



Education Appropriations Subcommittee

Meeting Packet

**March 5, 2014
9:00 a.m. – 11:00 a.m.
Morris Hall**



The Florida House of Representatives
APPROPRIATION COMMITTEE

Education Appropriations Subcommittee

Will Weatherford
Speaker

Erik Fresen
Chair



MEETING AGENDA

Morris Hall
March 5, 2014

- I.** Meeting Called To Order
- II.** Opening Remarks by Chair
- III.** Consideration of the following bill(s):
- IV.** CS/HB 533 Student Eligibility for Extracurricular Activities by Choice & Innovation Subcommittee and Rep. M. Diaz
CS/HB 433 - Educator Certification by Rep. Spano
CS/HB 851 - Resident Status for Tuition Purposes by Rep. Nuñez
HB 7057 - Career Centers and Charter Technical Career Centers by Higher Education & Workforce Subcommittee and Rep. R. Rodrigues,
HB 7033 - Middle Grades Education by K-12 Subcommittee and Rep. Adkins
- V.** Closing Remarks
- VI.** Meeting Adjourned

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 533 Student Eligibility for Extracurricular Activities
SPONSOR(S): Choice & Innovation Subcommittee; Diaz, Jr. and Saunders
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	12 Y, 0 N, As CS	Rininger	Fudge
2) Education Appropriations Subcommittee		Seifert 	Heflin 
3) Education Committee			

SUMMARY ANALYSIS

Interscholastic extracurricular activities are school-authorized athletic or education-related activities for students that occur during or outside of the regular instructional school day. The law specifies general academic and personal conduct requirements for student participation in extracurricular activities. The law and Florida High School Athletics Association (FHSAA) bylaws generally state that a student is eligible to participate in athletics at the school in which he or she first enrolls each school year; first makes himself or herself a candidate for an athletic team by engaging in a practice prior to enrolling in the school; or transfers during the school year. These general rules are tailored to students attending traditional public schools and private schools that offer their own athletics programs. Florida law and FHSAA bylaws also address athletic eligibility for students enrolled in educational choice options that offer limited or no athletic programs. Such opportunities are provided for home education, Florida Virtual School (FLVS), charter school, and FHSAA non-member private school students and students in district-operated alternative schools or schools of choice. Generally speaking, the participation provisions for each type of student vary as to the district public schools at which a student may seek to participate and the activities in which the student may seek to participate.

The bill broadens the definition of "extracurricular activities" to clearly indicate that the term includes athletics as well as all other types of extracurricular activities, e.g., fine and performing arts. Generally speaking, the bill revises participation requirements for students enrolled in school choice options to minimize variations regarding the public schools such students may participate at and which activities such students may participate in. Among other things, the bill adds provisions enabling participation at another public school by certain public school students and students enrolled in a school district virtual instruction program (VIP) or virtual charter school (VCS). Under the bill, students enrolled in home education; a charter school; the FLVS; a VIP; a VCS; or any public school, including an alternative school or magnet school, may participate in any particular extracurricular activity not offered by his or her school at any public school in his or her home school district or a public school in another school district pursuant to interdistrict controlled open enrollment policies. District school board eligibility policies must evenly apply to all students, including transfer students, regardless of the extracurricular activity in which he or she participates. Additionally, the bill expands the ability of FHSAA nonmember private school students to participate in athletics at public schools. Such a student may participate in any sport not offered by his or her private school at any public school in his or her home school district or a public school in another school district pursuant to interdistrict controlled open enrollment policies.

Florida law requires a uniform preparticipation physical evaluation form be used to elicit a student's medical history and to conduct a physical assessment of the student's physical capabilities used to participate in athletic competition. This form must advise a student to complete a cardiovascular assessment. The bill requires the preparticipation physical evaluation form to advise a student to complete an electrocardiogram as part of the suggested cardiovascular assessment. Further, the bill requires FHSAA to make literature available to parents on the importance of a preparticipation cardiovascular assessment that includes an electrocardiogram.

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

Provides an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Extracurricular Participation

Present Situation

Interscholastic extracurricular activities are school-authorized athletic or education-related activities for students that occur during or outside of the regular instructional school day.¹ Such activities include athletics,² marching band, chorus, and academic clubs.

Student Eligibility

To be eligible for participation in interscholastic extracurricular activities, a high school student must:

- Maintain either a 2.0 grade point average (GPA) or above on a 4.0 scale in the semester preceding participation; or a cumulative 2.0 GPA or above in the courses required for high school graduation;³
- Execute and fulfill the requirements of an academic performance contract if the student's GPA falls below 2.0 in the courses required for graduation. An academic performance contract is an agreement between the student, the district school board, the appropriate governing association, and the student's parents, which at a minimum requires the student to attend summer school or its graded equivalent, between grades nine and 10 or grades 10 and 11, as necessary;⁴
- Have a cumulative GPA of 2.0 or above in the courses required for graduation in his or her junior or senior year;⁵ and
- Demonstrate satisfactory conduct to be eligible to participate in interscholastic extracurricular activities. The eligibility of a student who is convicted of, or found to have committed, a felony or delinquent act that would have been a felony if committed by an adult is governed by district school board policy.⁶

The Florida High School Athletic Association (FHSAA) is the designated governing nonprofit organization of athletics in Florida public schools. Generally speaking, a student is eligible to participate in high school athletics at the school in which he or she first enrolls each school year or, at the school in which the student becomes a candidate for an athletic team by engaging in a practice prior to enrolling in the school.⁷ FHSAA bylaws must allow athletic eligibility for mid-year transfer students if the transfer is made by a deadline established by FHSAA, which may not be prior to the date authorized for the beginning of practice for a particular sport.⁸ However, FHSAA bylaws authorize member schools to adopt eligibility requirements that are more stringent than the bylaws.⁹ Some school districts have

¹ Section 1006.15, F.S.

² "Interscholastic athletic programs encompass all activities relating to competitive sport contests involving individual students or teams of students from one school against individual students or teams of students from another school. Such activities include, but are not limited to, tryouts, offseason conditioning, summer workouts, preseason conditioning, in-season practice and contests." Section 9.2.1.2 of Bylaw 9.2.1, *FHSAA*. FHSAA's bylaws may be found in the FHSAA Handbook, *available at* http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/13-14_handbook.pdf.

³ Section 1006.15(3)(a)1., F.S.

⁴ Section 1006.15(3)(a)2., F.S.

⁵ Section 1006.15(3)(a)3., F.S.

⁶ Section 1006.15(3)(a)4., F.S.

⁷ Section 1006.20(2)(a), F.S.

⁸ Section 1006.20(2)(a), F.S.

⁹ Section 9.1.1.1 of bylaw 9.1, FHSAA.

adopted eligibility policies that impose wait times or other barriers to transfer student eligibility for athletics, while imposing no barriers to transfer student participation in nonathletic activities.¹⁰

Eligibility and School Choice

Currently, the law enables a student enrolled in home education, the Florida Virtual School (FLVS), a charter school, or a FHSAA nonmember private school to participate in certain extracurricular activities at another public school in his or her home school district. Although not addressed in law, FHSAA has also adopted a bylaw enabling participation in interscholastic athletics by students enrolled in an alternative school or magnet school. Generally speaking, the participation provisions for each type of student vary as to which district public schools at which a student may seek to participate and the activities in which the student may seek to participate.

Home Education and Florida Virtual School Student Participation

A home education student or FLVS student may participate in any sport at any public high school for which the student is zoned or could attend through district or interdistrict controlled open enrollment provisions.¹¹ A home education student may also develop an agreement to participate at a private school.¹²

Charter School Student Participation

A charter school student may participate in any sport that is not offered by the charter school, even if the charter school offers other sports, at any public high school for which the student is zoned or could attend through district or interdistrict controlled open enrollment provisions.¹³

Public School of Choice and Alternative School Student Participation

While not addressed by statute, the FHSAA has adopted policies and bylaws enabling students who attend a public school of choice or alternative school to participate in athletics. A student who attends such a school may participate in any sport at a public high school, but only if his or her school does not offer any sports programs.¹⁴ Such a student may participate at any public school for which the student is zoned or could attend through district controlled open enrollment provisions.¹⁵

Private School Student Participation

A student attending a private middle school or high school may participate in interscholastic or intrascholastic sports at a public school that is zoned for the physical address at which the student resides if the private school where the student is enrolled is not a member of the FHSAA and does not offer an interscholastic or intrascholastic athletic program.¹⁶ Only students attending a FHSAA nonmember private school with enrollment of 125 or fewer students may participate in a public school athletic program.¹⁷ A private school student may only participate at the public school in which the student first registers or is a candidate for participation by engaging in a practice.¹⁸

The parents of a private school student who participates in athletics at a public school are responsible for transporting the student to and from the public school. The student's private school, the public

¹⁰ See, e.g., Policy 8.801, Bay County School Board and Policy 4.43, Clay County School Board.

¹¹ Section 1006.15(3)(c), F.S.; Section 1106.15(3)(e), F.S.

¹² Section 1006.15(2)(c), F.S.

¹³ Section 1006.15(3)(d), F.S.

¹⁴ Policy 16.6.1.5 of the FHSAA.

¹⁵ Bylaw 9.2.2.4, FHSAA.

¹⁶ Section 1006.15(8)(a), F.S.

¹⁷ Section 1006.15(8)(a)1., F.S.

