed must annually register with DCF or the local licensing agency, as applicable. A county may by ordinance require that FDCHs be licensed. Fifteen counties have enacted such ordinances – Brevard, Broward, Clay, Duval, Hernando, Hillsborough, Manatee, Miami-Dade, Nassau, Palm Beach, Pasco, Pinellas, Polk, Sarasota, and St. Johns.³⁶ Among other things, licensed child care facilities, FDCHs, and LFCCHs must annually provide information to parents regarding the influenza virus during the months of August and September.³⁷

DCF conducts inspections of all licensed child care providers to determine initial and renewal licensure and periodically assess continued compliance with licensing standards. Licensed child care facilities are inspected three times annually. LFCCHs and licensed FDCHs are inspected twice annually. In each case, the first inspection is an announced initial or renewal licensing inspection. Subsequent inspections are unannounced.³⁸

Licensed child care facilities are inspected based upon 354 total licensing standards in 63 categories. FDCHs are inspected based upon 261 total standards in 38 categories. LFCCHs are inspected based upon 321 total standards in 55 categories.³⁹ Legislation enacted in 1996 directed DCF and local licensing agencies to develop and implement a plan to eliminate duplicative and unnecessary inspections and implement an abbreviated inspection plan for providers with no Class I or Class II violations in a two-year period.⁴⁰ DCF's abbreviated inspection plan is only applicable to child care

³³ Email, Office of Early Learning, Legislative Affairs Director, (Feb. 12, 2014).

³⁴ Section 402.306(1), F.S.; Department of Children and Families, *Licensing Information*, <http://www.myflfamilies.com/service-programs/child-care/licensing-information> (last visited Feb. 10, 2014).

³⁵ Sections 402.305 and 402.306-402.308, F.S.

³⁶ Section 402.313(1), F.S.; see Department of Children and Families, *Registered Family Day Care Homes*, <http://www.myflfamilies.com/service-programs/child-care/registered-family-day-care> (last visited Dec. 5, 2013).

³⁷ Sections 402.305(9), 402.313(14), and 402.313(9), F.S.

³⁸ Sections 402.308 and 402.311, F.S. Licensing standards are found throughout ss. 402.301-402.319, F.S., and ch. 65C-22, F.A.C. Prior to 2010, DCF and the Department of Health (DOH) shared responsibility for health/safety inspections of child care facilities. However, legislation enacted that year removed child care facility inspections from the purview of DOH. See, e.g., ss. 17 and 18, ch. 2010-161, L.O.F.; Memorandum of Agreement between DCF and DOH (April 16, 1997).

³⁹ *Id.*; ch. 65C-22, F.A.C.

⁴⁰ Section 79, ch. 96-175, L.O.F., codified as s. 402.3115, F.S.

facilities. Abbreviated inspections consist of 39 of the 63 categories of standards and only the initial or renewal licensing inspection is a full inspection.⁴¹

DCF rule classifies licensing violations as follows:

- Class I violations are the most serious in nature, pose an imminent threat to a child including abuse or neglect and which could or does result in death or serious harm to the health, safety or well-being of a child.
- Class II violations are less serious in nature than Class I violations, and could be anticipated to pose a threat to the health, safety or well-being of a child, although the threat is not imminent.
- Class III violations are less serious in nature than either Class I or Class II violations, and pose a low potential for harm to children.⁴²

Class I violations include serious threats to health and safety, e.g., failure to report child abuse, child abuse by child care personnel, leaving children alone with personnel who have not been background screened, transporting children in vehicles without enough seat belts, and leaving a child in a vehicle while on a field trip.⁴³

| Licensed Child Care Provider Standards By Class of Violation | | | |
|---|----------------|-----------------|------------------|
| Provider Type | Class I | Class II | Class III |
| Child Care Facility | 21 standards | 104 standards | 229 standards |
| Family Day Care Home | 28 standards | 83 standards | 150 standards |
| Large Family Child Care Home | 31 standards | 96 standards | 194 standards |

An OEL review of 2012-13 DCF child care licensing inspection results indicates that 106 providers of the School Readiness or VPK programs were issued Class I violations. Since the initial review of the data, eight of the child care providers closed leaving 98 providers with a total of 118 Class I violations. Class I violations were issued for:

- Leaving unscreened individuals alone to supervise children: 25
- Failure to report child abuse: 19
- Inadequate supervision of children in care: 19
- Exceeding vehicle capacity or available child restraints while transporting children: 17
- The number of children in care exceeding licensed capacity: 8
- Misrepresentations by provider personnel to inspectors: 7
- Leaving a child behind in a vehicle: 6
- Use of prohibited forms of discipline: 6
- Records indicating an active employee was convicted of a disqualifying offense: 4
- Child abuse/neglect by a provider: 3
- Failure to follow medication instructions: 3
- Failure to inspect a vehicle after off-loading children: 1
- Total: 118⁴⁴

The law authorizes DCF and local licensing agencies to impose sanctions on child care providers for licensing violations and other misconduct. Sanctions include license suspension or revocation, fines, probation. When cause exists to impose sanctions, DCF or the local licensing agency must provide written notice to the licensee stating the grounds for the sanction and, if requested, grant a hearing on

⁴¹ Email, Department of Children and Families, Legislative Affairs Director (Dec. 2, 2013).

⁴² Rule 65C-22.010(1)(d), F.A.C.

⁴³ See, e.g., Florida Department of Children and Families, *Facility/Center Classification Summary* (July 2012), available at [http://ccrain.fl-dcf.org/\(X\(1\)\)/documents/2/443.pdf#page=1](http://ccrain.fl-dcf.org/(X(1))/documents/2/443.pdf#page=1).

⁴⁴ Email, Office of Early Learning, Legislative Affairs Director (Dec. 4, 2013).

the matter.⁴⁵ The law requires the owner of a licensed child care facility to notify parents of each child in care regarding any transfer of ownership of the facility.⁴⁶ The law does not prohibit the owner of a licensed child care facility from transferring ownership to a relative after having his or her license suspended or revoked or after suspension or revocation proceedings are initiated by DCF or a local licensing agency.

The requirements regarding notifying parents of violations vary by child care provider type:

- Each child care facility and LFCCH must conspicuously display on the premises its license.⁴⁷
- Each child care facility must post conspicuously on the premises any citations that resulted in disciplinary action for one-year after its effective date.⁴⁸
- Child care facilities, FDCHs, and LFCCHs must distribute to parents a DCF-developed brochure indicating the licensure status of the provider and that information about the provider's compliance with applicable state and local requirements (including violations) can be obtained by telephoning DCF or the local licensing agency.⁴⁹

These requirements are inapplicable to license-exempt faith-based providers and nonpublic schools. Such providers delivering the School Readiness program must annually complete a health and safety checklist, which must be posted prominently on the premises where parents can view it. The check list must be submitted to the ELC, but the ELC does not have authority to investigate and verify the accuracy of the information therein.⁵⁰

Registered Family Day Care Homes

A registered FDCH must annually register with DCF by submitting the following information:

- The name and address of the home, name of the operator, and number of children served.
- Proof of a written plan to provide a substitute for the operator that includes the name, address, and telephone number of the substitute.
- Proof of screening and background checks.
- Proof of successful completion of the 30-hour introductory child care training course, as evidenced by passage of a competency examination, and completion of continuing education.
- Proof that immunization records are kept current.⁵¹

Operators of FDCHs must annually complete a health and safety self-evaluation checklist. The checklist must be signed by the operator and provided to parents as certification that specified health and safety standards are being met. There is no requirement that the checklist be submitted to DCF, nor does DCF have authority to inspect registered FDCHs.⁵²

License-Exempt Faith-Based Providers

Child care facilities that are an integral part of a church or parochial school and accredited by an organization which requires compliance with published health, safety, and sanitation standards are exempt from licensure. DCF does not have authority to investigate whether the accreditor of a faith-

⁴⁵ Sections 402(1)(a), (2), and (3) and 120.60, F.S.

⁴⁶ Section 402.305(18), F.S.

⁴⁷ Section 402.3125(1)(a), F.S. (child care facilities); s. 402.3131(7) and rule 65C-20.013(3)(g), F.A.C. (LFCCHs);

⁴⁸ Section 402.3125(1)(b), F.S.

⁴⁹ Sections 402.3125(5), 402.313(9), and 402.3131(6), F.S.

⁵⁰ Section 1002.88(1)(c), F.S.

⁵¹ Section 402.313(1)(a), F.S.

⁵² Section 402.313(7), F.S.

based provider actually conducts site visits or otherwise enforces compliance with its health and safety standards.⁵³

Public and Nonpublic Schools

The law requires each public and nonpublic school facility to obtain an environmental health inspection by the local county health department⁵⁴ and fire safety inspection by the local fire authority prior to opening and operating in Florida.⁵⁵ Sanitation and safety standards for public and nonpublic school facilities are prescribed in State Board of Education rule and county health departments apply these standards when inspecting facilities.⁵⁶ For public schools, the law requires that these inspections be conducted periodically.⁵⁷ The law is silent regarding the frequency of inspections for nonpublic schools and the Department of Education (DOE) does not verify that nonpublic schools obtain inspections, unless the nonpublic school participates in a state-funded school choice scholarship program, in which case the school must annually submit a compliance form to DOE documenting annual health and fire inspections.⁵⁸

Prior to opening, nonpublic schools must also obtain a signed inspection report from the county or city electrical, plumbing, and building department certifying that the school facility meets local standards for educational facilities. If a public or nonpublic school serves or caters food, Department of Health food safety standards apply and a food permit is required. The local county health department permits and inspects food service at all educational facilities.⁵⁹

Nonpublic school programs for children who are at least three years of age, but under five years of age, must substantially comply with minimum child care standards for licensed child care facilities. The law defines "substantial compliance" to mean "that level of adherence which is sufficient to safeguard the health, safety, and well-being of all children under care. Substantial compliance is greater than minimal adherence but not to the level of absolute adherence. Where a violation or variation is identified as the type which impacts, or can be reasonably expected within 90 days to impact, the health, safety, or well-being of a child, there is no substantial compliance."⁶⁰

DCF or a local licensing agency must enforce substantial compliance with the standards to protect child health and safety. Enforcement mechanisms include corrective action plans, fines, and seeking a court order to close a school if conditions there pose a threat to child safety. DCF and local licensing agencies must take measures to eliminate duplicative inspections and unnecessary regulation, as practicable. Nonpublic school personnel who misrepresent or fail to disclose information regarding qualification for the licensing exemption or misuse criminal and juvenile delinquency records obtained in employee background screening may be subjected to criminal penalties.⁶¹ The "substantial compliance" requirement has only been implemented in four counties.⁶²

⁵³ Sections 402.3025 and 402.316, F.S. Faith-based child care facilities must be an integral part of a church or parochial school. Section 402.316(1), F.S.

⁵⁴ Sections 381.006(16) and 1013.12, F.S. Nonpublic schools are also required to register with the DOE. Section 1002.41, F.S.

⁵⁵ Sections 633.206 and 1013.12, F.S.; rule 69A-58, F.A.C. (fire safety in educational facilities).

⁵⁶ See rules 6A-2.0010, 6A-2.0040, and 64E-13.004, F.A.C.

⁵⁷ Section 1013.12, F.S.

⁵⁸ Section 1002.421(2), F.S. State funded scholarship programs include the John M. McKay Scholarships for Students with Disabilities Program and Florida Tax Credit Scholarship Program. Sections 1002.39 and 1002.395, F.S.

⁵⁹ Section 381.0072, F.S.; ch. 64E-11, F.A.C

⁶⁰ Section 402.302(17), F.S.

⁶¹ Section 402.3025(2)(d), F.S.

⁶² The counties are Broward, Hillsborough, Palm Beach, and Pinellas. Department of Children and Families, *Provider Information*, <https://www.dcf.state.fl.us/programs/childcare/programform.shtml> (last visited Feb. 12, 2014).

Effect of Proposed Changes

Currently, the state-funded School Readiness and VPK programs are delivered by a diverse range of providers, including public schools, licensed child care providers, licensed-exempt child care providers, and nonpublic schools. The child health and safety standards applicable to each provider type and degree to which minimum levels of health and safety are inspected and enforced varies widely. This bill holds all providers of state-funded early learning programs accountable to high standards of health and safety and site inspections. It also increases the qualifications and training for child care personnel employed by such providers. The bill empowers parents to make informed child care decisions by requiring that early learning providers cited for health and safety violations notify parents regarding violations. Lastly, while the bill increases health and safety requirements for some providers, a number of the bill's provisions reduce regulatory burdens on state agencies and child care providers.

The bill makes several terminology changes in statutory sections amended by the bill:

- The "School Readiness program" is changed to the "Child Care and Development program."
- "School readiness" is changed to "child care and development."
- "Family day care home" is changed to "family child care home."

The Division of Law Revision and Information is directed to prepare a reviser's bill for the 2015 general session to change these terms anywhere else they appear in the Florida Statutes.

Existing terminology is used in the Effect of Proposed Changes section of this bill analysis to avoid confusion.

Health, Safety, and Welfare

The bill maintains eligibility to offer the School Readiness program for public schools, licensed child care facilities, licensed FDCHs and LFCCHs, license exempt faith-based providers, and nonpublic schools. The bill removes registered FDCHs and informal providers as eligible School Readiness program providers.

The bill maintains eligibility to offer the VPK school year program for licensed child care facilities, licensed FDCHs, LFCCHs, license-exempt faith-based providers, and nonpublic schools and the existing requirement that unlicensed providers either be accredited by an authorized accreditor or hold a Gold Seal Quality Care Designation. U.S. Department of Defense (DOD)-certified child development centers operating on military installations are added as a new class of eligible private provider.

The bill requires each School Readiness or VPK program provider to comply with basic health and safety standards and specifies the manner for achieving such compliance. For licensed child care providers, this requirement is met through compliance with applicable licensing standards. For public schools, this requirement is met through compliance with existing public school health and safety requirements. The bill does not specify standards for child development centers operating on military bases. Health and safety in these centers is regulated according to standards adopted by DOD, which, among other things, require centers to be inspected at least four times annually.⁶³

Most significantly, license-exempt faith-based providers and nonpublic schools must demonstrate substantial compliance with specified child care licensing standards, i.e, standards related to supervision, transportation, access, health, food and nutrition, personnel screening, and records. The bill grants DCF authority to inspect any portion of a license-exempt provider's or a nonpublic school's facility in which early learning programs are delivered.

The statutory definition of "substantial compliance" is revised to apply directly to license-exempt faith-based and nonpublic school providers of state-funded early learning programs. Under the bill, "substantial compliance" means "that level of adherence to adopted standards which is sufficient to safeguard the health, safety, and well-being of all children under care." These new requirements may not be applied in a manner that limits or excludes the curriculum provided by a faith-based provider or nonpublic school. The substantial compliance requirement may not be construed to authorize the state, its officers, or any ELC to exceed the regulatory authority granted by the bill.

A public school or private School Readiness program provider and private VPK program provider must be denied program eligibility if it has been cited for a class I violation in the 12 months prior to seeking eligibility. An existing provider that is cited for a class I violation may not have its eligibility renewed for a period of 12 months. These requirements do not apply if OEL determines that the violation was reported by the provider and the employee responsible for the violation was terminated. Additionally, such providers must notify parents electronically or in writing when cited for a Class I violation. Notice of Class I violations must be provided within 24 hours of receiving the citation. The bill also requires providers to post citations that result in disciplinary action and inspection reports on the premises in an area visible to parents. Such citations must remain posted for a period of one year. Each inspection report must remain posted until the next inspection report is available, at which time the provider must post the new report. OEL is directed to develop and implement best practices for providing parental notifications, including those related to violations, in a parent's native language if the parent's native language is a language other than English.

The bill prohibits the owner of a child care facility, FDCH, or LFCCH from transferring ownership to a relative if the owner has had his or her license suspended or revoked by DCF, has received notice from DCF that reasonable cause exists to suspend or revoke the license, or has been placed on the U.S. Department of Agriculture National Disqualified list. The bill defines "relative" to mean father, mother, son, daughter, grandfather, grandmother, brother, sister, uncle, aunt, cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

The bill revises the requirement that licensed child care facilities and FDCHs and LFCCHs provide influenza information to parents during August and September each year. Instead, such information must be provided to parents upon enrollment of the child. Thus, children who enroll after August or September will get this information.

Child Care Personnel and Instructors

The bill revises several training requirements and employment qualifications applicable to child care personnel employed by early learning program providers:

- Beginning January 1, 2016, child care personnel employed by a School Readiness provider or private VPK provider must be at least 18 years of age and hold a high school diploma (or equivalent).
- Beginning January 1, 2015, School Readiness provider personnel and private VPK program instructors must complete training in infant and child first aid and CPR within 30 days of employment. Individuals hired on or after January 1, 2015, must complete this training, as a condition of employment, within 30 days of employment.
- School Readiness and VPK program personnel who supervise children must complete the applicable DCF developmentally appropriate practices course within 30 days of being assigned to supervise an age group of children for which such course has not been completed.
- OEL must develop online training on the School Readiness program performance standards and provider personnel must complete the training.

The new minimum age and diploma requirements will not apply to personnel who are not responsible for supervision of children or under direct supervision by a qualified staff member. The CPR/First Aid

requirement will not apply to personnel who are not responsible for supervision of children. These changes increase the likelihood that individuals caring for children in state-funded early learning programs are able to respond to emergencies that threaten child safety; have basic reading, writing, and speaking ability necessary to teach early literacy skills; and receive training aligned to the age and needs of children served.

Several bill provisions affect all child care personnel while others impact personnel employed by a specified provider classification. Failure to report child abuse is added as an employment disqualifier for all child care personnel statewide, including School Readiness and VPK program personnel and instructors. The bill eliminates Level 2 screening for public school provider employees and instead subjects them to the background screening requirements applicable to public school instructional personnel.

The bill also clarifies the process child care employers must use to conduct employment history checks on prospective employees. Before employing child care personnel, the employer must conduct employment history checks of each of the personnel's previous employers and document the findings. If unable to contact a previous employer, the employer must document efforts to contact the employer.

The bill adds a requirement that introductory child care and continuing education trainings for personnel serving in licensed child care facilities, FDCHs, and LFCCHs include instruction regarding emergent numeracy skills. This change better aligns this training with skills taught in the School Readiness and VPK programs.

Early Learning Program and Child Care Administration

The bill requires VPK program providers to provide parents information about the provider's program such as child development information, expectations for parent engagement, the daily schedule, and the attendance policy. School Readiness and VPK program provider attendance policies must include procedures for contacting a parent on the second consecutive day a child is absent for which the reason is unknown. The bill expands eligibility for the School Readiness program currently granted to children with disabilities aged three to five to include such children age birth to five.

The bill provides that a charter school that is authorized to provide the VPK program in its charter is part of the school district's VPK program and subject to district oversight. Charter schools not so authorized may still provide the VPK program, but must do so as a private provider.

The Rilya Wilson Act requires that children age three years to school entry who are under court ordered protective supervision or in the custody of the Family Safety Program Office of the DCF or a community-based lead agency, and enrolled in a licensed early education or child care program be enrolled to participate in the program five days a week.⁶⁴ The bill expands this requirement to include such children aged birth to five. Such children enrolled in early learning programs must attend five days per week, rather than merely requiring that they be enrolled to participate. The child's attendance in the program must be a required action in the case plan developed for the child.

The bill reduces regulatory burdens on child care providers and state agencies by:

- Authorizing ELCs to allow private providers to determine child eligibility for the VPK program. These providers must maintain enrollment records and ELCs may audit the records in order to detect fraud or errors.
- Requiring ELCs, OEL, and DCF to cooperate in reducing paperwork and duplicative regulation regarding the VPK program.
- Clarifying that worker's and unemployment compensation requirements do not apply to early learning providers who are exempt under state and federal law.

- Eliminating the requirement that School Readiness program providers add the local ELC as an additional insured on its liability insurance policy.
- Expanding DCF's authority to conduct abbreviated inspections to include FDCHs and LFCCHs. These inspections currently apply to licensed child care facilities with no class 1 or 2 violations in a two year period.

The bill specifically authorizes OEL to hire a general counsel and inspector general. The duties of the Early Learning Advisory Council (ELAC)⁶⁵ are revised to specify that it must provide written input to OEL's executive director regarding early learning program administration, efficient use of funding, professional development, and ELC plans. The bill also charges the executive director with responsibility to call ELAC meetings and determine appropriate levels of administrative support for ELAC.

The bill requires OEL to conduct a two-year pilot project to study the impact of assessing the kindergarten readiness of VPK program participants who are English Language Learners (ELL) in both English and Spanish. Under the pilot, OEL will administer the Florida Assessments for Instruction in Reading and an appropriate assessment in Spanish. OEL must examine the results of the assessments and report its findings annually to the Governor, President of the Senate, and Speaker of the House of Representatives. The purpose of the pilot project is to better ascertain the capabilities and kindergarten readiness of ELLs, which may otherwise be masked by their lack of English proficiency.

The bill also contains several glitch fixes requested by OEL, which, generally speaking, align state law with federal law, the state CCDF plan, or existing administrative practices. Additionally, the bill authorizes ELCs to use School Readiness program quality improvement funds to provide financial support to providers and their staff for, among other things, obtaining a license or accreditation and CPR and first aid training.

Family Day Care Homes and Large Family Child Care Homes

The bill requires each FDCH to conspicuously post its license or registration on the premises in an area viewable by parents. The bill requires substitutes for FDCH operators to complete the same training and screening requirements as the operator. The bill also repeals obsolete provisions requiring DCF to conduct a media campaign to inform the public regarding registration and other operational requirements related to FDCHs. This requirement dates back to early codification of FDCHs and has been fulfilled.⁶⁶

Current law provides special benefits to FDCHs regarding zoning, property insurance, and utility rates that are not provided to LFCCHs, likely because LFCCHs were codified after these provisions were enacted.⁶⁷ The law prohibits:

- Counties and municipalities from requiring that FDCHs be commercially zoned;
- Property and casualty insurers from canceling residential insurance coverage solely because the residence operates as a FDCH; and
- Utilities from charging FDCHs commercial utility rates.⁶⁸

The bill extends these zoning, insurance, and utility rate benefits to LFCCHs.

⁶⁵ Section 1002.77(1), F.S.

⁶⁶ See s. 402.313(11), F.S.

⁶⁷ Compare, e.g., s. 15, ch. 99-304, L.O.F. (LFCCH statute enacted 1999.) with s.3, ch. 86-87, L.O.F. (FDCH county and municipal zoning exceptions enacted 1986.).

⁶⁸ See ss. 125.0109, 166.0445, 627.70161, and 402.313(12), F.S.

B. SECTION DIRECTORY:

Section 1. Creates an unnumbered section of law directing the Division of Law Revision and Information to change the name of the "School Readiness Program" to the "Child Care and Development Program" and the term "family day care home" to "family child care home."

Section 2. Amends s. 39.604, F.S., relating to the Rilya Wilson Act.

Section 3. Amends s. 125.0109, F.S., relating to family day care homes; local zoning regulation (counties).

Section 4. Amends s. 166.0445, F.S., relating to family day care homes; local zoning regulation (municipalities).

Section 5. Amends s. 402.302, F.S., relating to child care definitions.

Section 6. Amends s. 402.3025, F.S., relating to public and nonpublic schools.

Section 7. Amends s. 402.305, F.S., relating to licensing standards; child care facilities.

Section 8. Amends s. 402.311, F.S., relating to inspection.

Section 9. Amends s. 402.3115, F.S., relating to elimination of duplicative and unnecessary inspections; abbreviated inspections.

Section 10. Amends s. 402.313, F.S., relating to family day care homes.

Section 11. Amends s. 402.3131, F.S., relating to large family child care homes.

Section 12. Amends s. 402.316, F.S., relating to licensing exemptions for faith-based child care.

Section 13. Amends s. 627.70161, F.S., relating to residential property insurance coverage; family day care homes.

Section 14. Amends s. 1001.213, F.S., relating to Office of Early Learning.

Section 15. Amends s. 1002.53, F.S., relating to Voluntary Prekindergarten Education Program; eligibility and enrollment.

Section 16. Amends s. 1002.55, F.S., relating to school-year prekindergarten program delivered by private prekindergarten providers.

Section 17. Amends s. 1002.59, F.S., relating to emergent literacy and performance standards.

Section 18. Amends s. 1002.61, F.S., relating to summer prekindergarten program delivered by public schools and private prekindergarten providers.

Section 19. Amends s. 1002.63, F.S., relating to school-year prekindergarten program delivered by public schools.

Section 20. Amends s. 1002.71, F.S., relating to funding; financial and attendance reporting.

Section 21. Amends s. 1002.75, F.S., relating to Office of Early Learning; VPK program powers and duties.

Section 22. Amends s. 1002.77, F.S., relating to Florida Early Learning Advisory Council.

Section 23. Amends s. 1002.81, F.S., relating to School Readiness program definitions.

Section 24. Amends s. 1002.82, F.S., relating to Office of Early Learning; School Readiness program powers and duties.

Section 25. Amends s. 1002.84, F.S., relating to early learning coalitions; school readiness powers and duties.

Section 26. Amends s. 1002.87, F.S., relating to School Readiness program; eligibility and enrollment.

Section 27. Amends s. 1002.88, F.S., relating to School Readiness program provider standards; eligibility to deliver the school readiness program.

Section 28. Amends s. 1002.89, F.S., relating to School Readiness program; funding.

Section 29. Amends s. 1002.91, F.S., relating to investigations of fraud or overpayment; penalties.

Section 30. Amends s. 1002.94, F.S., relating to Child Care Executive Partnership Program.

Section 31. Creates an unnumbered section of law directing OEL to conduct a pilot project to study the impact of assessing the early literacy skills of ELLs in both English and Spanish.

Section 32. 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:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill authorizes DCF to charge an inspection fee to nonpublic schools and license-exempt faith-based providers of state-funded early learning programs in order to enforce substantial compliance with minimum health and safety standards. The fee must be sufficient to cover costs and may not exceed that charged for child care licensure. Currently, the licensing fee for a child care facility is \$1 per child, based on the licensed capacity of the facility, with a minimum fee of \$25 and a maximum fee of \$100 per facility.⁶⁹

Protections regarding zoning requirements, insurance coverage, and utility rates provided to LFCCHs may result in cost savings. Other bill provisions with positive financial implications on private sector child care providers include:

- Clarifying that worker's and unemployment compensation requirements do not apply to early learning providers who are exempt under state and federal law.
- Eliminating the requirement that School Readiness program providers add the local ELC as an additional insured on its liability insurance policy.

D. FISCAL COMMENTS:

The bill expands DCF's workload by requiring inspection of license-exempt faith-based providers and nonpublic schools. DCF is authorized to charge a fee for these inspections, which should offset costs. Additionally, the bill expands DCF's authority to conduct abbreviated inspections to include FDCHs and LFCCHs, which may reduce workload.

The bill extends to LFCCHs the protections that FDCHs currently receive regarding zoning requirements, insurance coverage, and utility rates. Under the bill:

- Local governments are prohibited from requiring that LFCCHs be commercially zoned;
- Property and casualty insurers are prohibited from canceling residential insurance coverage because the residence operates as a LFCCH; and
- Utilities are prohibited from charging LFCCHs commercial utility rates.

The extent to which local governments require LFCCHs to be commercially zoned, property insurers require LFCCHs to obtain additional coverages, and utility companies charge LFCCHs commercial rates is unknown. In order to qualify for licensure as a LFCCH, the home must operate as a licensed FDCH in the two years prior to seeking licensure as a LFCCH. It appears that most local governments, insurers, and utility companies do not treat LFCCHs any differently than FDCHs. There are currently 2,941 licensed FDCHs and 429 LFCCHs operating in Florida. Given the small number of LFCCHs that will receive these protections under the bill, the fiscal impact on counties, municipalities, property insurers, and utility companies is likely minimal.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill authorizes DCF to adopt rules to define and enforce substantial compliance with minimum child care health and safety standards by license-exempt faith-based child care providers and nonpublic schools. This includes the adoption of minimum standards and procedures for inspection and disciplinary actions.

The bill requires DCF to adopt rules establishing criteria and procedures for abbreviated inspections and inspection schedules which provide for both announced and unannounced inspections

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 20, 2014, the Education Committee adopted three amendments and reported the proposed committee bill favorably. The amendments added provisions:

- Providing that School Readiness program providers with class I violation must be denied eligibility to offer the program.
- Requiring OEL to develop and implement best practices for providing parental notifications in a parent's native language to a parent whose native language is a language other than English.
- Establishing a two-year pilot project to study the impact of assessing the kindergarten readiness of English Language Learners participating in the VPK program in both English and Spanish.

1 A bill to be entitled
2 An act relating to early learning and child care
3 regulation; changing the term "school readiness
4 program" to "child care and development program," the
5 term "school readiness" to "child care and
6 development," and the term "family day care home" to
7 "family child care home"; providing a directive to the
8 Division of Law Revision and Information; amending s.
9 39.604, F.S.; revising provisions relating to the
10 Rilya Wilson Act; amending ss. 125.0109 and 166.0445,
11 F.S.; including large family child care homes in local
12 zoning regulation requirements; amending s. 402.302,
13 F.S.; revising the definition of the term "substantial
14 compliance"; amending s. 402.3025, F.S.; providing
15 requirements for nonpublic schools delivering certain
16 Voluntary Prekindergarten Education (VPK) and child
17 care and development programs; amending s. 402.305,
18 F.S.; revising certain minimum standards for child
19 care facilities; authorizing the Department of
20 Children and Families to adopt rules for compliance by
21 certain programs not licensed by the department;
22 amending s. 402.311, F.S.; providing for inspection of
23 programs regulated by the department; amending s.
24 402.3115, F.S.; providing for abbreviated inspections
25 of specified child care homes; requiring rulemaking;
26 amending s. 402.313, F.S.; revising provisions for

27 licensure, registration, and operation of family day
 28 care homes; amending s. 402.3131, F.S.; revising
 29 requirements for large family child care homes;
 30 amending s. 402.316, F.S., relating to exemptions from
 31 child care facility licensing standards; requiring a
 32 child care facility operating as a provider of certain
 33 VPK or child care programs to comply with minimum
 34 standards; providing penalties for failure to disclose
 35 or for use of certain information; requiring a fee for
 36 inspection and compliance activities; amending s.
 37 627.70161, F.S.; revising restrictions on residential
 38 property insurance coverage to include coverage for
 39 large family child care homes; amending s. 1001.213,
 40 F.S.; providing additional duties of the Office of
 41 Early Learning; amending s. 1002.53, F.S.; revising
 42 requirements for application and determination of
 43 eligibility to enroll in the VPK program; amending s.
 44 1002.55, F.S.; revising requirements for a school-year
 45 prekindergarten program delivered by a private
 46 prekindergarten provider, including requirements for
 47 providers, instructors, and child care personnel;
 48 providing requirements in the case of provider
 49 violations; amending s. 1002.59, F.S.; correcting a
 50 cross-reference; amending ss. 1002.61 and 1002.63,
 51 F.S.; providing requirements for a charter school
 52 delivering a summer prekindergarten program or a

53 | school-year prekindergarten program; revising
 54 | employment requirements and educational credentials of
 55 | certain instructional personnel; amending s. 1002.71,
 56 | F.S.; revising information that must be reported to
 57 | parents; amending s. 1002.75, F.S.; revising
 58 | provisions included in the standard statewide VPK
 59 | program provider contract; amending s. 1002.77, F.S.;
 60 | revising the purpose and meetings of the Florida Early
 61 | Learning Advisory Council; amending s. 1002.81, F.S.;
 62 | revising certain school readiness program definitions;
 63 | amending s. 1002.82, F.S.; revising powers and duties
 64 | of the Office of Early Learning; revising provisions
 65 | included in the standard statewide school readiness
 66 | program provider contract; amending s. 1002.84, F.S.;
 67 | revising powers and duties of early learning
 68 | coalitions; amending s. 1002.87, F.S.; revising
 69 | student eligibility and enrollment requirements for
 70 | the school readiness program; amending s. 1002.88,
 71 | F.S.; revising eligibility requirements for delivering
 72 | the school readiness program; providing requirements
 73 | in the case of provider violations; providing child
 74 | care personnel requirements; amending s. 1002.89,
 75 | F.S.; revising the use of funds for the school
 76 | readiness program; amending s. 1002.91, F.S.;
 77 | prohibiting an early learning coalition from
 78 | contracting with specified persons; amending s.

79 1002.94, F.S.; revising establishment of a community
 80 child care task force by an early learning coalition;
 81 requiring the Office of Early Learning to conduct a
 82 pilot project to study the impact of assessing the
 83 early literacy skills of certain VPK program
 84 participants; requiring reports to the Governor and
 85 Legislature; providing an effective date.

86

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

88

89 Section 1. The Division of Law Revision and Information is
 90 requested to prepare a reviser's bill for the 2015 Regular
 91 Session of the Legislature to change the term "school readiness
 92 program" to "child care and development program," the term
 93 "school readiness" to "child care and development," and the term
 94 "family day care home" to "family child care home" wherever the
 95 terms appear in the Florida Statutes.

96

Section 2. Subsection (3) of section 39.604, Florida
 97 Statutes, is amended to read:

98

39.604 Rilya Wilson Act; short title; legislative intent;
 99 requirements; attendance and reporting responsibilities.-

100

(3) REQUIREMENTS.-A child who is age birth ~~3~~ years to
 101 school entry, under court ordered protective supervision or in
 102 the custody of the Family Safety Program Office of the
 103 Department of Children and Families ~~Family Services~~ or a
 104 community-based lead agency, and enrolled in a licensed early

105 | education or child care program must attend ~~be enrolled to~~
 106 | ~~participate in~~ the program 5 days a week. Notwithstanding ~~the~~
 107 | ~~requirements of~~ s. 39.202, the Department of Children and
 108 | Families ~~Family Services~~ must notify operators of the licensed
 109 | early education or child care program, subject to the reporting
 110 | requirements of this act, of the enrollment of any child age
 111 | birth 3 years to school entry, under court ordered protective
 112 | supervision or in the custody of the Family Safety Program
 113 | Office of the Department of Children and Families ~~Family~~
 114 | ~~Services~~ or a community-based lead agency. When a child is
 115 | enrolled in an early education or child care program regulated
 116 | by the department, the child's attendance in the program must be
 117 | a required action in the case plan developed for the a child
 118 | pursuant to this chapter ~~who is enrolled in a licensed early~~
 119 | ~~education or child care program must contain the participation~~
 120 | ~~in this program as a required action.~~ An exemption to
 121 | participating in the licensed early education or child care
 122 | program 5 days a week may be granted by the court.

123 | Section 3. Section 125.0109, Florida Statutes, is amended
 124 | to read:

125 | 125.0109 Family child day care homes and large family
 126 | child care homes; local zoning regulation.—The operation of a
 127 | residence as a family child day care home or large family child
 128 | care home, as defined in s. 402.302, licensed or registered
 129 | pursuant to s. 402.313 or s. 402.3131, as applicable, as defined
 130 | ~~by law, registered or licensed with the Department of Children~~

131 ~~and Family Services~~ shall constitute a valid residential use for
 132 purposes of any local zoning regulations, and no such regulation
 133 shall require the owner or operator of such family child day
 134 care home or large family child care home to obtain any special
 135 exemption or use permit or waiver, or to pay any special fee in
 136 excess of \$50, to operate in an area zoned for residential use.

137 Section 4. Section 166.0445, Florida Statutes, is amended
 138 to read:

139 166.0445 Family child day care homes and large family
 140 child care homes; local zoning regulation.—The operation of a
 141 residence as a family child day care home or large family child
 142 care home, as defined in s. 402.302, licensed or registered
 143 pursuant to s. 402.313 or s. 402.3131, as applicable, as defined
 144 ~~by law, registered or licensed with the Department of Children~~
 145 ~~and Family Services~~ shall constitute a valid residential use for
 146 purposes of any local zoning regulations, and no such regulation
 147 shall require the owner or operator of such family child day
 148 care home or large family child care home to obtain any special
 149 exemption or use permit or waiver, or to pay any special fee in
 150 excess of \$50, to operate in an area zoned for residential use.

151 Section 5. Subsections (8) and (17) of section 402.302,
 152 Florida Statutes, are amended to read:

153 402.302 Definitions.—As used in this chapter, the term:

154 (8) "Family child day care home" means an occupied
 155 residence in which child care is regularly provided for children
 156 from at least two unrelated families and which receives a

157 payment, fee, or grant for any of the children receiving care,
 158 whether or not operated for profit. Household children under 13
 159 years of age, when on the premises of the family child ~~day~~ care
 160 home or on a field trip with children enrolled in child care,
 161 shall be included in the overall capacity of the licensed home.
 162 A family child ~~day~~ care home shall be allowed to provide care
 163 for one of the following groups of children, which shall include
 164 household children under 13 years of age:

165 (a) A maximum of four children from birth to 12 months of
 166 age.

167 (b) A maximum of three children from birth to 12 months of
 168 age, and other children, for a maximum total of six children.

169 (c) A maximum of six preschool children if all are older
 170 than 12 months of age.

171 (d) A maximum of 10 children if no more than 5 are
 172 preschool age and, of those 5, no more than 2 are under 12
 173 months of age.

174 (17) "Substantial compliance" means, for purposes of
 175 programs operating under s. 1002.55, s. 1002.61, or s. 1002.88,
 176 ~~that level of adherence to adopted standards~~ which is sufficient
 177 to safeguard the health, safety, and well-being of all children
 178 under care. The standards must address requirements found in s.
 179 402.305 and are limited to supervision, transportation, access,
 180 health-related requirements, food and nutrition, personnel
 181 screening, records, and enforcement of these standards. The
 182 standards must not limit or exclude the curriculum provided by a

183 faith-based provider or nonpublic school. ~~Substantial compliance~~
 184 ~~is greater than minimal adherence but not to the level of~~
 185 ~~absolute adherence. Where a violation or variation is identified~~
 186 ~~as the type which impacts, or can be reasonably expected within~~
 187 ~~90 days to impact, the health, safety, or well being of a child,~~
 188 ~~there is no substantial compliance.~~

189 Section 6. Paragraphs (d) and (e) of subsection (2) of
 190 section 402.3025, Florida Statutes, are amended to read:

191 402.3025 Public and nonpublic schools.—For the purposes of
 192 ss. 402.301-402.319, the following shall apply:

193 (2) NONPUBLIC SCHOOLS.—

194 (d)1. Nonpublic schools delivering programs under s.
 195 1002.55, s. 1002.61, or s. 1002.88 ~~Programs for children who are~~
 196 ~~at least 3 years of age, but under 5 years of age,~~ which are not
 197 licensed under ss. 402.301-402.319 shall substantially comply
 198 with the minimum child care standards adopted ~~promulgated~~
 199 pursuant to ss. 402.305-402.3057.

200 2. The department or local licensing agency shall enforce
 201 compliance with such standards, where possible, to eliminate or
 202 minimize duplicative inspections or visits by staff enforcing
 203 the minimum child care standards and staff enforcing other
 204 standards under the jurisdiction of the department.

205 3. The department or local licensing agency may inspect
 206 programs operating under this paragraph and pursue
 207 administrative or judicial action under ss. 402.310-402.312
 208 against nonpublic schools operating under this paragraph

209 ~~commence and maintain all proper and necessary actions and~~
 210 ~~proceedings for any or all of the following purposes:~~

211 ~~a. to protect the health, sanitation, safety, and well-~~
 212 ~~being of all children under care.~~

213 ~~b. To enforce its rules and regulations.~~

214 ~~c. To use corrective action plans, whenever possible, to~~
 215 ~~attain compliance prior to the use of more restrictive~~
 216 ~~enforcement measures.~~

217 ~~d. To make application for injunction to the proper~~
 218 ~~circuit court, and the judge of that court shall have~~
 219 ~~jurisdiction upon hearing and for cause shown to grant a~~
 220 ~~temporary or permanent injunction, or both, restraining any~~
 221 ~~person from violating or continuing to violate any of the~~
 222 ~~provisions of ss. 402.301-402.319. Any violation of this section~~
 223 ~~or of the standards applied under ss. 402.305-402.3057 which~~
 224 ~~threatens harm to any child in the school's programs for~~
 225 ~~children who are at least 3 years of age, but are under 5 years~~
 226 ~~of age, or repeated violations of this section or the standards~~
 227 ~~under ss. 402.305-402.3057, shall be grounds to seek an~~
 228 ~~injunction to close a program in a school.~~

229 ~~e. To impose an administrative fine, not to exceed \$100,~~
 230 ~~for each violation of the minimum child care standards~~
 231 ~~promulgated pursuant to ss. 402.305-402.3057.~~

232 4. It is a misdemeanor of the first degree, punishable as
 233 provided in s. 775.082 or s. 775.083, for any person willfully,
 234 knowingly, or intentionally to:

235 a. Fail, by false statement, misrepresentation,
 236 impersonation, or other fraudulent means, to disclose in any
 237 required written documentation for exclusion from licensure
 238 pursuant to this section a material fact used in making a
 239 determination as to such exclusion; or

240 b. Use information from the criminal records obtained
 241 under s. 402.305 or s. 402.3055 for any purpose other than
 242 screening that person for employment as specified in those
 243 sections or release such information to any other person for any
 244 purpose other than screening for employment as specified in
 245 those sections.

246 5. It is a felony of the third degree, punishable as
 247 provided in s. 775.082, s. 775.083, or s. 775.084, for any
 248 person willfully, knowingly, or intentionally to use information
 249 from the juvenile records of any person obtained under s.
 250 402.305 or s. 402.3055 for any purpose other than screening for
 251 employment as specified in those sections or to release
 252 information from such records to any other person for any
 253 purpose other than screening for employment as specified in
 254 those sections.

255 6. The inclusion of nonpublic schools within options
 256 available under ss. 1002.55, 1002.61, and 1002.88 does not
 257 expand the regulatory authority of the state, its officers, or
 258 any early learning coalition to impose any additional regulation
 259 of nonpublic schools beyond those reasonably necessary to
 260 enforce requirements expressly set forth in this paragraph.