¹⁸ Section 1006.15(8)(c), F.S.

school where the student participates in athletics, the district school board, and the FHSAA are exempt from liability arising from any injury that occurs during such transportation.¹⁹

Effect of Proposed Changes

The bill broadens the definition of “extracurricular activities” to clearly indicate that the term includes athletics as well as all other types of extracurricular activities, e.g., fine and performing arts. In effect, this change clarifies that the special eligibility provisions in law for home education, charter school, virtual education, and public school students apply to all extracurricular activities, not just athletics.

Generally speaking, the bill revises eligibility requirements for students enrolled in various educational options to minimize variations regarding the public schools at which a student may seek to participate and the activities in which the student may seek to participate. Among other things, the bill adds provisions enabling participation at another public school by certain public school students and students enrolled in a school district virtual instruction program (VIP) or virtual charter school (VCS). Under the bill, students enrolled in home education; a charter school; the FLVS; a VIP; a VCS; or any public school, including an alternative school or magnet school, may participate in any particular extracurricular activity not offered by his or her school at any public school in his or her home school district or a public school in another school district pursuant to interdistrict controlled open enrollment policies. The bill retains the ability of home education student to develop an agreement to participate at a private school.

The parents of a student who participates in extracurricular activities pursuant to these requirements must transport the student to and from the school at which the student participates. The public school, the district school board, and the FHSAA are exempt from civil liability arising from any injury that occurs due to such transportation.

The bill increases the opportunity for private school students who attend a private school that is not a member of the FHSAA to participate in interscholastic and intrascholastic sports at public schools. The bill allows such students to participate in any sport not offered by the private school at any public school his or her home school district or a public school in another district pursuant to interdistrict controlled open enrollment.

The bill requires district school board policies to evenly apply eligibility requirements, including the eligibility of transfer students, to all students regardless of the extracurricular activity. The bill also prohibits the FHSAA from establishing a transfer deadline prior to the first day of the grading period in which regular season games begin, if the date authorized for practice is prior to the first day of such grading period. Thus, students who delay transfer until the end of the grading period for academic reasons will not be penalized.

Physical Evaluation

Present Situation

Among other things, the FHSAA is required to adopt bylaws requiring students participating in athletics to satisfactorily pass an annual medical evaluation.²⁰ FHSAA bylaws require each student to undergo a physical evaluation each year prior to participation in interscholastic athletic programs.²¹ The completed physical evaluation form must be on file in the school before a student participates in an activity related to interscholastic athletic programs.²² And the physical evaluation must be completed by either a

¹⁹ Section 1006.15(8)(b), F.S.

²⁰ Section 1006.20(1) and (2), F.S.

²¹ Bylaw 9.7.1, FHSAA.

²² Bylaw 9.7.2, FHSAA.

licensed physician, a licensed osteopathic physician, a licensed chiropractic physician, a licensed physician assistant or a certified advanced registered nurse practitioner.²³

According to Florida law, these bylaws must require a uniform preparticipation form be used to elicit a student's medical history and to conduct a physical assessment of the student's physical capabilities used to participate in athletic competition.²⁴ This evaluation form must:

- Incorporate the recommendations of the American Heart Association for participation cardiovascular screening.²⁵
- Provide a place for the practitioner's signature indicating the completion of each examination procedure listed on the form.²⁶
- Include a place for the referral of a student to another practitioner and subsequent completion of examination procedures by the new practitioner.²⁷
- Advise a student to complete a cardiovascular assessment.²⁸

A routine electrocardiogram costs around \$35, including both technical costs and the cost of a physician's interpretation of the test results.²⁹ An exercise stress test involving an electrocardiogram costs around \$151.³⁰ The results of these tests could lead to further medical testing, which could involve additional costs.³¹

Effect of Proposed Changes

The bill requires that the preparticipation physical evaluation form advise a student to complete an electrocardiogram as part of the suggested cardiovascular assessment. Further, the bill requires the FHSAA to make available to parents literature on the importance of a preparticipation cardiovascular assessment that includes an electrocardiogram.

B. SECTION DIRECTORY:

Section 1. Amends s. 1002.33, F.S., relating to charter schools.

²³ *Id.* Florida law requires the evaluation to be administered by a practitioner licensed under chapter 458, chapter 459, chapter 468, or s. 464.012. Section 1006.20(2)(c), F.S.

²⁴ Section 1006.20(2)(c), F.S.

²⁵ *Id.* A 2012 advisory report from the American Heart Association advances underlying principles for screening strategies that suggest a "successful screening program will require extensive planning and will not be able to eliminate sudden cardiac deaths completely," "[a]ny broad screening strategy should be widely supported and available to all children," "pilot screening programs must track their performance," "[p]ediatric cardiovascular specialists need to be included in strategies that look to identify cardiac disease so that any enhanced screening strategies are practical in terms of manpower and integrate well into the current practice of identifying children thought to be at increased risk for arrhythmia, ischemia, or sudden death events," and "secondary prevention of sudden death with training of cardiopulmonary resuscitation and deployment of automatic external defibrillators must be emphasized." American Heart Association, *Key Concepts in the Evaluation of Screening Approaches for Heart Disease in Children and Adolescents: A Science Advisory from the American Heart Association* (2012), available at <http://circ.ahajournals.org/content/early/2012/04/30/CIR.0b013e3182579f25.full.pdf>.

²⁶ Section 1006.20(2)(c), F.S.

²⁷ *Id.*

²⁸ *Id.*

²⁹ Healthcare Bluebook, *Electrocardiogram*, https://www.healthcarebluebook.com/page_Results.aspx?id=189&dataset=MD&g=Electrocardiogram (last visited Feb. 3, 2014). This is the fair price that Healthcare Bluebook calculates based on the price providers typically accept from insurance companies. The price may vary by geographical area. *Id.*

³⁰ *Id.*

³¹ American Heart Association, *Recommendations and Considerations Related to Preparticipation Screening for Cardiovascular Abnormalities in Competitive Athletes: 2007 Update: A Scientific Statement From the American Heart Association Council on Nutrition, Physical Activity, and Metabolism: Endorsed by the American College of Cardiology Foundation* (2007), p. 1649, available at <http://circ.ahajournals.org/content/115/12/1643.full.pdf>.

Section 2. Amends s. 1006.15, F.S., relating to student eligibility for extracurricular activities.

Section 3. Amends s. 1006.20, F.S., revising requirements for the bylaws of the Florida High School Athletic Association.

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

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There may be an indeterminate impact on the private sector if students elect to undergo a cardiovascular assessment that includes an electrocardiogram.

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 11, 2014, the Choice & Innovation Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment added provisions:

- Specifying that students enrolled in home education, virtual education, charter schools, alternative schools, magnet schools, and traditional public schools may participate in extracurricular activities not offered by their school at any public school in their school district of residence or at a public school in another school district pursuant to interdistrict controlled open enrollment policies.
- Clarifying that this expanded participation includes interscholastic athletics, as well as intramural sports, fine and performing arts activities, academic teams, and similar activities.
- Revising existing law enabling students enrolled in a FHSAA nonmember private school to participate in athletics at their zoned public school to allow them to participate at any public school in their school district of residence or at a public school in another school district pursuant to interdistrict controlled open enrollment policies.
- Prohibiting school boards from adopting eligibility policies that treat students differently, especially transfer students, based upon the activity in which they seek participation.
- Revising the transfer eligibility deadline so that students who delay transfer for academic reasons are not penalized.

This bill analysis is drafted to the committee substitute.

1 A bill to be entitled
 2 An act relating to student eligibility for
 3 extracurricular activities; amending s. 1002.33, F.S.;
 4 conforming provisions; amending s. 1006.15, F.S.;
 5 revising the definition of extracurricular activities;
 6 correcting cross-references; revising provisions
 7 enabling home education, charter school, virtual
 8 education, and certain private school students to
 9 participate in extracurricular activities at a public
 10 school; authorizing students attending certain public
 11 schools to participate in extracurricular activities
 12 at another public school; requiring that district
 13 school board eligibility policies apply evenly to all
 14 students regardless of a student's extracurricular
 15 activity; amending s. 1006.20, F.S.; revising
 16 requirements for the bylaws of the Florida High School
 17 Athletic Association; revising a transfer deadline;
 18 requiring the bylaws to specify that the
 19 preparticipation physical evaluation form advise
 20 students to complete a cardiovascular assessment that
 21 includes an electrocardiogram; requiring the
 22 association to make available to parents literature on
 23 the importance of preparticipation cardiovascular
 24 assessment; providing an effective date.

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

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Section 1. Subsection (11) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR ACTIVITIES.—A charter school student is eligible to participate in ~~an interscholastic~~ extracurricular activities activity ~~at the public school to which the student would be otherwise assigned to attend~~ pursuant to s. 1006.15(3)(d).

Section 2. Subsections (2) and (3) and paragraphs (a) and (b) of subsection (8) of section 1006.15, Florida Statutes, are amended, and subsection (9) is added to that section, to read:

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

(2) ~~Interscholastic~~ Extracurricular ~~student~~ activities are an important complement to the academic curriculum. Participation in a comprehensive extracurricular and academic program contributes to student development of the social and intellectual skills necessary to become a well-rounded adult. As used in this section, the term "extracurricular activity" means any school-authorized or education-related activity occurring during or outside the regular instructional school day, including, but not limited to, interscholastic athletics regulated by the Florida High School Athletic Association (FHSAA); intramural athletics; and fine or performing arts,

53 speech and debate, and other academic or social clubs, teams, or
 54 activities.

55 (3)(a) To be eligible to participate in ~~interscholastic~~
 56 extracurricular ~~student~~ activities, a student must:

57 1. Maintain a grade point average of 2.0 or above on a 4.0
 58 scale, or its equivalent, in the previous semester or a
 59 cumulative grade point average of 2.0 or above on a 4.0 scale,
 60 or its equivalent, in the courses required by s. 1002.3105(5)
 61 ~~1003.428~~ or s. 1003.4282 ~~1003.429~~.

62 2. Execute and fulfill the requirements of an academic
 63 performance contract between the student, the district school
 64 board, the appropriate governing association, and the student's
 65 parents, if the student's cumulative grade point average falls
 66 below 2.0, or its equivalent, on a 4.0 scale in the courses
 67 required by s. 1002.3105(5) ~~1003.428~~ or s. 1003.4282 ~~1003.429~~.
 68 At a minimum, the contract must require that the student attend
 69 summer school, or its graded equivalent, between grades 9 and 10
 70 or grades 10 and 11, as necessary.

71 3. Have a cumulative grade point average of 2.0 or above
 72 on a 4.0 scale, or its equivalent, in the courses required by s.
 73 1002.3105(5) ~~1003.428~~ or s. 1003.4282 ~~1003.429~~ during his or her
 74 junior or senior year.

75 4. Maintain satisfactory conduct, including adherence to
 76 appropriate dress and other codes of student conduct policies
 77 described in s. 1006.07(2). If a student is convicted of, or is
 78 found to have committed, a felony or a delinquent act that would

79 have been a felony if committed by an adult, regardless of
 80 whether adjudication is withheld, the student's participation in
 81 ~~interscholastic~~ extracurricular activities is contingent upon
 82 established and published district school board policy.

83 (b) Any student who is exempt from attending a full school
 84 day based on rules adopted by the district school board for
 85 double session schools or programs, experimental schools, or
 86 schools operating under emergency conditions must maintain the
 87 grade point average required by this section and pass each class
 88 for which he or she is enrolled.

89 (c) An individual home education student is eligible to
 90 participate at any the public school in the school district in
 91 which he or she resides ~~to which the student would be assigned~~
 92 ~~according to district school board attendance area policies or a~~
 93 public school in another school district which the student could
 94 choose to attend pursuant to ~~district or~~ interdistrict
 95 controlled open enrollment policies provisions, or may develop
 96 an agreement to participate at a private school, in the
 97 ~~interscholastic~~ extracurricular activities of that school,
 98 provided the following conditions are met:

99 1. The home education student must meet the requirements
 100 of the home education program pursuant to s. 1002.41.

101 2. During the period of participation at a school, the
 102 home education student must demonstrate educational progress ~~as~~
 103 ~~required in paragraph (b)~~ in all subjects taken in the home
 104 education program by a method of evaluation agreed upon by the

105 parent and the school principal which may include+ review of the
 106 student's work by a certified teacher chosen by the parent;
 107 grades earned through correspondence; grades earned in courses
 108 taken at a Florida College System institution, university, or
 109 trade school; standardized test scores above the 35th
 110 percentile; or any other method designated in s. 1002.41.

111 ~~3. The home education student must meet the same residency~~
 112 ~~requirements as other students in the school at which he or she~~
 113 ~~participates.~~

114 3.4. The home education student must meet the same
 115 standards of acceptance, behavior, and performance as required
 116 of other students in extracurricular activities.

117 4.5. The student must register with the school his or her
 118 intent to participate in ~~interscholastic~~ extracurricular
 119 activities as a representative of the school before the
 120 beginning date of the particular athletic season or other ~~for~~
 121 ~~the~~ activity in which he or she wishes to participate. A home
 122 education student must be able to participate in curricular
 123 activities if that is a requirement for an extracurricular
 124 activity.

125 5.6. A student who transfers from a home education program
 126 to a public school before or during the first grading period of
 127 the school year is academically eligible to participate in
 128 ~~interscholastic~~ extracurricular activities during the first
 129 grading period provided the student has a successful evaluation
 130 from the previous school year, pursuant to subparagraph 2.

131 ~~6.7.~~ Any public school or private school student who has
 132 been unable to maintain academic eligibility for participation
 133 in ~~interscholastic~~ extracurricular activities is ineligible to
 134 participate in such activities as a home education student until
 135 the student has successfully completed one grading period in
 136 home education pursuant to subparagraph 2. to become eligible to
 137 participate as a home education student.

138 (d) An individual charter school student pursuant to s.
 139 1002.33 is eligible to participate at any the public school in
 140 the school district in which he or she resides ~~to which the~~
 141 ~~student would be assigned according to district school board~~
 142 ~~attendance area policies~~ or a public school in another school
 143 district which the student could choose to attend, pursuant to
 144 ~~district or interdistrict controlled~~ open enrollment policies
 145 ~~open enrollment provisions~~, in any ~~interscholastic~~
 146 extracurricular activity of that school, unless such activity is
 147 provided by the student's charter school, if the following
 148 conditions are met:

149 1. The charter school student must meet the requirements
 150 of the charter school education program as determined by the
 151 charter school governing board.

152 2. During the period of participation at a school, the
 153 charter school student must demonstrate educational progress as
 154 required in paragraph (a) ~~(b)~~.

155 ~~3. The charter school student must meet the same residency~~
 156 ~~requirements as other students in the school at which he or she~~

157 ~~participates.~~

158 3.4. The charter school student must meet the same
 159 standards of acceptance, behavior, and performance that are
 160 required of other students in extracurricular activities.

161 4.5. The charter school student must register with the
 162 school his or her intent to participate in ~~interscholastic~~
 163 extracurricular activities as a representative of the school
 164 before the beginning date of the particular athletic season or
 165 other ~~for the~~ activity in which he or she wishes to participate.
 166 A charter school student must be able to participate in
 167 curricular activities if that is a requirement for an
 168 extracurricular activity.

169 5.6. A student who transfers from a charter school ~~program~~
 170 to a traditional public school before or during the first
 171 grading period of the school year is academically eligible to
 172 participate in ~~interscholastic~~ extracurricular activities during
 173 the first grading period if the student has a successful
 174 evaluation from the previous school year, pursuant to
 175 subparagraph 2.

176 6.7. Any public school or private school student who has
 177 been unable to maintain academic eligibility for participation
 178 in ~~interscholastic~~ extracurricular activities is ineligible to
 179 participate in such activities as a charter school student until
 180 the student has successfully completed one grading period in a
 181 charter school pursuant to subparagraph 2. to become eligible to
 182 participate as a charter school student.

183 (e) A student enrolled ~~of the Florida Virtual School~~ full-
 184 time in a virtual instruction program pursuant to s. 1002.45, a
 185 virtual charter school pursuant to s. 1002.33, or the Florida
 186 Virtual School pursuant to s. 1002.37 may participate in any
 187 ~~interscholastic~~ extracurricular activity at any ~~the~~ public
 188 school in the school district in which he or she resides or a
 189 public school in another school district ~~to which the student~~
 190 ~~would be assigned according to district school board attendance~~
 191 ~~area policies or~~ which the student could choose to attend,
 192 pursuant to ~~district or~~ interdistrict controlled open enrollment
 193 policies, if the student:

194 1. During the period of participation in the
 195 ~~interscholastic~~ extracurricular activity, meets the requirements
 196 in paragraph (a).

197 ~~2. Meets any additional requirements as determined by the~~
 198 ~~board of trustees of the Florida Virtual School.~~

199 ~~3. Meets the same residency requirements as other students~~
 200 ~~in the school at which he or she participates.~~

201 ~~2.4.~~ Meets the same standards of acceptance, behavior, and
 202 performance that are required of other students in
 203 extracurricular activities.

204 ~~3.5.~~ Registers his or her intent to participate in
 205 ~~interscholastic~~ extracurricular activities with the school
 206 before the beginning date of the particular athletic season or
 207 other ~~for the~~ activity in which he or she wishes to participate.

208 A ~~Florida Virtual School~~ student must be able to participate in

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209 curricular activities if that is a requirement for an
 210 extracurricular activity.

211 4. (f) A student who transfers from a ~~the Florida Virtual~~
 212 ~~School~~ full-time virtual education program to a traditional
 213 public school before or during the first grading period of the
 214 school year is academically eligible to participate in
 215 ~~interscholastic~~ extracurricular activities during the first
 216 grading period if the student has a successful evaluation from
 217 the previous school year pursuant to paragraph (a).

218 5. (g) A public school or private school student who has
 219 been unable to maintain academic eligibility for participation
 220 in ~~interscholastic~~ extracurricular activities is ineligible to
 221 participate in such activities as a full-time virtual education
 222 ~~Florida Virtual School~~ student until the student successfully
 223 completes one grading period in the virtual education program
 224 ~~Florida Virtual School~~ pursuant to paragraph (a).

225 (f) A student who is enrolled in a public school that does
 226 not offer a particular extracurricular activity may participate
 227 in that activity at any public school in the school district in
 228 which he or she resides or a public school in another school
 229 district which the student could choose to attend pursuant to
 230 interdistrict controlled open enrollment policies, if the
 231 student:

232 1. During the period of participation in the
 233 extracurricular activity, meets the requirements in paragraph
 234 (a).