261 ~~(e) The department and the nonpublic school accrediting~~
 262 ~~agencies are encouraged to develop agreements to facilitate the~~
 263 ~~enforcement of the minimum child care standards as they relate~~
 264 ~~to the schools which the agencies accredit.~~

265 Section 7. Paragraphs (a) and (d) of subsection (2),
 266 paragraph (b) of subsection (9), and subsections (10) and (18)
 267 of section 402.305, Florida Statutes, are amended, and
 268 subsection (19) is added to that section, to read:

269 402.305 Licensing standards; child care facilities.-

270 (2) PERSONNEL.-Minimum standards for child care personnel
 271 shall include minimum requirements as to:

272 (a) Good moral character based upon screening, according
 273 to the level 2 screening requirements of. ~~This screening shall~~
 274 ~~be conducted as provided in chapter 435, using the level 2~~
 275 ~~standards for screening set forth in that chapter.~~ In addition
 276 to the offenses listed in s. 435.04, all child care personnel
 277 required to undergo background screening pursuant to this
 278 section must not have an arrest awaiting final disposition for,
 279 must not have been found guilty of, regardless of adjudication,
 280 or entered a plea of nolo contendere or guilty to, and must not
 281 have been adjudicated delinquent and the record not have been
 282 sealed or expunged for an offense specified in s. 39.205. Before
 283 employing child care personnel subject to this section, the
 284 employer must conduct employment history checks of each of the
 285 personnel's previous employers and document the findings. If
 286 unable to contact a previous employer, the employer must

287 document efforts to contact the employer.

288 (d) Minimum training requirements for child care
289 personnel.

290 1. Such minimum standards for training shall ensure that
291 all child care personnel take an approved 40-clock-hour
292 introductory course in child care, which course covers at least
293 the following topic areas:

294 a. State and local rules and regulations which govern
295 child care.

296 b. Health, safety, and nutrition.

297 c. Identifying and reporting child abuse and neglect.

298 d. Child development, including typical and atypical
299 language, cognitive, motor, social, and self-help skills
300 development.

301 e. Observation of developmental behaviors, including using
302 a checklist or other similar observation tools and techniques to
303 determine the child's developmental age level.

304 f. Specialized areas, including computer technology for
305 professional and classroom use and numeracy, early literacy, and
306 language development of children from birth to 5 years of age,
307 as determined by the department, for owner-operators and child
308 care personnel of a child care facility.

309 g. Developmental disabilities, including autism spectrum
310 disorder and Down syndrome, and early identification, use of
311 available state and local resources, classroom integration, and
312 positive behavioral supports for children with developmental

313 disabilities.

314

315 Within 90 days after employment, child care personnel shall
 316 begin training to meet the training requirements. Child care
 317 personnel shall successfully complete such training within 1
 318 year after the date on which the training began, as evidenced by
 319 passage of a competency examination. Successful completion of
 320 the 40-clock-hour introductory course shall articulate into
 321 community college credit in early childhood education, pursuant
 322 to ss. 1007.24 and 1007.25. Exemption from all or a portion of
 323 the required training shall be granted to child care personnel
 324 based upon educational credentials or passage of competency
 325 examinations. Child care personnel possessing a 2-year degree or
 326 higher that includes 6 college credit hours in early childhood
 327 development or child growth and development, or a child
 328 development associate credential or an equivalent state-approved
 329 child development associate credential, or a child development
 330 associate waiver certificate shall be automatically exempted
 331 from the training requirements in sub-subparagraphs b., d., and
 332 e.

333 2. The introductory course in child care shall stress, to
 334 the extent possible, an interdisciplinary approach to the study
 335 of children.

336 3. The introductory course shall cover recognition and
 337 prevention of shaken baby syndrome; prevention of sudden infant
 338 death syndrome; recognition and care of infants and toddlers

339 with developmental disabilities, including autism spectrum
 340 disorder and Down syndrome; and early childhood brain
 341 development within the topic areas identified in this paragraph.

342 4. On an annual basis in order to further their child care
 343 skills and, if appropriate, administrative skills, child care
 344 personnel who have fulfilled the requirements for the child care
 345 training shall be required to take an additional 1 continuing
 346 education unit of approved inservice training, or 10 clock hours
 347 of equivalent training, as determined by the department.

348 5. Child care personnel shall be required to complete 0.5
 349 continuing education unit of approved training or 5 clock hours
 350 of equivalent training, as determined by the department, in
 351 numeracy, early literacy, and language development of children
 352 from birth to 5 years of age one time. The year that this
 353 training is completed, it shall fulfill the 0.5 continuing
 354 education unit or 5 clock hours of the annual training required
 355 in subparagraph 4.

356 6. Procedures for ensuring the training of qualified child
 357 care professionals to provide training of child care personnel,
 358 including onsite training, shall be included in the minimum
 359 standards. It is recommended that the state community child care
 360 coordination agencies (central agencies) be contracted by the
 361 department to coordinate such training when possible. Other
 362 district educational resources, such as community colleges and
 363 career programs, can be designated in such areas where central
 364 agencies may not exist or are determined not to have the

365 capability to meet the coordination requirements set forth by
 366 the department.

367 7. Training requirements shall not apply to certain
 368 occasional or part-time support staff, including, but not
 369 limited to, swimming instructors, piano teachers, dance
 370 instructors, and gymnastics instructors.

371 8. The department shall evaluate or contract for an
 372 evaluation for the general purpose of determining the status of
 373 and means to improve staff training requirements and testing
 374 procedures. The evaluation shall be conducted every 2 years. The
 375 evaluation shall include, but not be limited to, determining the
 376 availability, quality, scope, and sources of current staff
 377 training; determining the need for specialty training; and
 378 determining ways to increase inservice training and ways to
 379 increase the accessibility, quality, and cost-effectiveness of
 380 current and proposed staff training. The evaluation methodology
 381 shall include a reliable and valid survey of child care
 382 personnel.

383 9. The child care operator shall be required to take basic
 384 training in serving children with disabilities within 5 years
 385 after employment, either as a part of the introductory training
 386 or the annual 8 hours of inservice training.

387 (9) ADMISSIONS AND RECORDKEEPING.—

388 (b) ~~During the months of August and September of each~~
 389 ~~year,~~ Each child care facility shall provide parents of children
 390 enrolling ~~enrolled~~ in the facility detailed information

391 regarding the causes, symptoms, and transmission of the
 392 influenza virus in an effort to educate those parents regarding
 393 the importance of immunizing their children against influenza as
 394 recommended by the Advisory Committee on Immunization Practices
 395 of the Centers for Disease Control and Prevention.

396 (10) TRANSPORTATION SAFETY.—Minimum standards shall
 397 include requirements for child restraints or seat belts in
 398 vehicles used by child care facilities, ~~and~~ large family child
 399 care homes, and family child care homes to transport children,
 400 requirements for annual inspections of the vehicles, limitations
 401 on the number of children in the vehicles, and accountability
 402 for children being transported.

403 (18) TRANSFER OF OWNERSHIP.—

404 (a) One week before ~~prior to~~ the transfer of ownership of
 405 a child care facility, ~~or~~ family child day care home, or large
 406 family child care home, the transferor shall notify the parent
 407 or caretaker of each child of the impending transfer.

408 (b) The owner of a child care facility, family child care
 409 home, or large family child care home may not transfer ownership
 410 to a relative of the operator if the operator has had his or her
 411 license suspended or revoked by the department pursuant to s.
 412 402.310, has received notice from the department that reasonable
 413 cause exists to suspend or revoke the license, or has been
 414 placed on the United States Department of Agriculture National
 415 Disqualified list. For purposes of this paragraph, "relative"
 416 means father, mother, son, daughter, grandfather, grandmother,

417 brother, sister, uncle, aunt, cousin, nephew, niece, husband,
 418 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,
 419 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
 420 stepdaughter, stepbrother, stepsister, half brother, or half
 421 sister.

422 (c) ~~(b)~~ The department shall, by rule, establish methods by
 423 which notice will be achieved and minimum standards by which to
 424 implement this subsection.

425 (19) RULES.—The department may adopt rules to define and
 426 enforce substantial compliance with minimum standards for child
 427 care facilities for programs operating under s. 1002.55, s.
 428 1002.61, or s. 1002.88 that are regulated but not licensed by
 429 the department.

430 Section 8. Section 402.311, Florida Statutes, is amended
 431 to read:

432 402.311 Inspection.—A licensed child care facility or
 433 program regulated by the department shall accord to the
 434 department or the local licensing agency, whichever is
 435 applicable, the privilege of inspection, including access to
 436 facilities and personnel and to those records required in s.
 437 402.305, at reasonable times during regular business hours, to
 438 ensure compliance with ~~the provisions of~~ ss. 402.301-402.319.
 439 The right of entry and inspection shall also extend to any
 440 premises which the department or local licensing agency has
 441 reason to believe are being operated or maintained as a child
 442 care facility or program ~~without a license~~, but no such entry or

443 inspection of any premises shall be made without the permission
 444 of the person in charge thereof unless a warrant is first
 445 obtained from the circuit court authorizing same. Any
 446 application for a license, application for authorization to
 447 operate a child care program which must maintain substantial
 448 compliance with child care standards adopted under this chapter,
 449 or renewal of such license or authorization ~~made pursuant to~~
 450 ~~this act~~ or the advertisement to the public for the provision of
 451 child care as defined in s. 402.302 shall constitute permission
 452 for any entry or inspection of the subject premises ~~for which~~
 453 ~~the license is sought in order~~ to facilitate verification of the
 454 information submitted on or in connection with the application.
 455 In the event a ~~licensed~~ facility or program refuses permission
 456 for entry or inspection to the department or local licensing
 457 agency, a warrant shall be obtained from the circuit court
 458 authorizing same before ~~prior to~~ such entry or inspection. The
 459 department or local licensing agency may institute disciplinary
 460 proceedings pursuant to s. 402.310~~7~~ for such refusal.

461 Section 9. Section 402.3115, Florida Statutes, is amended
 462 to read:

463 402.3115 ~~Elimination of duplicative and unnecessary~~
 464 ~~inspections,~~ Abbreviated inspections. ~~The Department of Children~~
 465 ~~and Family Services and local governmental agencies that license~~
 466 ~~child care facilities shall develop and implement a plan to~~
 467 ~~eliminate duplicative and unnecessary inspections of child care~~
 468 ~~facilities. In addition,~~ The department and the local licensing

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469 ~~governmental~~ agencies shall conduct ~~develop and implement an~~
 470 abbreviated inspections of inspection plan for child care
 471 facilities licensed under s. 402.305, family child care homes
 472 licensed under s. 402.313, and large family child care homes
 473 licensed under s. 402.3131 that have had no Class I ~~1~~ or Class
 474 II violations ~~2~~ deficiencies, as defined by rule, for at least 2
 475 consecutive years. The abbreviated inspection must include those
 476 elements identified by the department and the local licensing
 477 ~~governmental~~ agencies as being key indicators of whether the
 478 child care facility continues to provide quality care and
 479 programming. The department shall adopt rules establishing
 480 criteria and procedures for abbreviated inspections and
 481 inspection schedules that provide for both announced and
 482 unannounced inspections.

483 Section 10. Section 402.313, Florida Statutes, is amended
 484 to read:

485 402.313 Family child ~~day~~ care homes.—

486 (1) A family child ~~day~~ care home must ~~homes shall~~ be
 487 licensed under this section ~~act~~ if it is ~~they are~~ presently
 488 being licensed under an existing county licensing ordinance, ~~or~~
 489 ~~if~~ the board of county commissioners passes a resolution that
 490 requires licensure of family child ~~day~~ care homes, or the family
 491 child care home is operating a program under s. 1002.55, s.
 492 1002.61, or s. 1002.88 ~~be licensed~~. Each licensed or registered
 493 family child care home must conspicuously display its license or
 494 registration in an area viewable by all parents during hours of

495 operation.

496 (a) If not subject to license, a family child day care
 497 home must comply with this section and ~~homes shall~~ register
 498 annually with the department, providing the following
 499 information:

- 500 1. The name and address of the home.
- 501 2. The name of the operator.
- 502 3. The number of children served.
- 503 4. Proof of a written plan to identify a ~~provide at least~~
 504 ~~one other~~ competent adult who has met the screening and training
 505 requirements of the department to serve as a designated ~~to be~~
 506 ~~available to~~ substitute for the operator ~~in an emergency~~. This
 507 plan must ~~shall~~ include the name, address, and telephone number
 508 of the designated substitute who will serve in the absence of
 509 the operator.

- 510 ~~5. Proof of screening and background checks.~~
- 511 ~~6. Proof of successful completion of the 30-hour training~~
 512 ~~course, as evidenced by passage of a competency examination,~~
 513 ~~which shall include:~~
 - 514 ~~a. State and local rules and regulations that govern child~~
 515 ~~care.~~
 - 516 ~~b. Health, safety, and nutrition.~~
 - 517 ~~c. Identifying and reporting child abuse and neglect.~~
 - 518 ~~d. Child development, including typical and atypical~~
 519 ~~language development, and cognitive, motor, social, and self-~~
 520 ~~help skills development.~~

521 ~~e. Observation of developmental behaviors, including using~~
 522 ~~a checklist or other similar observation tools and techniques to~~
 523 ~~determine a child's developmental level.~~

524 ~~f. Specialized areas, including early literacy and~~
 525 ~~language development of children from birth to 5 years of age,~~
 526 ~~as determined by the department, for owner operators of family~~
 527 ~~day care homes.~~

528 5.7. Proof that immunization records are kept current.

529 ~~8. Proof of completion of the required continuing~~
 530 ~~education units or clock hours.~~

531

532 Upon receipt of registration information submitted by a family
 533 child care home, the department shall verify that the home is in
 534 compliance with the background screening requirements in
 535 subsection (3) and that the operator and the designated
 536 substitute have successfully completed the 30-clock-hour
 537 training course, as evidenced by passage of a competency
 538 examination, and required continuing education units or clock
 539 hours.

540 (b) A family child ~~day~~ care home may volunteer to be
 541 licensed ~~under this act.~~

542 (c) The department may provide technical assistance to
 543 counties and operators of family child ~~day~~ care homes ~~home~~
 544 ~~providers~~ to enable counties and operators ~~family day care~~
 545 ~~providers~~ to achieve compliance with family child ~~day~~ care home
 546 ~~homes~~ standards.

547 (2) This information shall be included in a directory to
 548 be published annually by the department to inform the public of
 549 available child care facilities.

550 (3) Child care personnel in family child ~~day~~ care homes
 551 are ~~shall be~~ subject to the applicable screening provisions
 552 contained in ss. 402.305(2) and 402.3055. For purposes of
 553 screening in family child ~~day~~ care homes, the term "child care
 554 personnel" includes the operator, the designated substitute, any
 555 member over the age of 12 years of a family child ~~day~~ care home
 556 operator's family, or persons over the age of 12 years residing
 557 with the operator in the family child ~~day~~ care home. Members of
 558 the operator's family, or persons residing with the operator,
 559 who are between the ages of 12 years and 18 years shall not be
 560 required to be fingerprinted, but shall be screened for
 561 delinquency records.

562 (4) Operators of family child ~~day~~ care homes and an
 563 individual serving as a substitute for the operator must:

564 (a) Successfully complete an approved 30-clock-hour
 565 introductory course in child care, as evidenced by passage of a
 566 competency examination, before caring for children. The course
 567 must include:

- 568 1. State and local rules and regulations that govern child
 569 care.
- 570 2. Health, safety, and nutrition.
- 571 3. Identifying and reporting child abuse and neglect.
- 572 4. Child development, including typical and atypical

573 language development, and cognitive, motor, social, and
 574 executive functioning skills development.

575 5. Observation of developmental behaviors, including using
 576 a checklist or other similar observation tools and techniques to
 577 determine a child's developmental level.

578 6. Specialized areas, including numeracy, early literacy,
 579 and language development of children from birth to 5 years of
 580 age, as determined by the department, for operators of family
 581 child care homes.

582 ~~(b)(5) Annually In order to further develop their child~~
 583 ~~care skills and, if appropriate, their administrative skills,~~
 584 ~~operators of family day care homes shall be required to complete~~
 585 ~~an additional 1 continuing education unit of approved training~~
 586 ~~regarding child care and administrative skills or 10 clock hours~~
 587 ~~of equivalent training, as determined by the department,~~
 588 ~~annually.~~

589 ~~(c)(6) Operators of family day care homes shall be~~
 590 ~~required to Complete 0.5 continuing education unit of approved~~
 591 ~~training in numeracy, early literacy, and language development~~
 592 ~~of children from birth to 5 years of age one time. The year that~~
 593 ~~this training is completed, it shall fulfill the 0.5 continuing~~
 594 ~~education unit or 5 clock hours of the annual training required~~
 595 ~~in paragraph (b) subsection (5).~~

596 ~~(5)(7) Operators of family child day care homes must shall~~
 597 ~~be required annually to complete a health and safety home~~
 598 ~~inspection self-evaluation checklist developed by the department~~

599 | in conjunction with the statewide resource and referral program.
 600 | The completed checklist shall be signed by the operator of the
 601 | family child ~~day~~ care home and provided to parents as
 602 | certification that basic health and safety standards are being
 603 | met.

604 | ~~(6)(8)~~ Operators of family child ~~day~~ care homes ~~home~~
 605 | ~~operators~~ may avail themselves of supportive services offered by
 606 | the department.

607 | ~~(7)(9)~~ The department shall prepare a brochure on family
 608 | child ~~day~~ care for distribution by the department and by local
 609 | licensing agencies, if appropriate, to family child ~~day~~ care
 610 | homes for distribution to parents using ~~utilizing~~ such child
 611 | care, and to all interested persons, including physicians and
 612 | other health professionals; mental health professionals; school
 613 | teachers or other school personnel; social workers or other
 614 | professional child care, foster care, residential, or
 615 | institutional workers; and law enforcement officers. The
 616 | brochure shall, at a minimum, contain the following information:

617 | (a) A brief description of the requirements for family
 618 | child ~~day~~ care registration, training, and background
 619 | ~~fingerprinting~~ and screening.

620 | (b) A listing of those counties that require licensure of
 621 | family child ~~day~~ care homes. Such counties shall provide an
 622 | addendum to the brochure that provides a brief description of
 623 | the licensure requirements or may provide a brochure in lieu of
 624 | the one described in this subsection, provided it contains all

625 the required information on licensure and the required
 626 information in the subsequent paragraphs.

627 (c) A statement indicating that information about the
 628 family child day care home's compliance with applicable state or
 629 local requirements can be obtained from ~~by telephoning~~ the
 630 department ~~office~~ or ~~the office of~~ the local licensing agency,
 631 including the, if appropriate, at a telephone number or numbers
 632 and website address for the department or local licensing
 633 agency, as applicable ~~which shall be affixed to the brochure.~~

634 (d) The statewide toll-free telephone number of the
 635 central abuse hotline, together with a notice that reports of
 636 suspected and actual child physical abuse, sexual abuse, and
 637 neglect are received and referred for investigation by the
 638 hotline.

639 (e) Any other information relating to competent child care
 640 that the department or local licensing agency, if preparing a
 641 separate brochure, considers ~~deems would be~~ helpful to parents
 642 and other caretakers in their selection of a family child day
 643 care home.

644 ~~(8)(10)~~ On an annual basis, the department shall evaluate
 645 the registration and licensure system for family child day care
 646 homes. Such evaluation shall, at a minimum, address the
 647 following:

648 (a) The number of family child day care homes registered
 649 and licensed and the dates of such registration and licensure.

650 (b) The number of children being served in both registered

651 and licensed family child ~~day~~ care homes and any available slots
 652 in such homes.

653 (c) The number of complaints received concerning family
 654 child ~~day~~ care, the nature of the complaints, and the resolution
 655 of such complaints.

656 (d) The training activities used ~~utilized~~ by child care
 657 personnel in family child ~~day~~ care homes for meeting the state
 658 or local training requirements.

659
 660 The evaluation shall be used ~~utilized~~ by the department in any
 661 administrative modifications or adjustments to be made in the
 662 registration of family child ~~day~~ care homes or in any
 663 legislative requests for modifications to the system of
 664 registration or to other requirements for family child ~~day~~ care
 665 homes.

666 ~~(11) In order to inform the public of the state~~
 667 ~~requirement for registration of family day care homes as well as~~
 668 ~~the other requirements for such homes to legally operate in the~~
 669 ~~state, the department shall institute a media campaign to~~
 670 ~~accomplish this end. Such a campaign shall include, at a~~
 671 ~~minimum, flyers, newspaper advertisements, radio advertisements,~~
 672 ~~and television advertisements.~~

673 (9) ~~(12)~~ Notwithstanding any other state or local law or
 674 ordinance, any family child ~~day~~ care home licensed pursuant to
 675 this chapter or pursuant to a county ordinance shall be charged
 676 the utility rates accorded to a residential home. A licensed

677 family child ~~day~~ care home may not be charged commercial utility
678 rates.

679 ~~(10)(13)~~ The department shall, by rule, establish minimum
680 standards for family child ~~day~~ care homes that are required to
681 be licensed by county licensing ordinance or county licensing
682 resolution or that voluntarily choose to be licensed. The
683 standards should include requirements for staffing, training,
684 maintenance of immunization records, minimum health and safety
685 standards, reduced standards for the regulation of child care
686 during evening hours by municipalities and counties, and
687 enforcement of standards.

688 ~~(11)(14) During the months of August and September of each~~
689 ~~year,~~ Each family child ~~day~~ care home shall provide parents of
690 children enrolling ~~enrolled~~ in the home detailed information
691 regarding the causes, symptoms, and transmission of the
692 influenza virus in an effort to educate those parents regarding
693 the importance of immunizing their children against influenza as
694 recommended by the Advisory Committee on Immunization Practices
695 of the Centers for Disease Control and Prevention.

696 Section 11. Subsections (3), (5), and (9) of section
697 402.3131, Florida Statutes, are amended, and subsection (10) is
698 added to that section, to read:

699 402.3131 Large family child care homes.—

700 (3) Operators of large family child care homes must
701 successfully complete an approved 40-clock-hour introductory
702 course in group child care, including numeracy, early literacy,

703 and language development of children from birth to 5 years of
 704 age, as evidenced by passage of a competency examination.
 705 Successful completion of the 40-clock-hour introductory course
 706 shall articulate into community college credit in early
 707 childhood education, pursuant to ss. 1007.24 and 1007.25.

708 (5) Operators of large family child care homes shall be
 709 required to complete 0.5 continuing education unit of approved
 710 training or 5 clock hours of equivalent training, as determined
 711 by the department, in numeracy, early literacy, and language
 712 development of children from birth to 5 years of age one time.
 713 The year that this training is completed, it shall fulfill the
 714 0.5 continuing education unit or 5 clock hours of the annual
 715 training required in subsection (4).

716 (9) ~~During the months of August and September of each~~
 717 ~~year,~~ Each large family child care home shall provide parents of
 718 children enrolling ~~enrolled~~ in the home detailed information
 719 regarding the causes, symptoms, and transmission of the
 720 influenza virus in an effort to educate those parents regarding
 721 the importance of immunizing their children against influenza as
 722 recommended by the Advisory Committee on Immunization Practices
 723 of the Centers for Disease Control and Prevention.

724 (10) Notwithstanding any other state or local law or
 725 ordinance, any large family child care home licensed pursuant to
 726 this chapter or pursuant to a county ordinance shall be charged
 727 the utility rates accorded to a residential home. Such a home
 728 may not be charged commercial utility rates.

729 Section 12. Subsections (4), (5), and (6) are added to
 730 section 402.316, Florida Statutes, to read:

731 402.316 Exemptions.—

732 (4) A child care facility operating under subsection (1)
 733 that is applying to operate or is operating as a provider of a
 734 program described in s. 1002.55, s. 1002.61, or s. 1002.88 must
 735 substantially comply with the minimum standards for child care
 736 facilities adopted pursuant to ss. 402.305-402.3057 and must
 737 allow the department or local licensing agency access to monitor
 738 and enforce compliance with such standards.

739 (a) The department or local licensing agency may pursue
 740 administrative or judicial action under ss. 402.310-402.312 and
 741 the rules adopted under those sections against any child care
 742 facility operating under this subsection to enforce substantial
 743 compliance with child care facility minimum standards or to
 744 protect the health, safety, and well-being of any children in
 745 the facility's care. A child care facility operating under this
 746 subsection is subject to ss. 402.310-402.312 and the rules
 747 adopted under those sections to the same extent as a child care
 748 facility licensed under ss. 402.301-402.319.

749 (b) It is a misdemeanor of the first degree, punishable as
 750 provided in s. 775.082 or s. 775.083, for a person willfully,
 751 knowingly, or intentionally to:

752 1. Fail, by false statement, misrepresentation,
 753 impersonation, or other fraudulent means, to disclose in any
 754 required written documentation for exclusion from licensure

755 pursuant to this section a material fact used in making a
 756 determination as to such exclusion; or

757 2. Use information from the criminal records obtained
 758 under s. 402.305 or s. 402.3055 for a purpose other than
 759 screening that person for employment as specified in those
 760 sections or to release such information to any other person for
 761 a purpose other than screening for employment as specified in
 762 those sections.

763 (c) It is a felony of the third degree, punishable as
 764 provided in s. 775.082, s. 775.083, or s. 775.084, for a person
 765 willfully, knowingly, or intentionally to use information from
 766 the juvenile records of a person obtained under s. 402.305 or s.
 767 402.3055 for a purpose other than screening for employment as
 768 specified in those sections or to release information from such
 769 records to any other person for a purpose other than screening
 770 for employment as specified in those sections.

771 (5) The department shall establish a fee for inspection
 772 and compliance activities performed pursuant to this section in
 773 an amount sufficient to cover costs. However, the amount of such
 774 fee for the inspection of a program may not exceed the fee
 775 imposed for child care licensure pursuant to s. 402.315.

776 (6) The inclusion of a child care facility operating under
 777 subsection (1) as a provider of a program described in s.
 778 1002.55, s. 1002.61, or s. 1002.88 does not expand the
 779 regulatory authority of the state, its officers, or any early
 780 learning coalition to impose any additional regulation of child

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781 care facilities beyond those reasonably necessary to enforce
 782 requirements expressly set forth in this section.

783 Section 13. Section 627.70161, Florida Statutes, is
 784 amended to read:

785 627.70161 Residential property insurance coverage; family
 786 child ~~day~~ care homes and large family child care homes
 787 insurance.-

788 (1) PURPOSE AND INTENT.-The Legislature recognizes that
 789 family child ~~day~~ care homes and large family child care homes
 790 fulfill a vital role in providing child care in Florida. It is
 791 the intent of the Legislature that residential property
 792 insurance coverage should not be canceled, denied, or nonrenewed
 793 solely because child ~~on the basis of the family day care~~
 794 services are provided at the residence. The Legislature also
 795 recognizes that the potential liability of residential property
 796 insurers is substantially increased by the rendition of child
 797 care services on the premises. The Legislature therefore finds
 798 that there is a public need to specify that contractual
 799 liabilities associated ~~that arise in connection~~ with the
 800 operation of a the family child ~~day~~ care home or large family
 801 child care home are excluded from residential property insurance
 802 policies unless they are specifically included in such coverage.

803 (2) DEFINITIONS.-As used in this section, the term:

804 (a) "Child care" means the care, protection, and
 805 supervision of a child, for a period up to ~~of less than~~ 24 hours
 806 a day on a regular basis, which supplements parental care,

807 enrichment, and health supervision for the child, in accordance
 808 with his or her individual needs, and for which a payment, fee,
 809 or grant is made for care.

810 (b) "Family child day care home" has the same meaning as
 811 provided in s. 402.302(8) means an occupied residence in which
 812 ~~child care is regularly provided for children from at least two~~
 813 ~~unrelated families and which receives a payment, fee, or grant~~
 814 ~~for any of the children receiving care, whether or not operated~~
 815 ~~for a profit.~~

816 (c) "Large family child care home" has the same meaning as
 817 provided in s. 402.302(11).

818 (3) CHILD FAMILY DAY CARE; COVERAGE.-A residential
 819 property insurance policy shall not provide coverage for
 820 liability for claims arising out of, or in connection with, the
 821 operation of a family child day care home or large family child
 822 care home, and the insurer shall be under no obligation to
 823 defend against lawsuits covering such claims, unless:

824 (a) Specifically covered in a policy; or

825 (b) Covered by a rider or endorsement for business
 826 coverage attached to a policy.

827 (4) DENIAL, CANCELLATION, REFUSAL TO RENEW PROHIBITED.-An
 828 insurer may not deny, cancel, or refuse to renew a policy for
 829 residential property insurance solely on the basis that the
 830 policyholder or applicant operates a family child day care home
 831 or large family child care home. In addition to other lawful
 832 reasons for refusing to insure, an insurer may deny, cancel, or

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833 | refuse to renew a policy of a family child ~~day~~ care home or
 834 | large family child care home provider if one or more of the
 835 | following conditions occur:

836 | (a) The policyholder or applicant provides care for more
 837 | children than authorized for family child ~~day~~ care homes or
 838 | large family child care homes by s. 402.302;

839 | (b) The policyholder or applicant fails to maintain a
 840 | separate commercial liability policy or an endorsement providing
 841 | liability coverage for ~~the~~ family child ~~day~~ care home or large
 842 | family child care home operations;

843 | (c) The policyholder or applicant fails to comply with the
 844 | family child ~~day~~ care home licensure and registration
 845 | requirements specified in s. 402.313 or the large family child
 846 | care home licensure requirements specified in s. 402.3131; or

847 | (d) Discovery of willful or grossly negligent acts or
 848 | omissions or any violations of state laws or regulations
 849 | establishing safety standards for family child ~~day~~ care homes
 850 | and large family child care homes by the named insured or his or
 851 | her representative which materially increase any of the risks
 852 | insured.

853 | Section 14. Subsections (7), (8), and (9) are added to
 854 | section 1001.213, Florida Statutes, to read:

855 | 1001.213 Office of Early Learning.—There is created within
 856 | the Office of Independent Education and Parental Choice the
 857 | Office of Early Learning, as required under s. 20.15, which
 858 | shall be administered by an executive director. The office shall

859 be fully accountable to the Commissioner of Education but shall:

860 (7) Hire a general counsel who reports directly to the
 861 executive director of the office.

862 (8) Hire an inspector general who reports directly to the
 863 executive director of the office and to the Chief Inspector
 864 General pursuant to s. 14.32.

865 (9) By July 1, 2016, develop and implement, in
 866 consultation with early learning coalitions and providers of the
 867 Voluntary Prekindergarten Education Program and the child care
 868 and development program, best practices for providing parental
 869 notifications in the parent's native language to a parent whose
 870 native language is a language other than English.

871 Section 15. Subsection (4) of section 1002.53, Florida
 872 Statutes, is amended to read:

873 1002.53 Voluntary Prekindergarten Education Program;
 874 eligibility and enrollment.-

875 (4)(a) Each parent enrolling a child in the Voluntary
 876 Prekindergarten Education Program must complete and submit an
 877 application to the early learning coalition through the single
 878 point of entry established under s. 1002.82 or to a private
 879 prekindergarten provider if the provider is authorized by the
 880 early learning coalition to determine student eligibility for
 881 enrollment in the program.

882 (b) The application must be submitted on forms prescribed
 883 by the Office of Early Learning and must be accompanied by a
 884 certified copy of the child's birth certificate. The forms must

885 include a certification, in substantially the form provided in
 886 s. 1002.71(6)(b)2., that the parent chooses the private
 887 prekindergarten provider or public school in accordance with
 888 this section and directs that payments for the program be made
 889 to the provider or school. The Office of Early Learning may
 890 authorize alternative methods for submitting proof of the
 891 child's age in lieu of a certified copy of the child's birth
 892 certificate.

893 (c) If a private prekindergarten provider has been
 894 authorized to determine child eligibility and enrollment, upon
 895 receipt of an application, the provider must:

896 1. Determine the child's eligibility for the program and
 897 be responsible for any errors in such determination.

898 2. Retain the original application and certified copy of
 899 the child's birth certificate or authorized alternative proof of
 900 age on file for at least 5 years.

901
 902 The early learning coalition may audit applications held by a
 903 private prekindergarten provider in the coalition's service area
 904 to determine whether children enrolled and reported for funding
 905 by the provider have met the eligibility criteria in subsection
 906 (2).

907 (d)(e) Each early learning coalition shall coordinate with
 908 each of the school districts within the coalition's county or
 909 multicounty region in the development of procedures for
 910 enrolling children in prekindergarten programs delivered by

911 public schools, including procedures for making child
 912 eligibility determinations and auditing enrollment records to
 913 confirm that enrolled children have met eligibility
 914 requirements.

915 Section 16. Section 1002.55, Florida Statutes, is amended
 916 to read:

917 1002.55 School-year prekindergarten program delivered by
 918 private prekindergarten providers.—

919 (1) Each early learning coalition shall administer the
 920 Voluntary Prekindergarten Education Program at the county or
 921 regional level for students enrolled under s. 1002.53(3)(a) in a
 922 school-year prekindergarten program delivered by a private
 923 prekindergarten provider. Each early learning coalition must
 924 cooperate with the Office of Early Learning and the Child Care
 925 Services Program Office of the Department of Children and
 926 Families to reduce paperwork and to avoid duplicating
 927 interagency activities, health and safety monitoring, and
 928 acquiring and composing data pertaining to child care training
 929 and credentialing.

930 (2) Each school-year prekindergarten program delivered by
 931 a private prekindergarten provider must comprise at least 540
 932 instructional hours.

933 (3) To be eligible to deliver the prekindergarten program,
 934 a private prekindergarten provider must meet each of the
 935 following requirements:

936 ~~(a) The private prekindergarten provider must be a child~~

937 ~~care facility licensed under s. 402.305, family day care home~~
 938 ~~licensed under s. 402.313, large family child care home licensed~~
 939 ~~under s. 402.3131, nonpublic school exempt from licensure under~~
 940 ~~s. 402.3025(2), or faith-based child care provider exempt from~~
 941 ~~licensure under s. 402.316.~~

942 (a) ~~(b)~~ The private prekindergarten provider must:

943 1. Be accredited by an accrediting association that is a
 944 member of the National Council for Private School Accreditation,
 945 or the Florida Association of Academic Nonpublic Schools, or be
 946 accredited by the Southern Association of Colleges and Schools,
 947 or Western Association of Colleges and Schools, or North Central
 948 Association of Colleges and Schools, or Middle States
 949 Association of Colleges and Schools, or New England Association
 950 of Colleges and Schools; and have written accreditation
 951 standards that meet or exceed the state's licensing requirements
 952 under s. 402.305, s. 402.313, or s. 402.3131 and require at
 953 least one onsite visit to the provider or school before
 954 accreditation is granted;

955 2. Hold a current Gold Seal Quality Care designation under
 956 s. 402.281; ~~or~~

957 3. Be licensed under s. 402.305, s. 402.313, or s.
 958 402.3131; or

959 4. Be a child development center located on a military
 960 installation that is certified by the United States Department
 961 of Defense.

962 (b) The private prekindergarten provider must provide

963 basic health and safety on its premises and in its facilities.
 964 For a public school, compliance with ss. 1003.22 and 1013.12
 965 satisfies this requirement. For a nonpublic school, compliance
 966 with s. 402.3025(2)(d) satisfies this requirement. For a child
 967 care facility, a licensed family child care home, or a large
 968 family child care home, compliance with s. 402.305, s. 402.313,
 969 or s. 402.3131, respectively, satisfies this requirement. For a
 970 facility exempt from licensure, compliance with s. 402.316(4)
 971 satisfies this requirement ~~and demonstrate, before delivering~~
 972 ~~the Voluntary Prekindergarten Education Program, as verified by~~
 973 ~~the early learning coalition, that the provider meets each of~~
 974 ~~the requirements of the program under this part, including, but~~
 975 ~~not limited to, the requirements for credentials and background~~
 976 ~~screenings of prekindergarten instructors under paragraphs (c)~~
 977 ~~and (d), minimum and maximum class sizes under paragraph (f),~~
 978 ~~prekindergarten director credentials under paragraph (g), and a~~
 979 ~~developmentally appropriate curriculum under s. 1002.67(2)(b).~~

980 (c) The private prekindergarten provider must have, for
 981 each prekindergarten class of 11 children or fewer, at least one
 982 prekindergarten instructor who meets each of the following
 983 requirements:

984 1. The prekindergarten instructor must hold, at a minimum,
 985 one of the following credentials:

986 a. A child development associate credential issued by the
 987 National Credentialing Program of the Council for Professional
 988 Recognition; ~~or~~

989 | b. A credential approved by the Department of Children and
 990 | Families, pursuant to s. 402.305(3)(c), as being equivalent to
 991 | or greater than the credential described in sub-subparagraph a.;
 992 | c. An associate or higher degree in child development;
 993 | d. An associate or higher degree in an unrelated field, at
 994 | least 6 credit hours in early childhood education or child
 995 | development, and at least 480 hours of experience in teaching or
 996 | providing child care services for children any age from birth
 997 | through 8 years of age;
 998 | e. A baccalaureate or higher degree in early childhood
 999 | education, prekindergarten or primary education, preschool
 1000 | education, or family and consumer science;
 1001 | f. A baccalaureate or higher degree in family and child
 1002 | science and at least 480 hours of experience in teaching or
 1003 | providing child care services for children any age from birth
 1004 | through 8 years of age;
 1005 | g. A baccalaureate or higher degree in elementary
 1006 | education if the prekindergarten instructor has been certified
 1007 | to teach children any age from birth through grade 6, regardless
 1008 | of whether the instructor's educator certificate is current, and
 1009 | if the instructor is not ineligible to teach in a public school
 1010 | because his or her educator certificate is suspended or revoked;
 1011 | or
 1012 | h. A credential approved by the department as being
 1013 | equivalent to or greater than a credential described in sub-
 1014 | subparagraphs a.-f. The department may adopt criteria and

1015 procedures for approving such equivalent credentials.

1016

1017 ~~The Department of Children and Families may adopt rules under~~
 1018 ~~ss. 120.536(1) and 120.54 which provide criteria and procedures~~
 1019 ~~for approving equivalent credentials under sub-subparagraph b.~~

1020 2. The prekindergarten instructor must successfully
 1021 complete an emergent literacy training course and a student
 1022 performance standards training course approved by the office as
 1023 meeting or exceeding the minimum standards adopted under s.
 1024 1002.59. The requirement for completion of the standards
 1025 training course shall take effect July 1, 2015 ~~2014~~, and the
 1026 course shall be available online.

1027 3. Beginning January 1, 2015, each prekindergarten
 1028 instructor must be trained in first aid and infant and child
 1029 cardiopulmonary resuscitation, as evidenced by current
 1030 documentation of course completion, unless the instructor is not
 1031 responsible for supervising children in care. As a condition of
 1032 employment, instructors hired on or after January 1, 2015, must
 1033 complete this training within 30 days after employment.

1034 ~~(d) Each prekindergarten instructor employed by the~~
 1035 ~~private prekindergarten provider must be of good moral~~
 1036 ~~character, must be screened using the level 2 screening~~
 1037 ~~standards in s. 435.04 before employment and rescreened at least~~
 1038 ~~once every 5 years, must be denied employment or terminated if~~
 1039 ~~required under s. 435.06, and must not be ineligible to teach in~~
 1040 ~~a public school because his or her educator certificate is~~

1041 ~~suspended or revoked.~~

1042 ~~(c) A private prekindergarten provider may assign a~~
 1043 ~~substitute instructor to temporarily replace a credentialed~~
 1044 ~~instructor if the credentialed instructor assigned to a~~
 1045 ~~prekindergarten class is absent, as long as the substitute~~
 1046 ~~instructor is of good moral character and has been screened~~
 1047 ~~before employment in accordance with level 2 background~~
 1048 ~~screening requirements in chapter 435. The Office of Early~~
 1049 ~~Learning shall adopt rules to implement this paragraph which~~
 1050 ~~shall include required qualifications of substitute instructors~~
 1051 ~~and the circumstances and time limits for which a private~~
 1052 ~~prekindergarten provider may assign a substitute instructor.~~

1053 ~~(d)(f)~~ (d) Each of the private prekindergarten provider's
 1054 prekindergarten classes must be composed of at least 4 students
 1055 but may not exceed 20 students. In order to protect the health
 1056 and safety of students, each private prekindergarten provider
 1057 must also provide appropriate adult supervision for students at
 1058 all times and, for each prekindergarten class composed of 12 or
 1059 more students, must have, in addition to a prekindergarten
 1060 instructor who meets the requirements of paragraph (c), at least
 1061 one adult prekindergarten instructor who is not required to meet
 1062 those requirements but who must meet each requirement of s.
 1063 402.305(2) ~~paragraph (d)~~. This paragraph does not supersede any
 1064 requirement imposed on a provider under ss. 402.301-402.319.

1065 (e) Beginning January 1, 2016, the private prekindergarten
 1066 provider must employ child care personnel who hold a high school

1067 diploma or its equivalent and are at least 18 years of age,
 1068 unless the personnel are not responsible for supervising
 1069 children in care or are under direct supervision and are not
 1070 counted for the purposes of computing the personnel-to-child
 1071 ratio.

1072 (f)~~(g)~~ The private prekindergarten provider must have a
 1073 prekindergarten director who has a prekindergarten director
 1074 credential that is approved by the office as meeting or
 1075 exceeding the minimum standards adopted under s. 1002.57.
 1076 Successful completion of a child care facility director
 1077 credential under s. 402.305(2)(f) before the establishment of
 1078 the prekindergarten director credential under s. 1002.57 or July
 1079 1, 2006, whichever occurs later, satisfies the requirement for a
 1080 prekindergarten director credential under this paragraph.

1081 (g)~~(h)~~ The private prekindergarten provider must register
 1082 with the early learning coalition on forms prescribed by the
 1083 Office of Early Learning.

1084 (h)~~(i)~~ The private prekindergarten provider must execute
 1085 the statewide provider contract prescribed under s. 1002.75,
 1086 except that an individual who owns or operates multiple private
 1087 prekindergarten providers within a coalition's service area may
 1088 execute a single agreement with the coalition on behalf of each
 1089 provider.

1090 (i)~~(j)~~ The private prekindergarten provider must maintain
 1091 general liability insurance and provide the coalition with
 1092 written evidence of general liability insurance coverage,

1093 including coverage for transportation of children if
 1094 prekindergarten students are transported by the provider. A
 1095 provider must obtain and retain an insurance policy that
 1096 provides a minimum of \$100,000 of coverage per occurrence and a
 1097 minimum of \$300,000 general aggregate coverage. The office may
 1098 authorize lower limits upon request, as appropriate. ~~A provider~~
 1099 ~~must add the coalition as a named certificateholder and as an~~
 1100 ~~additional insured.~~ A provider must provide the coalition with a
 1101 minimum of 10 calendar days' advance written notice of
 1102 cancellation of or changes to coverage. The general liability
 1103 insurance required by this paragraph must remain in full force
 1104 and effect for the entire period of the provider contract with
 1105 the coalition.