235 2. Meets the same standards of acceptance, behavior, and
 236 performance that are required of other students participating in
 237 extracurricular activities.

238 3. Registers his or her intent to participate in
 239 extracurricular activities with the school before the beginning
 240 date of the particular athletic season or activity in which he
 241 or she wishes to participate.

242 (g) The parents of a student who participates in an
 243 extracurricular activity under paragraph (d), paragraph (e), or
 244 paragraph (f) are responsible for transporting their child to
 245 and from the school at which the student participates. The
 246 school that the student attends, the school at which the student
 247 participates in the extracurricular activity, the district
 248 school board, and the FHSAA are exempt from civil liability
 249 arising from any injury that occurs to the student during such
 250 transportation.

251 (8) (a) The FHSAA Florida High School Athletic Association
 252 (FHSAA), in cooperation with each district school board, shall
 253 facilitate a program in which a middle school or high school
 254 student who attends a private school shall be eligible to
 255 participate in an interscholastic or intramural athletics
 256 intrascholastic sport at any a public high school, a public
 257 middle school, or a 6-12 public school in the school district in
 258 which he or she that is zoned for the physical address at which
 259 the student resides or at a public school in another school
 260 district which the student could choose to attend pursuant to

261 interdistrict controlled open enrollment policies if:

262 1. The private school in which the student is enrolled is
 263 not a member of the FHSAA and does not offer the particular an
 264 interscholastic or intramural athletic activity in which the
 265 student seeks participation intrascholastic athletic program.

266 2. The private school student meets the guidelines for the
 267 conduct of the program established by the FHSAA's board of
 268 directors and the district school board. At a minimum, such
 269 guidelines shall provide:

270 a. A deadline for each sport by which the private school
 271 student's parents must register with the public school in
 272 writing their intent for their child to participate at that
 273 school in the athletic activity sport.

274 b. Requirements for a private school student to
 275 participate, including, but not limited to, meeting the same
 276 standards of eligibility, acceptance, behavior, educational
 277 progress, and performance which apply to other students
 278 participating in interscholastic or intramural athletic
 279 activities intrascholastic sports at a public school or FHSAA
 280 member private school.

281 (b) The parents of a private school student participating
 282 in a public school athletic activity sport under this subsection
 283 are responsible for transporting their child to and from the
 284 public school at which the student participates. The private
 285 school the student attends, the public school at which the
 286 student participates in an athletic activity a sport, the

287 district school board, and the FHSAA are exempt from civil
 288 liability arising from any injury that occurs to the student
 289 during such transportation.

290 (9) District school board policies regarding eligibility
 291 for extracurricular activities, including the eligibility of
 292 transfer students, must apply evenly to all students regardless
 293 of the extracurricular activity in which the student seeks to
 294 participate.

295 Section 3. Paragraphs (a) and (c) of subsection (2) of
 296 section 1006.20, Florida Statutes, are amended to read:

297 1006.20 Athletics in public K-12 schools.—

298 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

299 (a) The FHSAA shall adopt bylaws that, unless specifically
 300 provided by statute, establish eligibility requirements for all
 301 students who participate in high school athletic competition in
 302 its member schools. The bylaws governing residence and transfer
 303 shall allow the student to be eligible in the school in which he
 304 or she first enrolls each school year or the school in which the
 305 student makes himself or herself a candidate for an athletic
 306 team by engaging in a practice prior to enrolling in the school.
 307 The bylaws shall also allow the student to be eligible in the
 308 school to which the student has transferred during the school
 309 year if the transfer is made by a deadline established by the
 310 FHSAA, which may not be prior to the date authorized for the
 311 beginning of practice for the sport. If the date authorized for
 312 the beginning of practice is before the first day of the grading

313 period in which the regular season games begin, the transfer
 314 deadline may not be before the first day of such grading period.
 315 These transfers shall be allowed pursuant to the district school
 316 board policies in the case of transfer to a public school or
 317 pursuant to the private school policies in the case of transfer
 318 to a private school. The student shall be eligible in that
 319 school so long as he or she remains enrolled in that school.
 320 Subsequent eligibility shall be determined and enforced through
 321 the FHSAA's bylaws. Requirements governing eligibility and
 322 transfer between member schools shall be applied similarly to
 323 public school students and private school students.

324 (c) The FHSAA shall adopt bylaws that require all students
 325 participating in interscholastic athletic competition or who are
 326 candidates for an interscholastic athletic team to
 327 satisfactorily pass a medical evaluation each year before ~~prior~~
 328 ~~to~~ participating in interscholastic athletic competition or
 329 engaging in any practice, tryout, workout, or other physical
 330 activity associated with the student's candidacy for an
 331 interscholastic athletic team. ~~Such medical evaluation may be~~
 332 ~~administered only by~~ A practitioner licensed under chapter 458,
 333 chapter 459, or chapter 460, or certified under s. 464.012, who
 334 is and in good standing with his or her professional ~~the~~
 335 ~~practitioner's~~ regulatory board, shall administer the medical
 336 evaluation. The bylaws shall establish requirements for
 337 eliciting a student's medical history and performing the medical
 338 evaluation required under this paragraph, which shall include a

339 physical assessment of the student's physical capabilities to
 340 participate in interscholastic athletic competition as contained
 341 in a uniform preparticipation physical evaluation and history
 342 form. The evaluation form shall incorporate the recommendations
 343 of the American Heart Association for participation
 344 cardiovascular screening and shall provide a place for the
 345 signature of the practitioner performing the evaluation with an
 346 attestation that each examination procedure listed on the form
 347 was performed by the practitioner or by someone under the direct
 348 supervision of the practitioner. The form shall also contain a
 349 place for the practitioner to indicate if a referral to another
 350 practitioner was made in lieu of completion of a certain
 351 examination procedure. The form shall provide a place for the
 352 practitioner to whom the student was referred to complete the
 353 remaining sections and attest to that portion of the
 354 examination. The preparticipation physical evaluation form shall
 355 contain information that advises a student ~~advise students~~ to
 356 complete a cardiovascular assessment that includes an
 357 electrocardiogram. The preparticipation physical evaluation form
 358 ~~and~~ shall also include information concerning alternative
 359 cardiovascular evaluation and diagnostic tests. Results of such
 360 medical evaluation must be provided to the school. A ~~No~~ student
 361 is not ~~shall be~~ eligible to participate in any interscholastic
 362 athletic competition or engage in any practice, tryout, workout,
 363 or other physical activity associated with the student's
 364 candidacy for an interscholastic athletic team until the results

CS/HB 533


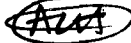
2014

365 | of the medical evaluation have been received and approved by the
366 | school. The FHSAA shall make available to the parent of each
367 | student literature on the importance of a preparticipation
368 | cardiovascular assessment that includes an electrocardiogram.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 433 Educator Certification
SPONSOR(S): K-12 Subcommittee; Spano
TIED BILLS: IDEN./SIM. BILLS: SB 950

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	13 Y, 0 N, As CS	Ahearn	Ahearn
2) Education Appropriations Subcommittee		Seifert 	Heflin 
3) Education Committee			

SUMMARY ANALYSIS

Candidates seeking certification as a K-12 educator in Florida must demonstrate, among other things, mastery of general knowledge, subject area knowledge, and professional preparation and education competency.

The bill restates the methods by which a candidate for educator certification may demonstrate mastery of subject area knowledge, including passage of a Florida-developed subject area examination or a standardized examination specified by rule. The bill also allows a candidate to demonstrate mastery of general knowledge by achieving passing scores, as identified by the State Board of Education (SBE) in rule, on a national or international examination that tests comparable content and relevant standards in verbal, analytical writing, and quantitative reasoning skills. In addition, the bill specifies certain requirements regarding demonstration of mastery of professional preparation and education competence.

The bill repeals a provision requiring a longitudinal study comparing the performance of teachers who earned certificates through certain specified "routes." The study has been completed.

The bill allows candidates to renew a subject area specialization by passage of a Florida-developed subject area examination or a standardized examination specified by rule. The SBE must adopt rules that would expand training for renewal of professional certificates in areas which require training in the instruction of students with disabilities, allowing such candidates to "bank" excess credits for use in subsequent certificate renewals. The bill also requires the SBE to adopt rules specifying certain requirements for reinstatement of a professional certificate.

The bill establishes requirements for instructional personnel who supervise or direct teacher preparation students during field experience courses or internships in another state through a Florida online or distance program. Such instructional personnel must have received "clinical educator" training or its equivalent in the state in which the field experience takes place, hold a valid professional certificate issued by that state, and have at least three years of teaching experience in prekindergarten through grade 12.

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:

Teacher Certification

Present Situation

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the Florida Department of Education (DOE).¹ Educator certification is a system of educational, pedagogical, and character-related qualifications for judging the fitness of individuals seeking employment as educators at these schools.² Persons who seek to be employed at a public school as a school supervisor, school principal, teacher, library media specialist, school counselor, athletic coach, or in another instructional capacity must be certified.³ Educator certification is intended to require school-based personnel to “possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools.”⁴

The DOE issues professional certificates,⁵ temporary certificates,⁶ and athletic coaching certificates.⁷ In addition, school districts are authorized to issue adjunct teaching certificates to part-time teachers who have expertise in the subject area to be taught. An adjunct teaching certificate is valid for five years and is renewable.⁸

To be eligible to seek certification, a person must meet the following basic eligibility requirements.⁹

- Be at least 18 years of age;
- Sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;

¹ Sections 1012.55(1) and 1002.33(12)(f), F.S.

² Subpart D., Part III, ch. 1012, F.S.

³ Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S. District school boards and charter school governing boards are authorized to hire noncertificated individuals who possess expertise in a given field to serve in an instructional capacity. Rule 6A-1.0502(1), F.A.C.; ss. 1002.33(10)(f) and 1012.55(1)(c), F.S. State-licensed school nurses and physicians, occupational therapists, physical therapists, audiologists, and speech therapists are not required to be certified educators. Rule 6A-1.0502(10) and (11), F.A.C.; s. 1012.55(3), F.S.

⁴ Section 1012.54, F.S.

⁵ Rule 6A-4.004(2), F.A.C. The professional certificate is Florida’s highest type of full-time educator certification. It is valid for five years and is renewable. Section 1012.56(7)(a), F.S.; *see* rule 6A-4.0051(3)(c), F.A.C. (validity period is expressed as 5 years from July 1 of the school fiscal year). The DOE also issues a nonrenewable 2-year temporary certificate and a nonrenewable 5-year professional certificate that allows an applicant with a bachelor’s degree in the area of speech-language impairment to complete a master’s degree in speech-language impairment. Section 1012.56(7)(c), F.S.; rule 6A-4.004(3), F.A.C.

⁶ *See* rule 6A-4.004(1)(a)2., F.A.C. The temporary certificate is valid for three years and is nonrenewable. Section 1012.56(7), F.S. (flush-left provisions at end of subsection; validity period is expressed in school fiscal years); rule 6A-4.004(1)(a), F.A.C. DOE also issues a nonrenewable temporary certificate, which is valid for 2 years, in the area of speech-language impairment. Section 1012.56(7)(c), F.S.; *see supra* note 5.

⁷ *See* rule 6A-4.004(4), F.A.C. The athletic coaching certificate covers full-time and part-time employment as a public school’s athletic coach. Section 1012.55(2), F.S. The DOE issues two types of athletic coaching certificates—one is valid for five years and is renewable and the other is valid for three years and is nonrenewable. *See* rule 6A-4.004(4), F.A.C. (validity periods expressed in school fiscal years).

⁸ Section 1012.57(1), F.S.

⁹ Section 1012.56(2)(a)-(f), F.S.

- Earn a bachelor's or higher degree from an accredited institution of higher learning¹⁰ or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor's or higher degree;¹¹
- Submit to fingerprinting and background screening and not have a criminal history that requires the applicant's disqualification from certification or employment;
- Be of good moral character; and
- Be competent and capable of performing the duties, functions, and responsibilities of a teacher.

In addition, each applicant must submit an application and the required fee to the DOE.¹²

Eligibility Requirements for a Temporary Certificate

To be eligible for a temporary certificate, an applicant must:

- Meet the basic eligibility requirements for certification;¹³
- Obtain full-time employment in a position that requires a Florida educator certificate by a school district or private school that has a DOE-approved professional education competence demonstration program;¹⁴ and
- Either:
 - Demonstrate mastery of subject area knowledge (e.g., passage of the appropriate subject area test);¹⁵ or
 - Complete the required degree or content courses specified in state board rule for subject area specialization¹⁶ and attain at least a 2.5 grade point average on a 4.0 scale in the subject area courses.¹⁷

An educator who is employed under a temporary certificate must demonstrate mastery of general knowledge within one calendar year after employment in order to remain employed in a position that requires a certificate.¹⁸ If the educator is employed under contract, the calendar year deadline for demonstrating mastery of general knowledge may be extended through the end of the school year.¹⁹ A temporary certificate is valid for 3 years and is nonrenewable.²⁰

Eligibility Requirements for a Professional Certificate

To be eligible for a professional certificate, an applicant must:

¹⁰ Section 1012.56(2)(c), F.S.; rule 6A-4.003(1), F.A.C. (approved accrediting agencies); *see also* 34 C.F.R. ss. 602.1-602.50; U.S. Department of Education, *Nationally Recognized Accrediting Agencies*, http://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html#NationallyRecognized (last visited Jan. 15, 2014) (list of accrediting agencies approved by the U.S. Department of Education).

¹¹ Section 1012.56(2)(c), F.S.; rule 6A-4.003(2), F.A.C. (criteria for approval of nonaccredited institutions of higher learning). For initial certification, an applicant must attain at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. Section 1012.56(2)(c), F.S.

¹² Section 1012.56(1), F.S.; *see s.* 1012.59, F.S. The fee for initial certification is \$75 per subject area. Rule 6A-4.0012(1)(a)1. and 2., F.A.C.

¹³ Section 1012.56(2)(a)-(f) and (7)(b), F.S.; *see also supra* text accompanying note 9.

¹⁴ Section 1012.56(1)(b), F.S.; rule 6A-4.004(1)(a)2., F.A.C.

¹⁵ Section 1012.56(7)(b), F.S.; Florida Department of Education, *Subject Area Knowledge*, http://www.fldoe.org/edcert/mast_sub.asp (last visited Jan. 15, 2014)

¹⁶ Section 1012.56(7)(b), F.S. The degree and content requirements are established in ch. 6A-4, F.A.C.

¹⁷ Section 1012.56(2)(c), F.S.; *see* Florida Department of Education, *Certificate Types and Requirements*, http://www.fldoe.org/edcert/cert_types.asp (last visited Jan. 15, 2014); *see also supra* text accompanying note 11.

¹⁸ Section 1012.56(7), F.S. (flush-left provisions at end of subsection); *see also infra* text accompanying notes 26-31 (acceptable means of demonstrating mastery of general knowledge).

¹⁹ *Id.*

²⁰ *Id.*

- Meet the basic eligibility requirements for certification;²¹
- Demonstrate mastery of general knowledge;²²
- Demonstrate mastery of subject area knowledge;²³ and
- Demonstrate mastery of professional preparation and education competence.²⁴

A professional certificate is valid for five years and is renewable.²⁵

Demonstration of Mastery of General Knowledge

Mastery of general knowledge may be demonstrated through any of the following methods:

- Achieving a passing score on the General Knowledge Test;²⁶
- Achieving a passing score on the College-Level Academic Skills Test (CLAST) taken before July 1, 2002;²⁷
- Having a valid professional standard teaching certificate issued by another U.S. state or territory,²⁸ by the National Board for Professional Teaching Standards (NBPTS),²⁹ or by the American Board for Certification of Teacher Excellence (ABCTE);³⁰
- Completing two semesters of full-time college teaching experience at an accredited community college, state university, or private college or university that awards associate's or higher degrees or at a nonaccredited institution of higher education identified by the DOE as having a quality program.³¹

Demonstration of Mastery of Subject Area Knowledge

Mastery of subject area knowledge may be demonstrated through any of the following methods:

²¹ Section 1012.56(2)(a)-(f) and (7)(b), F.S.; *see also supra* text accompanying note 9.

²² Section 1012.56(2)(g) and (3), F.S.; Florida Department of Education, *General Knowledge*, http://www.fldoe.org/edcert/mast_gen.asp (last visited Jan. 15, 2014); *see also infra* text accompanying notes 26-31 (acceptable means of demonstrating mastery of general knowledge).

²³ Section 1012.56(2)(h) and (5), F.S.; *see Subject Area Knowledge, supra* note 15; *see also infra* text accompanying notes 32-38 (acceptable means of demonstrating subject area knowledge).

²⁴ Section 1012.56(2)(i) and (6), F.S.; Florida Department of Education, *Professional Preparation and Education Competence*, http://www.fldoe.org/edcert/mast_prof.asp (last visited Jan. 15, 2014); *see also infra* text accompanying notes 39-48 (acceptable means of demonstrating professional preparation and education competence).

²⁵ Sections 1012.56(7)(a) and 1012.585, F.S.; rule 6A-4.0051(1), F.A.C.; *see also supra* note 5.

²⁶ Section 1012.56(3)(a), F.S. The General Knowledge Test is part of the Florida Teacher Certification Examinations and is administered as four subtests: Reading, English Skills, English Essay, and Mathematics. Rule 6A-4.0021(7), F.A.C.; *see also* Florida Department of Education, *Competencies and Skills Required for Teacher Certification in Florida*, s. 82 (19th ed., April 2013), available at <http://www.fldoe.org/asp/ftce/pdf/ftce19edition.pdf> (competencies and skills measured by General Knowledge Test).

²⁷ Section 1012.56(3)(b), F.S.; *see* rules 6A-4.0021(10), 6A-10.0311, and 6A-10.0312, F.A.C.; Florida Department of Education, *College-Level Academic Skills Test (CLAST)*, <http://www.fldoe.org/asp/clast> (last visited Jan. 15, 2014).

²⁸ Section 1012.56(3)(c), F.S.; *see* rules 6A-4.002(1)(i)1.-2. and 6A-4.003, F.A.C. (flush-left provisions following rule 6A-4.003(2)(e), F.A.C.). Section 1012.56(3)(c), F.S., specifies that a valid professional standard teaching certificate issued by *another state* is an acceptable means of demonstrating mastery of general knowledge. A certificate issued by a U.S. territory is also acceptable.