1106 (j) ~~(k)~~ The private prekindergarten provider must obtain
 1107 and maintain any required workers' compensation insurance under
 1108 chapter 440 and any required reemployment assistance or
 1109 unemployment compensation coverage under chapter 443, unless
 1110 exempt under state or federal law.

1111 (k) ~~(l)~~ Notwithstanding paragraph (i) ~~(j)~~, for a private
 1112 prekindergarten provider that is a state agency or a subdivision
 1113 thereof, as defined in s. 768.28(2), the provider must agree to
 1114 notify the coalition of any additional liability coverage
 1115 maintained by the provider in addition to that otherwise
 1116 established under s. 768.28. The provider shall indemnify the
 1117 coalition to the extent permitted by s. 768.28.

1118 (l) The private prekindergarten provider shall be denied

1119 initial eligibility to offer the program if the provider has
 1120 been cited for a Class I violation in the 12 months before
 1121 seeking eligibility. An existing provider that is cited for a
 1122 Class I violation may not have its eligibility renewed for 12
 1123 months. This paragraph does not apply if the Office of Early
 1124 Learning determines that the violation was reported by the
 1125 provider and the employee responsible for the violation was
 1126 terminated.

1127 (m) The private prekindergarten provider must deliver the
 1128 Voluntary Prekindergarten Education Program in accordance with
 1129 this part and have child disciplinary policies that prohibit
 1130 children from being subjected to discipline that is severe,
 1131 humiliating, frightening, or associated with food, rest,
 1132 toileting, spanking, or any other form of physical punishment as
 1133 provided in s. 402.305(12).

1134 ~~(4) A prekindergarten instructor, in lieu of the minimum~~
 1135 ~~credentials and courses required under paragraph (3) (c), may~~
 1136 ~~hold one of the following educational credentials:~~

1137 ~~(a) A bachelor's or higher degree in early childhood~~
 1138 ~~education, prekindergarten or primary education, preschool~~
 1139 ~~education, or family and consumer science;~~

1140 ~~(b) A bachelor's or higher degree in elementary education,~~
 1141 ~~if the prekindergarten instructor has been certified to teach~~
 1142 ~~children any age from birth through 6th grade, regardless of~~
 1143 ~~whether the instructor's educator certificate is current, and if~~
 1144 ~~the instructor is not ineligible to teach in a public school~~

1145 ~~because his or her educator certificate is suspended or revoked,~~
 1146 ~~(c) An associate's or higher degree in child development,~~
 1147 ~~(d) An associate's or higher degree in an unrelated field,~~
 1148 ~~at least 6 credit hours in early childhood education or child~~
 1149 ~~development, and at least 480 hours of experience in teaching or~~
 1150 ~~providing child care services for children any age from birth~~
 1151 ~~through 8 years of age, or~~

1152 ~~(e) An educational credential approved by the department~~
 1153 ~~as being equivalent to or greater than an educational credential~~
 1154 ~~described in this subsection. The department may adopt criteria~~
 1155 ~~and procedures for approving equivalent educational credentials~~
 1156 ~~under this paragraph.~~

1157 ~~(5) Notwithstanding paragraph (3) (b), a private~~
 1158 ~~prekindergarten provider may not participate in the Voluntary~~
 1159 ~~Prekindergarten Education Program if the provider has child~~
 1160 ~~disciplinary policies that do not prohibit children from being~~
 1161 ~~subjected to discipline that is severe, humiliating,~~
 1162 ~~frightening, or associated with food, rest, toileting, spanking,~~
 1163 ~~or any other form of physical punishment as provided in s.~~
 1164 ~~402.305(12).~~

1165 Section 17. Subsection (1) of section 1002.59, Florida
 1166 Statutes, is amended to read:

1167 1002.59 Emergent literacy and performance standards
 1168 training courses.—

1169 (1) The office shall adopt minimum standards for one or
 1170 more training courses in emergent literacy for prekindergarten

1171 | instructors. Each course must comprise 5 clock hours and provide
 1172 | instruction in strategies and techniques to address the age-
 1173 | appropriate progress of prekindergarten students in developing
 1174 | emergent literacy skills, including oral communication,
 1175 | knowledge of print and letters, phonemic and phonological
 1176 | awareness, and vocabulary and comprehension development. Each
 1177 | course must also provide resources containing strategies that
 1178 | allow students with disabilities and other special needs to
 1179 | derive maximum benefit from the Voluntary Prekindergarten
 1180 | Education Program. Successful completion of an emergent literacy
 1181 | training course approved under this section satisfies
 1182 | requirements for approved training in early literacy and
 1183 | language development under ss. 402.305(2)(d)5., 402.313(4)(c)
 1184 | ~~402.313(6)~~, and 402.3131(5).

1185 | Section 18. Paragraph (d) is added to subsection (3) of
 1186 | section 1002.61, Florida Statutes, and subsections (4) through
 1187 | (7) of that section are amended, to read:

1188 | 1002.61 Summer prekindergarten program delivered by public
 1189 | schools and private prekindergarten providers.-

1190 | (3)

1191 | (d) Each charter school authorized to deliver the
 1192 | prekindergarten program pursuant to its charter contract shall
 1193 | be considered part of the sponsor's overall prekindergarten
 1194 | program and must meet all requirements of this part applicable
 1195 | to prekindergarten programs delivered by public schools. The
 1196 | sponsor shall provide the same level of oversight of the charter

1197 school's prekindergarten program as it provides for other public
 1198 schools in the school district. A charter school not authorized
 1199 to deliver the summer prekindergarten program pursuant to its
 1200 charter contract may deliver the program as a private provider
 1201 in accordance with s. 1002.55 and this section.

1202 (4) ~~Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4),~~
 1203 Each public school and private prekindergarten provider that
 1204 delivers the summer prekindergarten program must have, for each
 1205 prekindergarten class, at least one prekindergarten instructor
 1206 who is a certified teacher or holds one of the educational
 1207 credentials specified in s. 1002.55(3)(c)1.e.-h. ~~1002.55(4)(a)~~
 1208 ~~or (b).~~ As used in this subsection, the term "certified teacher"
 1209 means a teacher holding a valid Florida educator certificate
 1210 under s. 1012.56 who has the qualifications required by the
 1211 district school board to instruct students in the summer
 1212 prekindergarten program. In selecting instructional staff for
 1213 the summer prekindergarten program, each school district shall
 1214 give priority to teachers who have experience or coursework in
 1215 early childhood education.

1216 (5) Each prekindergarten instructor employed by a ~~public~~
 1217 ~~school or~~ private prekindergarten provider delivering the summer
 1218 prekindergarten program must be of good moral character, must
 1219 undergo background screening pursuant to s. 402.305(2)(a) be
 1220 ~~screened using the level 2 screening standards in s. 435.04~~
 1221 before employment, must be and rescreened at least once every 5
 1222 years, and must be denied employment or terminated if required

1223 | under s. 435.06. Each prekindergarten instructor employed by a
 1224 | public school delivering the summer prekindergarten program, and
 1225 | must satisfy the ~~not be ineligible to teach in a public school~~
 1226 | ~~because his or her educator certificate is suspended or revoked.~~
 1227 | ~~This subsection does not supersede~~ employment requirements for
 1228 | instructional personnel in public schools as provided in s.
 1229 | 1012.32 ~~which are more stringent than the requirements of this~~
 1230 | ~~subsection.~~

1231 | (6) A public school or private prekindergarten provider
 1232 | may assign a substitute instructor to temporarily replace a
 1233 | credentialed instructor if the credentialed instructor assigned
 1234 | to a prekindergarten class is absent, as long as the substitute
 1235 | instructor meets the requirements of subsection (5) ~~is of good~~
 1236 | ~~moral character and has been screened before employment in~~
 1237 | ~~accordance with level 2 background screening requirements in~~
 1238 | ~~chapter 435. This subsection does not supersede employment~~
 1239 | ~~requirements for instructional personnel in public schools which~~
 1240 | ~~are more stringent than the requirements of this subsection.~~ The
 1241 | Office of Early Learning shall adopt rules to implement this
 1242 | subsection which shall include required qualifications of
 1243 | substitute instructors and the circumstances and time limits for
 1244 | which a public school or private prekindergarten provider may
 1245 | assign a substitute instructor.

1246 | (7) Notwithstanding ss. 1002.55(3)(d) ~~1002.55(3)(f)~~ and
 1247 | 1002.63(7), each prekindergarten class in the summer
 1248 | prekindergarten program, regardless of whether the class is a

1249 public school's or private prekindergarten provider's class,
 1250 must be composed of at least 4 students but may not exceed 12
 1251 students ~~beginning with the 2009 summer session~~. In order to
 1252 protect the health and safety of students, each public school or
 1253 private prekindergarten provider must also provide appropriate
 1254 adult supervision for students at all times. This subsection
 1255 does not supersede any requirement imposed on a provider under
 1256 ss. 402.301-402.319.

1257 Section 19. Paragraph (c) is added to subsection (3) of
 1258 section 1002.63, Florida Statutes, and subsections (5) and (6)
 1259 of that section are amended, to read:

1260 1002.63 School-year prekindergarten program delivered by
 1261 public schools.-

1262 (3)

1263 (c) Each charter school authorized to deliver the
 1264 prekindergarten program pursuant to its charter contract shall
 1265 be considered part of the sponsor's overall prekindergarten
 1266 program and must meet all requirements of this part applicable
 1267 to prekindergarten programs delivered by public schools. The
 1268 sponsor shall provide the same level of oversight of the charter
 1269 school's prekindergarten program as it provides for other public
 1270 schools in the school district. A charter school not authorized
 1271 to deliver the prekindergarten program pursuant to its charter
 1272 contract may deliver the program as a private provider in
 1273 accordance with s. 1002.55.

1274 (5) Each prekindergarten instructor employed by a public

1275 school delivering the school-year prekindergarten program must
 1276 satisfy the ~~be of good moral character, must be screened using~~
 1277 ~~the level 2 screening standards in s. 435.04 before employment~~
 1278 ~~and rescreened at least once every 5 years, must be denied~~
 1279 ~~employment or terminated if required under s. 435.06, and must~~
 1280 ~~not be ineligible to teach in a public school because his or her~~
 1281 ~~educator certificate is suspended or revoked. This subsection~~
 1282 ~~does not supersede~~ employment requirements for instructional
 1283 personnel in public schools as provided in s. 1012.32 ~~which are~~
 1284 ~~more stringent than the requirements of this subsection.~~

1285 (6) A public school prekindergarten provider may assign a
 1286 substitute instructor to temporarily replace a credentialed
 1287 instructor if the credentialed instructor assigned to a
 1288 prekindergarten class is absent, as long as the substitute
 1289 instructor meets the requirements of subsection (5) ~~is of good~~
 1290 ~~moral character and has been screened before employment in~~
 1291 ~~accordance with level 2 background screening requirements in~~
 1292 ~~chapter 435. This subsection does not supersede employment~~
 1293 ~~requirements for instructional personnel in public schools which~~
 1294 ~~are more stringent than the requirements of this subsection.~~ The
 1295 Office of Early Learning shall adopt rules to implement this
 1296 subsection which shall include required qualifications of
 1297 substitute instructors and the circumstances and time limits for
 1298 which a public school prekindergarten provider may assign a
 1299 substitute instructor.

1300 Section 20. Paragraph (a) of subsection (6) of section

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1301 1002.71, Florida Statutes, is amended to read:
 1302 1002.71 Funding; financial and attendance reporting.-
 1303 (6)(a) Each parent enrolling his or her child in the
 1304 Voluntary Prekindergarten Education Program must agree to comply
 1305 with the attendance policy of the private prekindergarten
 1306 provider or district school board, as applicable. Upon
 1307 enrollment of the child, the private prekindergarten provider or
 1308 public school, as applicable, must provide the child's parent
 1309 with program information, including, but not limited to, child
 1310 development, expectations for parent engagement, the daily
 1311 schedule, and the ~~a copy of the provider's or school district's~~
 1312 attendance policy, which must include procedures for contacting
 1313 a parent on the 2nd consecutive day a child is absent for which
 1314 the reason is unknown as applicable.

1315 Section 21. Subsection (1) of section 1002.75, Florida
 1316 Statutes, is amended to read:

1317 1002.75 Office of Early Learning; powers and duties.-

1318 (1) The Office of Early Learning shall adopt by rule a
 1319 standard statewide provider contract to be used with each
 1320 Voluntary Prekindergarten Education Program provider, with
 1321 standardized attachments by provider type. The office shall
 1322 publish a copy of the standard statewide provider contract on
 1323 its website. The standard statewide contract shall include, at a
 1324 minimum, provisions that:

1325 (a) Govern ~~for~~ provider probation, termination for cause,
 1326 and emergency termination for those actions or inactions of a

1327 provider that pose an immediate and serious danger to the
 1328 health, safety, or welfare of children. The standard statewide
 1329 contract shall also include appropriate due process procedures.
 1330 During the pendency of an appeal of a termination, the provider
 1331 may not continue to offer its services.

1332 (b) Require each private prekindergarten provider to
 1333 notify the parent of each child in care if it is cited for a
 1334 Class I violation as defined by rule of the Department of
 1335 Children and Families. Such notice shall describe each violation
 1336 with specificity, in simple language, and include a copy of the
 1337 citation and the contact information of the Department of
 1338 Children and Families or local licensing agency where the parent
 1339 may obtain additional information regarding the citation. Notice
 1340 of a Class I violation by the provider must be provided
 1341 electronically or in writing to the parent within 24 hours after
 1342 receipt of the citation. A private prekindergarten provider must
 1343 conspicuously post each citation for a violation that results in
 1344 disciplinary action on the premises in an area visible to
 1345 parents pursuant to s. 402.3125(1)(b). Additionally, such a
 1346 provider must post each inspection report on the premises in an
 1347 area visible to parents, which report must remain posted until
 1348 the next inspection report is available.

1349 (c) Specify that child care personnel employed by the
 1350 provider who are responsible for supervising children in care
 1351 must be trained in developmentally appropriate practices aligned
 1352 to the age and needs of children over which the personnel are

1353 assigned supervision duties. This requirement is met by
 1354 completion of developmentally appropriate practice courses
 1355 administered by the Department of Children and Families under s.
 1356 402.305(2)(d)1. within 30 days after being assigned to children
 1357 for which developmentally appropriate practice training has not
 1358 been completed by the personnel.

1359
 1360 Any provision imposed upon a provider that is inconsistent with,
 1361 or prohibited by, law is void and unenforceable.

1362 Section 22. Section 1002.77, Florida Statutes, is amended
 1363 to read:

1364 1002.77 Florida Early Learning Advisory Council.—

1365 (1) There is created the Florida Early Learning Advisory
 1366 Council within the Office of Early Learning. The purpose of the
 1367 advisory council is to provide written input ~~submit~~
 1368 ~~recommendations~~ to the executive director ~~office~~ on early
 1369 learning best practices, including ~~recommendations relating to~~
 1370 ~~the most~~ effective program administration; ~~of the Voluntary~~
 1371 ~~Prekindergarten Education Program under this part and the school~~
 1372 ~~readiness program under part VI of this chapter. The advisory~~
 1373 ~~council shall periodically analyze and provide recommendations~~
 1374 ~~to the office on the~~ effective and efficient use of local,
 1375 state, and federal funds; ~~the content of professional~~
 1376 development training programs; and ~~best practices for the~~
 1377 ~~development and implementation of~~ coalition plans pursuant to s.
 1378 1002.85.

1379 (2) The advisory council shall be composed of the
1380 following members:

1381 (a) The chair of the advisory council who shall be
1382 appointed by and serve at the pleasure of the Governor.

1383 (b) The chair of each early learning coalition.

1384 (c) One member who shall be appointed by and serve at the
1385 pleasure of the President of the Senate.

1386 (d) One member who shall be appointed by and serve at the
1387 pleasure of the Speaker of the House of Representatives.

1388

1389 The chair of the advisory council appointed by the Governor and
1390 the members appointed by the presiding officers of the
1391 Legislature must be from the business community and be in
1392 compliance with s. 1002.83(5).

1393 (3) The advisory council shall meet at least quarterly
1394 upon the call of the executive director ~~but may meet as often as~~
1395 ~~necessary to carry out its duties and responsibilities.~~ The
1396 executive director is encouraged to ~~advisory council may use~~
1397 communications media technology ~~any method of telecommunications~~
1398 to conduct meetings in accordance with s. 120.54(5)(b),
1399 ~~including establishing a quorum through telecommunications, only~~
1400 ~~if the public is given proper notice of a telecommunications~~
1401 ~~meeting and reasonable access to observe and, when appropriate,~~
1402 ~~participate.~~

1403 (4) (a) Each member of the advisory council may ~~shall~~ serve
1404 without compensation but is entitled to receive reimbursement

1405 for per diem and travel expenses for attendance at council
 1406 meetings as provided in s. 112.061.

1407 (b) Each member of the advisory council is subject to the
 1408 ethics provisions in part III of chapter 112.

1409 (c) For purposes of tort liability, each member of the
 1410 advisory council shall be governed by s. 768.28.

1411 (5) The Office of Early Learning shall provide staff and
 1412 administrative support for the advisory council as determined by
 1413 the executive director.

1414 Section 23. Paragraph (f) of subsection (1) and
 1415 subsections (8) and (16) of section 1002.81, Florida Statutes,
 1416 are amended to read:

1417 1002.81 Definitions.—Consistent with the requirements of
 1418 45 C.F.R. parts 98 and 99 and as used in this part, the term:

1419 (1) "At-risk child" means:

1420 (f) A child in the custody of a parent who is considered
 1421 homeless as verified by a designated lead agency on the homeless
 1422 assistance continuum of care established under ss. 420.622-
 1423 420.624 Department of Children and Families certified homeless
 1424 shelter.

1425 (8) "Family income" means the combined gross income,
 1426 whether earned or unearned, that is derived from any source by
 1427 all family or household members who are 18 years of age or older
 1428 who are currently residing together in the same dwelling unit.

1429 The term does not include:

1430 (a) Income earned by a currently enrolled high school

1431 student who, since attaining the age of 18 years, or a student
 1432 with a disability who, since attaining the age of 22 years, has
 1433 not terminated school enrollment or received a high school
 1434 diploma, high school equivalency diploma, special diploma, or
 1435 certificate of high school completion.

1436 (b) Income earned by a teen parent residing in the same
 1437 residence as a separate family unit.

1438 (c) Selected items from the Child Care and Development
 1439 Fund state plan, such as ~~The term also does not include~~ food
 1440 stamp benefits, documented child support and alimony payments
 1441 paid out of the home, or federal housing assistance payments
 1442 issued directly to a landlord or the associated utilities
 1443 expenses.

1444 (16) "Working family" means:

1445 (a) A single-parent family in which the parent with whom
 1446 the child resides is employed or engaged in eligible work or
 1447 education activities for at least 20 hours per week or is exempt
 1448 from work requirements due to age or disability, as determined
 1449 and documented by a physician licensed under chapter 458 or
 1450 chapter 459;

1451 (b) A two-parent family in which both parents with whom
 1452 the child resides are employed or engaged in eligible work or
 1453 education activities for a combined total of at least 40 hours
 1454 per week; ~~or~~

1455 (c) A two-parent family in which one of the parents with
 1456 whom the child resides is exempt from work requirements due to

1457 age or disability, as determined and documented by a physician
 1458 licensed under chapter 458 or chapter 459, and one parent is
 1459 employed or engaged in eligible work or education activities at
 1460 least 20 hours per week; or

1461 (d) A two-parent family in which both of the parents with
 1462 whom the child resides are exempt from work requirements due to
 1463 age or disability, as determined and documented by a physician
 1464 licensed under chapter 458 or chapter 459.

1465 Section 24. Paragraphs (b), (j), (m), and (p) of
 1466 subsection (2) of section 1002.82, Florida Statutes, are amended
 1467 to read:

1468 1002.82 Office of Early Learning; powers and duties.—

1469 (2) The office shall:

1470 (b) Preserve parental choice by permitting parents to
 1471 choose from a variety of child care categories authorized in s.
 1472 1002.88(1)(a), including center-based care, family child care,
 1473 and informal child care to the extent authorized in the state's
 1474 Child Care and Development Fund Plan as approved by the United
 1475 States Department of Health and Human Services pursuant to 45
 1476 C.F.R. s. 98.18. Care and curriculum by a faith-based provider
 1477 may not be limited or excluded in any of these categories.

1478 (j) Develop and adopt standards and benchmarks that
 1479 address the age-appropriate progress of children in the
 1480 development of child care and development ~~school readiness~~
 1481 skills. The standards for children from birth to 5 years of age
 1482 in the child care and development ~~school readiness~~ program must

1483 be aligned with the performance standards adopted for children
 1484 in the Voluntary Prekindergarten Education Program and must
 1485 address the following domains:

- 1486 1. Approaches to learning.
- 1487 2. Cognitive development and general knowledge.
- 1488 3. Numeracy, language, and communication.
- 1489 4. Physical development.
- 1490 5. Self-regulation.

1491

1492 By July 1, 2015, the Office of Early Learning shall develop and
 1493 implement an online training course on the performance standards
 1494 for child care and development program provider personnel.

1495 (m) Adopt by rule a standard statewide provider contract
 1496 to be used with each child care and development ~~school readiness~~
 1497 program provider, with standardized attachments by provider
 1498 type. The office shall publish a copy of the standard statewide
 1499 provider contract on its website. The standard statewide
 1500 contract shall include, at a minimum, provisions that:

- 1501 1. Govern ~~for~~ provider probation, termination for cause,
 1502 and emergency termination for those actions or inactions of a
 1503 provider that pose an immediate and serious danger to the
 1504 health, safety, or welfare of the children. The standard
 1505 statewide provider contract shall also include appropriate due
 1506 process procedures. During the pendency of an appeal of a
 1507 termination, the provider may not continue to offer its
 1508 services.

1509 2. Require each provider that is eligible to provide the
 1510 program pursuant to s. 1002.88(1)(a) to notify the parent of
 1511 each child in care if it is cited for a Class I violation as
 1512 defined by rule of the Department of Children and Families. Such
 1513 notice shall describe each violation with specificity, in simple
 1514 language, and include a copy of the citation and the contact
 1515 information of the Department of Children and Families or local
 1516 licensing agency where the parent may obtain additional
 1517 information regarding the citation. Notice of a Class I
 1518 violation by the provider must be provided electronically or in
 1519 writing to the parent within 24 hours after receipt of the
 1520 citation. A provider must conspicuously post each citation for a
 1521 violation that results in disciplinary action on the premises in
 1522 an area visible to parents pursuant to s. 402.3125(1)(b).
 1523 Additionally, such a provider must post each inspection report
 1524 on the premises in an area visible to parents, which report must
 1525 remain posted until the next inspection report is available.

1526 3. Specify that child care personnel employed by the
 1527 provider who are responsible for supervising children in care
 1528 must be trained in developmentally appropriate practices aligned
 1529 to the age and needs of children over which the personnel are
 1530 assigned supervision duties. This requirement is met by
 1531 completion of developmentally appropriate practice courses
 1532 administered by the Department of Children and Families under s.
 1533 402.305(2)(d)1. within 30 days after being assigned to children
 1534 for which developmentally appropriate practice training has not

1535 been completed by the personnel.

1536 4. Require child care personnel who are employed by the
 1537 provider to complete an online training course on the
 1538 performance standards adopted pursuant to paragraph (j).

1539

1540 Any provision imposed upon a provider that is inconsistent with,
 1541 or prohibited by, law is void and unenforceable.

1542 (p) Monitor and evaluate the performance of each early
 1543 learning coalition in administering the child care and
 1544 development ~~school readiness~~ program and the Voluntary
 1545 Prekindergarten Education Program, ensuring proper payments for
 1546 child care and development ~~school readiness~~ program and
 1547 Voluntary Prekindergarten Education Program services, and
 1548 implementing the coalition's child care and development ~~school~~
 1549 ~~readiness~~ program plan, and administering the Voluntary
 1550 ~~Prekindergarten Education Program~~. These monitoring and
 1551 performance evaluations must include, at a minimum, onsite
 1552 monitoring of each coalition's finances, management, operations,
 1553 and programs.

1554 Section 25. Subsections (8) and (20) of section 1002.84,
 1555 Florida Statutes, are amended to read:

1556 1002.84 Early learning coalitions; child care and
 1557 development ~~school readiness~~ powers and duties.—Each early
 1558 learning coalition shall:

1559 (8) Establish a parent sliding fee scale that requires a
 1560 parent copayment to participate in the child care and

1561 development ~~school-readiness~~ program. Providers are required to
 1562 collect the parent's copayment. A coalition may, on a case-by-
 1563 case basis, waive the copayment for an at-risk child or
 1564 temporarily waive the copayment for a child whose family's
 1565 income is at or below the federal poverty level and family
 1566 experiences a natural disaster or an event that limits the
 1567 parent's ability to pay, such as incarceration, placement in
 1568 residential treatment, ~~or becoming homeless,~~ or an emergency
 1569 situation such as a household fire or burglary, or while the
 1570 parent is participating in parenting classes. A parent may not
 1571 transfer child care and development ~~school-readiness~~ program
 1572 services to another child care and development ~~school-readiness~~
 1573 program provider until the parent has submitted documentation
 1574 from the current child care and development ~~school-readiness~~
 1575 program provider to the early learning coalition stating that
 1576 the parent has satisfactorily fulfilled the copayment
 1577 obligation.

1578 (20) To increase transparency and accountability, comply
 1579 with ~~the requirements of~~ this section before contracting with a
 1580 member of the coalition, an employee of the coalition, or a
 1581 relative, as defined in s. 112.3143(1)(b), of a coalition member
 1582 or of an employee of the coalition. Such contracts may not be
 1583 executed without the approval of the office. Such contracts, as
 1584 well as documentation demonstrating adherence to this section by
 1585 the coalition, must be approved by a two-thirds vote of the
 1586 coalition, a quorum having been established; all conflicts of

1587 interest must be disclosed before the vote; and any member who
 1588 may benefit from the contract, or whose relative may benefit
 1589 from the contract, must abstain from the vote. A contract under
 1590 \$25,000 between an early learning coalition and a member of that
 1591 coalition or between a relative, as defined in s.
 1592 112.3143(1)(b), of a coalition member or of an employee of the
 1593 coalition is not required to have the prior approval of the
 1594 office but must be approved by a two-thirds vote of the
 1595 coalition, a quorum having been established, and must be
 1596 reported to the office within 30 days after approval. If a
 1597 contract cannot be approved by the office, a review of the
 1598 decision to disapprove the contract may be requested by the
 1599 early learning coalition or other parties to the disapproved
 1600 contract.

1601 Section 26. Subsections (1), (6), (7), and (8) of section
 1602 1002.87, Florida Statutes, are amended to read:

1603 1002.87 Child care and development ~~School readiness~~
 1604 program; eligibility and enrollment.-

1605 (1) Effective August 1, 2013, or upon reevaluation of
 1606 eligibility for children currently served, whichever is later,
 1607 each early learning coalition shall give priority for
 1608 participation in the child care and development ~~school readiness~~
 1609 program as follows:

1610 (a) Priority shall be given first to a child younger than
 1611 13 years of age from a family that includes a parent who is
 1612 receiving temporary cash assistance under chapter 414 and

1613 subject to the federal work requirements.

1614 (b) Priority shall be given next to an at-risk child
1615 younger than 9 years of age.

1616 (c) Priority shall be given next to a child from birth to
1617 the beginning of the school year for which the child is eligible
1618 for admission to kindergarten in a public school under s.

1619 1003.21(1)(a)2. who is from a working family that is
1620 economically disadvantaged, and may include such child's
1621 eligible siblings, beginning with the school year in which the
1622 sibling is eligible for admission to kindergarten in a public
1623 school under s. 1003.21(1)(a)2. until the beginning of the
1624 school year in which the sibling enters ~~is eligible to begin~~ 6th
1625 grade, provided that the first priority for funding an eligible
1626 sibling is local revenues available to the coalition for funding
1627 direct services. However, a child eligible under this paragraph
1628 ceases to be eligible if his or her family income exceeds 200
1629 percent of the federal poverty level.

1630 (d) Priority shall be given next to a child of a parent
1631 who transitions from the work program into employment as
1632 described in s. 445.032 from birth to the beginning of the
1633 school year for which the child is eligible for admission to
1634 kindergarten in a public school under s. 1003.21(1)(a)2.

1635 (e) Priority shall be given next to an at-risk child who
1636 is at least 9 years of age but younger than 13 years of age. An
1637 at-risk child whose sibling is enrolled in the school readiness
1638 program within an eligibility priority category listed in

1639 paragraphs (a)-(c) shall be given priority over other children
 1640 who are eligible under this paragraph.

1641 (f) Priority shall be given next to a child who is younger
 1642 than 13 years of age from a working family that is economically
 1643 disadvantaged. A child who is eligible under this paragraph
 1644 whose sibling is enrolled in the school readiness program under
 1645 paragraph (c) shall be given priority over other children who
 1646 are eligible under this paragraph. However, a child eligible
 1647 under this paragraph ceases to be eligible if his or her family
 1648 income exceeds 200 percent of the federal poverty level.

1649 (g) Priority shall be given next to a child of a parent
 1650 who transitions from the work program into employment as
 1651 described in s. 445.032 who is younger than 13 years of age.

1652 (h) Priority shall be given next to a child who ~~has~~
 1653 ~~special needs,~~ has been determined eligible as an infant or
 1654 toddler from birth to 3 years of age with an individualized
 1655 family support plan receiving early intervention services or as
 1656 a student with a disability with, ~~has~~ a current individual
 1657 education plan with a Florida school district, ~~and is not~~
 1658 ~~younger than 3 years of age.~~ A ~~special needs~~ child eligible
 1659 under this paragraph remains eligible until the child is
 1660 eligible for admission to kindergarten in a public school under
 1661 s. 1003.21(1)(a)2.

1662 (i) Notwithstanding paragraphs (a)-(d), priority shall be
 1663 given last to a child who otherwise meets one of the eligibility
 1664 criteria in paragraphs (a)-(d) but who is also enrolled

1665 concurrently in the federal Head Start Program and the Voluntary
 1666 Prekindergarten Education Program.

1667 (6) Eligibility for each child must be reevaluated
 1668 annually. Upon reevaluation, a child may not continue to receive
 1669 child care and development ~~school readiness~~ program services if
 1670 he or she has ceased to be eligible under this section. If a
 1671 child no longer meets eligibility or program requirements, the
 1672 coalition must immediately notify the child's parent and the
 1673 provider that funding will end 2 weeks after the date on which
 1674 the child was determined to be ineligible or when the current
 1675 child care authorization expires, whichever occurs first.

1676 (7) If a coalition disenrolls children from the child care
 1677 and development ~~school readiness~~ program due to lack of funding
 1678 or a change in eligibility priorities, the coalition must
 1679 disenroll the children in reverse order of the eligibility
 1680 priorities listed in subsection (1) beginning with children from
 1681 families with the highest family incomes. A notice of
 1682 disenrollment must be sent to the parent and child care and
 1683 development ~~school readiness~~ program provider at least 2 weeks
 1684 before disenrollment or the expiration of the current child care
 1685 authorization, whichever occurs first, to provide adequate time
 1686 for the parent to arrange alternative care for the child.
 1687 However, an at-risk child receiving services from the Child
 1688 Welfare Program Office of the Department of Children and
 1689 Families may not be disenrolled from the program without the
 1690 written approval of the Child Welfare Program Office ~~of the~~

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1691 ~~Department of Children and Families~~ or the community-based lead
 1692 agency.

1693 (8) If a child is absent from the program for 2
 1694 consecutive days without parental notification to the program of
 1695 such absence, the child care and development program provider
 1696 shall contact the parent and determine the cause for absence and
 1697 expected date of return. If a child is absent from the program
 1698 for 5 consecutive days without parental notification to the
 1699 program of such absence, the child care and development ~~school~~
 1700 ~~readiness~~ program provider shall report the absence to the early
 1701 learning coalition for a determination of the need for continued
 1702 care.

1703 Section 27. Section 1002.88, Florida Statutes, is amended
 1704 to read:

1705 1002.88 Child care and development ~~School-readiness~~
 1706 program provider standards; eligibility to deliver the child
 1707 care and development ~~school-readiness~~ program.-

1708 (1) To be eligible to deliver the child care and
 1709 development ~~school-readiness~~ program, a child care and
 1710 development ~~school-readiness~~ program provider must:

1711 (a)1. Be a nonpublic school in substantial compliance with
 1712 s. 402.3025(2)(d), a child care facility licensed under s.
 1713 402.305, a family child ~~day~~ care home licensed ~~or registered~~
 1714 under s. 402.313, a large family child care home licensed under
 1715 s. 402.3131, or a child care facility exempt from licensure
 1716 operating under s. 402.316(4); or

1717 2. Be an entity that is part of Florida's education system
 1718 under s. 1000.04(1) a public school or nonpublic school exempt
 1719 from licensure under s. 402.3025, a faith based child care
 1720 provider exempt from licensure under s. 402.316, a before-school
 1721 or after-school program described in s. 402.305(1)(c), or an
 1722 informal child care provider to the extent authorized in the
 1723 state's Child Care and Development Fund Plan as approved by the
 1724 United States Department of Health and Human Services pursuant
 1725 to 45 C.F.R. s. 98.18.

1726 (b) Provide instruction and activities to enhance the age-
 1727 appropriate progress of each child in attaining the child
 1728 development standards adopted by the office pursuant to s.
 1729 1002.82(2)(j). A provider should include activities to foster
 1730 brain development in infants and toddlers; provide an
 1731 environment that is rich in language and music and filled with
 1732 objects of various colors, shapes, textures, and sizes to
 1733 stimulate visual, tactile, auditory, and linguistic senses; and
 1734 include 30 minutes of reading to children each day. A provider
 1735 must provide parents information on child development,
 1736 expectations for parent engagement, the daily schedule, and the
 1737 attendance policy.

1738 (c) Provide basic health and safety of its premises and
 1739 facilities in accordance with applicable licensing and
 1740 inspection requirements and compliance with requirements for
 1741 age appropriate immunizations of children enrolled in the school
 1742 readiness program. For a child care facility, a large family

1743 child care home, or a licensed family child day care home,
 1744 compliance with s. 402.305, s. 402.3131, or s. 402.313 satisfies
 1745 this requirement. For a public ~~or nonpublic~~ school, compliance
 1746 with ss. s. 402.3025 or s. 1003.22 and 1013.12 satisfies this
 1747 requirement. For a nonpublic school, compliance with s.
 1748 402.3025(2)(d) satisfies this requirement. For a facility exempt
 1749 from licensure, compliance with s. 402.316(4) satisfies this
 1750 requirement. A provider shall be denied initial eligibility to
 1751 offer the program if the provider has been cited for a Class I
 1752 violation in the 12 months before seeking eligibility. An
 1753 existing provider that is cited for a Class I violation may not
 1754 have its eligibility renewed for 12 months. A provider that is
 1755 cited for a Class I violation may remain eligible to deliver the
 1756 program if the Office of Early Learning determines that the
 1757 violation was reported by the provider and the employee
 1758 responsible for the violation was terminated. A faith-based
 1759 ~~child care provider, an informal child care provider, or a~~
 1760 ~~nonpublic school, exempt from licensure under s. 402.316 or s.~~
 1761 ~~402.3025, shall annually complete the health and safety~~
 1762 ~~checklist adopted by the office, post the checklist prominently~~
 1763 ~~on its premises in plain sight for visitors and parents, and~~
 1764 ~~submit it annually to its local early learning coalition.~~

1765 (d) Provide an appropriate staff-to-children ratio,
 1766 pursuant to s. 402.305(4) or s. 402.302(8) or (11), as
 1767 applicable, and as verified pursuant to s. 402.311.

1768 (e) Provide a healthy and safe environment pursuant to s.

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1769 402.305(5), (6), and (7), as applicable, and as verified
 1770 pursuant to s. 402.311.

1771 (f) Implement one of the curricula approved by the office
 1772 that meets the child development standards.

1773 (g) Implement a character development program to develop
 1774 basic values.

1775 (h) Collaborate with the respective early learning
 1776 coalition to complete initial screening for each child, aged 6
 1777 weeks to kindergarten eligibility, within 45 days after the
 1778 child's first or subsequent enrollment, to identify a child who
 1779 may need individualized supports.

1780 (i) Implement minimum standards for child discipline
 1781 practices that are age-appropriate and consistent with the
 1782 requirements in s. 402.305(12). Such standards must provide that
 1783 children not be subjected to discipline that is severe,
 1784 humiliating, or frightening or discipline that is associated
 1785 with food, rest, or toileting. Spanking or any other form of
 1786 physical punishment is prohibited.

1787 (j) Obtain and keep on file record of the child's
 1788 immunizations, physical development, and other health
 1789 requirements as necessary, including appropriate vision and
 1790 hearing screening and examination, within 30 days after
 1791 enrollment.

1792 (k) Implement before-school or after-school programs that
 1793 meet or exceed the requirements of s. 402.305(5), (6), and (7).

1794 (l) ~~For a provider that is not an informal provider,~~

1795 Maintain general liability insurance and provide the coalition
 1796 with written evidence of general liability insurance coverage,
 1797 including coverage for transportation of children if child care
 1798 and development ~~school readiness~~ program children are
 1799 transported by the provider. A private provider must obtain and
 1800 retain an insurance policy that provides a minimum of \$100,000
 1801 of coverage per occurrence and a minimum of \$300,000 general
 1802 aggregate coverage. The office may authorize lower limits upon
 1803 request, as appropriate. ~~A provider must add the coalition as a~~
 1804 ~~named certificateholder and as an additional insured.~~ A private
 1805 provider must provide the coalition with a minimum of 10
 1806 calendar days' advance written notice of cancellation of or
 1807 changes to coverage. The general liability insurance required by
 1808 this paragraph must remain in full force and effect for the
 1809 entire period of the provider contract with the coalition.

1810 ~~(m) For a provider that is an informal provider, comply~~
 1811 ~~with the provisions of paragraph (l) or maintain homeowner's~~
 1812 ~~liability insurance and, if applicable, a business rider. If an~~
 1813 ~~informal provider chooses to maintain a homeowner's policy, the~~
 1814 ~~provider must obtain and retain a homeowner's insurance policy~~
 1815 ~~that provides a minimum of \$100,000 of coverage per occurrence~~
 1816 ~~and a minimum of \$300,000 general aggregate coverage. The office~~
 1817 ~~may authorize lower limits upon request, as appropriate. An~~
 1818 ~~informal provider must add the coalition as a named~~
 1819 ~~certificateholder and as an additional insured. An informal~~
 1820 ~~provider must provide the coalition with a minimum of 10~~

1821 ~~calendar days' advance written notice of cancellation of or~~
 1822 ~~changes to coverage. The general liability insurance required by~~
 1823 ~~this paragraph must remain in full force and effect for the~~
 1824 ~~entire period of the provider's contract with the coalition.~~

1825 (m) ~~(n)~~ Obtain and maintain any required workers'
 1826 compensation insurance under chapter 440 and any required
 1827 reemployment assistance or unemployment compensation coverage
 1828 under chapter 443, unless exempt under state or federal law.

1829 (n) ~~(e)~~ Notwithstanding paragraph (1), for a provider that
 1830 is a state agency or a subdivision thereof, as defined in s.
 1831 768.28(2), agree to notify the coalition of any additional
 1832 liability coverage maintained by the provider in addition to
 1833 that otherwise established under s. 768.28. The provider shall
 1834 indemnify the coalition to the extent permitted by s. 768.28.

1835 (o) ~~(p)~~ Execute the standard statewide provider contract
 1836 adopted by the office.

1837 (p) ~~(q)~~ Operate on a full-time and part-time basis and
 1838 provide extended-day and extended-year services to the maximum
 1839 extent possible without compromising the quality of the program
 1840 to meet the needs of parents who work.

1841 (2) Beginning January 1, 2016, child care personnel
 1842 employed by a child care and development program provider must
 1843 hold a high school diploma or its equivalent and be at least 18
 1844 years of age, unless the personnel are not responsible for
 1845 supervising children in care or are under direct supervision and
 1846 are not counted for the purposes of computing the personnel-to-

1847 child ratio.

1848 (3) Beginning January 1, 2015, child care personnel
 1849 employed by a child care and development program provider must
 1850 be trained in first aid and infant and child cardiopulmonary
 1851 resuscitation, as evidenced by current documentation of course
 1852 completion, unless the personnel are not responsible for
 1853 supervising children in care. As a condition of employment,
 1854 personnel hired on or after January 1, 2015, must complete this
 1855 training within 30 days after employment.

1856 (4)(2) If a child care and development ~~school readiness~~
 1857 program provider fails or refuses to comply with this part or
 1858 any contractual obligation of the statewide provider contract
 1859 under s. 1002.82(2)(m), the coalition may revoke the provider's
 1860 eligibility to deliver the child care and development ~~school~~
 1861 ~~readiness~~ program or receive state or federal funds under this
 1862 chapter for ~~a period of~~ 5 years.

1863 (5)(3) The office and the coalitions may not:

1864 (a) Impose any requirement on a child care provider or
 1865 early childhood education provider that does not deliver
 1866 services under the child care and development ~~school readiness~~
 1867 program or receive state or federal funds under this part;

1868 (b) Impose any requirement on a child care and development
 1869 ~~school readiness~~ program provider that exceeds the authority
 1870 provided under this part or part V of this chapter or rules
 1871 adopted pursuant to this part or part V of this chapter; or

1872 (c) Require a provider to administer a preassessment or

1873 | postassessment.

1874 | Section 28. Subsections (6) and (7) of section 1002.89,
1875 | Florida Statutes, are amended to read:

1876 | 1002.89 Child care and development ~~School readiness~~
1877 | program; funding.—

1878 | (6) Costs shall be kept to the minimum necessary for the
1879 | efficient and effective administration of the child care and
1880 | development ~~school readiness~~ program with the highest priority
1881 | of expenditure being direct services for eligible children.

1882 | However, no more than 5 percent of the funds described in
1883 | subsection (5) may be used for administrative costs and no more
1884 | than 22 percent of the funds described in subsection (5) may be
1885 | used in any fiscal year for any combination of administrative
1886 | costs, quality activities, and nondirect services as follows:

1887 | (a) Administrative costs as described in 45 C.F.R. s.
1888 | 98.52, which shall include monitoring providers using the
1889 | standard methodology adopted under s. 1002.82 to improve
1890 | compliance with state and federal regulations and law pursuant
1891 | to the requirements of the statewide provider contract adopted
1892 | under s. 1002.82(2)(m).