²⁹ Section 1012.56(3)(d), F.S.; *see* rule 6A-4.002(1)(j), F.A.C.; *see also* National Board for Professional Teaching Standards, <http://www.nbpts.org> (last visited Jan. 15, 2014).

³⁰ Section 1012.56(3)(d), F.S.; *see* rule 6A-4.002(1)(j), F.A.C. On June 15, 2004, the State Board of Education authorized certificates issued by ABCTE to satisfy all requirements for a professional certificate, except the professional education competence demonstration requirement. Memorandum from Chief of the Bureau of Educator Certification, Florida Department of Education, to School District Superintendents, *et al.*, at 7 (June 25, 2004), available at <http://info.fldoe.org/docushare/dsweb/Get/Document-2182/01.pdf>; *see* Florida Department of Education, *Minutes of State Board of Education*, at 5 (June 15, 2004), available at http://www.fldoe.org/board/meetings/2004_08_16/Minutes_2004_06_15.pdf; *see also* American Board for Certification of Teacher Excellence, <http://www.abcte.org> (last visited Jan. 15, 2014).

³¹ Section 1012.56(3)(e), F.S.; *see also supra* notes 10 and 11 (approval of accredited and nonaccredited institutions of higher learning). College teaching experience must be full-time. *See supra* text accompanying note 22.

- Bachelor's Degree Level (for certification in a subject area for which state board rule requires a bachelor's or higher degree):
 - Achieving a passing score on the appropriate subject area test required by state board rule;³²
 - For certification in a foreign language for which there is no Florida subject area test (i.e., Arabic, Chinese, Farsi, Greek, Haitian Creole, Hebrew, Hindi, Italian, Japanese, Portuguese, Turkish, and Russian),³³ completing a bachelor's or higher degree and attaining oral and written proficiency scores above the intermediate level on tests administered by the American Council on the Teaching of Foreign Languages (ACTFL),³⁴ or
 - For certification in any other subject area for which there is no Florida subject area test (e.g., Dance), completing the required bachelor's or higher degree and content courses specified in state board rule³⁵ and verification of subject area competence by the district school superintendent or, for a state-supported or private school, the school's chief administrative officer.³⁶
- Master's Degree Level (for certification in a subject area for which state board rule requires a master's or higher degree): Completing the required master's or higher degree and content courses specified in state board rule and achieving a passing score on the corresponding subject area test.³⁷
- Out-of-State Certification: Having a valid professional standard teaching certificate issued for a subject area by another U.S. state or territory, by NBPTS, or by ABCTE, if the certificate is comparable to the Florida certificate issued for the same subject area.³⁸

Demonstration of Mastery of Professional Preparation and Education Competence

Mastery of professional preparation and education competence may be demonstrated through any of the following methods:

- Completing an approved teacher preparation program at a postsecondary educational institution in Florida, or a teacher preparation program from an out-of-state accredited or DOE-approved institution, and achieving a passing score on the Professional Education Test required by state board rule;³⁹

³² Section 1012.56(5)(a), F.S. The Florida Teacher Certification Examinations include 44 subject area tests. Florida Department of Education, *Florida Teacher Certification Examinations*, <https://app1.fldoe.org/ftce/Portal/FtceTests.aspx> (last visited Jan. 15, 2014); see also Florida Department of Education, *Competencies and Skills Required for Teacher Certification in Florida*, *supra* note 26, ss. 1-63; see also rule 6A-4.0021(9), F.A.C. (scoring of subject area tests).

³³ The State Board of Education has approved certification subject areas in Latin and 14 world languages. Rule 6A-4.0243, F.A.C. The state board has specific authority to develop subject area tests for each of the 14 world languages. Section 1012.56(5)(a), F.S. The DOE has developed subject area tests for French, German, Latin, and Spanish. See *supra* text accompanying note 32.

³⁴ Section 1012.56(5)(b), F.S.; rule 6A-4.0243(1)(e), F.A.C.; see American Council on the Teaching of Foreign Languages (ACTFL), *Certified Proficiency Testing Program*, <http://www.actfl.org/professional-development/certified-proficiency-testing-program> (last visited Jan. 15, 2014); Language Testing International (ACTFL Language Testing Office), *ACTFL Certified Proficiency Testing Program: Oral And Writing Proficiency Testing for State of Florida Prospective Teachers*, http://dev5.lti-inc.net/acad_fl2n.cfm (last visited Jan. 15, 2014).

³⁵ See, e.g., rule 6A-4.0123, F.A.C. (specialization requirements for certification in dance); see also Florida Department of Education, *Florida Certification Coverages*, <http://www.fldoe.org/edcert/subjlist.asp> (last visited Jan. 15, 2014).

³⁶ Section 1012.56(5)(c), F.S.; rule 6A-4.004(2), F.A.C.

³⁷ Section 1012.56(5)(d), F.S.; see Florida Department of Education, *Florida Certification Coverages*, <http://www.fldoe.org/edcert/subjlist.asp>.

³⁸ Section 1012.56(5)(e) and (f), F.S.; rule 6A-4.002(1)(i)-(j), F.A.C.; Florida Department of Education, *NBPTS Certificate Subjects and Corresponding Subjects in Florida*, <http://www.fldoe.org/edcert/nbpts-chart.asp> (last visited Jan. 15, 2014).

³⁹ Section 1012.56(6)(a) and (b), F.S.; see s. 1004.04, F.S.; rule 6A-4.003(1) and (4), F.A.C. (accreditation of teacher education programs). The Professional Education Test is part of the Florida Teacher Certification Examinations. Rule 6A-4.0021(8), F.S.; *Competencies and Skills*, *supra* note 33, at s. 00.

- Completing a competency-based professional development certification program offered by a school district or Educator Preparation Institute and achieving a passing score on the Professional Education Test;⁴⁰
- Completing 15 semester hours in professional preparation courses specified in state board rule⁴¹ or completing the Professional Training Option for Content Majors;⁴² completing requirements for practical experience in teaching;⁴³ completing an approved professional education competence demonstration program;⁴⁴ and achieving a passing score on the Professional Education Test;⁴⁵
- Having a valid professional standard teaching certificate issued by another U.S. state or territory or by NBPTS;⁴⁶
- Having a valid professional standard teaching certificate issued by ABCTE and completing an approved professional education competence demonstration program;⁴⁷ or
- Completing two semesters of full-time college teaching experience at an accredited community college, state university, or private college or university that awards associate's or higher degrees or at a nonaccredited institution of higher education identified by the DOE as having a quality program.⁴⁸

Professional Certificate Renewal and Reinstatement

A professional certificate must be renewed every five years.⁴⁹ An educator must submit an application,⁵⁰ pay a fee,⁵¹ and earn at least six college credits or 120 inservice points to renew professional certification.⁵² At least three college credits or 60 inservice points must be earned in each

⁴⁰ Section 1012.56(6)(g)-(h), F.S.; see ss. 1004.85 and 1012.56(8), F.S.; rule 6A-5.066(2)(b)1.d. and (c)1.d., F.A.C.

⁴¹ Section 1012.56(6)(f), F.S.; rule 6A-4.006(2)(a), F.A.C. Separate professional preparation course requirements are established for certification in Agriculture (grades 6-12). Rule 6A-4.006(3)(a), F.A.C.

⁴² The Professional Training Option for Content Majors authorizes an approved teacher preparation program at a postsecondary institution in Florida to allow students who do not major in education but do major or minor in a content area (e.g., English major) to satisfy professional preparation course requirements. Rule 6A-5.066(3), F.A.C.

⁴³ Florida Department of Education, *Professional Preparation and Education Competence*, http://www.fldoe.org/edcert/mast_prof.asp, note 24, *supra*; see rules 6A-4.002(5) and 6A-4.006(2)(b), F.A.C.

⁴⁴ Section 1012.56(6)(f), F.S. Each school district must, and a state-supported public or private school may, establish a professional education competence demonstration program that allows the district's or school's instructional staff to demonstrate mastery of professional education competence through a performance evaluation plan, which documents the staff's classroom application and instructional performance. Section 1012.56(8)(b), F.S.

⁴⁵ Section 1012.56(6)(f), F.S.

⁴⁶ Section 1012.56(6)(c)-(d), F.S.; see rules 6A-4.002(1)(i)-(j), F.A.C.; see *supra* note 28 (certificate from U.S. territory is also acceptable); *Professional Preparation and Education Competence*, *supra* note 24.

⁴⁷ Section 1012.56(6)(d), F.S.; rule 6A-4.002(1)(j), F.A.C.; *Professional Preparation and Education Competence*, *supra* note 24; see *supra* notes 30 (American Board for Certification of Teacher Excellence certificate satisfies all requirements for a professional certificate, except the professional education competence demonstration requirement) and 44 (description of professional education competence demonstration program).

⁴⁸ Section 1012.56(6)(e), F.S.; see also *supra* notes 10 and 11 (approval of accredited and nonaccredited institutions of higher learning). College teaching experience must be full time. *Professional Preparation and Education Competence*, *supra* note 24. A non-accredited institution of higher learning is approved as having a quality program if the institution meets one of the following criteria: is accepted for certification purposes by the state department of education where the institution is located; holds a certificate of exemption pursuant to s. 1005.06, F.S.; is a newly created Florida public college or university that offers a bachelor's or higher degree program; is located outside the U.S. and awards a degree that is the equivalent to a bachelor's or higher degree awarded by an accredited or approved institution in the U.S.; or the degree from the institution was accepted by an accredited or approved institution either in transfer or as a basis for admission into the graduate program which resulted in the conferral of a higher degree. Rule 6A-4.003(2), F.A.C.