1893 | (b) Activities to improve the quality of child care as
1894 | described in 45 C.F.R. s. 98.51, which shall be limited to the
1895 | following:

1896 | 1. Developing, establishing, expanding, operating, and
1897 | coordinating resource and referral programs specifically related
1898 | to the provision of comprehensive consumer education to parents

1899 and the public to promote informed child care choices specified
 1900 in 45 C.F.R. s. 98.33 ~~regarding participation in the school~~
 1901 ~~readiness program and parental choice.~~

1902 2. Awarding grants and providing financial support to
 1903 child care and development school readiness program providers
 1904 and their staff to assist them in meeting applicable state
 1905 requirements for child care performance standards, implementing
 1906 developmentally appropriate curricula and related classroom
 1907 resources that support curricula, providing literacy supports,
 1908 obtaining a license or accreditation, and providing professional
 1909 development, including scholarships and other incentives. Any
 1910 grants awarded pursuant to this subparagraph shall comply with
 1911 ~~the requirements of~~ ss. 215.971 and 287.058.

1912 3. Providing training, ~~and~~ technical assistance, and
 1913 financial support for child care and development school
 1914 ~~readiness~~ program providers, staff, and parents on standards,
 1915 child screenings, child assessments, developmentally appropriate
 1916 curricula, character development, teacher-child interactions,
 1917 age-appropriate discipline practices, health and safety,
 1918 nutrition, first aid, cardiopulmonary resuscitation, the
 1919 recognition of communicable diseases, and child abuse detection
 1920 and prevention.

1921 4. Providing from among the funds provided for the
 1922 activities described in subparagraphs 1.-3., adequate funding
 1923 for infants and toddlers as necessary to meet federal
 1924 requirements related to expenditures for quality activities for

HB 7069

2014

1925 infant and toddler care.

1926 5. Improving the monitoring of compliance with, and
 1927 enforcement of, applicable state and local requirements as
 1928 described in and limited by 45 C.F.R. s. 98.40.

1929 6. Responding to Warm-Line requests by providers and
 1930 parents ~~related to school readiness program children~~, including
 1931 providing developmental and health screenings to child care and
 1932 development ~~school readiness~~ program children.

1933 (c) Nondirect services as described in applicable Office
 1934 of Management and Budget instructions are those services not
 1935 defined as administrative, direct, or quality services that are
 1936 required to administer the child care and development ~~school~~
 1937 ~~readiness~~ program. Such services include, but are not limited
 1938 to:

- 1939 1. Assisting families to complete the required application
- 1940 and eligibility documentation.
- 1941 2. Determining child and family eligibility.
- 1942 3. Recruiting eligible child care providers.
- 1943 4. Processing and tracking attendance records.
- 1944 5. Developing and maintaining a statewide child care
- 1945 information system.

1946
 1947 As used in this paragraph, the term "nondirect services" does
 1948 not include payments to child care and development ~~school~~
 1949 ~~readiness~~ program providers for direct services provided to
 1950 children who are eligible under s. 1002.87, administrative costs

1951 as described in paragraph (a), or quality activities as
 1952 described in paragraph (b).

1953 (7) Funds appropriated for the child care and development
 1954 ~~school readiness~~ program may not be expended for the purchase or
 1955 improvement of land; for the purchase, construction, or
 1956 permanent improvement of any building or facility; or for the
 1957 purchase of buses. However, funds may be expended for minor
 1958 remodeling necessary for the administration of the program and
 1959 upgrading of child care facilities to ensure that providers meet
 1960 state and local child care standards, including applicable
 1961 health and safety requirements.

1962 Section 29. Subsection (7) of section 1002.91, Florida
 1963 Statutes, is amended to read:

1964 1002.91 Investigations of fraud or overpayment;
 1965 penalties.-

1966 (7) The early learning coalition may not contract with a
 1967 child care and development ~~school readiness~~ program provider, ~~or~~
 1968 a Voluntary Prekindergarten Education Program provider, or an
 1969 individual who is on the United States Department of Agriculture
 1970 National Disqualified List. In addition, the coalition may not
 1971 contract with any provider that shares an officer or director
 1972 with a provider that is on the United States Department of
 1973 Agriculture National Disqualified List.

1974 Section 30. Paragraph (d) of subsection (3) of section
 1975 1002.94, Florida Statutes, is amended to read:

1976 1002.94 Child Care Executive Partnership Program.-

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2014

1977 (3)
 1978 (d) Each early learning coalition shall establish a
 1979 community child care task force ~~for each child care purchasing~~
 1980 ~~pool~~. The task force must be composed of employers, parents,
 1981 private child care providers, and one representative from the
 1982 local children's services council, if one exists in the area ~~of~~
 1983 ~~the purchasing pool~~. The early learning coalition is expected to
 1984 recruit the task force members from existing child care
 1985 councils, commissions, or task forces already operating in the
 1986 area ~~of a purchasing pool~~. A majority of the task force shall
 1987 consist of employers.

1988 Section 31. The Office of Early Learning shall conduct a
 1989 2-year pilot project to study the impact of assessing the early
 1990 literacy skills of Voluntary Prekindergarten Education Program
 1991 participants who are English Language Learners, in both English
 1992 and Spanish. The assessments must include, at a minimum, the
 1993 first administration of the Florida Assessments for Instruction
 1994 in Reading in kindergarten and an appropriate alternative
 1995 assessment in Spanish. The study must include a review of the
 1996 kindergarten screening results for 2009-2010 and 2010-2011
 1997 program participants and their subsequent Florida Comprehensive
 1998 Assessment Test scores. The office shall annually report its
 1999 findings to the Governor, the President of the Senate, and the
 2000 Speaker of the House of Representatives by July 1, 2015, and
 2001 July 1, 2016.

2002 Section 32. This act shall take effect July 1, 2014.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7069 (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 O'Toole offered the following:
4

5 **Amendment (with title amendment)**

6 Remove lines 93-94 and insert:

7 "school readiness" to "child care and development," the term
8 "family day care home" to "family child care home," and the term
9 "family day care" to "family child care" wherever the

10
11
12
13 -----
14 **T I T L E A M E N D M E N T**

15 Remove lines 6-7 and insert:

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Published On: 3/21/2014 8:11:59 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7069 (2014)

Amendment No. 1

16 development," the term "family day care home" to "family child
17 care home," and the term "family day care" to "family child
18 care"; providing a directive to the
19

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7069 (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 O'Toole offered the following:
4

5 **Amendment (with title amendment)**

6 Remove lines 96-122
7
8
9

10 -----
11 **T I T L E A M E N D M E N T**

12 Remove lines 8-10 and insert:

13 Division of Law Revision and Information; amending ss. 120.109
14 and 166.0445,
15

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7069 (2014)

Amendment No.3

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 O'Toole offered the following:

4

5 **Amendment**

6 Remove line 257 and insert:

7 expand the regulatory authority of the state, its officers, any
8 local licensing agency, or

9

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7069 (2014)

Amendment No. 4

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 O'Toole offered the following:
4

5 **Amendment (with title amendment)**

6 Between lines 429 and 430, insert:

7 Section 8. Section 402.3085, Florida Statutes, is created
8 to read:

9 402.3085 Certificate of substantial compliance with
10 minimum child care standards.- Each nonpublic school or provider
11 seeking to operate a program pursuant to s. 402.3025(2)(d) or
12 402.316(4), respectively, shall annually obtain a certificate
13 from the department or local licensing agency in the manner and
14 on the forms prescribed by the department or local licensing
15 agency. An annual certificate or a renewal of an annual
16 certificate shall be issued upon an examination of the
17 applicant's premises and records to determine that the applicant

346765 - h7069 line 429 O'Toole #4.docx

Published On: 3/21/2014 8:17:31 PM

Amendment No. 4

18 is in substantial compliance with the minimum child care
19 standards. A provider may not participate in these programs
20 without this certification. Local licensing agencies may apply
21 their own minimum child care standards so long as the department
22 determines that they meet or exceed department standards as
23 provided in s. 402.307.
24
25
26

27 -----
28 **T I T L E A M E N D M E N T**

29 Remove line 21 and insert:

30 certain programs not licensed by the department; creating s.
31 402.3085, F.S.; authorizing the Department of Children and
32 Families to issue a certificate of substantial compliance with
33 minimum child care licensing standards; requiring certain
34 providers to obtain the certificate in order to offer the VPK
35 program or school readiness program; specifying criteria for
36 issuance of a certificate;
37

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7069 (2014)

Amendment No. 5

18 ~~providers~~ to achieve compliance with family child day care home
19 ~~homes~~ standards.

20 (2) This information shall be included in a directory to
21 be published annually by the department to inform the public of
22 available child care facilities.

23 (3) Child care personnel in family child day care homes
24 are shall be subject to the applicable screening provisions
25 contained in ss. 402.305(2) and 402.3055. For purposes of
26 screening in family child day care homes, the term "child care
27 personnel" includes the operator, the designated substitute, any
28 member over the age of 12 years of a family child day care home
29 operator's family, or persons over the age of 12 years residing
30 with the operator in the family child day care home. Members of
31 the operator's family, or persons residing with the operator,
32 who are between the ages of 12 years and 18 years shall not be
33 required to be fingerprinted, but shall be screened for
34 delinquency records.

35 (4) (a) Prior to licensure and prior to caring for children
36 operators of family child day care homes and an individual
37 serving as a substitute for the operator who works 40 hours or
38 more per month on average must:

39 1. Successfully complete an approved 30-clock-hour
40 introductory course in child care, as evidenced by passage of a
41 competency examination, before caring for children. The course
42 must include:

43 a. State and local rules and regulations that govern child

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7069 (2014)

Amendment No. 5

- 44 care.
- 45 b. Health, safety, and nutrition.
- 46 c. Identifying and reporting child abuse and neglect.
- 47 d. Child development, including typical and atypical
- 48 language development, and cognitive, motor, social, and
- 49 executive functioning skills development.
- 50 e. Observation of developmental behaviors, including using
- 51 a checklist or other similar observation tools and techniques to
- 52 determine a child's developmental level.
- 53 f. Specialized areas, including numeracy, early literacy,
- 54 and language development of children from birth to 5 years of
- 55 age, as determined by the department, for operators of family
- 56 child care homes.
- 57 ~~(5) In order to further develop their child care skills~~
- 58 ~~and, if appropriate, their administrative skills, operators of~~
- 59 ~~family day care homes shall be required to complete an~~
- 60 ~~additional 1 continuing education unit of approved training or~~
- 61 ~~10 clock hours of equivalent training, as determined by the~~
- 62 ~~department, annually.~~
- 63 ~~2.(6) Operators of family day care homes shall be required~~
- 64 ~~to Complete 0.5 continuing education unit of approved training~~
- 65 ~~in numeracy, early literacy, and language development of~~
- 66 ~~children from birth to 5 years of age one time. For an operator,~~
- 67 ~~the year that this training is completed, it shall fulfill the~~
- 68 ~~0.5 continuing education unit or 5-clock-hours of the annual~~
- 69 ~~training required in paragraph (c) subsection (5).~~

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Amendment No. 5

70 3. Complete training in first aid and infant and child
71 cardiopulmonary resuscitation prior to caring for children, as
72 evidenced by current documentation of course completion.

73 (b) Prior to licensure and prior to caring for children
74 family child care home substitutes who work less than 40 hours
75 per month on average shall complete the department's six-clock-
76 hour Family Child Care Home Rules and Regulations training, as
77 evidenced by successful completion of a competency examination,
78 and first aid and infant and child cardiopulmonary resuscitation
79 training under subparagraph (a)3. Such substitutes who have
80 successfully completed the three-clock-hour Fundamentals of
81 Child Care training established by rules of the department or
82 the 30-clock-hour training under subparagraph (a)1. are not
83 required to complete the six-clock-hour Family Child Care Home
84 Rules and Regulations training.

85 (c) Operators of family day care homes must annually
86 complete an additional 1 continuing education unit of approved
87 training regarding child care and administrative skills or 10-
88 clock-hours of equivalent training, as determined by the
89 department.

90 (5)(7) Operators of family ~~child day~~ care homes ~~must shall~~
91 be required annually to complete a health and safety home
92 inspection self-evaluation checklist developed by the department
93 in conjunction with the statewide resource and referral program.
94 The completed checklist shall be signed by the operator of the
95 family ~~child day~~ care home and provided to parents as

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7069 (2014)

Amendment No. 5

96 certification that basic health and safety standards are being
97 met.

98 ~~(6)(8)~~ Operators of family child day care homes ~~home~~
99 ~~operators~~ may avail themselves of supportive services offered by
100 the department.

101 ~~(7)(9)~~ The department shall prepare a brochure on family
102 child day care for distribution by the department and by local
103 licensing agencies, if appropriate, to family child day care
104 homes for distribution to parents using ~~utilizing~~ such child
105 care, and to all interested persons, including physicians and
106 other health professionals; mental health professionals; school
107 teachers or other school personnel; social workers or other
108 professional child care, foster care, residential, or
109 institutional workers; and law enforcement officers. The
110 brochure shall, at a minimum, contain the following information:

111 (a) A brief description of the requirements for family
112 child day care registration, training, and background
113 ~~fingerprinting and screening.~~

114 (b) A listing of those counties that require licensure of
115 family child day care homes. Such counties shall provide an
116 addendum to the brochure that provides a brief description of
117 the licensure requirements or may provide a brochure in lieu of
118 the one described in this subsection, provided it contains all
119 the required information on licensure and the required
120 information in the subsequent paragraphs.

121 (c) A statement indicating that information about the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7069 (2014)

Amendment No. 5

122 family child day care home's compliance with applicable state or
123 local requirements can be obtained from ~~by telephoning~~ the
124 department ~~office~~ or ~~the office~~ of the local licensing agency,
125 including the, if appropriate, at a telephone number or numbers
126 and website address for the department or local licensing
127 agency, as applicable ~~which shall be affixed to the brochure.~~

128 (d) The statewide toll-free telephone number of the
129 central abuse hotline, together with a notice that reports of
130 suspected and actual child physical abuse, sexual abuse, and
131 neglect are received and referred for investigation by the
132 hotline.

133 (e) Any other information relating to competent child care
134 that the department or local licensing agency, if preparing a
135 separate brochure, considers ~~deems would be~~ helpful to parents
136 and other caretakers in their selection of a family child day
137 care home.

138 ~~(8)-(10)~~ (8) On an annual basis, the department shall evaluate
139 the registration and licensure system for family child day care
140 homes. Such evaluation shall, at a minimum, address the
141 following:

142 (a) The number of family child day care homes registered
143 and licensed and the dates of such registration and licensure.

144 (b) The number of children being served in both registered
145 and licensed family child day care homes and any available slots
146 in such homes.

147 (c) The number of complaints received concerning family

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7069 (2014)

Amendment No. 5

148 child day care, the nature of the complaints, and the resolution
149 of such complaints.

150 (d) The training activities used ~~utilized~~ by child care
151 personnel in family child day care homes for meeting the state
152 or local training requirements.

153

154 The evaluation shall be used ~~utilized~~ by the department in any
155 administrative modifications or adjustments to be made in the
156 registration of family child day care homes or in any
157 legislative requests for modifications to the system of
158 registration or to other requirements for family child day care
159 homes.

160 ~~(11) In order to inform the public of the state~~
161 ~~requirement for registration of family day care homes as well as~~
162 ~~the other requirements for such homes to legally operate in the~~
163 ~~state, the department shall institute a media campaign to~~
164 ~~accomplish this end. Such a campaign shall include, at a~~
165 ~~minimum, flyers, newspaper advertisements, radio advertisements,~~
166 ~~and television advertisements.~~

167 (9) ~~(12)~~ Notwithstanding any other state or local law or
168 ordinance, any family child day care home licensed pursuant to
169 this chapter or pursuant to a county ordinance shall be charged
170 the utility rates accorded to a residential home. A licensed
171 family child day care home may not be charged commercial utility
172 rates.

173 (10) ~~(13)~~ The department shall, by rule, establish minimum

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7069 (2014)

Amendment No. 5

174 standards for family child day care homes that are required to
175 be licensed by county licensing ordinance or county licensing
176 resolution or that voluntarily choose to be licensed. The
177 standards should include requirements for staffing, training,
178 maintenance of immunization records, minimum health and safety
179 standards, reduced standards for the regulation of child care
180 during evening hours by municipalities and counties, and
181 enforcement of standards. Additionally, the department shall, by
182 rule, adopt procedures for verifying a registered family child
183 care home's compliance with background screening and training
184 requirements.

185
186

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7069 (2014)

Amendment No. 6

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 O'Toole offered the following:

4
5 **Amendment**

6 Remove line 779 and insert:

7 regulatory authority of the state, its officers, any local
8 licensing agency, or any early
9

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7069 (2014)

Amendment No. 7

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 O'Toole offered the following:

4

5 **Amendment**

6 Remove lines 1125-1126 and insert:

7 provider and the employee responsible for the violation was
8 terminated or the violation was corrected by the provider.

9

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7069 (2014)

Amendment No. 8

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 O'Toole offered the following:



4
5 **Amendment**

6 Remove lines 1757-1758 and insert:

7 violation was reported by the provider and the employee
8 responsible for the violation was terminated or the violation
9 was corrected by the provider. A faith-based
10

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7083 PCB CIS 14-01 School Choice
SPONSOR(S): Choice & Innovation Subcommittee, Diaz, Jr.
TIED BILLS: **IDEN./SIM. BILLS:** SB 1528

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---|----------|---|--|
| Orig. Comm.: Choice & Innovation Subcommittee | 8 Y, 4 N | Beagle | Fudge |
| 1) Education Appropriations Subcommittee | | Seifert  | Heflin  |
| 2) Education Committee | | | |

SUMMARY ANALYSIS

This bill revises the charter school application and charter approval processes by:

- Requiring the State Board of Education to adopt the DOE-developed standard charter and charter renewal contracts in rule, which sponsors and applicants must use thereafter.
- Revising the contents of the application and charter so that issues currently reserved for charter negotiations are decided upon by the sponsor during the application process.

The sponsor must review the application and base its decision to approve or deny the application upon the expanded application criteria. If the sponsor approves the application, the approved application is incorporated into the standard charter, with certain limited issues reserved for charter negotiations. The applicant and sponsor may negotiate additional terms after the standard charter is approved. The charter school may open and operate during the pendency of such negotiations.

This bill creates new opportunities for high-performing charter school operators to establish quality charter schools in Florida, including charter schools in hard-to serve areas. The bill authorizes an out-of-state entity that successfully operates a system of charter schools to apply and qualify for high-performing charter school system status. The state board must adopt rules specifying a process and criteria for evaluating out-of-state entities for "high-performing" status. Eligibility criteria must be aligned with the priorities specified in the federal Charter Schools Program Grants for Replication and Expansion of High-Quality Charter Schools, which emphasizes student achievement. Additionally, the bill shifts the focus of the state's program for replicating quality charter schools towards meeting school district needs for innovative school choice options and serving areas served by struggling traditional public schools.

The bill also clarifies that:

- Sponsors need not provide hearings and appeals to charter schools that are terminated for earning two consecutive school grades of "F."
- For purposes of determining eligibility for capital outlay funding, a charter school must have no financial emergency conditions on its most recent annual financial audit.
- Sponsors must make facilities available to charter schools if the facility or property has previously been used for K-12 education purposes and is no longer used to support public education.

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

The bill takes effect July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Charter School Applications and Charter Contracts

Background

Charter schools are nonsectarian, public schools that operate under a performance contract with a sponsor, which is typically a school district.¹ Florida law exempts charter schools from many laws and regulations applicable to traditional public schools to encourage the use of innovative learning methods.² The terms and conditions for the operation of the school are set forth in a performance contract or “charter.”³

The law establishes a two-step process for establishing a new charter school – an application process and charter negotiations.⁴ The Legislature has revised the charter school application and charter negotiation processes numerous times since Florida’s first charter school law was enacted in 1996.⁵ These revisions include establishing predictable timelines for both processes, standardizing application criteria and review standards, and facilitating resolution of charter negotiation disputes. These revisions have sought to devise predictable processes that enable sponsors to rigorously evaluate charter school applications while minimizing barriers that prevent approved charter schools from opening on time. These revisions include:

- Six revisions to application submission deadlines;⁶
- Allowing the sponsor and applicant to mutually agree to extend the application approval deadline;⁷
- Three revisions to charter negotiation deadlines;⁸
- Requiring the Department of Education (DOE) to mediate charter negotiation disputes;⁹ and
- Requiring sponsors and applicants to use a DOE-developed standard charter school application and application evaluation instrument.¹⁰

Most recently, the Legislature addressed the charter school application and charter negotiation processes in 2013, with legislation that:

¹ Section 1002.33(5)(a), (6)(h), (7) and (9)(a), F.S.; *see, e.g.*, Florida Department of Education, *Florida Charter School List by District*, http://www.floridaschoolchoice.org/Information/Charter_Schools/Directory/default.aspx (last visited Jan 17, 2014). The law authorizes school districts to sponsor charter schools; state universities to sponsor charter lab schools; and school districts, Florida College System (FCS) institutions, or a consortium of school districts or FCS institutions to sponsor a charter technical career center. Sections 1002.32(2), 1002.33(5)(a)1. and 2., and 1002.34(3)(b), F.S.

² Section 1002.33(2)(b)3. and (16), F.S.

³ Section 1002.33(6)(h) and (7), F.S.

⁴ Section 1002.33(6) and (7), F.S.

⁵ Chapter 96-186, L.O.F.

⁶ Section 1, ch. 97-207, L.O.F. (“through at least February 1st”); s. 1, ch. 99-374, L.O.F. (November 15th); s. 3, ch. 2000-306, L.O.F. (October 1st); s. 1, ch. 2003-393, L.O.F. (September 1st); s. 1, ch. 2006-190, L.O.F. (August 1st); s. 1, 2013-250, L.O.F. (Required sponsors to accept applications submitted before August 1st, authorized applicants to submit a draft application by May 1st, and required sponsors to provide feedback to applicant regarding the draft application by July 1st.)

⁷ Section 3, ch. 2000-306, L.O.F.

⁸ Section 1, ch. 97-207, L.O.F.; s. 1, ch. 2006-190, L.O.F.; s. 1, ch. 2013-250, L.O.F.

⁹ Section 1, ch. 98-206, L.O.F.; s. 1, ch. 2001-86, L.O.F.; s. 1, ch. 2004-354, L.O.F.

¹⁰ Section 1., 2009-214, L.O.F.

- Prohibited sponsors from rejecting applications submitted before the August 1st submission deadline.
- Authorized applicants to submit a draft application to the sponsor on or before May 1st, which the sponsor must review and provide feedback to the applicant regarding material deficiencies in the application by July 1st.
- Shortened the timeframe for beginning charter negotiations from 60 to 30 days after approval of the application.
- Shortened the timeframe for final approval of the charter from 75 to 40 days after beginning negotiations.

The legislation also directed DOE, in consultation with sponsors and charter school representatives, to develop and adopt in rule standard charter and charter renewal contracts. Sponsors and charter school operators would be required to use these charter documents once adopted in rule.¹¹

DOE presented its proposed standard charter and charter renewal contract to the Choice & Innovation Subcommittee on November 6, 2013. The Subcommittee also heard testimony from a panel of sponsor and charter school representatives regarding the standard charter and charter renewal contract. The standard charter and charter renewal documents have not yet been adopted in rule. Thus, sponsors and charter school operators are not required to use these charter documents.¹²

Present Situation

An applicant¹³ must submit a charter school application on a model application form developed by the DOE to the sponsor by August 1st.¹⁴ The sponsor must review and approve or deny the application within 60 days; however, the sponsor and applicant may mutually agree to extend the deadline.¹⁵ If the application is approved, the applicant and sponsor then negotiate the terms of the charter.¹⁶ If the application is denied, or the sponsor fails to act, the applicant may file an appeal with the State Board of Education, which may uphold or overturn the sponsor's denial.¹⁷

The law specifies the contents of both the charter school application and the charter. Charter school applications must:

- Demonstrate how the school will utilize the guiding principles of charter schools.¹⁸
- Provide a detailed curriculum plan aligned with the Next Generation Sunshine State Standards.
- Contain goals and objectives for improving student learning and measuring such improvement.
- Describe the reading curricula and differentiated strategies for serving students at various levels of reading ability.

¹¹ Section 1, ch. 2013-250, L.O.F.

¹² Presentation and Panel Discussion, *Standard Charter and Charter Renewal Contract: hearing before the House Choice & Innovation Subcommittee* (Nov. 6, 2013).

¹³ An application may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under Florida law. Section 1002.33(3)(a), F.S. The school must be operated by a Florida College System institution, municipality, or nonprofit organization. While a charter school must be a public or nonprofit entity, it may be managed by a for-profit education management organization. Section 1002.33(12)(i), F.S.

¹⁴ Section 1002.33(6)(a), F.S.; rule 6A-6.0786, F.A.C. (model charter school applications and application evaluation instruments).

¹⁵ Section 1002.33(6), F.S.

¹⁶ Section 1002.33(6)(h), F.S.

¹⁷ Section 1002.33(6)(c), F.S.; *see also* s. 120.68, F.S. The state board's decision is a final action subject to judicial review in the district court of appeal. *Id.*

¹⁸ The legislative guiding principles for charter schools provide that they are to meet high standards of student achievement while increasing parental choice; increase learning opportunities for all students, with special emphasis on low-performing students and reading; and utilize innovative learning methods. Charter schools may also serve to provide rigorous competition to stimulate improvement in traditional public schools, expand the capacity of the public school system, mitigate the educational impact created by the development of new residential dwelling units, and create new professional opportunities for teachers, including ownership of the learning program at the school site. Section 1002.33(2), F.S.

- Contain an annual financial plan.¹⁹

The charter must include:

- The students to be served, including ages and grade levels.
- The curriculum's focus and instructional methods to be used.
- Baseline standards of student academic achievement, outcomes to be achieved, and methods of measurement to be used.
- The method for determining the strengths and needs of students and whether they are meeting educational goals.
- In secondary charter schools, a method for determining whether students have met high school graduation requirements.
- The method for resolving conflicts between the governing body and the sponsor.
- Admission and dismissal procedures and the school's student conduct code.
- Methods for achieving a racial/ethnic balance reflective of the community served.
- The financial and administrative management of the school, including experience required for management positions and a description of internal audit controls.
- Asset and liability projections.
- A description of plans to identify various risks, reduce losses, and ensure student and faculty safety.
- The term of the charter and an agreement that the charter may be cancelled if the school has made insufficient progress with student achievement.
- The facilities to be used.
- Teacher qualifications, governance structure, and timetables for implementing each element of the charter.
- Full disclosure of all charter school employees who are relatives of charter school officials and employees who have decision making authority over charter school operations.
- Provisions for implementing high-performing charter school benefits if the charter school is designated as "high-performing."²⁰

Uniform statewide use of the model charter school application and application evaluation instrument began in August 2010 for applications proposing new charter schools to be opened in the 2011-12 school year.²¹ The model application and application evaluation instrument are intended to provide a uniform set of charter school application review and approval standards. The model application is comprised of 19 total criteria divided among three main topic headings: educational plan, organizational plan, and business plan. The model application specifies the types of information that the applicant must include in its application to satisfy each criterion.²²

¹⁹ Section 1002.33(6)(a), F.S. The law also requires the applicant to document in the application its participation in pre-application training. However, this training was changed from pre- to post-application training in 2011. *Id.*; s. 3, ch. 2011-232, L.O.F.

²⁰ Section 1002.33(7), F.S.

²¹ Telephone interview with Florida Department of Education, Charter School Director (Aug. 4, 2011). The model application and application evaluation instrument were adopted in rule in October 2010. Anticipating adoption of this rule, DOE advised sponsors to use these tools for charter school applications to be submitted in August 2010. *Id.*; see rule 6A-6.0786, F.A.C.

²² Florida Department of Education, *Model Florida Charter School Application* (Oct. 2010), available at http://www.floridaschoolchoice.org/information/Charter_schools/files/Model_Charter_Application.pdf [hereinafter *Model Application*]; Florida Department of Education, *Florida Charter School Application Evaluation Instrument*, at 1 (Oct. 2010) [hereinafter *Evaluation Instrument*]. The state board has also adopted model charter school applications and evaluation instruments for virtual charter schools and high-performing charter school replications. See rule 6A-6.0786, F.A.C.

Model Charter School Application Criteria

Educational Plan

- Mission, Guiding Principles, & Purpose
- Student Population
- Educational Program
- Curriculum
- Evaluation of Student Performance
- Exceptional Students
- English Language Learners
- Student Discipline

Organizational Plan

- Governance
- Management
- Education Service Providers
- Human Resources
- Student Recruitment & Enrollment

Business Plan

- Facilities
- Transportation
- Food Service
- Budget
- Financial Management
- Start-Up Plan

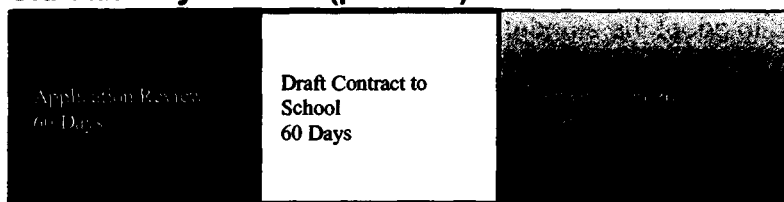
Generally speaking, the statutorily prescribed contents for both applications and the charter are incorporated into the model charter school application. Thus, many of the major issues concerning the operation of the charter school are considered by the sponsor before approving or denying the application. Certain issues are not typically finalized until after the application is approved, e.g., securing a school facility and recruiting students and school staff. Thus, the model application merely requires that a plan for finalizing such issues be presented in the application.²³

DOE data from the 2012 charter school application cycle indicates that only 19.6 percent of charter school applications submitted by applicants were decided upon by school districts within the 60 day timeline required by law.²⁴ On November 6, 2013, DOE presented the following information on charter school application and charter approval timelines to the Choice & Innovation Subcommittee:

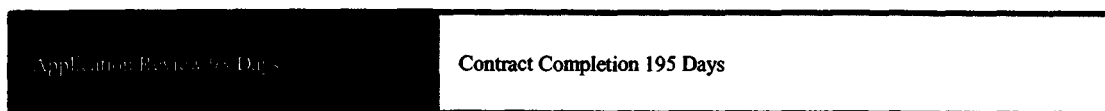
Application and Charter Approval Timelines²⁵

| | | | | | | | | | |
|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|
| Aug | Sept | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May |
|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|

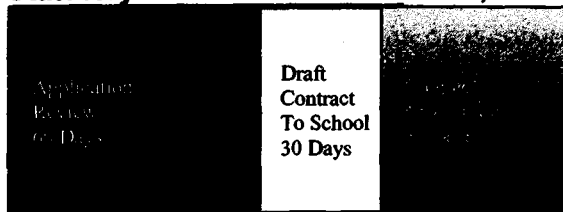
Old Statutory Timeline (pre-2013)



Actual Average Timeline for Application and Charter Approval



Statutory Timeline Codified in s. 1, ch. 2013-250, L.O.F. (Effective July 1, 2013)



²³ Compare s. 1002.33(6) and (7), F.S. with Model Application supra note 22, at 17-18 and 22.

²⁴ Email, Florida Department of Education, Director, Office of Independent Education and Parental Choice (Jan. 9, 2014).

²⁵ Presentation and Panel Discussion, *Standard Charter and Charter Renewal Contract: hearing before the House Choice & Innovation Subcommittee* (Nov. 6, 2013).

Effect of Proposed Changes

The bill revises the required elements of the application and charter by transferring several issues currently required to be addressed in charter negotiations to the application process. Charter elements transferred to the application include:

- The students to be served, including ages and grade levels.
- The curriculum's focus and instructional methods to be used.
- The method for determining the strengths and needs of students and whether they are meeting educational goals.
- In secondary charter schools, a method for determining whether students have met high school graduation requirements.
- Admission and dismissal procedures and the school's student conduct code.
- Methods for achieving a racial/ethnic balance reflective of the community served.
- The financial and administrative management of the school, including experience required for management positions and a description of internal audit controls.
- A description of plans to identify various risks, reduce losses, and ensure student and faculty safety.
- Teacher qualifications, governance structure, and timetables for implementing each element of the charter.

The bill authorizes a sponsor to request additional information from the applicant, which must be incorporated into the application as an addendum. The bill also revises current law requiring a sponsor to allow the applicant an opportunity to correct technical deficiencies, e.g., typographical errors and missing signatures, and resubmit the application. Instead, this opportunity to correct and resubmit the application must be allowed for any issue the sponsor indicates as cause to deny the application.

The bill requires the state board to adopt the standard charter and charter renewal contracts in rule. Thereafter, charter school applicants and sponsors will be required to use these documents. The standard charter will consist of the approved application, any addenda, and the remaining required elements of the charter. Terms that are inconsistent with or prohibited by law are void and unenforceable. Issues decided upon by the sponsor during the application phase are deemed to be settled prior to charter negotiations; however, the applicant and sponsor may negotiate additional terms after finalizing the standard charter. The charter school may open and operate during the pendency of such negotiations. Under the bill, the following items remain as required elements of the charter:

- Baseline standards of student academic achievement, outcomes to be achieved, and methods of measurement to be used.
- The method for resolving conflicts between the governing body and the sponsor.
- The term of the charter and grounds for terminating or not renewing the charter.
- The facilities to be used.
- Full disclosure of all charter school employees who are relatives of charter school officials and employees who have decision making authority over charter school operations.
- Provisions for implementing high-performing charter school benefits if the charter school is designated as "high-performing."

The bill requires that the standard charter and charter renewal contract and model applications and application evaluation instruments specify the laws and rules from which charter schools are exempt. The bill specifically directs DOE to develop standard charters, charter renewal contracts, model applications, and application evaluation instruments for virtual charter schools and high-performing charter school replication. Such model applications and evaluation instruments already exist and are currently used by sponsors and applicants.

Each of the issues transferred from the charter negotiation process to the application process is already addressed in DOE's model charter school application, which has been in use since 2010. Thus, the bill's changes to the application process better reflect existing practices. The bill minimizes the issues that must be addressed in charter negotiations by requiring use of a standard charter and incorporating issues already decided upon by the sponsor during the application phase into the charter. These changes to the application and charter negotiation processes aim to increase the likelihood that approved charter schools open on time.

Mandatory Charter Terminations

Present Situation

A sponsor may choose to terminate or not renew a charter for any of the following reasons:

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

The sponsor may immediately terminate a charter school's charter if conditions at the school threaten the health, safety, or welfare of students.²⁷ Due process in the form of notice and, if requested, a formal hearing and opportunity to appeal must be provided to the charter school prior to a charter termination or nonrenewal. For immediate termination of a charter school, a hearing, if requested, may occur after termination.²⁸

In addition, the law requires a sponsor to terminate the charter of a charter school that earns two consecutive school grades of "F," unless the charter school qualifies for one of three exceptions. The law is unclear whether the same due process procedures afforded to charter schools for discretionary or immediate terminations apply to mandatory terminations.²⁹

Effect of Proposed Changes

The bill clarifies that mandatory termination occurs automatically upon a charter school's receipt of a second consecutive grade of "F" becoming final, unless an exception applies. The sponsor must notify in writing the charter school's governing board, the charter school principal, and DOE. Hearings and appeals applicable to discretionary and immediate charter terminations are not applicable to mandatory terminations. The law specifies procedures for winding-down the operations of a terminated charter school, such as reverting unencumbered public funds to the sponsor and reassigning students to other district schools.³⁰ The bill specifies that these procedures apply to mandatory terminations.

Charter School Facilities

Present Situation

Currently, if a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it must be provided for a charter school's use on the same basis it is

²⁶ Section 1002.33(8)(a), F.S.

²⁷ Section 1002.33(8)(d), F.S.

²⁸ Sections 1002.33(6)(c) and (8)(b)-(d), F.S.

²⁹ Generally speaking, the exceptions apply to charter schools that specifically target hard-to-serve students and to traditional public schools that are reconstituted as charter schools pursuant to the differentiated accountability process. Section 1002.33(9)(n)4., F.S.; s. 1008.33(4)(b)3. and (e), F.S.

³⁰ Section 1002.33(8)(e), (f), and (g), F.S.

made available to other public schools in the district.³¹ According to DOE, 13 charter schools in 10 school districts presently reside in a facility provided by the district. In eight cases, the facility is provided by the district rent-free or for a nominal charge.³² There have been instances in which vacant facilities are used for storage (some partially) or some other purpose, or not marked for disposal and such facilities still remain unavailable to charter schools.

Effect of Proposed Changes

The bill clarifies that if a district school board facility or property that has previously been used for K-12 education purposes, is no longer used in support of public education, it must be made available for a charter school's use. The charter school is responsible for costs required to bring the facility into compliance with the Florida Building Code and for costs required to maintain such compliance. The charter school may not earn capital outlay funds. The school district must include the charter school's capital outlay full-time equivalent student count in the district's capital outlay calculations. The charter school may choose to maintain the facility to the same standard as any other district-operated school of similar age and condition.

High-Performing Charter Schools and Charter School Systems

Present Situation

Charter schools and operators of systems of charter schools with a track record of academic excellence and financial stability may earn "high-performing" status. A high-performing charter school is a charter school that during each of the three previous years:

- Received at least two school grades of "A" and no school grade below "B;"
- Has received an unqualified opinion³³ on each annual financial audit; and
- Has not received an annual financial audit that reveals a financial emergency condition.³⁴

A high-performing charter school system (system) may be operated by a municipality or other public entity that is authorized by Florida law to operate a charter school; a private, not-for-profit, s. 501(c)(3) status corporation; or a private for-profit corporation.³⁵ In order to earn "high-performing" status, a system must, in the previous three-year period:

- Operate at least three high-performing charter schools in Florida;
- Have at least 50 percent of its charter schools designated as "high-performing" and no charter school receiving a school grade of "D" or "F;" and
- Not receive an annual financial audit that revealed a financial emergency condition for any charter school operated by the entity in Florida.³⁶

Initial eligibility for "high-performing" status is verified by the Commissioner of Education, upon request by a charter school or system. Thereafter, the commissioner must annually verify continued eligibility.³⁷

High-performing charter schools and systems may take advantage of various benefits. A high-performing charter school may:

³¹ Section 1002.33(18)(e), F.S.

³² Email, Florida Department of Education, Director, Office of Independent Education and Parental Choice (Jan. 14, 2014).

³³ An unqualified audit opinion means that the charter school's financial statements are materially correct. Telephone interview with Florida Auditor General staff (Mar. 24, 2011).

³⁴ Section 1002.331(1), F.S.; see s. 218.503(1), F.S. (financial emergency conditions).

³⁵ Section 1002.332(1), F.S.

³⁶ Section 1002.332(1), F.S. Exceptions to the eligibility criteria apply if the system operates a charter school established to turn around a chronically low-performing traditional public school and for charter schools opened to serve areas served by a low-performing traditional public school. Section 1002.33(1)(b)2., F.S.

³⁷ Sections 1002.331(5) and 1002.332(2)(a), F.S.

- Increase the school's enrollment once per year over the maximum enrollment specified in the charter, as long as total enrollment does not exceed the capacity of its facility;
- Expand grade levels within kindergarten through grade 12 to add grade levels not already served, as long as total enrollment does not exceed the capacity of its facility;
- Submit quarterly, rather than monthly, financial statements to its sponsor;
- Consolidate under a single charter the charters of multiple high-performing charter schools operated in the same school district by the school's governing board, regardless of the charter renewal cycle;
- Receive a modification of its charter to a term of 15 years or a 15-year charter renewal; and
- Submit an application in any Florida school district to establish and operate a new charter school that substantially replicates its educational program.³⁸

High-performing charter schools may receive a reduction in the administrative fee for sponsor-provided services from five percent to two percent for enrollment up to and including 250 students per school.³⁹ High-performing charter school systems may also receive a reduction in the administrative fees in very limited circumstances.⁴⁰

The capacity of a high-performing charter school is determined annually by its governing board. A sponsor may not require a charter school to identify the names of students to be enrolled or to enroll those students before the start of the school year as a condition of approval or renewal of a charter.⁴¹

A high-performing charter school may not be replicated more than once in any given year and may not replicate again until the new charter school achieves "high-performing" status.⁴² Systems may replicate their high-performing charter schools using the same process applicable to high-performing charter schools.⁴³

According to DOE:

- As of January 2014, 147 charter schools in 32 school districts are designated as "high-performing."
- As of January 2014, two systems are designated as high-performing systems:
 - Doral, Inc., is comprised of five charter schools, four of which are high-performing charter schools; and
 - McKeel Academy is comprised of three charter schools, each of which is a high-performing charter school.
- As of August 2013, 19 new charter schools replicating high-performing charter schools have been established in six school districts.⁴⁴

Effect of Proposed Changes

The bill replaces current limitations on the number and frequency of high-performing charter school replication. The current limit of one replication per year, with subsequent replications prohibited until the newly created charter school achieves "high-performing" status, is eliminated. Instead, a high-

³⁸ Section 1002.331(2), F.S.

³⁹ Section 1002.33(20)(a)3., F.S.

⁴⁰ Section 1002.33(20)(a)4. and 6., F.S. The fee is reduced from 5 percent to 2 percent for enrollments up to and including 500 students per system if the system includes both conversion charter schools and nonconversion charter schools; has all schools located in the same county; has a total enrollment exceeding the total enrollment of at least one school district in the state; has the same governing board; and does not contract with a for-profit service provider for management of school operations. *Id.*

⁴¹ Section 1002.33(10)(i), F.S.

⁴² Section 1002.331(3)(b), F.S.

⁴³ Section 1002.332(2), F.S.

⁴⁴ Email, Florida Department of Education, Director, Office of Independent Education and Parental Choice (Jan. 27, 2014).

performing charter school may replicate an unlimited number of times in a given year, provided that replicated schools are established for the purpose of serving an attendance area served by a traditional public school identified as in need of intervention and support or to meet capacity needs or needs for innovative choice options identified by school districts. The bill also clarifies that a sponsor may not require a high-performing charter school to limit enrollment or capacity to students enrolled before the start of the school year as a condition of approval or renewal of a charter.

Currently, out-of-state entities that do not operate charter schools in Florida are ineligible for high-performing charter school system status. The bill authorizes an out-of-state entity that successfully operates a system of high-quality charter schools elsewhere in the United States to apply to the state board for high-performing charter school system status. If awarded the status, charter schools that the entity establishes in Florida are automatically deemed "high-performing" for the first three years of operation. Thus, such charter schools would receive all of the benefits available to high-performing charter schools, including ability to replicate. After three years, such a school must meet the eligibility requirements for "high-performing" status to maintain the designation.

The state board must adopt rules specifying a process and criteria for evaluating out-of-state entities for "high-performing status." Eligibility criteria established by the state board must be aligned to the priorities of the federal Charter Schools Program Grants for Replication and Expansion of High-Quality Charter Schools.⁴⁵ The U.S. Department of Education awards these grants to charter school operators that demonstrate:

- Ability to increase student achievement of all students, including, educationally disadvantaged students.
- Success in closing historic achievement gaps for student subgroups, such as minority and low-income students and students with disabilities.
- Ability to produce student achievement results for low-income and other educationally disadvantaged students that are above the average for similarly situated students in the state, based upon such measures as performance on statewide tests and student attendance, retention, high school graduation, and college attendance rates.
- Consistent compliance with student safety and financial management requirements.⁴⁶

Virtual Instruction Providers

Present Situation

Currently, a state-approved virtual instruction provider's contract must be terminated if the provider earns a school grade of "D" or "F" or a school improvement rating of "Declining" in any two years of a consecutive four year period.⁴⁷

Effect of Proposed Changes

The bill provides that a virtual instruction provider's contract must be terminated if the provider earns two consecutive school grades of "F" or school improvement ratings of "Declining."

Charter School Capital Outlay Funding

Present Situation

Among other things, a charter school must demonstrate that it is financially stable in order to be eligible for charter school capital outlay funding.⁴⁸ However, the law does not specify how financial stability is to

⁴⁵ See 76 Fed. Reg. 40,898 (July 12, 2011).

⁴⁶ *Id.*

⁴⁷ Section 1002.45(8)(d), F.S.

be determined. DOE currently reviews a charter school's annual financial audit to make this determination. This practice is consistent with other areas of charter school law, such as determining high-performing charter school eligibility and interventions for financially troubled schools.⁴⁹

Effect of Proposed Changes

The bill requires, for purposes of determining eligibility for capital outlay funding, that a charter school have no financial emergency conditions on its annual financial audit for the most recent fiscal for which an audit is available. Under current law, a financial emergency is determined to exist when any one of the following conditions occurs due to lack of funds:

- Failure to pay short-term loans or make bond debt service or other long-term debt payments when due;
- Failure to pay uncontested claims from creditors within 90 days after the claim is presented;
- Failure to timely transfer taxes withheld from employees or employer or employee contributions for federal social security, pension, or retirement plans; and
- Failure for one pay period to pay wages, salaries, or retirement benefits.⁵⁰

This change provides clearer guidance to DOE in determining whether a charter school is financially stable enough to merit an award of capital outlay funding.

B. SECTION DIRECTORY:

Section 1. Amends s. 1002.33, F.S., relating to charter schools.

Section 2. Amends s. 1002.331, F.S., relating to high-performing charter schools.

Section 3. Amends s. 1002.332, F.S., relating to high-performing charter school systems.

Section 4. Amends s. 1002.45, F.S., relating to virtual instruction programs.

Section 5. Amends s. 1013.62, F.S., relating to charter schools capital outlay funding.

Section 6. 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.

⁴⁸ Section 1013.62(1)(a), F.S.

⁴⁹ See, e.g., ss. 1002.331 and 1002.345, F.S.

⁵⁰ Section 218.503(1)(a)-(d), F.S.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill clarifies the conditions in which sponsors must provide unused school facilities to charter schools. This may increase the ability of charter schools to use district facilities; however, the impact of this provision on a charter school's facilities costs will likely depend on the rents charged and maintenance costs associated with such use. In addition, the bill provides clearer guidance to DOE in determining whether a charter school is financially stable enough to merit an award of capital outlay funding.

The bill authorizes an out-of-state entity that successfully operates a system of high-quality charter schools elsewhere in the United States to apply to the state board for high-performing charter school system status. If awarded the status, any charter schools the entity establishes in Florida are automatically deemed "high-performing" for the first three years of operation, which, among other benefits, entitles them to a reduction in administrative fees for sponsor-provided services.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the state board to adopt in rule the standard charter contract and standard charter renewal contract. The state board must also adopt rules specifying a process and criteria for determining the eligibility of an out-of-state charter school system for "high-performing" status.

The existing model application forms, standard charter contracts, standard application evaluation instruments, and standard charter renewal contracts will need to be amended to identify the specific statutes and rules in which charter schools are statutorily exempted from compliance.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 18, 2014, the Choice & Innovation Subcommittee adopted one amendment and reported the proposed committee bill favorably. The amendment added provisions revising accountability requirements for state-approved virtual instruction providers. Currently, such a provider's contract must be terminated if the provider earns a school grade of "D" or "F" or a school improvement rating of "Declining" in any two years of a consecutive four year period. The amendment provides that such termination must occur if the provider earns two consecutive school grades of "F" or school improvement ratings of "Declining."

1 A bill to be entitled
 2 An act relating to school choice; amending s. 1002.33,
 3 F.S.; revising required contents of charter school
 4 applications and charter contracts; authorizing a
 5 sponsor to require an applicant to provide additional
 6 information as an addendum to a charter school
 7 application; requiring a sponsor to allow an applicant
 8 an opportunity to correct both material and technical
 9 deficiencies in the application; conforming provisions
 10 regarding the appeal process for denial of high-
 11 performing charter school applications; requiring
 12 sponsors and applicants to use a standard charter
 13 contract; specifying that the standard charter
 14 contract consists of the approved application and
 15 addenda and other specified elements; conforming
 16 provisions; specifying that a charter contract
 17 provision that is inconsistent with or prohibited by
 18 law is void and unenforceable; authorizing the sponsor
 19 and applicant to negotiate additional terms after
 20 approving the charter; authorizing a charter school to
 21 open and operate during such negotiation; providing
 22 that matters included in the approved application and
 23 addenda are deemed settled for purposes of negotiating
 24 the charter; clarifying provisions regarding long-term
 25 charters and charter terminations; specifying that a
 26 charter is automatically terminated when a charter

27 school earns a second consecutive grade of "F" after
 28 all appeals unless an exception applies; specifying
 29 requirements regarding such terminations; correcting
 30 cross-references; prohibiting a sponsor from requiring
 31 a high-performing charter school to limit enrollment
 32 or capacity to students enrolled before the start of
 33 the school year; clarifying that sponsors must make
 34 unused school facilities available to charter schools;
 35 specifying requirements for such use of facilities;
 36 requiring the Department of Education to develop a
 37 model application form, standard charter contract,
 38 standard application evaluation instrument, and
 39 standard charter renewal contract; requiring the
 40 department to develop such documents for virtual
 41 charter schools and high-performing charter schools;
 42 amending s. 1002.331, F.S.; specifying that charter
 43 schools established by certain high-performing charter
 44 school systems qualify for high-performing charter
 45 school status for the first 3 years of operation;
 46 correcting a cross-reference; revising limits on high-
 47 performing charter school replication; amending s.
 48 1002.332, F.S.; authorizing certain out-of-state
 49 entities to apply for designation as a high-performing
 50 charter school system; requiring the State Board of
 51 Education to adopt by rule eligibility criteria for
 52 such designation; amending s. 1002.45, F.S.;

53 specifying conditions under which an approved virtual
 54 instruction provider's contract is automatically
 55 terminated; amending s. 1013.62, F.S.; requiring that
 56 a charter school may not have financial emergency
 57 conditions on an annual audit to qualify for capital
 58 outlay funding; amending s. 1003.01, F.S.; correcting
 59 a cross-reference; providing an effective date.

60

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

62

63 Section 1. Paragraphs (a), (b), (c), and (h) of subsection
 64 (6), subsection (7), paragraphs (n) and (o) of subsection (9),
 65 paragraphs (e) and (i) of subsection (10), paragraphs (b) and
 66 (c) of subsection (15), paragraph (e) of subsection (18), and
 67 paragraph (a) of subsection (21) of section 1002.33, Florida
 68 Statutes, are amended to read:

69 1002.33 Charter schools.—

70 (6) APPLICATION PROCESS AND REVIEW.—Charter school
 71 applications are subject to the following requirements:

72 (a) A person or entity that wants ~~wishing~~ to open a
 73 charter school shall prepare and submit an application on the ~~a~~
 74 model application form prepared by the Department of Education
 75 which:

76 1. Demonstrates how the school will use the guiding
 77 principles and meet the statutorily defined purpose of a charter
 78 school and describes the school's mission, the students to be

79 served, and the ages and grades to be included.

80 2. Describes the focus of the curriculum, the
 81 instructional methods to be used, any distinctive instructional
 82 techniques to be employed, and the identification and
 83 acquisition of appropriate technologies needed to improve
 84 educational and administrative performance, which include a
 85 means for promoting safe, ethical, and appropriate uses of
 86 technology that comply with legal and professional standards.
 87 The ~~Provides a detailed~~ curriculum plan must illustrate that
 88 ~~illustrates~~ how students will be provided instruction on
 89 ~~services to attain the Sunshine~~ state standards.

90 a. Reading shall be a primary focus of the curriculum. The
 91 curriculum plan must describe the differentiated strategies that
 92 will be used for students who score Level 3 and above on the
 93 statewide, standardized Reading assessment or, upon
 94 implementation, the English Language Arts assessment and a
 95 separate curriculum and strategies for students who score below
 96 Level 3 on the statewide, standardized Reading assessment or,
 97 upon implementation, the English Language Arts assessment.
 98 Resources must be provided to identify and provide specialized
 99 instruction for students who score below Level 3 on the
 100 assessment. The curriculum and instructional strategies for
 101 reading must be consistent with state standards and grounded in
 102 scientifically based reading research. A sponsor shall deny a
 103 charter if the school does not propose a reading curriculum that
 104 is consistent with effective teaching strategies that are

105 | grounded in scientifically based reading research.
 106 | b. In order to provide students with access to diverse
 107 | instructional delivery models, to facilitate the integration of
 108 | technology within traditional classroom instruction, and to
 109 | provide students with the skills they need to compete in the
 110 | 21st century economy, the Legislature encourages instructional
 111 | methods for blended learning courses consisting of both
 112 | traditional classroom and virtual instructional techniques.
 113 | Charter schools may implement blended learning courses that
 114 | combine traditional classroom instruction and virtual
 115 | instruction. Students in a blended learning course must be full-
 116 | time students of the charter school and receive the virtual
 117 | instruction in a classroom setting at the charter school.
 118 | Instructional personnel certified pursuant to s. 1012.55 who
 119 | provide virtual instruction for blended learning courses may be
 120 | employees of the charter school or may be under contract to
 121 | provide instructional services to charter school students. At a
 122 | minimum, such instructional personnel must hold an active state
 123 | or school district adjunct certification under s. 1012.57 for
 124 | the subject area of the blended learning course. The funding and
 125 | performance accountability requirements for blended learning
 126 | courses are the same as those for traditional courses.
 127 | 3. Contains goals and objectives for improving student
 128 | learning and measuring that improvement. These goals and
 129 | objectives must indicate how much academic improvement students
 130 | are expected to show each year, how success will be evaluated,

131 and the specific results to be attained through instruction.

132 4. Provides the methods used to identify the educational
 133 strengths and needs of students and how well educational goals
 134 and performance standards are met by students attending the
 135 charter school. The methods shall provide a means for the
 136 charter school to ensure accountability to its constituents by
 137 analyzing student performance data and by evaluating the
 138 effectiveness and efficiency of its major educational programs.
 139 Students in charter schools shall, at a minimum, participate in
 140 the statewide assessment program created under s. 1008.22.

141 5. For the establishment of a secondary charter school,
 142 provides a method for determining that a student has satisfied
 143 the requirements for graduation in s. 1003.4282.

144 ~~4. Describes the reading curriculum and differentiated~~
 145 ~~strategies that will be used for students reading at grade level~~
 146 ~~or higher and a separate curriculum and strategies for students~~
 147 ~~who are reading below grade level. A sponsor shall deny a~~
 148 ~~charter if the school does not propose a reading curriculum that~~
 149 ~~is consistent with effective teaching strategies that are~~
 150 ~~grounded in scientifically based reading research.~~

151 ~~5. Contains an annual financial plan for each year~~
 152 ~~requested by the charter for operation of the school for up to 5~~
 153 ~~years. This plan must contain anticipated fund balances based on~~
 154 ~~revenue projections, a spending plan based on projected revenues~~
 155 ~~and expenses, and a description of controls that will safeguard~~
 156 ~~finances and projected enrollment trends.~~

157 ~~6. Documents that the applicant has participated in the~~
 158 ~~training required in subparagraph (f)2. A sponsor may require an~~
 159 ~~applicant to provide additional information as an addendum to~~
 160 ~~the charter school application described in this paragraph.~~

161 6.7. For the establishment of a virtual charter school,
 162 documents that the applicant has contracted with a provider of
 163 virtual instruction services pursuant to s. 1002.45(1)(d).

164 7. Describes the admissions procedures and dismissal
 165 procedures, including the school's code of student conduct.

166 8. Describes the ways by which the school will achieve a
 167 racial/ethnic balance reflective of the community it serves or
 168 within the racial/ethnic range of other public schools in the
 169 same school district.

170 9. Contains an annual financial plan for each year that
 171 the applicant intends to operate the school for up to 5 years.
 172 This plan must contain anticipated fund balances based on
 173 revenue projections, a spending plan based on projected revenues
 174 and expenses, and a description of controls that will safeguard
 175 finances and projected enrollment trends.

176 10. Describes the financial and administrative management
 177 of the school, including a reasonable demonstration of the
 178 professional experience or competence of those individuals or
 179 organizations applying to operate the charter school or those
 180 individuals or organizations hired or retained to perform such
 181 professional services and a description of clearly delineated
 182 responsibilities of those individuals or organizations and the

183 policies and practices needed to effectively manage the charter
 184 school. A description of internal audit procedures and
 185 establishment of controls to ensure that financial resources are
 186 properly managed must be included. Both public sector and
 187 private sector professional experience are equally valid in such
 188 a consideration.

189 11. Describes procedures that identify various risks and
 190 provide for a comprehensive approach to reduce the impact of
 191 losses; plans to ensure the safety and security of students and
 192 staff; plans to identify, minimize, and protect others from
 193 violent or disruptive student behavior; and the manner in which
 194 the school will be insured, including whether the school will be
 195 required to have liability insurance, and, if so, the terms and
 196 conditions thereof and the amounts of coverage.

197 12. Includes the qualifications to be required of the
 198 teachers and the potential strategies used to recruit, hire,
 199 train, and retain qualified staff to achieve best value.

200 13. Describes the governance structure of the school,
 201 including the status of the charter school as a public or
 202 private employer as required in paragraph (12)(i).

203 14. Includes a timetable for implementing the charter
 204 which addresses the implementation of each element thereof and
 205 the date by which the charter will be awarded in order to meet
 206 this timetable.

207 15. In the case of an existing public school that is being
 208 converted to charter status, includes alternative arrangements

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209 for current students who choose not to attend the charter school
210 and for current teachers who choose not to teach in the charter
211 school after conversion in accordance with the existing
212 collective bargaining agreement or district school board rule in
213 the absence of a collective bargaining agreement. However,
214 alternative arrangements are not required for current teachers
215 who choose not to teach in a charter lab school, except as
216 authorized by the employment policies of the state university
217 that grants the charter to the lab school.

218

219 A sponsor may require an applicant to provide additional
220 information as an addendum to the charter school application
221 described in this paragraph.

222 (b) A sponsor shall receive and review all applications
223 for a charter school using the ~~an~~ evaluation instrument
224 developed by the Department of Education. A sponsor shall
225 receive and consider charter school applications received on or
226 before August 1 of each calendar year for charter schools to be
227 opened at the beginning of the school district's next school
228 year, or to be opened at a time agreed to by the applicant and
229 the sponsor. A sponsor may not refuse to receive a charter
230 school application submitted before August 1 and may receive an
231 application submitted later than August 1 if it chooses. In
232 order to facilitate greater collaboration in the application
233 process, an applicant may submit a draft charter school
234 application on or before May 1 with an application fee of \$500.

235 | If a draft application is timely submitted, the sponsor shall
 236 | review and provide feedback as to material deficiencies in the
 237 | application by July 1. The applicant shall then have until
 238 | August 1 to resubmit a revised and final application. The
 239 | sponsor may approve the draft application. A sponsor may not
 240 | charge an applicant for a charter any fee for the processing or
 241 | consideration of an application, and a sponsor may not base its
 242 | consideration or approval of a final application upon the
 243 | promise of future payment of any kind. Before approving or
 244 | denying any final application, the sponsor shall allow the
 245 | applicant, upon receipt of written notification, at least 7
 246 | calendar days to make ~~technical or nonsubstantive~~ corrections
 247 | and clarifications to address any deficiencies, ~~including, but~~
 248 | ~~not limited to, corrections of grammatical, typographical, and~~
 249 | ~~like errors or missing signatures, if such errors are~~ identified
 250 | by the sponsor as cause to deny the final application.

251 | 1. In order to facilitate an accurate budget projection
 252 | process, a sponsor shall be held harmless for FTE students who
 253 | are not included in the FTE projection due to approval of
 254 | charter school applications after the FTE projection deadline.
 255 | In a further effort to facilitate an accurate budget projection,
 256 | within 15 calendar days after receipt of a charter school
 257 | application, a sponsor shall report to the Department of
 258 | Education the name of the applicant entity, the proposed charter
 259 | school location, and its projected FTE.

260 | 2. In order to ensure fiscal responsibility, an

261 application for a charter school shall include a full accounting
 262 of expected assets, a projection of expected sources and amounts
 263 of income, including income derived from projected student
 264 enrollments and from community support, and an expense
 265 projection that includes full accounting of the costs of
 266 operation, including start-up costs.

267 3.a. A sponsor shall by a majority vote approve or deny an
 268 application no later than 60 calendar days after the application
 269 is received, unless the sponsor and the applicant mutually agree
 270 in writing to temporarily postpone the vote to a specific date,
 271 at which time the sponsor shall by a majority vote approve or
 272 deny the application. If the sponsor fails to act on the
 273 application, an applicant may appeal to the State Board of
 274 Education as provided in paragraph (c). If an application is
 275 denied, the sponsor shall, within 10 calendar days after such
 276 denial, articulate in writing the specific reasons, based upon
 277 good cause, supporting its denial of the charter application and
 278 shall provide the letter of denial and supporting documentation
 279 to the applicant and to the Department of Education.

280 b. An application submitted by a high-performing charter
 281 school identified pursuant to s. 1002.331 may be denied by the
 282 sponsor only if the sponsor demonstrates by clear and convincing
 283 evidence that:

284 (I) The application does not materially comply with the
 285 requirements in paragraph (a);

286 (II) The charter school proposed in the application does

287 not materially comply with the requirements in paragraphs
 288 (9) (a) - (f);

289 (III) The proposed charter school's educational program
 290 does not substantially replicate that of the applicant or one of
 291 the applicant's high-performing charter schools;

292 (IV) The applicant has made a material misrepresentation
 293 or false statement or concealed an essential or material fact
 294 during the application process; or

295 (V) The proposed charter school's educational program and
 296 financial management practices do not materially comply with the
 297 requirements of this section.

298
 299 Material noncompliance is a failure to follow requirements or a
 300 violation of prohibitions applicable to charter school
 301 applications, which failure is quantitatively or qualitatively
 302 significant either individually or when aggregated with other
 303 noncompliance. An applicant is considered to be replicating a
 304 high-performing charter school if the proposed school is
 305 substantially similar to at least one of the applicant's high-
 306 performing charter schools and the organization or individuals
 307 involved in the establishment and operation of the proposed
 308 school are significantly involved in the operation of replicated
 309 schools.

310 c. If the sponsor denies an application submitted by a
 311 high-performing charter school, the sponsor must, within 10
 312 calendar days after such denial, state in writing the specific

313 reasons, based upon the criteria in sub-subparagraph b.,
 314 supporting its denial of the application and must provide the
 315 letter of denial and supporting documentation to the applicant
 316 and to the Department of Education. The applicant may appeal the
 317 sponsor's denial of the application ~~directly~~ to the State Board
 318 of Education pursuant to paragraph (c) and must provide the
 319 sponsor with a copy of the appeal ~~sub-subparagraph (e)3.b.~~

320 4. For budget projection purposes, the sponsor shall
 321 report to the Department of Education the approval or denial of
 322 a charter application within 10 calendar days after such
 323 approval or denial. In the event of approval, the report to the
 324 Department of Education shall include the final projected FTE
 325 for the approved charter school.

326 5. Upon approval of a charter application, the initial
 327 startup shall commence with the beginning of the public school
 328 calendar for the district in which the charter is granted unless
 329 the sponsor allows a waiver of this subparagraph for good cause.

330 (c)1. An applicant may appeal any denial of that
 331 applicant's application or failure to act on an application to
 332 the State Board of Education within ~~no later than~~ 30 calendar
 333 days after receipt of the sponsor's decision or failure to act
 334 and shall notify the sponsor of its appeal. Any response of the
 335 sponsor shall be submitted to the State Board of Education
 336 within 30 calendar days after notification of the appeal. Upon
 337 receipt of notification from the State Board of Education that a
 338 charter school applicant is filing an appeal, the Commissioner

339 of Education shall convene a meeting of the Charter School
 340 Appeal Commission to study and make recommendations to the State
 341 Board of Education regarding its pending decision about the
 342 appeal. The commission shall forward its recommendation to the
 343 state board at least 7 calendar days before the date on which
 344 the appeal is to be heard. An appeal regarding the denial of an
 345 application submitted by a high-performing charter school
 346 pursuant to s. 1002.331 shall be conducted by the State Board of
 347 Education in accordance with this paragraph, except that the
 348 commission shall not convene to make recommendations regarding
 349 the appeal. However, the Commissioner of Education shall review
 350 the appeal and make a recommendation to the state board.

351 2. The Charter School Appeal Commission or, in the case of
 352 an appeal regarding an application submitted by a high-
 353 performing charter school, the State Board of Education may
 354 reject an appeal submission for failure to comply with
 355 procedural rules governing the appeals process. The rejection
 356 shall describe the submission errors. The appellant shall have
 357 15 calendar days after notice of rejection in which to resubmit
 358 an appeal that meets the requirements set forth in State Board
 359 of Education rule. An appeal submitted subsequent to such
 360 rejection is considered timely if the original appeal was filed
 361 within 30 calendar days after receipt of notice of the specific
 362 reasons for the sponsor's denial of the charter application.

363 3.a. The State Board of Education shall by majority vote
 364 accept or reject the decision of the sponsor no later than 90

365 calendar days after an appeal is filed in accordance with State
 366 Board of Education rule. The State Board of Education shall
 367 remand the application to the sponsor with its written decision
 368 that the sponsor approve or deny the application. The sponsor
 369 shall implement the decision of the State Board of Education.
 370 The decision of the State Board of Education is not subject to
 371 the provisions of the Administrative Procedure Act, chapter 120.

372 b. If an appeal concerns an application submitted by a
 373 high-performing charter school identified pursuant to s.
 374 1002.331, the State Board of Education shall determine whether
 375 the sponsor's denial of the application complies with the
 376 requirements in sub-subparagraph (b)3.b. ~~sponsor has shown, by~~
 377 ~~clear and convincing evidence, that:~~

378 ~~(I) The application does not materially comply with the~~
 379 ~~requirements in paragraph (a);~~

380 ~~(II) The charter school proposed in the application does~~
 381 ~~not materially comply with the requirements in paragraphs~~

382 ~~(9)(a)-(f);~~

383 ~~(III) The proposed charter school's educational program~~
 384 ~~does not substantially replicate that of the applicant or one of~~
 385 ~~the applicant's high-performing charter schools;~~

386 ~~(IV) The applicant has made a material misrepresentation~~
 387 ~~or false statement or concealed an essential or material fact~~
 388 ~~during the application process; or~~

389 ~~(V) The proposed charter school's educational program and~~
 390 ~~financial management practices do not materially comply with the~~

391 | ~~requirements of this section.~~

392

393 | The State Board of Education shall approve or reject the
 394 | sponsor's denial of an application no later than 90 calendar
 395 | days after an appeal is filed in accordance with State Board of
 396 | Education rule. The State Board of Education shall remand the
 397 | application to the sponsor with its written decision that the
 398 | sponsor approve or deny the application. The sponsor shall
 399 | implement the decision of the State Board of Education. The
 400 | decision of the State Board of Education is not subject to the
 401 | Administrative Procedure Act, chapter 120.

402 | (h) The terms and conditions for the operation of a
 403 | charter school shall be set forth by the sponsor and the
 404 | applicant in a written contractual agreement, called a charter.
 405 | The sponsor may not impose unreasonable rules or regulations
 406 | that violate the intent of giving charter schools greater
 407 | flexibility to meet educational goals. The sponsor has 30 days
 408 | after approval of the application to provide a standard an
 409 | ~~initial proposed~~ charter contract developed by the Department of
 410 | Education to the charter school, which shall consist of the
 411 | approved application and any addenda and the elements specified
 412 | in paragraph (7)(a). The applicant and the sponsor have 40 days
 413 | thereafter to negotiate the remaining terms and notice the
 414 | charter contract for final approval by the sponsor unless both
 415 | parties agree to an extension. The proposed charter contract
 416 | shall be provided to the charter school at least 7 calendar days

417 before ~~prior to~~ the date of the meeting at which the charter is
 418 scheduled to be voted upon by the sponsor. A provision of a
 419 charter contract inconsistent with or prohibited by the
 420 requirements of this section is void and unenforceable. The
 421 department ~~of Education~~ shall provide mediation services for any
 422 dispute regarding this section subsequent to the approval of a
 423 charter application and for any dispute relating to the approved
 424 charter, except disputes regarding charter school application
 425 denials. If the Commissioner of Education determines that the
 426 dispute cannot be settled through mediation, the dispute may be
 427 appealed to an administrative law judge appointed by the
 428 Division of Administrative Hearings. The administrative law
 429 judge has final order authority to rule on issues of equitable
 430 treatment of the charter school as a public school, whether
 431 proposed provisions of the charter violate the intended
 432 flexibility granted charter schools by statute, or on any other
 433 matter regarding this section except a charter school
 434 application denial, a charter termination, or a charter
 435 nonrenewal and shall award the prevailing party reasonable
 436 attorney ~~attorney's~~ fees and costs incurred to be paid by the
 437 losing party. The costs of the administrative hearing shall be
 438 paid by the party whom the administrative law judge rules
 439 against. Once the sponsor has voted upon and approved the
 440 standard charter contract, the sponsor and applicant have the
 441 right to negotiate additional terms, as necessary. The charter
 442 school may open and operate during the pendency of any

443 negotiation, mediation, or administrative proceeding.

444 (7) CHARTER.—The major issues involving the operation of a
 445 charter school shall be set forth in ~~considered in advance and~~
 446 ~~written into~~ the charter. The governing board of the charter
 447 school and the sponsor shall use the standard charter contract
 448 developed by the department, which shall incorporate the
 449 approved application and any addenda. Matters included in the
 450 approved application and any addenda are deemed settled for
 451 purposes of negotiating the charter; however, the parties may
 452 agree to address such matters after approval of the charter. The
 453 charter shall be signed by the governing board of the charter
 454 school and the sponsor, following a public hearing to ensure
 455 community input.

456 (a) The charter shall address ~~and criteria for approval of~~
 457 ~~the charter shall be based on:~~

458 1. ~~The school's mission, the students to be served, and~~
 459 ~~the ages and grades to be included.~~

460 2. ~~The focus of the curriculum, the instructional methods~~
 461 ~~to be used, any distinctive instructional techniques to be~~
 462 ~~employed, and identification and acquisition of appropriate~~
 463 ~~technologies needed to improve educational and administrative~~
 464 ~~performance which include a means for promoting safe, ethical,~~
 465 ~~and appropriate uses of technology which comply with legal and~~
 466 ~~professional standards.~~

467 a. ~~The charter shall ensure that reading is a primary~~
 468 ~~focus of the curriculum and that resources are provided to~~

469 ~~identify and provide specialized instruction for students who~~
 470 ~~are reading below grade level. The curriculum and instructional~~
 471 ~~strategies for reading must be consistent with the Next~~
 472 ~~Generation Sunshine State Standards and grounded in~~
 473 ~~scientifically based reading research.~~

474 ~~b. In order to provide students with access to diverse~~
 475 ~~instructional delivery models, to facilitate the integration of~~
 476 ~~technology within traditional classroom instruction, and to~~
 477 ~~provide students with the skills they need to compete in the~~
 478 ~~21st century economy, the Legislature encourages instructional~~
 479 ~~methods for blended learning courses consisting of both~~
 480 ~~traditional classroom and online instructional techniques.~~
 481 ~~Charter schools may implement blended learning courses which~~
 482 ~~combine traditional classroom instruction and virtual~~
 483 ~~instruction. Students in a blended learning course must be full-~~
 484 ~~time students of the charter school and receive the online~~
 485 ~~instruction in a classroom setting at the charter school.~~
 486 ~~Instructional personnel certified pursuant to s. 1012.55 who~~
 487 ~~provide virtual instruction for blended learning courses may be~~
 488 ~~employees of the charter school or may be under contract to~~
 489 ~~provide instructional services to charter school students. At a~~
 490 ~~minimum, such instructional personnel must hold an active state~~
 491 ~~or school district adjunct certification under s. 1012.57 for~~
 492 ~~the subject area of the blended learning course. The funding and~~
 493 ~~performance accountability requirements for blended learning~~
 494 ~~courses are the same as these for traditional courses.~~

495 1.3. The current incoming baseline standard of student
 496 academic achievement, the outcomes to be achieved, and the
 497 method of measurement that will be used. The criteria listed in
 498 this subparagraph shall include a detailed description of:

499 a. How the baseline student academic achievement levels
 500 and prior rates of academic progress will be established.

501 b. How these baseline rates will be compared to rates of
 502 academic progress achieved by these same students while
 503 attending the charter school.

504 c. To the extent possible, how these rates of progress
 505 will be evaluated and compared with rates of progress of other
 506 closely comparable student populations.

507
 508 The district school board is required to provide academic
 509 student performance data to charter schools for each of their
 510 students coming from the district school system, as well as
 511 rates of academic progress of comparable student populations in
 512 the district school system.

513 ~~4. The methods used to identify the educational strengths~~
 514 ~~and needs of students and how well educational goals and~~
 515 ~~performance standards are met by students attending the charter~~
 516 ~~school. The methods shall provide a means for the charter school~~
 517 ~~to ensure accountability to its constituents by analyzing~~
 518 ~~student performance data and by evaluating the effectiveness and~~
 519 ~~efficiency of its major educational programs. Students in~~
 520 ~~charter schools shall, at a minimum, participate in the~~

521 ~~statewide assessment program created under s. 1008.22.~~

522 ~~5. In secondary charter schools, a method for determining~~
 523 ~~that a student has satisfied the requirements for graduation in~~
 524 ~~s. 1003.428 or s. 1003.4282.~~

525 2.6. A method for resolving conflicts between the
 526 governing board of the charter school and the sponsor.

527 ~~7. The admissions procedures and dismissal procedures,~~
 528 ~~including the school's code of student conduct.~~

529 ~~8. The ways by which the school will achieve a~~
 530 ~~racial/ethnic balance reflective of the community it serves or~~
 531 ~~within the racial/ethnic range of other public schools in the~~
 532 ~~same school district.~~

533 ~~9. The financial and administrative management of the~~
 534 ~~school, including a reasonable demonstration of the professional~~
 535 ~~experience or competence of those individuals or organizations~~
 536 ~~applying to operate the charter school or those hired or~~
 537 ~~retained to perform such professional services and the~~
 538 ~~description of clearly delineated responsibilities and the~~
 539 ~~policies and practices needed to effectively manage the charter~~
 540 ~~school. A description of internal audit procedures and~~
 541 ~~establishment of controls to ensure that financial resources are~~
 542 ~~properly managed must be included. Both public sector and~~
 543 ~~private sector professional experience shall be equally valid in~~
 544 ~~such a consideration.~~

545 ~~10. The asset and liability projections required in the~~
 546 ~~application which are incorporated into the charter and shall be~~

547 ~~compared with information provided in the annual report of the~~
 548 ~~charter school.~~

549 ~~11. A description of procedures that identify various~~
 550 ~~risks and provide for a comprehensive approach to reduce the~~
 551 ~~impact of losses; plans to ensure the safety and security of~~
 552 ~~students and staff; plans to identify, minimize, and protect~~
 553 ~~others from violent or disruptive student behavior; and the~~
 554 ~~manner in which the school will be insured, including whether or~~
 555 ~~not the school will be required to have liability insurance,~~
 556 ~~and, if so, the terms and conditions thereof and the amounts of~~
 557 ~~coverage.~~

558 ~~3.12. The term of the charter which shall provide for~~
 559 ~~cancellation of the charter if insufficient progress has been~~
 560 ~~made in attaining the student achievement objectives of the~~
 561 ~~charter and if it is not likely that such objectives can be~~
 562 ~~achieved before expiration of the charter. The initial term of~~
 563 the a charter, which shall be for 4 or 5 years. ~~In order to~~
 564 ~~facilitate access to long term financial resources for charter~~
 565 ~~school construction,~~ Charter schools that are operated by a
 566 municipality or other public entity, as provided by law, or a
 567 private, not-for-profit, s. 501(c)(3) status corporation are
 568 eligible for up to a 15-year charter, subject to approval by the
 569 district school board. A charter lab school is also eligible for
 570 a charter for a term of up to 15 years. ~~In addition, to~~
 571 ~~facilitate access to long term financial resources for charter~~
 572 ~~school construction, charter schools that are operated by a~~

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573 ~~private, not for-profit, s. 501(c)(3) status corporation are~~
574 ~~eligible for up to a 15-year charter, subject to approval by the~~
575 ~~district school board.~~ Such long-term charters remain subject to
576 annual review and may be terminated during the term of the
577 charter, but only according to ~~the provisions set forth in~~
578 subsection (8) or paragraph (9)(n).

579 4. Termination or nonrenewal of the charter pursuant to
580 subsection (8), including termination for failure to make
581 sufficient progress towards attaining the student achievement
582 objectives of the charter or likely failure to meet such
583 objectives before expiration of the charter, and automatic
584 termination of the charter pursuant to paragraph (9)(n).

585 ~~5.13.~~ The facilities to be used and their location. The
586 sponsor may not require a charter school to have a certificate
587 of occupancy or a temporary certificate of occupancy for such a
588 facility earlier than 15 calendar days before the first day of
589 school.

590 ~~14. The qualifications to be required of the teachers and~~
591 ~~the potential strategies used to recruit, hire, train, and~~
592 ~~retain qualified staff to achieve best value.~~

593 ~~15. The governance structure of the school, including the~~
594 ~~status of the charter school as a public or private employer as~~
595 ~~required in paragraph (12)(i).~~

596 ~~16. A timetable for implementing the charter which~~
597 ~~addresses the implementation of each element thereof and the~~
598 ~~date by which the charter shall be awarded in order to meet this~~

599 ~~timetable.~~

600 ~~17. In the case of an existing public school that is being~~
 601 ~~converted to charter status, alternative arrangements for~~
 602 ~~current students who choose not to attend the charter school and~~
 603 ~~for current teachers who choose not to teach in the charter~~
 604 ~~school after conversion in accordance with the existing~~
 605 ~~collective bargaining agreement or district school board rule in~~
 606 ~~the absence of a collective bargaining agreement. However,~~
 607 ~~alternative arrangements shall not be required for current~~
 608 ~~teachers who choose not to teach in a charter lab school, except~~
 609 ~~as authorized by the employment policies of the state university~~
 610 ~~which grants the charter to the lab school.~~

611 6.18. Full disclosure of the identity of all relatives
 612 employed by the charter school who are related to the charter
 613 school owner, president, chairperson of the governing board of
 614 directors, superintendent, governing board member, principal,
 615 assistant principal, or any other person employed by the charter
 616 school who has equivalent decisionmaking authority. For the
 617 purpose of this subparagraph, the term "relative" means father,
 618 mother, son, daughter, brother, sister, uncle, aunt, first
 619 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
 620 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
 621 stepfather, stepmother, stepson, stepdaughter, stepbrother,
 622 stepsister, half brother, or half sister.

623 7.19. Implementation of the activities authorized under s.
 624 1002.331 by the charter school when it satisfies the eligibility

625 requirements for a high-performing charter school. A high-
 626 performing charter school shall notify its sponsor in writing by
 627 March 1 if it intends to increase enrollment or expand grade
 628 levels the following school year. The written notice shall
 629 specify the amount of the enrollment increase and the grade
 630 levels that will be added, as applicable.

631 (b)1. A charter may be renewed provided that a program
 632 review demonstrates that the criteria in paragraph (a) have been
 633 successfully accomplished and that none of the grounds for
 634 nonrenewal established by paragraph (8)(a) has been documented.
 635 ~~In order to facilitate long term financing for charter school~~
 636 ~~construction,~~ Charter schools operating for a minimum of 3 years
 637 and demonstrating exemplary academic programming and fiscal
 638 management are eligible for a 15-year charter renewal. Such
 639 long-term charter is subject to annual review and may be
 640 terminated during the term of the charter.

641 2. The 15-year charter renewal that may be granted
 642 pursuant to subparagraph 1. shall be granted to a charter school
 643 that has received a school grade of "A" or "B" pursuant to s.
 644 1008.34 in 3 of the past 4 years and is not in a state of
 645 financial emergency or deficit position as defined by this
 646 section. Such long-term charter is subject to annual review and
 647 may be terminated during the term of the charter pursuant to
 648 subsection (8).

649 (c) A charter may be modified during its initial term or
 650 any renewal term upon the recommendation of the sponsor or the

651 charter school's governing board and the approval of both
 652 parties to the agreement. Modification may include, but is not
 653 limited to, consolidation of multiple charters into a single
 654 charter if the charters are operated under the same governing
 655 board and physically located on the same campus, regardless of
 656 the renewal cycle.

657 (d)1. Each charter school's governing board must appoint a
 658 representative to facilitate parental involvement, provide
 659 access to information, assist parents and others with questions
 660 and concerns, and resolve disputes. The representative must
 661 reside in the school district in which the charter school is
 662 located and may be a governing board member, charter school
 663 employee, or individual contracted to represent the governing
 664 board. If the governing board oversees multiple charter schools
 665 in the same school district, the governing board must appoint a
 666 separate individual representative for each charter school in
 667 the district. The representative's contact information must be
 668 provided annually in writing to parents and posted prominently
 669 on the charter school's website if a website is maintained by
 670 the school. The sponsor may not require that governing board
 671 members reside in the school district in which the charter
 672 school is located if the charter school complies with this
 673 paragraph.

674 2. Each charter school's governing board must hold at
 675 least two public meetings per school year in the school
 676 district. The meetings must be noticed, open, and accessible to

677 | the public, and attendees must be provided an opportunity to
 678 | receive information and provide input regarding the charter
 679 | school's operations. The appointed representative and charter
 680 | school principal or director, or his or her equivalent, must be
 681 | physically present at each meeting.

682 | (9) CHARTER SCHOOL REQUIREMENTS.—

683 | (n)1. The director and a representative of the governing
 684 | board of a charter school that has earned a grade of "D" or "F"
 685 | pursuant to s. 1008.34(2) shall appear before the sponsor to
 686 | present information concerning each contract component having
 687 | noted deficiencies. The director and a representative of the
 688 | governing board shall submit to the sponsor for approval a
 689 | school improvement plan to raise student achievement. Upon
 690 | approval by the sponsor, the charter school shall begin
 691 | implementation of the school improvement plan. The department
 692 | shall offer technical assistance and training to the charter
 693 | school and its governing board and establish guidelines for
 694 | developing, submitting, and approving such plans.

695 | 2.a. If a charter school earns three consecutive grades of
 696 | "D," two consecutive grades of "D" followed by a grade of "F,"
 697 | or two nonconsecutive grades of "F" within a 3-year period, the
 698 | charter school governing board shall choose one of the following
 699 | corrective actions:

700 | (I) Contract for educational services to be provided
 701 | directly to students, instructional personnel, and school
 702 | administrators, as prescribed in state board rule;

703 (II) Contract with an outside entity that has a
 704 demonstrated record of effectiveness to operate the school;

705 (III) Reorganize the school under a new director or
 706 principal who is authorized to hire new staff; or

707 (IV) Voluntarily close the charter school.

708 b. The charter school must implement the corrective action
 709 in the school year following receipt of a third consecutive
 710 grade of "D," a grade of "F" following two consecutive grades of
 711 "D," or a second nonconsecutive grade of "F" within a 3-year
 712 period.

713 c. The sponsor may annually waive a corrective action if
 714 it determines that the charter school is likely to improve a
 715 letter grade if additional time is provided to implement the
 716 intervention and support strategies prescribed by the school
 717 improvement plan. Notwithstanding this sub-subparagraph, a
 718 charter school that earns a second consecutive grade of "F" is
 719 subject to subparagraph 4.

720 d. A charter school is no longer required to implement a
 721 corrective action if it improves by at least one letter grade.
 722 However, the charter school must continue to implement
 723 strategies identified in the school improvement plan. The
 724 sponsor must annually review implementation of the school
 725 improvement plan to monitor the school's continued improvement
 726 pursuant to subparagraph 5.

727 e. A charter school implementing a corrective action that
 728 does not improve by at least one letter grade after 2 full

729 | school years of implementing the corrective action must select a
 730 | different corrective action. Implementation of the new
 731 | corrective action must begin in the school year following the
 732 | implementation period of the existing corrective action, unless
 733 | the sponsor determines that the charter school is likely to
 734 | improve a letter grade if additional time is provided to
 735 | implement the existing corrective action. Notwithstanding this
 736 | sub-subparagraph, a charter school that earns a second
 737 | consecutive grade of "F" while implementing a corrective action
 738 | is subject to subparagraph 4.

739 | 3. A charter school with a grade of "D" or "F" that
 740 | improves by at least one letter grade must continue to implement
 741 | the strategies identified in the school improvement plan. The
 742 | sponsor must annually review implementation of the school
 743 | improvement plan to monitor the school's continued improvement
 744 | pursuant to subparagraph 5.