⁴⁹ Section 1012.585(2)(a), F.S.

⁵⁰ Rule 6A-4.0051(3)(b), F.A.C. The DOE processes certification renewals for individuals who are not employed by district school boards. Section 1012.585(1)(b), F.S. District school boards are responsible for processing certificate renewals for school district employees. Section 1012.585(1)(a), F.S.

⁵¹ The fee for a certification renewal is \$75. Rules 6A-4.0012(1)(a)1. and 6A-4.0051(3)(b), F.A.C.

⁵² Section 1012.585(3)(a), F.S. Applicants may combine college credits and inservice points to meet this requirement. One semester hour of college credit is equivalent to 20 inservice points. Rule 6A-4.0051(1)(a)2., F.A.C. College credits must be earned at an

subject area for which renewal is sought.⁵³ The renewal period may be extended to include two successive renewal periods up to 10 years to enable educators who are certified in three or more subject areas to earn the required credits or inservice points in each subject area.⁵⁴ In addition to credits or inservice points required in the subject area, credits or inservice points may be earned in courses in clinical educator training, literacy and computational skills acquisition, exceptional student education, child development, drug abuse, child abuse, limited English proficiency, dropout prevention, and other topics.⁵⁵

Certification in subject areas may also be renewed by earning a passing score on the corresponding subject area test.⁵⁶ Certification by NBPTS is deemed to meet certification renewal requirements for the life of the certificate, in the corresponding certification subject area.⁵⁷

An expired professional certificate may be reinstated if the applicant:

- Submits an application for reinstatement;
- Submits to fingerprinting and background screening; and
- In the five years immediately preceding the application for reinstatement, completes the college credit and inservice point requirements for renewal and passes the subject area test for each certification area to be reinstated.⁵⁸

If the applicant cannot meet the requirements for reinstatement of an expired professional certificate, he or she may be issued, if qualified, a three-year nonrenewable temporary certificate.⁵⁹ The requirements for reinstating an expired professional certificate are not satisfied by subject area tests or college credits completed for issuance of the expired certificate.⁶⁰

Effect of Proposed Changes

The bill allows a candidate for a certificate to demonstrate mastery of general knowledge by achieving passing scores, as identified in state board rule, on a national or international examination that tests comparable content and relevant standards in verbal, analytical writing, and quantitative reasoning skills. Such examinations include, but are not limited to, the verbal, analytical writing, and quantitative reasoning portions of the Graduate Record Examination (GRE). The passing scores identified in state board rule must be at approximately the same level of rigor as is required to pass the general knowledge examination. The bill also deletes reference to the obsolete College Level Academic Skills Test (CLAST).

The bill more clearly restates methods by which a candidate for certification may demonstrate mastery of subject area knowledge to include:

- For a subject requiring only a bachelor's degree and for which there is a Florida-developed subject area examination, achievement of a passing score on the Florida-developed subject area examination as specified in state board rule;

accredited or state board-approved institution. Inservice points must be earned through participation in state board-approved school district inservice activities. Rule 6A-4.0051(1)(a), F.A.C.; see rule 6A-4.003(1) and (2), F.A.C. (list of approved accrediting agencies and guidelines for nonaccredited approved institutions).

⁵³ Section 1012.585(3)(a), F.S.

⁵⁴ Section 1012.585(c), F.S.; rule 6A-4.0051, F.A.C.

⁵⁵ Section 1012.585(3)(a), F.S.

⁵⁶ Section 1012.585(3)(b), F.S. For the purposes of renewing a professional certificate, passage of a subject area examination is equivalent to three semester hours of college credit. Rule 6A-4.0051(1)(b), F.A.C.

⁵⁷ Section 1012.585(2)(b), F.S.; rule 6A-4.0051(1)(c), F.A.C.

⁵⁸ Section 1012.585(5), F.S.; rule 6A-4.0051(3) and (6), F.A.C.

⁵⁹ Rule 6A-4.004(7), F.A.C.

⁶⁰ Section 1012.585(5), F.S.

- For a subject for which a Florida subject area examination has not been developed, achievement of a passing score on a standardized examination as specified in state board rule, including, but not limited to, oral proficiency and written proficiency examinations administered by the American Council on the Teaching of Foreign Languages;
- For a subject for which a Florida subject area has not been developed or a standardized has not been specified in state board rule, completion of the subject area specialization requirements and verification of the attainment of essential subject matter competencies by the district superintendent or chief administrative officer of the employing private school;
- For a subject requiring a master's or higher degree, completion of the subject area specialization requirements and achievement of a passing score on the Florida-developed subject area examination or a standardized examination specified in state board rule;
- Documentation of a valid professional standard teaching certificate issued by another state; or
- Documentation of a valid certificate issued by the NBPTS or a national educator credentialing board approved by the SBE.

The bill specifies that, to demonstrate mastery of professional preparation and education competence by documentation of two semesters of successful teaching in a Florida College System institution, the candidate must have taught on a full-time basis and must achieve a passing score on the professional education competency examination required by state board rule.

The bill repeals a provision requiring a longitudinal study comparing the performance of teachers who earned a certificate after graduating from a state-approved teacher preparation program, earned a certificate after completing a state-approved professional preparation and education competency program, or held a valid standard teaching certificate issued by another state. The study has been completed.

The bill clarifies that scientifically based reading instruction must be included in the professional education preparation content knowledge provided by a district competency-based professional development certification and education competency program.

With respect to renewal of a professional certificate, the bill clarifies that an applicant may renew a subject area specialization by passing a Florida-developed subject area examination or a standardized examination specified in state board rule if a Florida subject area examination has not been developed.

In addition, the bill requires the SBE to adopt rules that would expand training for renewal of professional certificates for educators who must complete training in teaching students with disabilities.⁶¹ This will allow a teacher who holds a professional certificate to use, or "bank," college credits or inservice points earned through training in teaching students with disabilities, in excess of six semester hours during one certificate-validity period, toward renewal of the professional certificate during subsequent validity periods. For a teacher with a temporary certificate, the rules must allow college credits or inservice points earned through training in teaching of such students to be used toward renewal of the teacher's first professional certificate if the professional certificate is issued without a lapse in time after expiration of the temporary certificate.

The bill conforms terminology in various sections of law to refer to students with limited English proficiency.

The bill requires the SBE to adopt rules that would require a candidate for reinstatement of an expired professional certificate to earn a minimum of one college credit, or the equivalent inservice points, in the area of instruction for teaching students with disabilities. The credit may be included as one of the six college credits the candidate must earn during the five years immediately preceding reinstatement of the expired certificate. In addition, the rules must require the candidate to achieve a passing score on

⁶¹ Current law provides for expanded training for renewal of professional certificates for educators who must complete training in teaching students of limited English proficiency or reading. Section 1012.585(3)(d), F.S.

the Florida-developed subject area examination or, if a Florida subject area examination has not been developed, a standardized examination as specified in state board rule for each subject area to be shown on the reinstated certificate.

Postsecondary Teacher Preparation Programs

Present Situation

The State Board of Education (SBE) must maintain a system for development and approval of teacher preparation programs which allows postsecondary educator preparation institutions to employ varied and innovative educator preparation techniques while being held accountable for producing graduates with the competencies and skills necessary to achieve the state's education goals; help the state's diverse student population meet high standards for academic achievement; maintain safe, secure classroom learning environments; and sustain the state system of school improvement and education accountability.⁶²

There are various teacher preparation programs that individuals may use to receive the training needed to attain teaching credentials, including:⁶³

- Initial Teacher Preparation (ITP) programs: "Traditional" teacher preparation programs that require candidates to demonstrate mastery of subject area knowledge in one or more specific subject areas(s), mastery of general knowledge, and mastery of professional preparation and education competence.
- Educator Preparation Institutes (EPI): Alternative certification programs offered by postsecondary institutions for baccalaureate degree holders. The EPI programs provide professional preparation for career-changers and recent college graduates who do not already possess a Professional Educator Certificate.
- District Professional Development Certification and Education Competency Programs: Cohesive competency-based professional preparation certification programs offered by Florida public school districts by which a school district's instructional staff may satisfy the mastery of professional preparation and education competence requirements.

Candidates applying for admission into a program must:

- Have a grade point average of 2.5 or higher in the general education component of undergraduate studies or have completed a bachelor's degree from an accredited college or university with a minimum 2.5 GPA.⁶⁴
- Pass the General Knowledge Test of the Florida Teacher Certification Examination or, for a graduate level program, obtain a baccalaureate degree from an institution that is accredited or approved pursuant to the rules of the SBE.⁶⁵

Each candidate enrolled in a teacher preparation program must receive instruction and be assessed on the uniform core curricula in his or her area of program concentration during course work and field experiences.⁶⁶ Before program completion, each candidate must demonstrate his or her ability to positively impact student learning growth in the candidate's area or areas of program concentration during a prekindergarten through grade 12 field experience and must pass each portion of the Florida

⁶² Section 1004.04(1), F.S.

⁶³ Florida Department of Education, Educator Preparation, <http://www.fldoe.org/profdev/approval.asp> (last visited Feb. 11, 2014); rule 6A-5.066, F.A.C.