745 | 4. A charter school's charter is automatically terminated
 746 | if the school earns a second consecutive grade of "F" after all
 747 | school grade appeals are final ~~The sponsor shall terminate a~~
 748 | ~~charter if the charter school earns two consecutive grades of~~
 749 | ~~"F" unless:~~

750 | a. The charter school is established to turn around the
 751 | performance of a district public school pursuant to s.
 752 | 1008.33(4)(b)3. Such charter schools shall be governed by s.
 753 | 1008.33;

754 | b. The charter school serves a student population the

755 majority of which resides in a school zone served by a district
 756 public school that earned a grade of "F" in the year before the
 757 charter school opened and the charter school earns at least a
 758 grade of "D" in its third year of operation. The exception
 759 provided under this sub-subparagraph does not apply to a charter
 760 school in its fourth year of operation and thereafter; or

761 c. The state board grants the charter school a waiver of
 762 termination. The charter school must request the waiver within
 763 15 days after the department's official release of school
 764 grades. The state board may waive termination if the charter
 765 school demonstrates that the learning gains of its students on
 766 statewide assessments are comparable to or better than the
 767 learning gains of similarly situated students enrolled in nearby
 768 district public schools. The waiver is valid for 1 year and may
 769 only be granted once. Charter schools that have been in
 770 operation for more than 5 years are not eligible for a waiver
 771 under this sub-subparagraph.

772
 773 The sponsor shall notify in writing the charter school's
 774 governing board, the charter school principal, and the
 775 department when a charter is terminated under this subparagraph.
 776 A charter terminated under this subparagraph is governed by the
 777 requirements of paragraphs (8)(e)-(g) and (9)(o).

778 5. The director and a representative of the governing
 779 board of a graded charter school that has implemented a school
 780 improvement plan under this paragraph shall appear before the

781 sponsor at least once a year to present information regarding
 782 the progress of intervention and support strategies implemented
 783 by the school pursuant to the school improvement plan and
 784 corrective actions, if applicable. The sponsor shall communicate
 785 at the meeting, and in writing to the director, the services
 786 provided to the school to help the school address its
 787 deficiencies.

788 6. Notwithstanding any provision of this paragraph except
 789 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter
 790 at any time pursuant to subsection (8).

791 (o)1. Upon initial notification of nonrenewal, closure, or
 792 termination of its charter, a charter school may not expend more
 793 than \$10,000 per expenditure without prior written approval from
 794 the sponsor unless such expenditure was included within the
 795 annual budget submitted to the sponsor pursuant to the charter
 796 contract, is for reasonable attorney fees and costs during the
 797 pendency of any hearing or appeal, or is for reasonable fees and
 798 costs to conduct an independent audit.

799 2. An independent audit shall be completed within 30 days
 800 after notice of nonrenewal, closure, or termination to account
 801 for all public funds and assets.

802 3. A provision in a charter contract that contains an
 803 acceleration clause requiring the expenditure of funds based
 804 upon closure or upon notification of nonrenewal or termination
 805 is void and unenforceable.

806 4. A charter school may not enter into a contract with an

807 employee that exceeds the term of the school's charter contract
 808 with its sponsor.

809 5. A violation of this paragraph triggers a reversion or
 810 clawback power by the sponsor allowing for collection of an
 811 amount equal to or less than the accelerated amount that exceeds
 812 normal expenditures. The reversion or clawback plus legal fees
 813 and costs shall be levied against the person or entity receiving
 814 the accelerated amount.

815 (10) ELIGIBLE STUDENTS.-

816 (e) A charter school may limit the enrollment process only
 817 to target the following student populations:

818 1. Students within specific age groups or grade levels.

819 2. Students considered at risk of dropping out of school
 820 or academic failure. Such students shall include exceptional
 821 education students.

822 3. Students enrolling in a charter school-in-the-workplace
 823 or charter school-in-a-municipality established pursuant to
 824 subsection (15).

825 4. Students residing within a reasonable distance of the
 826 charter school, as described in paragraph (20)(c). Such students
 827 shall be subject to a random lottery and to the racial/ethnic
 828 balance provisions described in subparagraph (6)(a)8. ~~(7)(a)8.~~
 829 or any federal provisions that require a school to achieve a
 830 racial/ethnic balance reflective of the community it serves or
 831 within the racial/ethnic range of other public schools in the
 832 same school district.

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833 5. Students who meet reasonable academic, artistic, or
834 other eligibility standards established by the charter school
835 and included in the charter school application and charter or,
836 in the case of existing charter schools, standards that are
837 consistent with the school's mission and purpose. Such standards
838 shall be in accordance with current state law and practice in
839 public schools and may not discriminate against otherwise
840 qualified individuals.

841 6. Students articulating from one charter school to
842 another pursuant to an articulation agreement between the
843 charter schools that has been approved by the sponsor.

844 7. Students living in a development in which a business
845 entity provides the school facility and related property having
846 an appraised value of at least \$10 million to be used as a
847 charter school for the development. Students living in the
848 development shall be entitled to 50 percent of the student
849 stations in the charter school. The students who are eligible
850 for enrollment are subject to a random lottery, the
851 racial/ethnic balance provisions, or any federal provisions, as
852 described in subparagraph 4. The remainder of the student
853 stations shall be filled in accordance with subparagraph 4.

854 (i) The capacity of a high-performing charter school
855 identified pursuant to s. 1002.331 shall be determined annually
856 by the governing board of the charter school. The governing
857 board shall notify the sponsor of any increase in enrollment by
858 March 1 of the school year preceding the increase. A sponsor may

859 not require a charter school to identify the names of students
 860 to be enrolled or to limit enrollment or capacity to enroll
 861 those students enrolled before the start of the school year as a
 862 condition of approval or renewal of a charter.

863 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
 864 A-MUNICIPALITY.—

865 (b) A charter school-in-the-workplace may be established
 866 when a business partner provides the school facility to be used;
 867 enrolls students based upon a random lottery that involves all
 868 of the children of employees of that business or corporation who
 869 are seeking enrollment, as provided for in subsection (10); and
 870 enrolls students according to the racial/ethnic balance
 871 provisions described in subparagraph (6)(a)8. ~~(7)(a)8.~~ Any
 872 portion of a facility used for a public charter school shall be
 873 exempt from ad valorem taxes, as provided for in s. 1013.54, for
 874 the duration of its use as a public school.

875 (c) A charter school-in-a-municipality designation may be
 876 granted to a municipality that possesses a charter; enrolls
 877 students based upon a random lottery that involves all of the
 878 children of the residents of that municipality who are seeking
 879 enrollment, as provided for in subsection (10); and enrolls
 880 students according to the racial/ethnic balance provisions
 881 described in subparagraph (6)(a)8. ~~(7)(a)8.~~ When a municipality
 882 has submitted charter applications for the establishment of a
 883 charter school feeder pattern, consisting of elementary, middle,
 884 and senior high schools, and each individual charter application

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885 is approved by the district school board, such schools shall
886 then be designated as one charter school for all purposes listed
887 pursuant to this section. Any portion of the land and facility
888 used for a public charter school shall be exempt from ad valorem
889 taxes, as provided for in s. 1013.54, for the duration of its
890 use as a public school.

891 (18) FACILITIES.—

892 (e) If a district school board-owned ~~board~~ facility that
893 has previously been used for K-12 educational purposes ~~or~~
894 property is no longer used as a school as defined in s.
895 1003.01(2) available because it is surplus, marked for disposal,
896 ~~or otherwise unused,~~ it shall be made available ~~provided~~ for a
897 charter school's use on the same basis as it is made available
898 to other public schools in the district. The charter school is
899 responsible for the costs required to bring the facility into
900 compliance with the current Florida Building Code and for costs
901 required to maintain such compliance. A charter school using
902 such a facility receiving property from the school district may
903 not sell, sublease, or dispose of such facility ~~property~~ without
904 written permission of the school district. The charter school
905 may not earn capital outlay funds; however, the school district
906 shall include the charter school's capital outlay full-time
907 equivalent (COFTE) student count in the district's capital
908 outlay calculations. The charter school may choose to maintain
909 and repair the facility at the same standard and level as any
910 other district-operated school of similar age and condition.

911 Maintenance and repair do not include the construction of any
 912 new building, structure, or substantial addition, extension, or
 913 upgrade to an existing facility. Similarly, for an existing
 914 public school converting to charter status, no rental or leasing
 915 fee for the existing facility or for the property normally
 916 inventoried to the conversion school may be charged by the
 917 district school board to the parents and teachers organizing the
 918 charter school. The charter school shall agree to reasonable
 919 maintenance provisions in order to maintain the facility in a
 920 manner similar to district school board standards. The Public
 921 Education Capital Outlay maintenance funds or any other
 922 maintenance funds generated by the facility operated as a
 923 conversion school shall remain with the conversion school.

924 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

925 (a) The Department of Education shall provide information
 926 to the public, directly and through sponsors, on how to form and
 927 operate a charter school and how to enroll in a charter school
 928 once it is created. This information shall include a model
 929 application form, standard charter contract, standard
 930 application evaluation instrument, and standard charter renewal
 931 contract, which shall include the information specified in
 932 subsections (6) and ~~subsection~~ (7), as applicable, and shall be
 933 developed by consulting and negotiating with both school
 934 districts and charter schools before implementation. The model
 935 application form, standard charter contract, standard
 936 application evaluation instrument, and standard charter renewal

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937 contract must clearly identify the specific statutes and rules
 938 from which charter schools are statutorily exempted from
 939 compliance. The department shall develop a model application
 940 form, standard charter contract, standard application evaluation
 941 instrument, and standard charter renewal contract uniquely
 942 tailored to virtual charter schools established under subsection
 943 (1) and high-performing charter schools under s. 1002.331(3).

944 The charter and charter renewal contracts shall be used by
 945 charter school sponsors.

946 Section 2. Subsection (1), paragraph (e) of subsection
 947 (2), and subsections (3) and (5) of section 1002.331, Florida
 948 Statutes, are amended to read:

949 1002.331 High-performing charter schools.-

950 (1) A charter school is a high-performing charter school
 951 if it:

952 (a) Received at least two school grades of "A" and no
 953 school grade below "B," pursuant to s. 1008.34, during each of
 954 the previous 3 school years.

955 (b) Received an unqualified opinion on each annual
 956 financial audit required under s. 218.39 in the most recent 3
 957 fiscal years for which such audits are available.

958 (c) Did not receive a financial audit that revealed one or
 959 more of the financial emergency conditions set forth in s.
 960 218.503(1) in the most recent 3 fiscal years for which such
 961 audits are available. However, this requirement is deemed met
 962 for a charter school-in-the-workplace if there is a finding in

963 an audit that the school has the monetary resources available to
 964 cover any reported deficiency or that the deficiency does not
 965 result in a deteriorating financial condition pursuant to s.
 966 1002.345(1)(a)3.

967
 968 A virtual charter school established under s. 1002.33 is not
 969 eligible for designation as a high-performing charter school. A
 970 charter school that is established in this state and operated by
 971 an entity classified as a high-performing charter school system
 972 pursuant to s. 1002.332(2) is deemed a high-performing charter
 973 school during its first 3 years of operation. Beginning in the
 974 fourth year of operation and thereafter, such a charter school
 975 must meet the criteria in this subsection to maintain the
 976 designation.

977 (2) A high-performing charter school is authorized to:
 978 (e) Receive a modification of its charter to a term of 15
 979 years or a 15-year charter renewal. The charter may be modified
 980 or renewed for a shorter term at the option of the high-
 981 performing charter school. The charter must be consistent with
 982 s. 1002.33(7)(a)7. ~~1002.33(7)(a)19.~~ and (10)(h) and (i), is
 983 subject to annual review by the sponsor, and may be terminated
 984 during its term pursuant to s. 1002.33(8).

985
 986 A high-performing charter school shall notify its sponsor in
 987 writing by March 1 if it intends to increase enrollment or
 988 expand grade levels the following school year. The written

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989 notice shall specify the amount of the enrollment increase and
 990 the grade levels that will be added, as applicable. If a charter
 991 school notifies the sponsor of its intent to expand, the sponsor
 992 shall modify the charter within 90 days to include the new
 993 enrollment maximum and may not make any other changes. The
 994 sponsor may deny a request to increase the enrollment of a high-
 995 performing charter school if the commissioner has declassified
 996 the charter school as high-performing. If a high-performing
 997 charter school requests to consolidate multiple charters, the
 998 sponsor shall have 40 days after receipt of that request to
 999 provide an initial draft charter to the charter school. The
 1000 sponsor and charter school shall have 50 days thereafter to
 1001 negotiate and notice the charter contract for final approval by
 1002 the sponsor.

1003 (3)~~(a)~~ A high-performing charter school may submit an
 1004 application pursuant to s. 1002.33(6) in any school district in
 1005 the state to establish and operate a new charter school that
 1006 will substantially replicate its educational program in order to
 1007 serve the attendance zone of a school identified in need of
 1008 intervention and support pursuant to s. 1008.33(3)(b) or to meet
 1009 capacity needs or needs for innovative choice options identified
 1010 by the district school board. An application submitted by a
 1011 high-performing charter school must state that the application
 1012 is being submitted pursuant to this paragraph and must include
 1013 the verification letter provided by the Commissioner of
 1014 Education pursuant to subsection (5). If the sponsor fails to

1015 act on the application within 60 days after receipt, the
 1016 application is deemed approved and the procedure in s.
 1017 1002.33(6)(h) applies. If the sponsor denies the application,
 1018 the high-performing charter school may appeal pursuant to s.
 1019 1002.33(6).

1020 ~~(b) A high performing charter school may not establish~~
 1021 ~~more than one charter school within the state under paragraph~~
 1022 ~~(a) in any year. A subsequent application to establish a charter~~
 1023 ~~school under paragraph (a) may not be submitted unless each~~
 1024 ~~charter school established in this manner achieves high-~~
 1025 ~~performing charter school status.~~

1026 (5) The Commissioner of Education, upon request by a
 1027 charter school, shall verify that the charter school meets the
 1028 criteria in subsection (1) and provide a letter to the charter
 1029 school and the sponsor stating that the charter school is a
 1030 high-performing charter school pursuant to this section. The
 1031 commissioner shall annually determine whether a high-performing
 1032 charter school under subsection (1) continues to meet the
 1033 criteria in that subsection. Such high-performing charter school
 1034 shall maintain its high-performing status unless the
 1035 commissioner determines that the charter school no longer meets
 1036 the criteria in subsection (1), at which time the commissioner
 1037 shall send a letter to the charter school and its sponsor
 1038 providing notification that the charter school has been
 1039 declassified ~~of its declassification~~ as a high-performing
 1040 charter school.

1041 Section 3. Subsection (2) of section 1002.332, Florida
 1042 Statutes, is renumbered as subsection (3), and a new subsection
 1043 (2) is added to that section to read:

1044 1002.332 High-performing charter school system.—

1045 (2) An entity that successfully operates a system of
 1046 charter schools outside the state may apply to the State Board
 1047 of Education for status as a high-performing charter school
 1048 system. The state board shall adopt rules prescribing a process
 1049 for determining whether the entity meets the requirements of
 1050 this subsection by reviewing student demographic and performance
 1051 data and fiscal accountability of all schools operated by the
 1052 entity. To the extent practicable, the state board shall develop
 1053 a rubric for the approval of such entities that aligns with the
 1054 priorities of the federal Charter Schools Program Grants for
 1055 Replication and Expansion of High-Quality Charter Schools, found
 1056 in the Federal Register, Volume 76, Number 133.

1057 Section 4. Paragraph (d) of subsection (8) of section
 1058 1002.45, Florida Statutes, is amended to read:

1059 1002.45 Virtual instruction programs.—

1060 (8) ASSESSMENT AND ACCOUNTABILITY.—

1061 (d) An approved provider's contract is automatically ~~must~~
 1062 ~~be~~ terminated if the provider earns two consecutive school
 1063 grades of ~~receives a school grade of "D" or "F" under s.~~
 1064 1008.34, two consecutive ~~or a school improvement ratings rating~~
 1065 of "Declining" under s. 1008.341, ~~for 2 years during any~~
 1066 ~~consecutive 4-year period~~ or has violated any qualification

1067 requirement pursuant to subsection (2). A provider that has a
 1068 contract terminated under this paragraph may not be an approved
 1069 provider for a period of at least 1 year after the date upon
 1070 which the contract was terminated and until the department
 1071 determines that the provider is in compliance with subsection
 1072 (2) and has corrected each cause of the provider's low
 1073 performance.

1074 Section 5. Paragraph (a) of subsection (1) of section
 1075 1013.62, Florida Statutes, is amended to read:

1076 1013.62 Charter schools capital outlay funding.-

1077 (1) In each year in which funds are appropriated for
 1078 charter school capital outlay purposes, the Commissioner of
 1079 Education shall allocate the funds among eligible charter
 1080 schools.

1081 (a) To be eligible for a funding allocation, a charter
 1082 school must:

1083 1.a. Have been in operation for 3 or more years;

1084 b. Be governed by a governing board established in the
 1085 state for 3 or more years which operates both charter schools
 1086 and conversion charter schools within the state;

1087 c. Be an expanded feeder chain of a charter school within
 1088 the same school district that is currently receiving charter
 1089 school capital outlay funds;

1090 d. Have been accredited by the Commission on Schools of
 1091 the Southern Association of Colleges and Schools; or

1092 e. Serve students in facilities that are provided by a

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1093 business partner for a charter school-in-the-workplace pursuant
 1094 to s. 1002.33(15) (b) .

1095 2. Have an annual audit that does not reveal one or more
 1096 of the financial emergency conditions set forth in s. 218.503(1)
 1097 for the most recent fiscal year for which such audit is
 1098 available ~~stability for future operation as a charter school.~~

1099 3. Have satisfactory student achievement based on state
 1100 accountability standards applicable to the charter school.

1101 4. Have received final approval from its sponsor pursuant
 1102 to s. 1002.33 for operation during that fiscal year.

1103 5. Serve students in facilities that are not provided by
 1104 the charter school's sponsor.

1105 Section 6. Subsection (14) of section 1003.01, Florida
 1106 Statutes, is amended to read:

1107 1003.01 Definitions.—As used in this chapter, the term:

1108 (14) "Core-curricula courses" means:

1109 (a) Courses in language arts/reading, mathematics, social
 1110 studies, and science in prekindergarten through grade 3,
 1111 excluding any extracurricular courses pursuant to subsection
 1112 (15);

1113 (b) Courses in grades 4 through 8 in subjects that are
 1114 measured by state assessment at any grade level and courses
 1115 required for middle school promotion, excluding any
 1116 extracurricular courses pursuant to subsection (15);

1117 (c) Courses in grades 9 through 12 in subjects that are
 1118 measured by state assessment at any grade level and courses that

1119 are specifically identified by name in statute as required for
 1120 high school graduation and that are not measured by state
 1121 assessment, excluding any extracurricular courses pursuant to
 1122 subsection (15);

1123 (d) Exceptional student education courses; and

1124 (e) English for Speakers of Other Languages courses.



1125

1126 The term is limited in meaning and used for the sole purpose of
 1127 designating classes that are subject to the maximum class size
 1128 requirements established in s. 1, Art. IX of the State
 1129 Constitution. This term does not include courses offered under
 1130 ss. 1002.321(4)(e), 1002.33(6)(a)2.b. ~~1002.33(7)(a)2.b.~~,
 1131 1002.37, 1002.415, 1002.45, and 1003.499.

1132 Section 7. This act shall take effect July 1, 2014.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7117 PCB EDC 14-02 School Accountability
SPONSOR(S): Education Committee, Adkins
TIED BILLS: IDEN./SIM. **BILLS:**

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|------------------|---|--|
| Orig. Comm.: Education Committee | 15 Y, 2 N, As CS | Brink | Mizereck |
| 1) Education Appropriations Subcommittee | | Seifert  | Heflin  |

SUMMARY ANALYSIS

On February 24, 2014, the Commissioner of Education (commissioner), pursuant to an executive order issued by Florida Governor Rick Scott, presented to the House Education Committee various recommended changes to the school accountability and teacher evaluation systems in Florida, including, among other things, simplifying school grades calculations to focus on graduation, earning college credit, and student performance in core subjects; establishing a transition year for purposes of school grades and teacher evaluations as the state administers new statewide assessments in the 2014-2015 school year; and providing greater district and school control in developing local assessments.

Based on the commissioner's recommendations, this bill:

- Simplifies the school grades calculations for elementary, middle, and high schools by eliminating extraneous point categories and focusing on student performance, graduation, and eligibility for college credit;
- Requires development of a district report card which includes indicators of success, such as student performance, closing of the achievement gap among high- and low-performing subgroups, and grade-level promotion of low achieving students;
- Establishes a hold harmless provision for the 2015-2016 school year that insulates schools and districts from any penalty or reclassification based on 2014-2015 grades as new statewide, standardized assessments in mathematics and English language arts are implemented;
- Restructures school improvement rating provisions to make sure alternative schools and exceptional student education (ESE) centers receive ratings and to focus on learning gains for students in alternative schools and ESE centers;
- Authorizes district school boards to adopt teacher- or principal-selected assessments for certain hard-to-measure courses and subjects such as Band or Art;
- Authorizes district school boards to establish performance standards for teacher evaluation ratings for the 2014-2015 school year as new statewide, standardized assessments are implemented and requires the State Board of Education (SBE) to establish performance levels for teacher evaluation ratings beginning with the 2015-2016 school year; and
- Provides for bonus money, subject to appropriation, to school districts that more effectively align teacher evaluations to student performance and utilize local assessments.

In addition, the bill removes the Department of Education's rulemaking authority and instead requires the Hillsborough County School District superintendent to attest annually to the SBE that the district meets criteria relating to the approval of certain personnel evaluation and performance pay provisions.

The bill provides that a student with a medical complexity as documented by a licensed physician may not participate in the state assessment program under certain circumstances.

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

The bill provides an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

On September 23, 2013, Florida Governor Rick Scott issued an executive order establishing the Florida Plan for Education Accountability.¹ The order directs the Commissioner of Education (commissioner) take certain actions with respect to four aspects of the education system in Florida, including procurement of the next statewide, standardized assessments, student data security, the school accountability system, and teacher evaluations.²

With respect to the school accountability system, the order requires the commissioner to recommend to the State Board of Education (SBE) that certain changes be made to the school accountability system in order to “provide stability and clarity to Florida’s students, parents, and teachers during the 2013-14 and 2014-15 school years when schools will transition to new state assessments”³ The order provides that changes during this period would be “limited to inclusion of the U.S. History end of course (EOC) exam, other technical changes directed by statute, and the adoption of [SBE] emergency rules meant to ensure a stable transition.”

The order also directed the commissioner to immediately recommend that the SBE resubmit Florida’s Elementary and Secondary Education Act (ESEA) waiver to “make it clear that Florida will not comply with terms involving Federal overreach into the handling of ELL (English language learners) and ESOL (English for Speakers of Other Languages) student achievement measures in the school accountability system.” The order stated that the commissioner and SBE must “continue to make any necessary recommendations to the Governor and Florida Legislature to further ensure that Florida’s education accountability system is fair and transparent.”⁴

With respect to teacher evaluations, the order directs the commissioner to review participant contributions to the Governor’s education accountability summit⁵ and provide a recommended action plan to ensure successful implementation of teacher evaluations to the Governor, the SBE, and the Legislature.⁶

On February 24, 2014, Commissioner Pam Stewart presented to the House of Representatives Education Committee a proposed Florida School Accountability Plan, which includes recommendations related to school grades, teacher evaluations, and stability during the transition to new state assessments.⁷ Recommendations for school grades are intended to simplify the grading calculations to

- Focus on student success measures, including achievement, learning gains, graduation, and earned college credit and/or industry certifications;
- Require students scoring below grade level to grow toward grade level performance and students already scoring at grade level to progress beyond grade level performance; and

¹ Executive Order No. 13-276 (2013).

² *Id.*

³ *Id.* at 2.

⁴ *Id.* at 3.

⁵ The education accountability summit, August 26-28, 2013, was a three-day event that in which a panel of Florida education leaders gathered to discuss the sustainability and transparency of the state’s accountability system to ensure each student has the opportunity to succeed. The summit focused discussion on four strategic priorities: state standards, state standard assessments, school grades, and teacher evaluations, a/k/a, “The Four Horsemen.” See Florida Department of Education, Media Advisory, http://www.fldoe.org/news/2013/2013_08_26.asp (last visited March 3, 2014).

⁶ Exec. Order No. 13-276 (2013).

⁷ Commissioner of Education, *Proposed School Accountability Plan: hearing before the House Education Committee* (Feb. 24, 2014).

- Ensure that the level of performance associated with an A-F school is transparent.⁸

In addition, the commissioner recommended establishing baseline scores in the first year of implementation of new state assessments in the 2014-2015 school year. This would delay by one year consequences based upon student performance and learning gains on the new assessments. The commissioner's presentation included proposed calculations for elementary schools, middle schools, and high schools.⁹

With respect to teacher evaluation, the commissioner's recommendations are to:

- Allow districts to set teacher performance standards through the 2014-2015 transitional school year to help stabilize implementation for local teacher and principal evaluations;
- Provide districts that are showing student success with flexibility in deciding a portion of the student performance component of the evaluation; and
- Further define options for implementing local student assessments to ensure best choices for students in all courses. This is intended to support evaluations based on actual teacher course assignments and evaluation systems that are locally sustainable.¹⁰

School Grades

Present Situation

Each year, the commissioner must prepare reports of the statewide assessment program which describe student achievement in the state, each district, and each school. The reports must include descriptions of the performance of all schools participating in the assessment program and all of their major student populations.¹¹

The annual reports must identify schools as having one of the following grades:

- "A," for schools making excellent progress;
- "B," for schools making above average progress;
- "C," for schools making satisfactory progress;
- "D," schools making less than satisfactory progress; and
- "F," for schools failing to make adequate progress.¹²

In addition to annual reports prepared by the commissioner, school grades are reported using school report cards, which are developed by the Florida Department of Education (DOE) in collaboration with school districts.¹³ The school report cards are provided by the school district to parents within the district. Each school's report card must include the school's grade, information regarding school improvement, an explanation of school performance as evaluated by the Elementary and Secondary Education Act (ESEA),¹⁴ and indicators of return on investment. Each report card must be published annually on the DOE's website.¹⁵

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ Section 1008.34(1), F.S.

¹² Section 1008.34(2), F.S.

¹³ Section 1008.34(5), F.S.

¹⁴ 20 U.S.C. ss. 6301 *et seq.* The ESEA, as reenacted through the No Child Left Behind of 2001 (NCLB), establishes state student assessment program requirements. *See* Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002).

¹⁵ Section 1008.34(5), F.S.

The school grade calculations are different for elementary schools (kindergarten to grade five), middle schools (grades six to eight), and high schools (grades nine to 12), but each is based on the total points earned across all calculation components. In addition, a school's grade is lowered one letter grade if:

- Fewer than 50 percent of the lowest performing 25 percent demonstrate gains or show annual improvement on statewide assessments for reading and mathematics;
- Fewer than 25 percent of the school's students are reading at or above grade level; or
- If an "A" school, fewer than 95 percent of eligible students take the state assessments.¹⁶

If less than 90 percent of a school's students take the state assessments, then the commissioner must withhold designation of the school's grade until the data are determined, after investigation, to accurately represent the performance of the school.¹⁷ A school is ineligible to earn a grade of "D," "C," or "B" if fewer than 90 percent of its students are assessed.¹⁸ The commissioner is authorized to designate a school grade for each school that has at least 10 eligible students with valid assessment score in reading and at least 10 eligible students with valid assessment scores in mathematics in both the current year and the previous year for each subject.¹⁹

Current Elementary School Grade Calculation (800 possible points)²⁰

| | | | |
|---|--------------|--------------|--------------|
| Achievement | | | |
| Learning Gains – with additional weights for certain types of gains | | | |
| Low 25% Learning Gains – with additional weights for certain types of gains | | | |
| (300 points) | (300 points) | (100 points) | (100 points) |
| <p>A school grade is lowered one letter grade below what the point total indicate if:</p> <ul style="list-style-type: none"> • Fewer than 50% of the Low 25% demonstrate gains in reading and mathematics (or show annual improvement) • Fewer than 25% of students are reading at or above grade level • Fewer than 95% of eligible students are tested, and the school earned enough points for an "A" | | | |

¹⁶ See rule 6A-1.09981, F.A.C.

¹⁷ Rule 6A-1.09981(9)(b)1., F.A.C. The commissioner must also withhold designation of a school grade if circumstances identified before, during, or following the administration of any state assessment where the validity or integrity of the test results are called into question and are subject to an investigation or review as determined by the DOE. During such time, the school grade is incomplete ("I") until such time as the investigation is complete and the data are determined to accurately represent the performance of the school.

Rule 6A-1.09981(9)(b)2., F.A.C.

¹⁸ Rule 6A-1.09981(1)(a)4., F.A.C.

¹⁹ Rule 6A-1.09981(3)(a)3., F.A.C.

²⁰ This calculation also serves as the basic calculation upon which the calculations for middle and high schools are based. See section 1008.34(3)(b), F.S.; rule 6A-1.09981(5)(a), F.A.C.

Current Middle School Grade Calculation (900 possible points)

| | | | | |
|--|--------------|--------------|--------------|--------------|
| Achievement | | | | |
| Learning Gains - with additional weights for certain types of gains | | | | |
| Low 25% Learning Gains - with additional weights for certain types of gains | | | | |
| (300 points) | (300 points) | (100 points) | (100 points) | (100 points) |
| <p>A school grade is lowered one letter grade below what the point total indicate if:</p> <ul style="list-style-type: none"> • Fewer than 50% of the Low 25% demonstrate gains in reading and mathematics (or show annual improvement) • Fewer than 25% of students are reading at or above grade level • Fewer than 95% of eligible students are tested, and the school earned enough points for an "A" | | | | |

Current High School Grade Calculation (1,600 possible points)

| | | | | | | | |
|--|--------------|--------------|--------------|--|--|--|---|
| Achievement | | | | Participation in AP, IB, AICE, dual enrollment, and/or industry certification – with additional weights for multiple participation & performance (100 points for Participation) (100 points for Performance) | Overall, 4-year (100 points) Overall, 5-year (100 points) At-Risk, 4-year (50 points) At-risk, 5-year (50 points) | Percent of graduates that are college ready based on SAT, ACT and/or PERT Reading (100 points) Math (100 points) | Student achievement on U.S. History EOC Assessment (100 points) |
| Learning Gains - with additional weights for certain types of gain | | | | | | | |
| Low 25% Learning Gains – with additional weights for certain types of gains | | | | | | | |
| (300 points) | (300 points) | (100 points) | (100 points) | (200 points) | (300 points) | (200 points) | (100 points) |
| <p>A school grade is lowered one letter grade below what the point total indicate if:</p> <ul style="list-style-type: none"> • Fewer than 50% of the Low 25% demonstrate gains in reading and mathematics (or show annual improvement) • Fewer than 25% of students are reading at or above grade level • Fewer than 65% of at-risk students graduate from high school, and the school earned enough points for an "A" • Fewer than 95% of eligible students are tested, and the school earned enough points for an "A" | | | | | | | |

Each public high school is currently required to provide for the administration of either the Preliminary SAT/National Merit Scholarship Qualifying Test or Preliminary ACT to all enrolled 10th grade students.²¹ Results from these tests provide each high school with a database of student assessment data which certified school counselors use to identify students who are prepared or who need additional work to be prepared to enroll and be successful in Advanced Placement (AP) courses or other advanced high school courses.²² Funding for these tests is contingent upon annual funding in the GAA.²³

Effect of Proposed Changes

The bill defines the following terms for purposes of the statewide, standardized assessment and school grades systems:

- "Achievement level," "student achievement," or "achievement" describes the level of content mastery a student has acquired in a particular subject as measured by a statewide, standardized assessment. There are five achievement levels. Level 1 is the lowest achievement level, level 5 is the highest achievement level, and level 3 indicates satisfactory performance. A student passes an assessment if the student achieves a level 3, level 4, or level 5. For purposes of the Florida Alternate Assessment, the SBE must provide, in rule, the number of achievement levels and identify the achievement levels that are considered passing.
- "Learning Gains," "annual learning gains," or "student learning gains" means the degree of student learning growth occurring from one school year to the next as required by state board rule for purposes of calculating school grades.
- "Student performance," "student academic performance," or "academic performance" includes, but is not limited to, student learning growth, achievement levels, and Learning Gains on statewide, standardized assessments.

Rather than basing school grades on a total of points earned across the various school grade components, the bill requires grades to be based on the percentage of total points earned by a school. In addition, the bill, pursuant to the commissioner's recommendations, eliminates certain components of the school grade calculations to focus more closely on graduation, earning college credits and/or industry certifications, and student performance in the core subjects of English language arts, mathematics, science, and social studies.

The revised calculations are as follows:

Revised Elementary School Grade Calculation (700 possible points, compared to current 800)

The table content is obscured by a large blacked-out area. Only faint text is visible at the bottom of the table, including "(100 points)", "10% to 100%", and "(100 points)".

²¹ Section 1007.35(5), F.S.

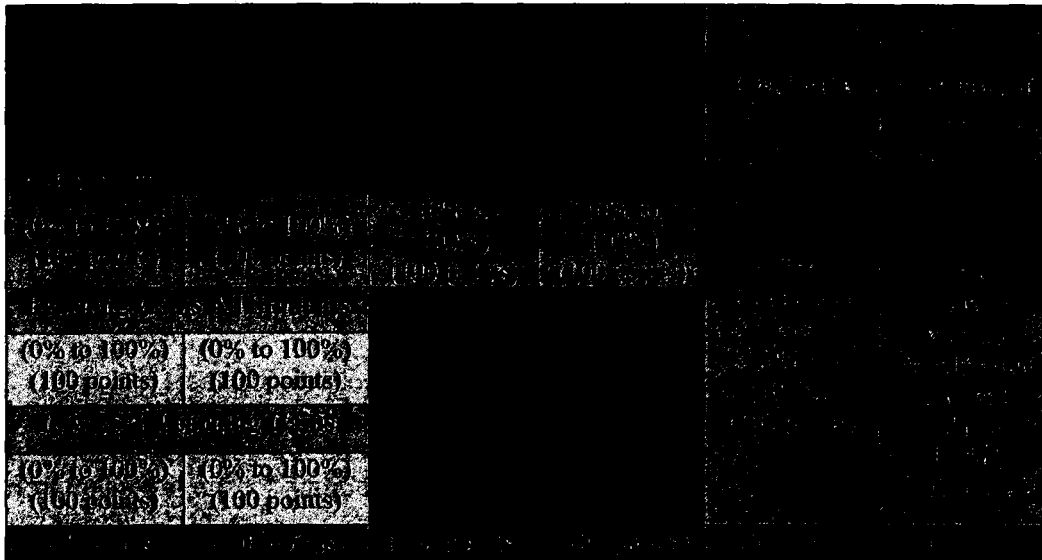
²² Section 1007.35(a), F.S.

²³ Section 1007.35(5)(b), F.S.

Revised Middle School Grade Calculation (800 possible points, compared to current 900)



Revised High School Grade Calculation (1,000 possible points, compared to current 1600)



With respect to student learning gains in English language arts and mathematics, the SBE must require that learning growth toward achievement levels 3, 4, and 5 be demonstrated by students who scored below each of those levels in the prior year.

In addition, the bill establishes the following requirements relating to school grades:

- The calculation must be based on the percentage of points earned;
- There must not be any provision that would raise or lower the school's grade beyond the percentage of points earned;
- Extra weight may not be added to the calculation of any components; and
- For a school that does not have at least ten students with complete data for one or more of the components that comprise the school grade, those components may not be used in the calculation.

The bill requires the SBE to periodically review the school grading scale to determine if the scale should be adjusted upward to meet raised expectations and encourage increased student performance. The SBE must also adopt in rule a school grading scale that sets the percentage of points needed to

earn each school grade. There must be at least five percentage points to separate the percentage thresholds needed to earn each school grade.

The bill provides school districts discretion to allow schools that receive a grade of "A" or improve at least two letter grades greater budgetary authority. This discretion was originally granted to the SBE to be specified in state board rule; however, no state board rule was ever adopted.

The bill eliminates redundant annual reporting requirements for the commissioner. Instead, the bill retains preparation of school report cards and requires the development of district report cards. The bill requires each school report card to include, among other items already required by law, student performance in English language arts, mathematics, science, and social studies.

District Grades

Present Situation

The annual report prepared by the commissioner for each school district must include a grade for the district.²⁴ The grade is calculated using district student performance and learning gains data on state assessments in reading and mathematics and student performance on science and writing state assessments.²⁵

Effect of Proposed Changes

The bill requires the DOE to develop a district report card, rather than an annual report by the commissioner, that includes the district's grade as well as:

- Measures of the district's progress in closing the achievement gap between higher- and lower-performing subgroups;
- Measures of the district's progress in demonstrating learning gains of its highest-performing students;
- Measures of the district's success in improving student attendance;
- The district's grade-level promotion of students scoring achievement levels 1 and 2 on statewide, standardized English language arts and mathematics assessments; and
- Measure of the district's performance in preparing students for the transition from elementary to middle school, middle to high school, and high school to postsecondary institutions and careers.

School Improvement Rating

Present Situation

The commissioner's annual report must identify each school's performance as having improved, remained the same, or declined.²⁶ The school improvement rating must be based on a comparison of current year and previous year student and school performance data. Schools that improve their ratings by at least one level are eligible for school recognition awards.²⁷

An alternative school or exceptional student education (ESE) center may opt for a school improvement rating instead of a school grade. For charter schools that meet the definition of an alternative school,

²⁴ Section 1008.34(7), F.S.

²⁵ *Id.* The calculation includes students who transfer between schools in the district or who are enrolled in a school that does not receive a grade.

²⁶ Section 1008.34(4), F.S.

²⁷ *Id.*

i.e., charter alternative schools, the decision to receive a school grade is the decision of the charter school governing board.²⁸ The school improvement rating must consider:

- The aggregate scores on statewide assessments for all eligible students who were assigned to and enrolled in the school during the October or February FTE count and who have statewide assessment scores for the preceding school year;²⁹ and
- The aggregate scores on statewide assessments for all eligible students who were assigned to and enrolled in the school during the October or February FTE count and who have scored in the lowest 25th percentile of students in the state on the statewide reading assessment.³⁰

The achievement scores and learning gains of eligible students attending alternative schools that receive a school improvement rating are credited back to the home school for inclusion the home school's grade calculation. "Home school" means the school to which the student would be assigned if the student were not assigned to an alternative school.³¹ Alternative schools include ESE Centers for the purposes of school accountability.

The three possible school improvement ratings include:

- "Improving" – students are making more academic progress at the alternative school than when the students were served in their home schools;
- "Maintaining" – students are making progress at the alternative school equivalent to academic progress made when the students were served in their home schools; or
- "Declining" – students are making less academic progress at the alternative school than when the students were served in their home schools.³²

In order to receive a school improvement rating, an alternative school must have a minimum of 10 students with valid statewide assessment scores in reading for the current and previous two years and a minimum of 10 students with valid statewide assessment scores in mathematics for the current and previous two years.³³ Only alternative schools that test at least 80 percent of their students may receive a school improvement rating, and if an alternative school tests less than 90 percent of its students, the school may not earn a rating higher than "maintaining."

The achievement scores and learning gains of students attending ESE centers who were not enrolled in or in attendance at a public school other than an ESE center within the school district during the previous three years are not included in the grade of the students' home school.³⁴

Effect of Proposed Changes

To more accurately describe the progress of alternative schools and ESE centers, the bill changes the school improvement rating designations of "improving" and "declining" to "commendable" and "unsatisfactory," respectively. The bill retains the "maintaining" designation. In addition, the bill eliminates comparison to previous student performance at a student's home school for purposes of calculating the alternative school's or ESE center's school improvement rating. Instead, the bill amends the components of the school improvement rating for alternative schools and ESE centers. The components include:

²⁸ Section 1008.34(3)(a)2., F.S.

²⁹ Section 1008.341(3)(a), F.S.

³⁰ Section 1008.341(3)(b), F.S.

³¹ Section 1008.34(3)(c)3., F.S.; cf. rule 6A-1.099822(6), F.A.C. (stating that the student performance of eligible students shall be included in the students' home school's grade as well as the school's school improvement rating, if the school is not a charter alternative school). This presumes that students are not assigned to charter alternative schools.

³² *Id.*

³³ Rule 6A-1.099822(5)(a), F.A.C.

³⁴ Section 1008.3415(2), F.S.

- The percentage of eligible students who make learning gains in English language arts as measured by statewide, standardized assessments; and
- The percentage of eligible students who make learning gains in mathematics as measured by statewide, standardized assessments.

The bill amends the calculation to no longer take into consideration the performance of students who have scored in the lowest 25th percentile of students in the state on the reading statewide, standardized assessment.

To provide focus on student learning gains at alternative schools, the bill provides that, beginning with the 2016-2017 school year, an alternative school that does not meet the requirements for issuance of a school improvement rating and has not received a rating for the past two consecutive years must receive a rating for the current year based on all student learning gains for all grades levels at the school for those three years.

The bill provides that if an alternative school does not have at least 10 students with complete data for a school improvement rating component, that component may not be used in calculating the school's improvement rating. To make certain that the school still receives a rating, the bill requires the rating to be calculated based on the percentage of points earned from the English language arts and mathematics learning gains components.

Transition Year

The 2013-2014 school year is the final year in which the current statewide assessments,³⁵ are used to calculate school grades, school improvement ratings, and district grades and evaluate public education personnel. This coincides with the transition to full instruction based on Florida's new state standards, adopted by the SBE on February 18, 2014, in the 2014-2015 school year.³⁶ In addition, the SBE is currently reviewing proposals by several third party test developers for the development of new statewide assessments aligned to the new state standards.³⁷

When Florida students take the new assessments for the first time during the 2014-2015 school year, student performance level expectations, also called "cut scores," will not yet exist. Because the 2014-2015 assessments will be different than the 2013-2014 assessments, basing school accountability measures and evaluations on growth in student performance and learning gains compared to the 2013-2014 assessments may result in consequences that do not accurately reflect the actual performance of students.

Accordingly, based on recommendations the commissioner made to the House Education Committee on February 24, 2014,³⁸ the bill establishes a hold harmless provision that insulates schools from any penalty or reclassification that would otherwise result from the school's 2014-2015 grade. The bill establishes the 2014-2015 school year as an informational baseline for schools to work toward improved performance in future years. Thus, a school may not be required to select and implement a turnaround option³⁹ in the 2015-2016 school year based on the school's 2014-2015 grade or school

³⁵ Statewide assessments include FCAT writing, FCAT 2.0, and end of course (EOC) assessments. See Section 1008.22, F.S.

³⁶ Florida State Board of Education, Minutes of Feb. 18, 2014 State Board of Education Meeting (2014), available at http://www.fldoe.org/board/meetings/2014_02_18/agenda.asp.

³⁷ Commissioner of Education, *Proposed Florida Education Plan for 2014-2016; hearing before the House Education Committee* (Feb. 6, 2014).

³⁸ See *supra* text accompanying note 7.

³⁹ A school that earns a grade of "F" or earns a grade of "D" for three consecutive years must select and implement a turnaround option. Turnaround options include converting the school to a district-managed turnaround school; reassigning students to another school and monitoring the progress of each reassigned student; closing the school and reopening the school as one or more charter schools, each with a governing board with a demonstrated record of effectiveness; contracting with an outside entity that has a

improvement rating. In addition, a school or virtual instruction program that receives the same or a lower school grade or school improvement rating for the 2014-2015 school year compared to the 2013-2014 school year would not be subject to sanctions or penalties that would otherwise occur as a result of the 2014-2015 school grade or rating. Furthermore, a charter school system or a school district designated as high performing may not lose its designation based on the 2014-2015 school grades of any of the schools within the charter school system or school district. The Florida School Recognition Program⁴⁰ will continue to be implemented as otherwise provided by the General Appropriations Act.

Beginning with the 2016-2017 school year, schools would again be subject to consequences related to school grades and improvement ratings earned in the 2015-2016 school year.

Student Participation in the Statewide Assessment Program

Present Situation

The commissioner is required to design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. The student achievement and assessment program includes the Florida Comprehensive Assessment Test (FCAT), end-of-course assessments, and the Florida Alternate Assessment (FAA), which measure student content knowledge and skills, as adopted by the State Board of Education, and measure and report student performance levels of all students assessed in reading, writing, mathematics, and science.⁴¹

Participation in the assessment program is mandatory for all students attending public schools, including students served in Department of Juvenile Justice programs, except as otherwise prescribed by the commissioner.⁴² Pursuant to an agreement between the DOE and the U.S. Department of Education, state board rule requires that 95 percent of a school's students be tested under the assessment program in order for the school to be eligible to earn a school grade of "A."⁴³

The Individuals with Disabilities Education Act (IDEA) requires each state to have in effect policies and procedures to assess progress toward achieving goals for the academic performance of children with disabilities, including measuring annual objectives under the state assessment program.⁴⁴ Such students are assessed under a state assessment program either with accommodations or by using an alternate assessment, as determined by a student's Individual Education Plan (IEP) team.⁴⁵

The DOE has implemented the FAA to accurately measure the core curricular content established in the state academic standards for students with disabilities under s. 1003.438.⁴⁶ An IEP team may determine that a student with a significant cognitive disability meets the criteria for participating in the FAA based on specified criteria.⁴⁷ In addition, assessment results for a student with a disability may be waived if the student's IEP team determines that assessments under Florida's assessment program⁴⁸

demonstrated record of effectiveness to operate the schools; or implementing a hybrids turnaround options. See Section 1008.33(4), F.S.

⁴⁰ Section 1008.36, F.S.

⁴¹ Section 1008.22(3), F.S.; rule 6A-1.09981(1), F.A.C. The Florida Alternate Assessment is used to measure student performance in reading, mathematics, science, and writing. *Id.*

⁴² Section 1008.22(3), F.S.

⁴³ See Letter from Arne Duncan, Sec'y, U.S. Dep't of Educ., to Gerard Robinson, Comm'r, Fla. Dep't of Educ. (Feb. 9, 2012), available at <http://www.fldoe.org/esea/pdf/WaiverApprovalLetter.pdf>; rule 6A-1(a)4., F.A.C.

⁴⁴ See 20 U.S.C. s. 1412(a)(15)(B).

⁴⁵ 20 U.S.C. s. 1412(a)(16)(A).

⁴⁶ Section 1008.22(3)(c)13, F.S.

⁴⁷ Rule 6A-1.0943(5), F.A.C.

⁴⁸ Section 1008.22, F.S.

cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, for the purpose of receiving a course grade or standard high school diploma.⁴⁹

Although federal law generally requires all children with disabilities to participate in state assessment programs,⁵⁰

There could be rare situations . . . where the IEP team, after careful deliberation, may determine that an alternate assessment based on alternate academic achievement standards is not appropriate. We believe that this situation would be extremely rare, particularly because such determinations are individualized based on a child's particular circumstances, and IEP Teams have flexibility in determining how to assess a student's academic performance and functional achievement Therefore, it would be inconsistent with the IDEA to create an across-the-board exemption from taking an alternate assessment for a category of children, even those with . . . extremely rare types of disabilities . . . , as this is a determination that the IDEA assigns to each child's IEP Team.⁵¹

Under Florida law, if a student's IEP team determines that certain circumstances⁵² or conditions⁵³ prevent the student from physically demonstrating the mastery of skills that have been acquired and are measured under the assessment program, including the FAA, the IEP team may apply for an extraordinary exemption from administration of the assessment using a procedure, culminating in a final decision made by the Florida Commissioner of Education, established by state law and state board rule.⁵⁴

Effect of Proposed Changes

The bill defines the term "child with medical complexity" to mean a child who is medically fragile and needs intensive care due to a condition such as a congenital or acquired multisystem disease or who has a severe neurologic condition with marked functional impairment.

The bill provides that a student may not participate in statewide, standardized assessments, including taking the FAA, if the student's IEP team, with parental consent, determines that it is inappropriate for the child to participate. The amendment requires the IEP team's determination to be based upon compelling medical documentation from a physician licensed under chapter 458 stating that the student is a child with a medical complexity and lacks the capacity to take or perform on an assessment. The determination is subject to approval by the district school superintendent, who must report annually to the district school board and the DOE the number of students with medical complexity that are not participating in the assessment program.

⁴⁹ Section 1008.22(3)(c)2., F.S.

⁵⁰ 20 U.S.C. 1412(a)(16)(A).

⁵¹ Email, U.S. Dep't of Educ., Office of Special Education and Rehabilitative Services (May 4, 2013).

⁵² "Circumstance" is defined as a situation in which accommodations allowable for use on the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks. Section 1008.212(1)(a), F.S.

⁵³ "Condition" is defined as an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even with accommodations provided, and results in reflecting the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks. Section 1008.212(1)(b), F.S.

⁵⁴ Section 1008.212(2), F.S.; rule 6A-1.0943, F.A.C.

Public School Personnel Evaluations

Evaluation Requirements and Components

All instructional personnel⁵⁵ and school administrators employed by Florida's public school districts must undergo an annual performance evaluation based on sound educational principles and contemporary research in effective educational practices.⁵⁶ The evaluation criteria for instructional personnel include student performance, instructional practice, and professional and job responsibilities.⁵⁷ Likewise, the evaluation criteria for school administrators include student performance and professional and job responsibilities. Instructional leadership practices are also included in school administrator evaluations.⁵⁸

Each district superintendent must establish procedures for evaluating the performance of all instructional personnel and school administrators employed by the school district.⁵⁹ The superintendents must also report evaluation results to the DOE by December 1 each year.⁶⁰ The DOE approves all district evaluation systems and monitors implementation for compliance with law.⁶¹

Public school personnel evaluations must be used to designate instructional personnel and school administrators as "highly effective," "effective," "needs improvement" (or, for instructional personnel in the first three years of employment who need improvement, "developing"), or "unsatisfactory."⁶² Evaluations occur annually, except classroom teachers newly hired by a district are evaluated twice during their first year.⁶³

Evaluations must be comprised of the following components:

Student Performance

Student performance includes data and indicators of student learning growth based on student performance on annual statewide assessments or, for subjects and grade levels not tested by statewide assessments, school district assessments.⁶⁴ Student performance must constitute at least 50 percent of a classroom teacher's or school administrator's evaluation.⁶⁵ Student learning growth is measured under a formula approved by the Commissioner of Education and to be adopted in rule by the State Board of Education (SBE).⁶⁶ The formula is known as the "value added model" (VAM).⁶⁷

⁵⁵ Instructional personnel include classroom teachers and other instructional personnel, such as certified school counselors, librarians, and learning resource specialists. Section 1012.01(2), F.S. Although substitute teachers are classified as classroom teachers, the law specifically excludes them from performance evaluation requirements. Section 1012.34(3)(a), F.S.

⁵⁶ Section 1012.34(3)(a), F.S. Newly hired classroom teachers are evaluated twice in their first year of teaching in a school district.

Id.

⁵⁷ Section 1012.34(3)(a)1., 2., and 4., F.S. School administrator evaluation criteria include instructional leadership. Section 1012.34(3)(a)3., F.S.

⁵⁸ Section 1012.34(3)(a)3., F.S.

⁵⁹ Section 1012.34(1)(a), F.S.

⁶⁰ Section 1012/34(1)(c), F.S.

⁶¹ Section 1012.34(1)(b), F.S.

⁶² Section 1012.34(2)(e), F.S.

⁶³ Section 1012(3)(a), F.S.

⁶⁴ Sections 1012.34(3)(a)1. and 1008.22(6), F.S. Each school district must publish on its website schedules for the administration of district assessments and report the schedule to the DOE each year by October 1. Section 1008.22(6)(d), F.S.

⁶⁵ *Id.*

⁶⁶ Section 1012.34(8), F.S.

⁶⁷ Section 1012.34(7)(a), F.S. The DOE has promulgated Rule 6A-5.0411, Calculations of Student Learning Growth Using Statewide Assessment Data for Use in School Personnel Evaluations. However, the rule has not yet been adopted by the SBE. Among other things, the rule must establish a student learning growth standard that must be met in order for an employee to receive a highly effective rating and a student learning growth standard that must be met in order for an employee to receive an effective rating. Section 1012.34(8), F.S.

For classroom teachers, student performance must include student learning growth data for students assigned to the teacher over the course of at least 3 years. If less than 3 years of data are available, then student performance may comprise no less than 40 percent of the evaluation.⁶⁸

For other instructional personnel who are not classroom teachers, student performance must include student learning growth data on statewide assessments for assigned students over the course of at least 3 years⁶⁹ and must comprise at least 30 percent of the evaluation or, if less than 3 years of data are available, then not less than 20 percent.⁷⁰

For school administrators, student performance must include student learning growth data for students assigned to the school over the course of at least 3 years. If less than 3 years of data are available, then student performance may comprise no less than 40 percent of the evaluation.⁷¹

Measurement of student learning growth for classroom teacher evaluations varies according to the subjects and grades taught by the teacher, as follows:⁷²

- For classroom teachers of courses tested by a statewide assessment, student learning growth on such assessments must be used.⁷³
- For classroom teachers of courses measured by a school district assessment, student learning growth on such assessments must be used; however, school districts may request DOE-approval to use:
- A student achievement measure or a combination of student learning growth and achievement; or⁷⁴
- A combination of student learning growth on a school district assessment and on the FCAT Reading or FCAT Mathematics assessments, as long as learning growth on the district assessment is given greater weight.⁷⁵

Instructional Practice

Instructional practice is a component of instructional personnel evaluations which consists of evaluation criteria used in classroom teacher observations.⁷⁶ The evaluation criteria must include indicators based on each of Florida Educator Accomplished Practices (FEAP) established by the SBE in rule.⁷⁷ For instructional personnel who are not classroom teachers, the evaluation criteria must be based on FEAP and may include specific job expectations related to student support.⁷⁸

Instructional Leadership

Instructional leadership is a component of school administrator evaluations and consists of indicators based on each of the principal leadership standards established in state board rule.⁷⁹

⁶⁸ Section 1012.34(3)(a)1.a., F.S.

⁶⁹ The student performance component for instructional personnel who are not classroom teachers may include student learning growth data and other measurable student outcomes specific to the position. Section 1012.34(1)(a)1.b., F.S.

⁷⁰ Section 1012.34(3)(a)1.b., F.S.

⁷¹ Section 1012.34(3)(a)1.c.

⁷² School districts must implement assessments for subjects not tested by statewide assessments by the 2014-15 school year. *See s. 1008.22(8)*, F.S.

⁷³ Section 1012.34(7)(a)-(b), F.S.

⁷⁴ Section 1012.34(7)(c), F.S.

⁷⁵ Section 1012.34(7)(d), F.S.

⁷⁶ Section 1012.34(3)(a)2., F.S.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ Section 1012.34(3)(a)3., F.S.

Professional and Job Responsibilities

The professional and job responsibilities component of an evaluation must include additional professional and job responsibilities identified in state board rule. District school boards may identify professional and job responsibilities in addition to those identified by the SBE.⁸⁰

School District Assessments

Present Situation

School districts are responsible for measuring student performance in all subjects and grade levels that are not assessed using statewide, standardized assessments.⁸¹ Beginning with the 2014-2015 school year, school districts must administer for each course offered in the district an assessment, referred to either as a district assessment or local assessment, that measures mastery of course content. Such assessments may include:

- Statewide assessments;
- Other standardized assessments, including nationally recognized standardized assessments;
- Industry certification examinations; and
- District-developed or district-selected end-of-course (EOC) assessments.⁸²

The DOE has provided technical assistance and used Race to the Top⁸³ funds for the development of test item banks, a test platform, and grants to school districts for developing assessments for hard-to-measure courses that can be shared across the state.⁸⁴

Effect of Proposed Changes

Pursuant to the commissioner's recommendation to provide flexibility with respect to hard-to-assess subjects and courses, e.g., Band and Art, the bill authorizes district school boards to adopt teacher- or principal-selected local assessments that, along with district-selected local assessments, may include a variety of assessment formats. These formats include, but are not limited to, project-based assessments, adjudicated performances, and practical application assessments. The bill requires each district school board to adopt policies for the selection, development, administration, and scoring of local assessments and for collection of assessment results. The bill specifies that school districts may not use teacher- or principal-selected assessments for English language arts, mathematics, science, and social studies courses that are used to meet graduation requirements and are not otherwise assessed by statewide, standardized assessments.

The bill also requires each district school superintendent to report student rosters for the purpose of calculating district and statewide student performance and provide instructional personnel the opportunity to review their class rosters for accuracy and to correct any mistakes.

⁸⁰ Section 1012.34(3)(a)4., F.S.

⁸¹ Section 1008.22(6)(a), F.S.

⁸² Sections 1008.22(8) and 1012.34(7)(b), F.S. The Commissioner of Education must identify methods to support school districts in the development or acquisition of assessments. Such methods include developing test item banks, facilitating the sharing of assessments among districts, acquiring assessments from state and national curriculum-area organizations, and technical assistance. Section 1008.22(8)(c), F.S.

⁸³ American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (Feb. 17, 2009)

⁸⁴ Florida Department of Education, *American Recovery and Reinvestment Act, Procurements*,

<http://www.fldoe.org/arra/procurements.asp> (last visited March 5, 2014).

Student Learning Targets

Present Situation

Until July 1, 2015, if a school district, for courses not tested on statewide assessments, has not implemented an assessment or a student learning growth formula for that assessment, the district may use two alternative growth measures—student learning growth on statewide assessments or measurable learning targets. Learning targets must be identified by the school principal based upon the goals of the school improvement plan. Additionally, a district school superintendent may assign student learning growth on statewide assessments to an instructional team, i.e., classroom teachers who serve a common group of students.⁸⁵

Effect of Proposed Changes

The bill retains school district authority through the 2014-2015 school year to establish measurable learning targets for local assessments, including teacher- and principal-selected assessments.

Local Performance Standards

Effect of Proposed Changes

Pursuant to the commissioner's recommendation to promote stability in the education personnel evaluation system during the transition to a new statewide assessment, the bill authorizes school districts, for the 2014-2015 school year only, to establish their own performance standards for teacher evaluation ratings.

Bonus Awards for Districts

Effect of Proposed Changes

The bill provides that districts that make outstanding progress toward educator effectiveness are eligible for bonus rewards as provided in the 2014 General Appropriations Act. Districts can demonstrate outstanding progress toward educator effectiveness through implementation of instructional personnel salaries based on performance results and the use of local assessment results in personnel evaluations when statewide, standardized assessments are not administered.

Hillsborough School District Exemption

Present Situation

The Hillsborough County School District is currently allowed to base only 40 percent of an education personnel's evaluation on student performance as a result of its participation in a grant with the Bill and Melinda Gates Foundation⁸⁶ and exemption from certain Race to the Top requirements.⁸⁷ In addition,

⁸⁵ Section 1012.34(7)(e), F.S.

⁸⁶ On November 19, 2009, the Hillsborough County School District received a \$100 million grant award from the Bill and Melinda Gates Foundation. Funds from this grant are to be used to implement several instructional personnel and school administrator quality reforms, including development of a performance evaluation system that is at least 40 percent based upon student performance, use of a value-added student learning growth formula, consideration of performance before instructional personnel tenure is awarded, implementation of performance pay linked to performance evaluations, and granting greater authority to school principals to recruit and dismiss instructional personnel based upon performance. See Staff of the Florida House of Representatives, *Legislative Bill Analysis for CS/HB 7019* (2011), n. 80.

⁸⁷ Florida Department of Education, *Florida's Race to the Top Memorandum of Understanding for Phase 2*, at 10-13 (May 3, 2010), available at <http://www.fldoe.org/arra/pdf/phase2mou.pdf>.

the Hillsborough County School District is exempt from performance pay provisions.⁸⁸ These exemptions were originally designed to be extended annually with SBE approval based on statutory criteria⁸⁹ and procedures established in state board rule. However, no rules were adopted relating to approval of continued exemptions and, accordingly, no subsequent approval of the exemptions by the SBE has occurred. The statutory exemptions which reflect Hillsborough County School District's partnership with the Bill and Melinda Gates Foundation and its exemption from certain Race to the Top requirements will expire on August 1, 2017, unless reviewed and reenacted by the Legislature.⁹⁰

Effect of Proposed Changes

The bill expressly identifies the Hillsborough County School District as the district permitted to base 40 percent of education personnel evaluations on student performance and exempted from any changes made in 2011 regarding pay for performance. Instead of requiring annual approval by the SBE to extend the exemptions, the bill requires the Hillsborough district school superintendent to attest in writing, by October 1, 2014, and each year thereafter, that the criteria for annual approval has been met. The bill provides that failure to comply with this requirement is grounds for the SBE to revoke the exemption at a public hearing.

The bill deletes language requiring the SBE to adopt rules relating to annual approval of the Hillsborough exemption.

B. SECTION DIRECTORY:

Section 1. Amends s. 1008.34, F.S., providing definitions for the statewide, standardized assessment program and school grading system; deleting annual reports; revising authority over allocation of a school's budget based on school grades; revising the basis for the calculation of school grades; deleting requirements for a school improvement rating; revising contents of the school report card; deleting provisions relating to performance-based funding policy; revising the basis for the calculation of district grades; requiring the Department of Education to develop a district report card; providing for transition to the revised school grading system.

Section 2. Amends s. 1008.341, F.S., revising the basis for the calculation of the school improvement rating for alternative schools; revising the rating designations and criteria upon which the ratings are determined.

Section 3. Amends s. 1008.3415, F.S., correcting cross-references.

Section 4. Amends s. 1001.42, F.S.; revising criteria that necessitate a school's improvement plan to include certain strategies for improving student performance.

Section 5. Amends s. 1002.33, F.S.; revising cross-references.

Section 6. Amends s. 1003.621, F.S., revising cross-references.

⁸⁸ See section 1012.341(1), F.S.

⁸⁹ Section 1012.341(2) requires the SBE to annually continue the exemptions afforded the Hillsborough County School District upon demonstration by the district that: the instructional personnel and school administrator evaluation systems base at least 40 percent of an employee's performance evaluation upon student performance and that student performance is the single greatest component of an employee's evaluation; the instructional personnel and school administrator evaluation systems adopt the Commissioner of Education's student learning growth formula for statewide assessments as provided by state law; the school district's instructional personnel and school administrator compensation system awards salary increases based upon sustained student performance; the school district's contract system awards instructional personnel and school administrators based upon student performance and removes ineffective employees; and beginning with the 2014-2015 school year and each school year thereafter, student learning growth based upon performance on statewide assessments have significantly improved compared to student learning growth in the district in 2011-2012 and significantly improved compared to other school districts.

⁹⁰ Section 1012.341, F.S.

Section 7. Amends s. 1008.31, F.S., revising legislative intent for the K-20 education performance accountability system.

Section 8. Amends s. 1008.33, F.S., conforming provisions relating to the state system of school improvement and education accountability.

Section 9. Amends s. 1011.64, F.S., correcting a cross-reference.

Section 10. Amends s. 1008.22, F.S., authorizing use of teacher-selected or principal-selected assessments as a form of local assessment; requiring a district school board to adopt policies relating to selection, development, administration, and scoring of local assessments; defining the term "child with medical complexity"; providing that such a child may not participate in statewide, standardized assessments under certain circumstances.

Section 11. Amends s. 1012.34, F.S., providing information to be included in annual reports on the approval and implementation status of school district personnel evaluation systems; revising provisions relating to the measurement of student learning growth for purposes of personnel evaluation; conforming State Board of Education rulemaking relating to performance evaluations; providing for transition to new statewide, standardized assessments; authorizing bonus rewards to school districts for progress toward educator effectiveness.

Section 12. Amends s. 1012.341, F.S., removing rulemaking authority and establishing a compliance verification process for the exemption from performance evaluation system, compensation, and salary schedule requirements.

Section 13. 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:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The House budget provides \$5 million for school districts that provided teacher salary increases based on performance results under section 1012.34, F.S., as required in specific appropriation 87, Chapter 2013-14, Laws of Florida.

The restructuring of the school grades process will redistribute the school recognition funds generated by districts and allow the funds to be rewarded to all schools at the same time of year. The redistribution is indeterminate at this time.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the SBE to adopt rules relating to the statewide, standardized assessment program and school accountability provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 12, 2014, the Education Committee adopted two amendments and reported the bill favorably as a committee substitute. The first amendment defines the term "child with medical complexity" and provides that a student may not participate in statewide, standardized assessments, including taking the FAA, if the student's IEP team, with parental consent, determines that it is inappropriate for the child to participate. The amendment requires the IEP team's determination to be based upon compelling medical documentation from a physician licensed under chapter 458 stating that the student is a child with a medical complexity and lacks the capacity to take or perform on an assessment. The determination is subject to approval by the district school superintendent, who must report annually to the district school board and the DOE the number of students with medical complexity that are not participating in the assessment program.

The second amendment requires the district school superintendent, in addition to reporting student rosters for the purpose of calculating district and statewide student performance, to provide instructional personnel the opportunity to review their class rosters for accuracy and to correct any mistakes.

27 accountability system; amending s. 1008.33, F.S.;

28 conforming provisions relating to the state system of

29 school improvement and education accountability;

30 amending s. 1011.64, F.S.; correcting a cross-

31 reference; amending s. 1008.22, F.S.; authorizing use

32 of teacher-selected or principal-selected assessments

33 as a form of local assessment; requiring a district

34 school board to adopt policies relating to selection,

35 development, administration, and scoring of local

36 assessments; defining the term "child with medical

37 complexity"; providing that such a child may not

38 participate in statewide, standardized assessments

39 under certain circumstances; amending s. 1012.34,

40 F.S.; providing information to be included in annual

41 reports on the approval and implementation status of

42 school district personnel evaluation systems; revising

43 provisions relating to the measurement of student

44 learning growth for purposes of personnel evaluation;

45 conforming State Board of Education rulemaking

46 relating to performance evaluations; providing for

47 transition to new statewide, standardized assessments;

48 authorizing bonus rewards to school districts for

49 progress toward educator effectiveness; amending s.

50 1012.341, F.S.; removing rulemaking authority and

51 establishing a compliance verification process for the

52 exemption from performance evaluation system,

53 compensation, and salary schedule requirements;
 54 providing an effective date.

55
 56 Be It Enacted by the Legislature of the State of Florida:

57
 58 Section 1. Section 1008.34, Florida Statutes, is amended
 59 to read:

60 1008.34 School grading system; school report cards;
 61 district grade.—

62 (1) DEFINITIONS.—For purposes of the statewide,
 63 standardized assessment program and school grading system, the
 64 following terms are defined:

65 (a) "Achievement level," "student achievement," or
 66 "achievement" describes the level of content mastery a student
 67 has acquired in a particular subject as measured by a statewide,
 68 standardized assessment administered pursuant to s.
 69 1008.22(3)(a) and (b). There are five achievement levels. Level
 70 1 is the lowest achievement level, level 5 is the highest
 71 achievement level, and level 3 indicates satisfactory
 72 performance. A student passes an assessment if the student
 73 achieves a level 3, level 4, or level 5. For purposes of the
 74 Florida Alternate Assessment administered pursuant to s.
 75 1008.22(3)(c), the State Board of Education shall provide, in
 76 rule, the number of achievement levels and identify the
 77 achievement levels that are considered passing.

78 (b) "Learning Gains," "annual learning gains," or "student

79 learning gains" means the degree of student learning growth
 80 occurring from one school year to the next as required by state
 81 board rule for purposes of calculating school grades under this
 82 section.

83 (c) "Student performance," "student academic performance,"
 84 or "academic performance" includes, but is not limited to,
 85 student learning growth, achievement levels, and Learning Gains
 86 on statewide, standardized assessments administered pursuant to
 87 s. 1008.22.

88 ~~(1) ANNUAL REPORTS. The Commissioner of Education shall~~
 89 ~~prepare annual reports of the results of the statewide~~
 90 ~~assessment program which describe student achievement in the~~
 91 ~~state, each district, and each school. The commissioner shall~~
 92 ~~prescribe the design and content of these reports, which must~~
 93 ~~include descriptions of the performance of all schools~~
 94 ~~participating in the assessment program and all of their major~~
 95 ~~student populations as determined by the commissioner. The~~
 96 ~~report must also include the percent of students performing at~~
 97 ~~or above grade level and making learning gains in reading and~~
 98 ~~mathematics. The provisions of s. 1002.22 pertaining to student~~
 99 ~~records apply to this section.~~

100 (2) SCHOOL GRADES. ~~The annual report shall identify~~
 101 Schools shall be graded using as having one of the following
 102 grades, defined according to rules of the State Board of
 103 Education:

104 (a) "A," schools making excellent progress.

- 105 (b) "B," schools making above average progress.
- 106 (c) "C," schools making satisfactory progress.
- 107 (d) "D," schools making less than satisfactory progress.
- 108 (e) "F," schools failing to make adequate progress.

109

110 Each school that earns a grade of "A" or improves at least two
 111 letter grades may ~~shall~~ have greater authority over the
 112 allocation of the school's total budget generated from the FEFP,
 113 state categoricals, lottery funds, grants, and local funds, ~~as~~
 114 ~~specified in state board rule. The rule must provide that the~~
 115 ~~increased budget authority shall remain in effect until the~~
 116 ~~school's grade declines.~~

117 (3) DESIGNATION OF SCHOOL GRADES.—

118 (a) Each school must assess at least 95 percent of its
 119 eligible students, except as provided under s. 1008.341 for
 120 alternative schools. Beginning with the 2013-2014 school year,
 121 ~~Each school that has students who are tested and included in the~~
 122 ~~school grading system shall receive a school grade based on the~~
 123 school's performance on the components listed in paragraph (b).
 124 If a school does not have at least 10 students with complete
 125 data for one or more of the components listed in paragraph (b),
 126 those components may not be used in calculating the school's
 127 grade. if the number of its students tested on statewide
 128 ~~assessments pursuant to s. 1008.22 meets or exceeds the minimum~~
 129 ~~sample size of 10, except as follows:~~

- 130 1. An alternative school may choose to receive a school

131 grade under this section or a school improvement rating under s.
 132 1008.341. For charter schools that meet the definition of an
 133 alternative school pursuant to State Board of Education rule,
 134 the decision to receive a school grade is the decision of the
 135 charter school governing board.

136 2. A school that serves any combination of students in
 137 kindergarten through grade 3 that ~~which~~ does not receive a
 138 school grade because its students are not tested and included in
 139 the school grading system shall receive the school grade
 140 designation of a K-3 feeder pattern school identified by the
 141 Department of Education and verified by the school district. A
 142 school feeder pattern exists if at least 60 percent of the
 143 students in the school serving a combination of students in
 144 kindergarten through grade 3 are scheduled to be assigned to the
 145 graded school.

146 3. If a collocated school does not earn a school grade or
 147 school improvement rating for the performance of its students,
 148 the student performance data of all schools operating at the
 149 same facility must be aggregated to develop a school grade that
 150 will be assigned to all schools at that location. A collocated
 151 school is a school that has its own unique master school
 152 identification number, provides for the education of each of its
 153 enrolled students, and operates at the same facility as another
 154 school that has its own unique master school identification
 155 number and provides for the education of each of its enrolled
 156 students.

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157 (b)1. Beginning with the 2014-2015 school year, a school's
 158 grade shall be based on the following components, each worth 100
 159 points a combination of:

160 a. The percentage of eligible students passing Student
 161 achievement scores on statewide, standardized assessments in
 162 English Language Arts administered pursuant to ~~under~~ s.
 163 1008.22(3) ~~1008.22 and achievement scores for students seeking a~~
 164 special diploma.

165 b. The percentage of eligible students passing statewide,
 166 standardized assessments in mathematics administered pursuant to
 167 s. 1008.22(3).

168 c. The percentage of eligible students passing statewide,
 169 standardized assessments in science administered pursuant to s.
 170 1008.22(3).

171 d. The percentage of eligible students passing statewide,
 172 standardized assessments in social studies administered pursuant
 173 to s. 1008.22(3).

174 e.~~b.~~ The percentage of eligible students who make Student
 175 Learning Gains in FCAT Reading or, upon transition to common
 176 core assessments, the common core English Language Arts and
 177 Mathematics assessments as measured by statewide, standardized
 178 assessments administered pursuant to s. 1008.22(3) ~~1008.22,~~
 179 including learning gains for students seeking a special diploma,
 180 as measured by an alternate assessment.

181 f. The percentage of eligible students who make Learning
 182 Gains in mathematics as measured by statewide, standardized

183 assessments administered pursuant to s. 1008.22(3).

184 g.e. The percentage of eligible students in ~~Improvement of~~
 185 the lowest 25 percent in English Language Arts, as identified by
 186 prior year performance on statewide, standardized assessments,
 187 who make Learning Gains in English Language Arts as measured by
 188 statewide, standardized assessments administered pursuant to s.
 189 1008.22(3) 25th percentile of students in the school in reading
 190 ~~or, upon transition to common core assessments, English Language~~
 191 ~~Arts and Mathematics assessments administered pursuant to s.~~
 192 ~~1008.22, unless these students are exhibiting satisfactory~~
 193 ~~performance.~~

194 h. The percentage of eligible students in the lowest 25
 195 percent in mathematics, as identified by prior year performance
 196 on statewide, standardized assessments, who make Learning Gains
 197 in mathematics as measured by statewide, standardized
 198 assessments administered pursuant to s. 1008.22(3).

199
 200 In calculating Learning Gains for the components listed in sub-
 201 subparagraphs e.-h., the State Board of Education shall require
 202 that learning growth toward achievement levels 3, 4, and 5 is
 203 demonstrated by students who scored below each of those levels
 204 in the prior year.

205 ~~2. Beginning with the 2011-2012 school year, for schools~~
 206 ~~comprised of middle grades 6 through 8 or grades 7 and 8, the~~
 207 ~~school's grade shall include the performance and participation~~
 208 ~~of its students enrolled in high school level courses with~~

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209 ~~statewide, standardized assessments administered under s.~~
 210 ~~1008.22. Performance and participation must be weighted equally.~~
 211 ~~As valid data becomes available, the school grades shall include~~
 212 ~~the students' attainment of national industry certification~~
 213 ~~identified in the Industry Certification Funding List pursuant~~
 214 ~~to rules adopted by the state board.~~

215 2.3. ~~Beginning with the 2009-2010 school year~~ For a school
 216 ~~schools~~ comprised of ~~high school~~ grades 9, 10, 11, and 12, or
 217 grades 10, 11, and 12, the school's grade at least 50 percent of
 218 ~~the school grade shall also be based on a combination of the~~
 219 ~~factors listed in sub-subparagraphs 1.a. c. and the remaining~~
 220 ~~percentage on the following components, each worth 100 points~~
 221 ~~factors:~~

222 a. The 4-year high school graduation rate of the school as
 223 defined by state board rule.

224 b. The percentage of students who were eligible to earn
 225 college credit through ~~As valid data becomes available, the~~
 226 ~~performance and participation of the school's students in~~
 227 College Board Advanced Placement examinations ~~courses,~~
 228 International Baccalaureate examinations ~~courses,~~ dual
 229 enrollment courses, or and Advanced International Certificate of
 230 Education examinations ~~courses; or who, at any time during high~~
 231 school, earned and the students' achievement of national
 232 industry certification for which there is a statewide
 233 articulation agreement and that is identified in the Industry
 234 Certification Funding List, pursuant to rules adopted by the

235 | state board.⁺

236 | (c)1. The calculation of a school grade shall be based on
 237 | the percentage of points earned from the components listed in
 238 | subparagraph (b)1. and, if applicable, subparagraph (b)2. The
 239 | State Board of Education shall adopt in rule a school grading
 240 | scale that sets the percentage of points needed to earn each of
 241 | the school grades listed in subsection (2). There shall be at
 242 | least five percentage points separating the percentage
 243 | thresholds needed to earn each of the school grades. The state
 244 | board shall periodically review the school grading scale to
 245 | determine if the scale should be adjusted upward to meet raised
 246 | expectations and encourage increased student performance.

247 | 2. The calculation of school grades may not include any
 248 | provision that would raise or lower the school's grade beyond
 249 | the percentage of points earned. Extra weight may not be added
 250 | to the calculation of any components.

251 | ~~e. Postsecondary readiness of all of the school's on-time~~
 252 | ~~graduates as measured by the SAT, the ACT, the Postsecondary~~
 253 | ~~Education Readiness Test, or the common placement test;~~

254 | ~~d. The high school graduation rate of at-risk students,~~
 255 | ~~who score Level 1 or Level 2 on grade 8 FCAT Reading or the~~
 256 | ~~English Language Arts and mathematics assessments administered~~
 257 | ~~under s. 1008.22;~~

258 | ~~e. As valid data becomes available, the performance of the~~
 259 | ~~school's students on statewide, standardized end-of-course~~
 260 | ~~assessments administered under s. 1008.22(3)(b)4. and 5.; and~~

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261 ~~f. The growth or decline in the components listed in sub-~~
 262 ~~subparagraphs a. c. from year to year.~~

263 ~~(c) Student assessment data used in determining school~~
 264 ~~grades shall include:~~

265 ~~1. The aggregate scores of all eligible students enrolled~~
 266 ~~in the school who have been assessed on statewide, standardized~~
 267 ~~assessments in courses required for high school graduation,~~
 268 ~~including, beginning with the 2011-2012 school year, the end-of-~~
 269 ~~course assessment in Algebra I; and beginning with the 2012-2013~~
 270 ~~school year, the end-of-course assessments in Geometry and~~
 271 ~~Biology I; and beginning with the 2014-2015 school year, on the~~
 272 ~~statewide, standardized end-of-course assessment in civics~~
 273 ~~education at the middle grades level.~~

274 ~~2. The aggregate scores of all eligible students enrolled~~
 275 ~~in the school who have been assessed on statewide, standardized~~
 276 ~~assessments under s. 1008.22 and who have scored at or in the~~
 277 ~~lowest 25th percentile of students in the school in reading and~~
 278 ~~mathematics, unless these students are exhibiting satisfactory~~
 279 ~~performance.~~

280 (d) The performance of students attending alternative
 281 schools and students designated as hospital or homebound shall
 282 be factored into a school grade as follows:

283 1.3. The student performance data for achievement scores
 284 and learning gains of eligible students attending alternative
 285 schools that provide dropout prevention and academic
 286 intervention services pursuant to s. 1003.53 shall be included

287 in the calculation of the home school's grade. The term
 288 "eligible students" in this subparagraph does not include
 289 students attending an alternative school who are subject to
 290 district school board policies for expulsion for repeated or
 291 serious offenses, who are in dropout retrieval programs serving
 292 students who have officially been designated as dropouts, or who
 293 are in programs operated or contracted by the Department of
 294 Juvenile Justice. ~~The student performance data for eligible~~
 295 ~~students identified in this subparagraph shall be included in~~
 296 ~~the calculation of the home school's grade.~~ As used in this
 297 subparagraph and s. 1008.341, the term "home school" means the
 298 school to which the student would be assigned if the student
 299 were not assigned to an alternative school. If an alternative
 300 school chooses to be graded under this section, student
 301 performance data for eligible students identified in this
 302 subparagraph shall not be included in the home school's grade
 303 but shall be included only in the calculation of the alternative
 304 school's grade. A school district that fails to assign
 305 statewide, standardized end-of-course assessment scores of each
 306 of its students to his or her home school or to the alternative
 307 school that receives a grade shall forfeit Florida School
 308 Recognition Program funds for 1 fiscal year. School districts
 309 must require collaboration between the home school and the
 310 alternative school in order to promote student success. This
 311 collaboration must include an annual discussion between the
 312 principal of the alternative school and the principal of each

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313 student's home school concerning the most appropriate school
 314 assignment of the student.

315 2.4. Student performance data for ~~The achievement scores~~
 316 ~~and learning gains of~~ students designated as hospital or
 317 homebound ~~hospital or homebound~~. ~~Student assessment data for~~
 318 ~~students designated as hospital or homebound~~ shall be assigned
 319 to their home school for the purposes of school grades. As used
 320 in this subparagraph, the term "home school" means the school to
 321 which a student would be assigned if the student were not
 322 assigned to a hospital or homebound ~~hospital or homebound~~
 323 program.

324 ~~5. For schools comprised of high school grades 9, 10, 11,~~
 325 ~~and 12, or grades 10, 11, and 12, the data listed in~~
 326 ~~subparagraphs 1. 3. and the following data as the Department of~~
 327 ~~Education determines such data are valid and available:~~

328 ~~a. The high school graduation rate of the school as~~
 329 ~~calculated by the department;~~

330 ~~b. The participation rate of all eligible students~~
 331 ~~enrolled in the school and enrolled in College Board Advanced~~
 332 ~~Placement courses; International Baccalaureate courses; dual~~
 333 ~~enrollment courses; Advanced International Certificate of~~
 334 ~~Education courses; and courses or sequences of courses leading~~
 335 ~~to national industry certification identified in the Industry~~
 336 ~~Certification Funding List, pursuant to rules adopted by the~~
 337 ~~State Board of Education;~~

338 ~~c. The aggregate scores of all eligible students enrolled~~

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339 ~~in the school in College Board Advanced Placement courses,~~
 340 ~~International Baccalaureate courses, and Advanced International~~
 341 ~~Certificate of Education courses;~~

342 ~~d. Earning of college credit by all eligible students~~
 343 ~~enrolled in the school in dual enrollment programs under s.~~
 344 ~~1007.271;~~

345 ~~e. Earning of a national industry certification identified~~
 346 ~~in the Industry Certification Funding List, pursuant to rules~~
 347 ~~adopted by the State Board of Education;~~

348 ~~f. The aggregate scores of all eligible students enrolled~~
 349 ~~in the school in reading, mathematics, and other subjects as~~
 350 ~~measured by the SAT, the ACT, the Postsecondary Education~~
 351 ~~Readiness Test, and the common placement test for postsecondary~~
 352 ~~readiness;~~

353 ~~g. The high school graduation rate of all eligible at-risk~~
 354 ~~students enrolled in the school who scored Level 2 or lower on~~
 355 ~~grade 8 FCAT Reading and FCAT Mathematics;~~

356 ~~h. The performance of the school's students on statewide,~~
 357 ~~standardized end-of-course assessments administered under s.~~
 358 ~~1008.22(3)(b)4. and 5.; and~~

359 ~~i. The growth or decline in the data components listed in~~
 360 ~~sub-subparagraphs a. h. from year to year.~~

361

362 ~~The State Board of Education shall adopt appropriate criteria~~
 363 ~~for each school grade. The criteria must also give added weight~~
 364 ~~to student achievement in reading. Schools earning a grade of~~

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365 ~~"C," making satisfactory progress, shall be required to~~
 366 ~~demonstrate that adequate progress has been made by students in~~
 367 ~~the school who are in the lowest 25th percentile in reading and~~
 368 ~~mathematics on statewide, standardized assessments under s.~~
 369 ~~1008.22, unless these students are exhibiting satisfactory~~
 370 ~~performance. For schools comprised of high school grades 9, 10,~~
 371 ~~11, and 12, or grades 10, 11, and 12, the criteria for school~~
 372 ~~grades must also give added weight to the graduation rate of all~~
 373 ~~eligible at risk students. In order for a high school to earn a~~
 374 ~~grade of "A," the school must demonstrate that its at risk~~
 375 ~~students, as defined in this paragraph, are making adequate~~
 376 ~~progress.~~

377 ~~(4) SCHOOL IMPROVEMENT RATINGS. The annual report shall~~
 378 ~~identify each school's performance as having improved, remained~~
 379 ~~the same, or declined. This school improvement rating shall be~~
 380 ~~based on a comparison of the current year's and previous year's~~
 381 ~~student and school performance data. A school that improves its~~
 382 ~~rating by at least one level is eligible for school recognition~~
 383 ~~awards pursuant to s. 1008.36.~~

384 (4)(5) SCHOOL REPORT CARD.—The Department of Education
 385 shall annually develop, in collaboration with the school
 386 districts, a school report card to be provided by the school
 387 district to parents within the district. The report card shall
 388 include the school's grade; student performance in English
 389 Language Arts, mathematics, science, and social studies;
 390 information regarding school improvement; an explanation of

391 school performance as evaluated by the federal Elementary and
 392 Secondary Education Act (ESEA), 20 U.S.C. ss. 6301 et seq.;7 and
 393 indicators of return on investment. Each school's report card
 394 shall be published annually by the department on its website
 395 based upon the most recent data available.

396 ~~(6) PERFORMANCE-BASED FUNDING. The Legislature may factor~~
 397 ~~in the performance of schools in calculating any performance-~~
 398 ~~based funding policy that is provided for annually in the~~
 399 ~~General Appropriations Act.~~

400 ~~(5) (7) DISTRICT GRADE. The annual report required by~~
 401 ~~subsection (1) shall include the school district's grade.~~
 402 Beginning with the 2014-2015 school year, a school district's
 403 grade shall include a district-level calculation of the
 404 components under paragraph (3) (b) be calculated using student
 405 performance and learning gains data on statewide assessments
 406 used for determining school grades under subparagraph (3) (b) 1.
 407 ~~for each eligible student enrolled for a full school year in the~~
 408 ~~district. This calculation methodology captures each eligible~~
 409 ~~student in the district who may have transferred among schools~~
 410 ~~within the district or is enrolled in a school that does not~~
 411 ~~receive a grade. The department shall develop a district report~~
 412 card that includes the district's grade; measures of the
 413 district's progress in closing the achievement gap between
 414 higher-performing student subgroups and lower-performing student
 415 subgroups; measures of the district's progress in demonstrating
 416 Learning Gains of its highest-performing students; measures of

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417 the district's success in improving student attendance; the
 418 district's grade-level promotion of students scoring achievement
 419 levels 1 and 2 on statewide, standardized English Language Arts
 420 and mathematics assessments; and measures of the district's
 421 performance in preparing students for the transition from
 422 elementary to middle school, middle to high school, and high
 423 school to postsecondary institutions and careers.

424 (6)-(8) RULES.—The State Board of Education shall adopt
 425 rules under ss. 120.536(1) and 120.54 to administer this
 426 section.

427 (7) TRANSITION.—School grades and school improvement
 428 ratings pursuant to s. 1008.341 for the 2013-2014 school year
 429 shall be calculated based on statutes and rules in effect on
 430 June 30, 2014. To assist in the transition to 2014-2015 school
 431 grades and school improvement ratings pursuant to s. 1008.341
 432 that are calculated based on new statewide, standardized
 433 assessments administered pursuant to s. 1008.22, the 2014-2015
 434 school grades shall serve as an informational baseline for
 435 schools to work toward improved performance in future years.
 436 Accordingly, notwithstanding any other provision of law:

437 (a) A school may not be required to select and implement a
 438 turnaround option pursuant to s. 1008.33 in the 2015-2016 school
 439 year based on the school's 2014-2015 grade or school improvement
 440 rating under s. 1008.341, as applicable.

441 (b)1. A school or approved provider under s. 1002.45 that
 442 receives the same or a lower school grade or school improvement

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443 rating for the 2014-2015 school year compared to the 2013-2014
 444 school year is not subject to sanctions or penalties that would
 445 otherwise occur as a result of the 2014-2015 school grade or
 446 rating. A charter school system or a school district designated
 447 as high performing may not lose the designation based on the
 448 2014-2015 school grades of any of the schools within the charter
 449 school system or school district, as applicable.

450 2. The Florida School Recognition Program established
 451 under s. 1008.36 shall continue to be implemented as otherwise
 452 provided in the General Appropriations Act.

453 (c) For purposes of determining grade 3 retention pursuant
 454 to s. 1008.25(5) and high school graduation pursuant to s.
 455 1003.4282, student performance on the 2014-2015 statewide,
 456 standardized assessments shall be linked to 2013-2014 student
 457 performance expectations.

458
 459 This subsection is repealed July 1, 2017.

460 Section 2. Subsections (2), (3), and (4) of section
 461 1008.341, Florida Statutes, are amended to read:

462 1008.341 School improvement rating for alternative
 463 schools.-

464 (2) SCHOOL IMPROVEMENT RATING.—An alternative school is a
 465 school that provides dropout prevention and academic
 466 intervention services pursuant to s. 1003.53. An alternative
 467 school shall receive a school improvement rating pursuant to
 468 this section unless the school earns a school grade pursuant to

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469 | s. 1008.34. ~~An Beginning with the 2013-2014 school year, each~~
 470 | alternative school that chooses to receive a school improvement
 471 | rating shall receive a school improvement rating if the number
 472 | of its students for whom student performance data on statewide,
 473 | standardized assessments pursuant to s. 1008.22 which is
 474 | available for the current year and previous year meets or
 475 | exceeds the minimum sample size of 10. If an alternative school
 476 | does not have at least 10 students with complete data for a
 477 | component listed in subsection (3), that component may not be
 478 | used in calculating the school's improvement rating. The
 479 | calculation of the school improvement rating shall be based on
 480 | the percentage of points earned from the components listed in
 481 | subsection (3). An alternative school that tests at least 80
 482 | percent of its students may receive a school improvement rating.
 483 | If an alternative school tests less than 90 percent of its
 484 | students, the school may not earn a rating higher than
 485 | "maintaining." Beginning with the 2016-2017 school year, if an
 486 | alternative school does not meet the requirements for the
 487 | issuance of a school improvement rating in the current year and
 488 | has failed to receive a school improvement rating for the prior
 489 | 2 consecutive years, the school shall receive a rating for the
 490 | current year based upon a compilation of all student Learning
 491 | Gains for all grade levels for those 3 years. Likewise, if the
 492 | school fails to meet the requirements for a rating the following
 493 | year or any year thereafter, the school's rating shall be based
 494 | on a compilation of student Learning Gains achieved during the

495 current and prior 2 years. The school improvement rating shall
 496 identify an alternative school as having one of the following
 497 ratings defined according to rules of the State Board of
 498 Education:

499 (a) "Commendable" ~~"Improving"~~ means a significant
 500 percentage of the students attending the school are making
 501 Learning Gains ~~more academic progress than when the students~~
 502 ~~were served in their home schools.~~

503 (b) "Maintaining" means a sufficient percentage of the
 504 students attending the school are making Learning Gains ~~progress~~
 505 ~~equivalent to the progress made when the students were served in~~
 506 ~~their home schools.~~

507 (c) "Unsatisfactory" ~~"Declining"~~ means an insufficient
 508 percentage of the students attending the school are making
 509 Learning Gains ~~less academic progress than when the students~~
 510 ~~were served in their home schools.~~

511
 512 ~~The school improvement rating shall be based on a comparison of~~
 513 ~~student performance data for the current year and previous year.~~
 514 Schools that improve at least one level or maintain a
 515 "commendable" ~~an "improving"~~ rating pursuant to this section are
 516 eligible for school recognition awards pursuant to s. 1008.36.

517 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING. ~~Student data~~
 518 ~~used in determining an alternative school's school improvement~~
 519 ~~rating shall include:~~

520 ~~(a)~~ Student Learning Gains ~~performance results~~ based on

521 statewide, standardized assessments, including retakes,
 522 administered under s. 1008.22 for all eligible students who were
 523 assigned to and enrolled in the school during the October or
 524 February FTE count and who have assessment scores or comparable
 525 scores for the preceding school year shall be used in
 526 determining an alternative school's school improvement rating.
 527 An alternative school's rating shall be based on the following
 528 components:

529 (a) The percentage of eligible students who make Learning
 530 Gains in English Language Arts as measured by statewide,
 531 standardized assessments administered pursuant to s. 1008.22(3).

532 (b) The percentage of eligible students who make Learning
 533 Gains in mathematics as measured by statewide, standardized
 534 assessments administered pursuant to s. 1008.22(3).

535 ~~(b) Student performance results based on statewide,~~
 536 ~~standardized assessments, including retakes, administered under~~
 537 ~~s. 1008.22 for all eligible students who were assigned to and~~
 538 ~~enrolled in the school during the October or February FTE count~~
 539 ~~and who have scored in the lowest 25th percentile of students in~~
 540 ~~the state on FCAT Reading.~~

541
 542 Student performance results of students who are subject to
 543 district school board policies for expulsion for repeated or
 544 serious offenses, who are in dropout retrieval programs serving
 545 students who have officially been designated as dropouts, or who
 546 are in programs operated or contracted by the Department of

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547 Juvenile Justice may not be included in an alternative school's
548 school improvement rating.

549 (4) IDENTIFICATION OF STUDENT LEARNING GAINS.—For each
550 alternative school receiving a school improvement rating, the
551 Department of Education shall annually identify the percentage
552 of students making Learning Gains consistent with s. 1008.34(3)
553 ~~as compared to the percentage of the same students making~~
554 ~~learning gains in their home schools in the year prior to being~~
555 ~~assigned to the alternative school.~~

556 Section 3. Subsection (2) of section 1008.3415, Florida
557 Statutes, is amended to read:

558 1008.3415 School grade or school improvement rating for
559 exceptional student education centers.—

560 (2) Notwithstanding s. 1008.34 ~~1008.34(3)(e)3~~, the
561 achievement levels ~~scores~~ and Learning Gains of a student with a
562 disability who attends an exceptional student education center
563 and has not been enrolled in or attended a public school other
564 than an exceptional student education center for grades K-12
565 within the school district shall not be included in the
566 calculation of the home school's grade if the student is
567 identified as an emergent student on the alternate assessment
568 tool described in s. 1008.22(3)(c) ~~1008.22(3)(e)13~~.

569 Section 4. Subsection (18) of section 1001.42, Florida
570 Statutes, is amended to read:

571 1001.42 Powers and duties of district school board.—The
572 district school board, acting as a board, shall exercise all

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573 powers and perform all duties listed below:

574 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—

575 Maintain a ~~state~~ system of school improvement and education
 576 accountability as provided by statute and State Board of
 577 Education rule. This system of school improvement and education
 578 accountability shall be consistent with, and implemented
 579 through, the district's continuing system of planning and
 580 budgeting required by this section and ss. 1008.385, 1010.01,
 581 and 1011.01. This system of school improvement and education
 582 accountability shall comply with the provisions of ss. 1008.33,
 583 1008.34, 1008.345, and 1008.385 and include the following:

584 (a) School improvement plans.—The district school board
 585 shall annually approve and require implementation of a new,
 586 amended, or continuation school improvement plan for each school
 587 in the district. If a school has a significant gap in
 588 achievement on statewide, standardized assessments administered
 589 pursuant to s. 1008.22 ~~1008.34(3)(b)~~ by one or more student
 590 subgroups, as defined in the federal Elementary and Secondary
 591 Education Act (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not
 592 significantly increased ~~decreased~~ the percentage of students
 593 passing scoring below satisfactory on statewide, standardized
 594 assessments; has not significantly increased the percentage of
 595 students demonstrating Learning Gains, as defined in s. 1008.34
 596 and calculated under s. 1008.34(3)(b), who passed statewide,
 597 standardized assessments; or has significantly lower graduation
 598 rates for a subgroup when compared to the state's graduation

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599 rate, that school's improvement plan shall include strategies
 600 for improving these results. The state board shall adopt rules
 601 establishing thresholds and for determining compliance with this
 602 paragraph.

603 (b) Public disclosure.—The district school board shall
 604 provide information regarding the performance of students and
 605 educational programs as required pursuant to ss. 1008.22 and
 606 1008.385 and implement a system of school reports as required by
 607 statute and State Board of Education rule which shall include
 608 schools operating for the purpose of providing educational
 609 services to youth in Department of Juvenile Justice programs,
 610 and for those schools, report on the elements specified in s.
 611 1003.52(19). Annual public disclosure reports shall be in an
 612 easy-to-read report card format and shall include the school's
 613 grade, high school graduation rate calculated without GED tests,
 614 disaggregated by student ethnicity, and performance data as
 615 specified in state board rule.

616 (c) School improvement funds.—The district school board
 617 shall provide funds to schools for developing and implementing
 618 school improvement plans. Such funds shall include those funds
 619 appropriated for the purpose of school improvement pursuant to
 620 s. 24.121(5)(c).

621 Section 5. Paragraph (n) of subsection (9) and paragraph
 622 (b) of subsection (21) of section 1002.33, Florida Statutes, are
 623 amended to read:

624 1002.33 Charter schools.—

625 (9) CHARTER SCHOOL REQUIREMENTS.—

626 (n)1. The director and a representative of the governing
 627 board of a charter school that has earned a grade of "D" or "F"
 628 pursuant to s. 1008.34 ~~1008.34(2)~~ shall appear before the
 629 sponsor to present information concerning each contract
 630 component having noted deficiencies. The director and a
 631 representative of the governing board shall submit to the
 632 sponsor for approval a school improvement plan to raise student
 633 performance achievement. Upon approval by the sponsor, the
 634 charter school shall begin implementation of the school
 635 improvement plan. The department shall offer technical
 636 assistance and training to the charter school and its governing
 637 board and establish guidelines for developing, submitting, and
 638 approving such plans.

639 2.a. If a charter school earns three consecutive grades of
 640 "D," two consecutive grades of "D" followed by a grade of "F,"
 641 or two nonconsecutive grades of "F" within a 3-year period, the
 642 charter school governing board shall choose one of the following
 643 corrective actions:

644 (I) Contract for educational services to be provided
 645 directly to students, instructional personnel, and school
 646 administrators, as prescribed in state board rule;

647 (II) Contract with an outside entity that has a
 648 demonstrated record of effectiveness to operate the school;

649 (III) Reorganize the school under a new director or
 650 principal who is authorized to hire new staff; or

651 (IV) Voluntarily close the charter school.

652 b. The charter school must implement the corrective action
 653 in the school year following receipt of a third consecutive
 654 grade of "D," a grade of "F" following two consecutive grades of
 655 "D," or a second nonconsecutive grade of "F" within a 3-year
 656 period.

657 c. The sponsor may annually waive a corrective action if
 658 it determines that the charter school is likely to improve a
 659 letter grade if additional time is provided to implement the
 660 intervention and support strategies prescribed by the school
 661 improvement plan. Notwithstanding this sub-subparagraph, a
 662 charter school that earns a second consecutive grade of "F" is
 663 subject to subparagraph 4.

664 d. A charter school is no longer required to implement a
 665 corrective action if it improves by at least one letter grade.
 666 However, the charter school must continue to implement
 667 strategies identified in the school improvement plan. The
 668 sponsor must annually review implementation of the school
 669 improvement plan to monitor the school's continued improvement
 670 pursuant to subparagraph 5.

671 e. A charter school implementing a corrective action that
 672 does not improve by at least one letter grade after 2 full
 673 school years of implementing the corrective action must select a
 674 different corrective action. Implementation of the new
 675 corrective action must begin in the school year following the
 676 implementation period of the existing corrective action, unless

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677 the sponsor determines that the charter school is likely to
 678 improve a letter grade if additional time is provided to
 679 implement the existing corrective action. Notwithstanding this
 680 sub-subparagraph, a charter school that earns a second
 681 consecutive grade of "F" while implementing a corrective action
 682 is subject to subparagraph 4.

683 3. A charter school with a grade of "D" or "F" that
 684 improves by at least one letter grade must continue to implement
 685 the strategies identified in the school improvement plan. The
 686 sponsor must annually review implementation of the school
 687 improvement plan to monitor the school's continued improvement
 688 pursuant to subparagraph 5.

689 4. The sponsor shall terminate a charter if the charter
 690 school earns two consecutive grades of "F" unless:

691 a. The charter school is established to turn around the
 692 performance of a district public school pursuant to s.
 693 1008.33(4)(b)3. Such charter schools shall be governed by s.
 694 1008.33;

695 b. The charter school serves a student population the
 696 majority of which resides in a school zone served by a district
 697 public school that earned a grade of "F" in the year before the
 698 charter school opened and the charter school earns at least a
 699 grade of "D" in its third year of operation. The exception
 700 provided under this sub-subparagraph does not apply to a charter
 701 school in its fourth year of operation and thereafter; or

702 c. The state board grants the charter school a waiver of

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703 termination. The charter school must request the waiver within
 704 15 days after the department's official release of school
 705 grades. The state board may waive termination if the charter
 706 school demonstrates that the Learning Gains of its students on
 707 statewide assessments are comparable to or better than the
 708 Learning Gains of similarly situated students enrolled in nearby
 709 district public schools. The waiver is valid for 1 year and may
 710 only be granted once. Charter schools that have been in
 711 operation for more than 5 years are not eligible for a waiver
 712 under this sub-subparagraph.

713 5. The director and a representative of the governing
 714 board of a graded charter school that has implemented a school
 715 improvement plan under this paragraph shall appear before the
 716 sponsor at least once a year to present information regarding
 717 the progress of intervention and support strategies implemented
 718 by the school pursuant to the school improvement plan and
 719 corrective actions, if applicable. The sponsor shall communicate
 720 at the meeting, and in writing to the director, the services
 721 provided to the school to help the school address its
 722 deficiencies.

723 6. Notwithstanding any provision of this paragraph except
 724 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter
 725 at any time pursuant to subsection (8).

726 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

727 (b)1. The Department of Education shall report to each
 728 charter school receiving a school grade pursuant to s. 1008.34

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729 | or a school improvement rating pursuant to s. 1008.341 the
730 | school's student assessment data ~~pursuant to s. 1008.34(3)(e)~~
731 | ~~which is reported to schools that receive a school grade or~~
732 | ~~student assessment data pursuant to s. 1008.341(3) which is~~
733 | ~~reported to alternative schools that receive a school~~
734 | ~~improvement rating to each charter school that:~~

735 | ~~a. Does not receive a school grade pursuant to s. 1008.34~~
736 | ~~or a school improvement rating pursuant to s. 1008.341; and~~
737 | ~~b. Serves at least 10 students who are tested on the~~
738 | ~~statewide assessment test pursuant to s. 1008.22.~~

739 | 2. The charter school shall report the information in
740 | subparagraph 1. to each parent of a student at the charter
741 | school, the parent of a child on a waiting list for the charter
742 | school, the district in which the charter school is located, and
743 | the governing board of the charter school. This paragraph does
744 | not abrogate the provisions of s. 1002.22, relating to student
745 | records, or the requirements of 20 U.S.C. s. 1232g, the Family
746 | Educational Rights and Privacy Act.

747 | 3.a. Pursuant to this paragraph, the Department of
748 | Education shall compare the charter school student performance
749 | data for each charter school in subparagraph 1. with the student
750 | performance data in traditional public schools in the district
751 | in which the charter school is located and other charter schools
752 | in the state. For alternative charter schools, the department
753 | shall compare the student performance data described in this
754 | paragraph with all alternative schools in the state. The

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755 comparative data shall be provided by the following grade
756 groupings:

- 757 (I) Grades 3 through 5;
- 758 (II) Grades 6 through 8; and
- 759 (III) Grades 9 through 11.

760 b. Each charter school shall provide the information
761 specified in this paragraph on its Internet website and also
762 provide notice to the public at large in a manner provided by
763 the rules of the State Board of Education. The State Board of
764 Education shall adopt rules to administer the notice
765 requirements of this subparagraph pursuant to ss. 120.536(1) and
766 120.54. The website shall include, through links or actual
767 content, other information related to school performance.

768 Section 6. Paragraphs (a) and (d) of subsection (1) of
769 section 1003.621, Florida Statutes, are amended to read:

770 1003.621 Academically high-performing school districts.—It
771 is the intent of the Legislature to recognize and reward school
772 districts that demonstrate the ability to consistently maintain
773 or improve their high-performing status. The purpose of this
774 section is to provide high-performing school districts with
775 flexibility in meeting the specific requirements in statute and
776 rules of the State Board of Education.

777 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.—

778 (a) A school district is an academically high-performing
779 school district if it meets the following criteria:

780 1.a. ~~Beginning with the 2004-2005 school year,~~ Earns a

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781 grade of "A" under s. 1008.34 ~~1008.34(7)~~ for 2 consecutive
782 years; and

783 b. Has no district-operated school that earns a grade of
784 "F" under s. 1008.34;

785 2. Complies with all class size requirements in s. 1, Art.
786 IX of the State Constitution and s. 1003.03; and

787 3. Has no material weaknesses or instances of material
788 noncompliance noted in the annual financial audit conducted
789 pursuant to s. 11.45 or s. 218.39.

790 (d) In order to maintain the designation as an
791 academically high-performing school district pursuant to this
792 section, a school district must meet the following requirements:

793 1. Comply with the provisions of subparagraphs (a)2. and
794 3.; and

795 2. Earn a grade of "A" under s. 1008.34 ~~1008.34(7)~~ for 2
796 years within a 3-year period.

797

798 However, a district in which a district-operated school earns a
799 grade of "F" under s. 1008.34 during the 3-year period may not
800 continue to be designated as an academically high-performing
801 school district during the remainder of that 3-year period. The
802 district must meet the criteria in paragraph (a) in order to be
803 redesignated as an academically high-performing school district.

804 Section 7. Paragraph (b) of subsection (1) of section
805 1008.31, Florida Statutes, is amended to read:

806 1008.31 Florida's K-20 education performance

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807 accountability system; legislative intent; mission, goals, and
 808 systemwide measures; data quality improvements.-

809 (1) LEGISLATIVE INTENT.-It is the intent of the
 810 Legislature that:

811 (b) The K-20 education performance accountability system
 812 be established as a single, unified accountability system with
 813 multiple components, including, but not limited to, ~~measures of~~
 814 ~~adequate yearly progress, individual~~ student performance
 815 ~~learning gains~~ in public schools and, school and district
 816 ~~grades, and return on investment.~~

817 Section 8. Subsection (2) of section 1008.33, Florida
 818 Statutes, is amended to read:

819 1008.33 Authority to enforce public school improvement.-

820 (2) (a) Pursuant to subsection (1) and ss. 1008.34,
 821 1008.345, and 1008.385, the State Board of Education shall hold
 822 all school districts and public schools accountable for student
 823 performance. The state board is responsible for a state system
 824 of school improvement and education accountability that assesses
 825 student performance by school, identifies schools that ~~in which~~
 826 ~~students~~ are not meeting accountability ~~making adequate progress~~
 827 ~~toward state~~ standards, and institutes appropriate measures for
 828 enforcing improvement.

829 (b) The state system of school improvement and education
 830 accountability must provide for uniform accountability
 831 standards, provide assistance of escalating intensity to ~~low-~~
 832 ~~performing~~ schools not meeting accountability standards, direct

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833 support to schools in order to improve and sustain performance,
 834 focus on the performance of student subgroups, and enhance
 835 student performance.

836 (c) School districts must be held accountable for
 837 improving the academic performance ~~achievement~~ of all students
 838 and for identifying and improving ~~turning around low performing~~
 839 schools that fail to meet the accountability standards.

840 Section 9. Paragraph (a) of subsection (2) of section
 841 1011.64, Florida Statutes, is amended to read:

842 1011.64 School district minimum classroom expenditure
 843 requirements.—

844 (2) For the purpose of implementing the provisions of this
 845 section, the Legislature shall prescribe minimum academic
 846 performance standards and minimum classroom expenditure
 847 requirements for districts not meeting such minimum academic
 848 performance standards in the General Appropriations Act.

849 (a) Minimum academic performance standards may be based
 850 on, but are not limited to, district grades determined pursuant
 851 to s. 1008.34 ~~1008.34(7)~~.

852 Section 10. Subsection (6) of section 1008.22, Florida
 853 Statutes, is amended, subsections (9) and (10) are renumbered as
 854 subsections (10) and (11), respectively, and a new subsection
 855 (9) is added to that section, to read:

856 1008.22 Student assessment program for public schools.—

857 (6) LOCAL ASSESSMENTS.—

858 (a) Measurement of student performance ~~learning gains~~ in

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859 all subjects and grade levels, except those subjects and grade
 860 levels measured under the statewide, standardized assessment
 861 program described in this section, is the responsibility of the
 862 school districts.

863 (b) Except for those subjects and grade levels measured
 864 under the statewide, standardized assessment program, beginning
 865 with the 2014-2015 school year, each school district shall
 866 administer for each course offered in the district a local
 867 student assessment that measures student mastery of course the
 868 content, as described in the state-adopted course description,
 869 at the necessary level of rigor for the course. As adopted
 870 pursuant to State Board of Education rule, course content is set
 871 forth in the state standards required by s. 1003.41 and in the
 872 course description. Local ~~Such~~ assessments may include:

- 873 1. Statewide assessments.
- 874 2. Other standardized assessments, including nationally
 875 recognized standardized assessments.
- 876 3. Industry certification assessments ~~examinations~~.
- 877 4. District-developed or district-selected end-of-course
 878 assessments.
- 879 5. Teacher-selected or principal-selected assessments.

880 (c) Each district school board must adopt policies for
 881 selection, development, administration, and scoring of local
 882 assessments and for collection of assessment results. Local
 883 assessments implemented under subparagraphs (b)4. and 5. may
 884 include a variety of assessment formats, including, but not

885 limited to, project-based assessments, adjudicated performances,
 886 and practical application assignments. For all English Language
 887 Arts, mathematics, science, and social studies courses offered
 888 in the district that are used to meet graduation requirements
 889 under s. 1002.3105, s. 1003.4281, or s. 1003.4282 and that are
 890 not otherwise assessed by statewide, standardized assessments,
 891 the district school board must select the assessments described
 892 in subparagraphs (b)1.-4.

893 (d)~~(e)~~ The Commissioner of Education shall identify
 894 methods to assist and support districts in the development and
 895 acquisition of assessments required under this subsection.
 896 Methods may include developing item banks, facilitating the
 897 sharing of developed tests among school districts, acquiring
 898 assessments from state and national curriculum-area
 899 organizations, and providing technical assistance in best
 900 professional practices of test development based upon state-
 901 adopted curriculum standards, administration, and security.

902 (e)~~(d)~~ Each school district shall establish schedules for
 903 the administration of any district-mandated assessment and
 904 approve the schedules as an agenda item at a district school
 905 board meeting. The school district shall publish the testing
 906 schedules on its website, clearly specifying the district-
 907 mandated assessments, and report the schedules to the Department
 908 of Education by October 1 of each year.

909 (9) CHILD WITH MEDICAL COMPLEXITY.-

910 (a) As used in this subsection, the term "child with

911 medical complexity" means a child who is medically fragile and
 912 needs intensive care due to a condition such as a congenital or
 913 acquired multisystem disease or who has a severe neurologic
 914 condition with marked functional impairment.

915 (b) Effective July 1, 2014, a student may not participate
 916 in statewide, standardized assessments, including taking the
 917 Florida Alternate Assessment, if the student's IEP team, with
 918 parental consent, determines that it is inappropriate for the
 919 student to participate. The IEP team's determination must be
 920 based upon compelling medical documentation from a physician
 921 licensed under chapter 458 stating that the student is a child
 922 with medical complexity and lacks the capacity to take or
 923 perform on an assessment. The district school superintendent
 924 must review and approve the IEP team's recommendation.

925 (c) The district school superintendent shall report
 926 annually to the district school board and the Department of
 927 Education the number of students who are identified as a child
 928 with medical complexity who are not participating in the
 929 assessment program.

930 Section 11. Subsections (1), (7), and (8) of section
 931 1012.34, Florida Statutes, are amended, and subsections (9) and
 932 (10) are added to that section, to read:

933 1012.34 Personnel evaluation procedures and criteria.—

934 (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

935 (a) For the purpose of increasing student academic
 936 performance ~~learning growth~~ by improving the quality of

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937 instructional, administrative, and supervisory services in the
 938 public schools of the state, the district school superintendent
 939 shall establish procedures for evaluating the performance of
 940 duties and responsibilities of all instructional,
 941 administrative, and supervisory personnel employed by the school
 942 district. The district school superintendent shall provide
 943 instructional personnel the opportunity to review their class
 944 rosters for accuracy and to correct any mistakes. The district
 945 school superintendent shall ~~annually~~ report accurate class
 946 rosters for the purpose of calculating district and statewide
 947 student performance and annually report the evaluation results
 948 of instructional personnel and school administrators to the
 949 Department of Education in addition to the information required
 950 under subsection (5).

951 (b) The department must approve each school district's
 952 instructional personnel and school administrator evaluation
 953 systems. The department shall monitor each district's
 954 implementation of its instructional personnel and school
 955 administrator evaluation systems for compliance with the
 956 requirements of this section.

957 (c) Annually, by December 1, ~~2012,~~ the Commissioner of
 958 Education shall report to the Governor, the President of the
 959 Senate, and the Speaker of the House of Representatives the
 960 approval and implementation status of each school district's
 961 instructional personnel and school administrator evaluation
 962 systems. The report shall include performance evaluation results

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963 for the prior school year for instructional personnel and school
 964 administrators using the four levels of performance specified in
 965 paragraph (2) (e). The performance evaluation results for
 966 instructional personnel shall be disaggregated by classroom
 967 teachers, as defined in s. 1012.01(2) (a), excluding substitute
 968 teachers, and all other instructional personnel, as defined in
 969 s. 1012.01(2) (b)-(d). The commissioner shall include in the
 970 report each district's performance-level standards established
 971 under subsection (7), a comparative analysis of the district's
 972 student academic performance results and evaluation results,
 973 data reported under s. 1012.341, ~~continue to report, by December~~
 974 ~~1 each year thereafter, each school district's performance~~
 975 ~~evaluation results~~ and the status of any evaluation system
 976 revisions requested by a school district pursuant to subsection
 977 (6).

978 (7) MEASUREMENT OF STUDENT LEARNING GROWTH.—

979 (a) ~~By June 1, 2011,~~ The Commissioner of Education shall
 980 approve a formula to measure individual student learning growth
 981 on the statewide, standardized assessments in English Language
 982 Arts and mathematics ~~on the Florida Comprehensive Assessment~~
 983 Test (FCAT) administered under s. 1008.22 ~~1008.22(3)(c)~~1. The
 984 formula must take into consideration each student's prior
 985 academic performance. The formula must not set different
 986 expectations for student learning growth based upon a student's
 987 gender, race, ethnicity, or socioeconomic status. In the
 988 development of the formula, the commissioner shall consider

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989 other factors such as a student's attendance record, disability
 990 status, or status as an English language learner. The
 991 commissioner shall select additional formulas as appropriate for
 992 the remainder of the statewide assessments included under s.
 993 1008.22 and continue to select formulas as new assessments are
 994 implemented in the state system. After the commissioner approves
 995 the formula to measure individual student learning growth ~~on the~~
 996 ~~FCAT and as additional formulas are selected by the commissioner~~
 997 ~~for new assessments implemented in the state system,~~ the State
 998 Board of Education shall adopt these formulas in ~~by~~ rule.

999 (b) ~~Beginning in the 2011-2012 school year,~~ Each school
 1000 district shall measure student learning growth using the
 1001 formulas ~~formula~~ approved by the commissioner under paragraph
 1002 (a) for courses associated with the statewide, standardized
 1003 assessments administered ~~FCAT. Each school district shall~~
 1004 ~~implement the additional student learning growth measures~~
 1005 ~~selected by the commissioner under paragraph (a) for the~~
 1006 ~~remainder of the statewide assessments included under s. 1008.22~~
 1007 no later than the school year immediately following the year the
 1008 formula is approved by the commissioner as they become
 1009 available. ~~Beginning in the 2014-2015 school year,~~ For grades
 1010 and subjects not assessed by statewide, standardized assessments
 1011 but otherwise assessed as required under s. 1008.22(6)
 1012 ~~1008.22(8),~~ each school district shall measure performance of
 1013 students ~~student learning growth~~ using a methodology determined
 1014 by the district ~~an equally appropriate formula.~~ The department

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1015 shall provide models for measuring performance of students
 1016 ~~student learning growth~~ which school districts may adopt.

1017 (c) For a course that is not measured by a statewide,
 1018 standardized assessment, a school district may request, through
 1019 the evaluation system approval process, to use a student's
 1020 ~~student~~ achievement level ~~measure~~ rather than a student learning
 1021 growth ~~measure~~ if achievement is demonstrated to be a more
 1022 appropriate measure of classroom teacher performance. A school
 1023 district may also request to use a combination of student
 1024 learning growth and achievement, if appropriate.

1025 (d) ~~For If the student learning growth in~~ a course that is
 1026 not measured by a statewide, standardized assessment ~~but is~~
 1027 ~~measured by a school district assessment~~, a school district may
 1028 request, through the evaluation system approval process, that
 1029 the performance evaluation for the classroom teacher assigned to
 1030 that course include the learning growth of his or her students
 1031 on one or more statewide, standardized assessments FCAT Reading
 1032 ~~or FCAT Mathematics~~. The request must clearly explain the
 1033 rationale supporting the request. ~~However, the classroom~~
 1034 ~~teacher's performance evaluation must give greater weight to~~
 1035 ~~student learning growth on the district assessment.~~

1036 (e) For purposes of this section and only for the 2014-
 1037 2015 school year, a school district may use measurable learning
 1038 targets on local assessments administered under s. 1008.22(6) to
 1039 evaluate the performance of students portion of a classroom
 1040 teacher's evaluation for courses that are not assessed by

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1041 statewide, standardized assessments. ~~classroom teachers of~~
 1042 ~~courses for which the district has not implemented appropriate~~
 1043 ~~assessments under s. 1008.22(8) or for which the school district~~
 1044 ~~has not adopted an equally appropriate measure of student~~
 1045 ~~learning growth under paragraphs (b)-(d), student learning~~
 1046 ~~growth must be measured by the growth in learning of the~~
 1047 ~~classroom teacher's students on statewide assessments, or, for~~
 1048 ~~courses in which enrolled students do not take the statewide~~
 1049 ~~assessments, measurable Learning targets must be established~~
 1050 ~~based upon the goals of the school improvement plan and approved~~
 1051 by the school principal. A district school superintendent may
 1052 assign to instructional personnel in an instructional team the
 1053 student learning growth of the instructional team's students on
 1054 statewide assessments. This paragraph expires July 1, 2015.

1055 (8) RULEMAKING.—The State Board of Education shall adopt
 1056 rules pursuant to ss. 120.536(1) and 120.54 which establish
 1057 uniform procedures for the submission, review, and approval of
 1058 district evaluation systems and reporting requirements for the
 1059 annual evaluation of instructional personnel and school
 1060 administrators; specific, discrete standards for each
 1061 performance level required under subsection (2) to ensure clear
 1062 and sufficient differentiation in the performance levels and to
 1063 provide consistency in meaning across school districts; the
 1064 measurement of student learning growth and associated
 1065 implementation procedures required under subsection (7); ~~a~~
 1066 ~~process to permit instructional personnel to review the class~~

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1067 ~~roster for accuracy and to correct any mistakes relating to the~~
 1068 ~~identity of students for whom the individual is responsible,~~ and
 1069 a process for monitoring school district implementation of
 1070 evaluation systems in accordance with this section.
 1071 Specifically, the rules shall establish a student performance
 1072 levels learning growth standard that if not met will result in
 1073 the employee receiving an unsatisfactory performance evaluation
 1074 rating. In like manner, the rules shall establish a student
 1075 performance level learning growth standard that must be met in
 1076 order for an employee to receive a highly effective rating and a
 1077 student learning growth standard that must be met in order for
 1078 an employee to receive an effective rating.

1079 (9) TRANSITION TO NEW STATEWIDE, STANDARDIZED
 1080 ASSESSMENTS.—Standards for each performance level required under
 1081 subsection (2) shall be established by the State Board of
 1082 Education beginning with the 2015-2016 school year.

1083 (10) DISTRICT BONUS REWARDS FOR PERFORMANCE PAY BASED ON
 1084 EVALUATION PROGRESS.—School districts are eligible for bonus
 1085 rewards as provided for in the 2014 General Appropriations Act
 1086 for making outstanding progress toward educator effectiveness,
 1087 including implementation of instructional personnel salaries
 1088 based on performance results under s. 1012.34 and the use of
 1089 local assessment results in personnel evaluations when
 1090 statewide, standardized assessments are not administered.

1091 Section 12. Section 1012.341, Florida Statutes, is amended
 1092 to read:

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1093 1012.341 Exemption from performance evaluation system and
 1094 compensation and salary schedule requirements.-

1095 (1) Hillsborough County ~~Notwithstanding any other~~
 1096 ~~provision of this act,~~ a School District ~~that~~ received an
 1097 exemption under Florida's Race to the Top Memorandum of
 1098 Understanding for Phase 2, as provided in s. (D)(2)(ii) of the
 1099 memorandum. Accordingly, notwithstanding any other provision of
 1100 law, Hillsborough County School District, is allowed to base 40
 1101 percent, instead of 50 percent, of instructional personnel and
 1102 school administrator performance evaluations upon student
 1103 performance learning growth under s. 1012.34, ~~as amended by this~~
 1104 ~~act.~~ The school district is also exempt from the amendments to
 1105 s. 1012.22(1)(c) made by chapter 2011-1, Laws of Florida ~~this~~
 1106 ~~act.~~ The exemptions described in this subsection are effective
 1107 beginning with ~~for~~ the 2011-2012 school year and until the
 1108 expiration of this section ~~are effective for each school year~~
 1109 ~~thereafter if the school district receives annual approval by~~
 1110 ~~the State Board of Education.~~

1111 (2) By October 1, 2014, and by October 1 annually
 1112 thereafter, the superintendent of Hillsborough County School
 1113 District shall attest, in writing, to the Commissioner of
 1114 Education that ~~The State Board of Education shall base its~~
 1115 ~~approval upon demonstration by the school district of the~~
 1116 ~~following:~~

1117 (a) The instructional personnel and school administrator
 1118 evaluation systems base at least 40 percent of an employee's

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1119 performance evaluation upon student performance and that student
 1120 performance is the single greatest component of an employee's
 1121 evaluation.

1122 (b) The instructional personnel and school administrator
 1123 evaluation systems adopt the Commissioner of Education's student
 1124 learning growth formula for statewide assessments as provided
 1125 under s. 1012.34(7).

1126 (c) The school district's instructional personnel and
 1127 school administrator compensation system awards salary increases
 1128 based upon sustained student performance.

1129 (d) The school district's contract system awards
 1130 instructional personnel and school administrators based upon
 1131 student performance and removes ineffective employees.

1132 ~~(e) Beginning with the 2014-2015 school year and each~~
 1133 ~~school year thereafter, student learning growth based upon~~
 1134 ~~performance on statewide assessments under s. 1008.22 must have~~
 1135 ~~significantly improved compared to student learning growth in~~
 1136 ~~the district in 2011-2012 and significantly improved compared to~~
 1137 ~~other school districts.~~

1138 (3) Failure to comply with subsection (2) is grounds for
 1139 the State Board of Education, at a public hearing, to revoke the
 1140 exemption ~~The State Board of Education shall annually renew a~~
 1141 ~~school district's exemptions if the school district demonstrates~~
 1142 ~~that it meets the requirements of subsection (2). If the~~
 1143 ~~exemptions are not renewed, the school district must comply with~~
 1144 ~~the requirements and laws described in subsection (1) by the~~

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1145 ~~beginning of the next school year immediately following the loss~~
 1146 ~~of the exemptions.~~

1147 ~~(4) The State Board of Education shall adopt rules~~
 1148 ~~pursuant to ss. 120.536(1) and 120.54 to establish the~~
 1149 ~~procedures for applying for the exemptions and the criteria for~~
 1150 ~~renewing the exemptions.~~

1151

1152 This section is ~~shall be~~ repealed August 1, 2017, unless
 1153 reviewed and reenacted by the Legislature.

1154 Section 13. This act shall take effect July 1, 2014.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7117 (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 Adkins offered the following:
4

5 **Amendment**

6 Between lines 198 and 199, insert:

7 i. For schools comprised of middle grades 6 through 8 or
8 grades 7 and 8, the percentage of eligible students passing high
9 school level statewide, standardized end-of-course assessments
10 or attaining national industry certifications identified in the
11 Industry Certification Funding List pursuant to rules adopted by
12 the State Board of Education.
13

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7117 (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 Adkins offered the following:

4
5 **Amendment**

6 Remove line 204 and insert:

7 in the prior year. In calculating the components in sub-
8 subparagraphs a.-d., the state board shall include the
9 performance of English Language Learners only if they have been
10 enrolled in a school in the United States for more than 2 years.
11

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7117 (2014)

Amendment No. 3

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 Adkins offered the following:

4

5 **Amendment**

6 Remove lines 232-233 and insert:
7 industry certification identified in the Industry

8

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7117 (2014)

Amendment No. 4

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 Adkins offered the following:

4
5 **Amendment**

6 Remove line 246 and insert:

7 expectations and encourage increased student performance. If the
8 state board adjusts the grading scale upward, the state board
9 must inform the public and the school districts of the reasons
10 for and degree of the adjustment, and its anticipated impact on
11 school grades.
12

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7117 (2014)

Amendment No. 5

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 Adkins offered the following:

4
5 **Amendment**
6 Remove line 412 and insert:
7 card that includes the district grade; the information
8 required under s. 1008.345(5); measures of the
9

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7117 (2014)

Amendment No. 6

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 Adkins offered the following:
4

5 **Amendment (with title amendment)**

6 Between lines 568 and 569, insert:

7 Section 1. Subsection (5) of section 1008.345, Florida
8 Statutes, is amended to read:

9 1008.345 Implementation of state system of school
10 improvement and education accountability.—

11 (5) The commissioner shall report to the Legislature and
12 recommend changes in state policy necessary to foster school
13 improvement and education accountability. The report shall
14 include:

15 (a) For each school district:

Amendment No. 6

16 1. The percentage of students, by school and grade level,
17 demonstrating learning growth in English Language Arts and
18 mathematics.

19 2. The percentage of students, by school and grade level,
20 in both the highest and lowest quartile demonstrating learning
21 growth in English Language Arts and mathematics.

22 (b) Intervention and support strategies used by school
23 boards whose students in both the highest and lowest quartile
24 exceed the statewide average learning growth for students in
25 those quartiles.

26 (c) Intervention and support strategies used by school
27 boards whose schools provide educational services to youth in
28 Department of Juvenile Justice programs that demonstrate
29 learning growth in English Language Arts and mathematics that
30 exceed the statewide average learning growth for students in
31 those subjects.

32 ~~(d) Included in the report shall be a list of the schools,~~
33 ~~including schools operating for the purpose of providing~~
34 ~~educational services to youth in Department of Juvenile Justice~~
35 ~~programs, for which district school boards have developed~~
36 ~~intervention and support strategies and an analysis of the~~
37 ~~various strategies used by the school boards. School reports~~
38 ~~shall be distributed pursuant to this subsection and s.~~
39 ~~1001.42(18)(b) and according to rules adopted by the State Board~~
40 ~~of Education.~~

Amendment No. 6

42
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51
52
53

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

Between lines 20 and 21, insert:

s. 1008.345, F.S.; requiring commissioner's annual report to include the percentage of students in the highest and lowest quartile demonstrating learning growth in English Language Arts and mathematics; requiring report to include certain intervention and support strategies; amending

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7117 (2014)

Amendment No. 7

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 Adkins offered the following:
4

Amendment

6 Remove line 600 and insert:
7 for improving these results. For schools in which a
8 majority of students in the lowest quartile have not
9 demonstrated learning growth in English Language Arts or
10 mathematics, the school must consider and implement appropriate
11 intervention and support strategies identified pursuant to s.
12 1008.345(5). The state board shall adopt rules
13