⁶⁴ Section 1004.04(3)(b)1., F.S.

⁶⁵ Section 1004.04(3)(b)2., F.S.

⁶⁶ Section 1004.04(2)(c), F.S.

Teacher Certification Examination required for a professional certificate in the area or areas of program concentration.⁶⁷

All school district personnel and instructional personnel who supervise or direct teacher preparation students during field experience courses or internships must:

- Have evidence of “clinical educator” training;
- Hold a valid professional certificate issued pursuant to law;
- Have at least three years of teaching experience in prekindergarten through grade 12; and
- Have earned an effective or highly effective evaluation or be a peer evaluator under the district’s evaluation approved system.⁶⁸

There are no exceptions established for the credentials instructional personnel must hold in order to supervise or direct teacher preparation students in another state through a Florida online or distance program.

Effect of Proposed Changes

The bill modifies existing requirements for instructional personnel who supervise or direct teacher preparation students during field experience courses or internships to take into consideration courses or internships offered in another state through a Florida online or distance program. Such instructional personnel must have received “clinical educator” training or its equivalent in the state in which the field experience is taking place, hold a valid professional certificate issued by that state, and have at least three years of teaching experience in prekindergarten through grade 12. This will allow an out-of-state, distance-learning teacher preparation student to receive in-person field experience and internship supervision from certified instructional personnel employed by the school where the internship or field experience takes place.

B. SECTION DIRECTORY:

Section 1. Amends s. 1004.04, F.S.; providing requirements for certain instructional personnel who supervise or direct preservice field experience.

Section 2. Amends s. 1012.56, F.S.; deleting obsolete provision and establishing a new provision relating to acceptable means of demonstrating mastery of general knowledge; revising acceptable means of demonstrating mastery of subject area knowledge and professional preparation and education competence; revising components of a competency-based professional development certification program; repealing s. 1012.56(17), F.S.; relating to a certification comparison study.

Section 3. Amends s. 1012.585, F.S.; revising certain requirements for the renewal or reinstatement of a professional certificate.

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

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

⁶⁷ Section 1004.04(2)(d), F.S.

⁶⁸ Section 1004.04(5)(b), F.S.

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

There may be a fiscal impact to the individual teacher depending on the number of professional certificates pursued.

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 19, 2014, the K-12 Subcommittee adopted one amendment to the PCS for HB 433 and reported the PCS, as amended, favorably. The amendment clarifies that scientifically based reading instruction must be included in the professional education preparation content knowledge provided by a district competency-based professional development certification and education competency program.

1 A bill to be entitled
 2 An act relating to educator certification; amending s.
 3 1004.04, F.S.; providing requirements for certain
 4 instructional personnel who supervise or direct
 5 preservice field experience; amending s. 1012.56,
 6 F.S.; deleting an obsolete provision; revising
 7 acceptable means of demonstrating mastery of general
 8 knowledge, subject area knowledge, and professional
 9 preparation and education competence; revising
 10 components of a competency-based professional
 11 development certification and education competency
 12 program; repealing s. 1012.56(17), F.S., relating to a
 13 study to compare the performance of certain
 14 certificateholders; amending s. 1012.585, F.S.;
 15 revising certain requirements for the renewal or
 16 reinstatement of a professional certificate; providing
 17 an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Paragraphs (a) and (b) of subsection (5) of
 22 section 1004.04, Florida Statutes, are amended to read:

23 1004.04 Public accountability and state approval for
 24 teacher preparation programs.—

25 (5) PRESERVICE FIELD EXPERIENCE.—All postsecondary
 26 instructors, school district personnel and instructional

27 | personnel, and school sites preparing instructional personnel
 28 | through preservice field experience courses and internships
 29 | shall meet special requirements. District school boards may pay
 30 | student teachers during their internships.

31 | (a) All individuals in postsecondary teacher preparation
 32 | programs who instruct or supervise preservice field experience
 33 | courses or internships ~~in which a candidate demonstrates his or~~
 34 | ~~her impact on student learning growth~~ shall have the following:
 35 | specialized training in clinical supervision; at least 3 years
 36 | of successful, relevant prekindergarten through grade 12
 37 | teaching, student services, or school administration experience;
 38 | and an annual demonstration of experience in a relevant
 39 | prekindergarten through grade 12 school setting as defined by
 40 | State Board of Education rule.

41 | (b)1. All school district personnel and instructional
 42 | personnel who supervise or direct teacher preparation students
 43 | during field experience courses or internships taking place in
 44 | this state ~~in which candidates demonstrate an impact on student~~
 45 | ~~learning growth~~ must have evidence of "clinical educator"
 46 | training, a valid professional certificate issued pursuant to s.
 47 | 1012.56, and at least 3 years of teaching experience in
 48 | prekindergarten through grade 12 and must have earned an
 49 | effective or highly effective rating on the prior year's
 50 | performance evaluation under s. 1012.34 or be a peer evaluator
 51 | under the district's evaluation system approved under s.
 52 | 1012.34. The State Board of Education shall approve the training

53 requirements.

54 2. All instructional personnel who supervise or direct
 55 teacher preparation students during field experience courses or
 56 internships in another state through a Florida online or
 57 distance program must have received "clinical educator" training
 58 or its equivalent in that state, hold a valid professional
 59 certificate issued by the state in which the field experience
 60 takes place, and have at least 3 years of teaching experience in
 61 prekindergarten through grade 12.

62 Section 2. Subsections (3), (5), and (6) and paragraphs
 63 (a) and (b) of subsection (8) of section 1012.56, Florida
 64 Statutes, are amended to read:

65 1012.56 Educator certification requirements.—

66 (3) MASTERY OF GENERAL KNOWLEDGE.—Acceptable means of
 67 demonstrating mastery of general knowledge are:

68 (a) Achievement of passing scores on the general knowledge
 69 ~~basic skills~~ examination required by state board rule;

70 ~~(b) Achievement of passing scores on the College Level~~
 71 ~~Academic Skills Test earned prior to July 1, 2002;~~

72 (b) ~~(e)~~ Documentation of a valid professional standard
 73 teaching certificate issued by another state;

74 (c) ~~(d)~~ Documentation of a valid certificate issued by the
 75 National Board for Professional Teaching Standards or a national
 76 educator credentialing board approved by the State Board of
 77 Education; ~~or~~

78 (d) ~~(e)~~ Documentation of two semesters of successful, full-

79 time teaching in a Florida College System institution, state
 80 university, or private college or university that awards an
 81 associate or higher degree and is an accredited institution or
 82 an institution of higher education identified by the Department
 83 of Education as having a quality program; or

84 (e) Effective July 1, 2015, achievement of passing scores,
 85 identified in state board rule, on national or international
 86 examinations that test comparable content and relevant standards
 87 in the verbal, analytical writing, and quantitative reasoning
 88 skills, including, but not limited to, the verbal, analytical
 89 writing, and quantitative reasoning portions of the Graduate
 90 Record Examination. Passing scores identified in state board
 91 rule must be at approximately the same level of rigor as is
 92 required to pass the general knowledge examinations.

93 (5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of
 94 demonstrating mastery of subject area knowledge are:

95 (a) For a subject requiring only a baccalaureate degree
 96 for which a Florida-developed subject area examination has been
 97 developed, achievement of a passing score ~~scores~~ on the Florida-
 98 developed subject area examination specified in ~~examinations~~
 99 ~~required by state board rule, which may include, but need not be~~
 100 ~~limited to, world languages in Arabic, Chinese, Farsi, French,~~
 101 ~~German, Greek, Haitian Creole, Hebrew, Hindi, Italian, Japanese,~~
 102 ~~Portuguese, Russian, and Spanish;~~

103 (b) For a subject for which a Florida subject area
 104 examination has not been developed, achievement of a passing

105 score on a standardized examination specified in state board
 106 rule, including, but not limited to, passing scores on both the
 107 oral proficiency and written proficiency examinations ~~Completion~~
 108 ~~of a bachelor's degree or higher and verification of the~~
 109 ~~attainment of an oral proficiency interview score above the~~
 110 ~~intermediate level and a written proficiency score above the~~
 111 ~~intermediate level on a test administered by the American~~
 112 Council on the Teaching of Foreign Languages ~~for which there is~~
 113 ~~no Florida-developed examination;~~

114 (c) For a subject for which a Florida subject area
 115 examination has not been developed or a standardized examination
 116 has not been specified in state board rule, completion of the
 117 subject area specialization requirements specified in state
 118 board rule and verification of the attainment of the essential
 119 subject matter competencies by the district school
 120 superintendent of the employing school district or chief
 121 administrative officer of the employing state-supported or
 122 private school ~~for a subject area for which a subject area~~
 123 ~~examination has not been developed and required by state board~~
 124 ~~rule;~~

125 (d) For a subject requiring a master's or higher degree,
 126 completion of the subject area specialization requirements
 127 specified in state board rule ~~for a subject coverage requiring a~~
 128 ~~master's or higher degree~~ and achievement of a passing score on
 129 the Florida-developed subject area examination or a standardized
 130 examination specified in state board rule;

131 (e) Documentation of a valid professional standard
 132 teaching certificate issued by another state; or

133 (f) Documentation of a valid certificate issued by the
 134 National Board for Professional Teaching Standards or a national
 135 educator credentialing board approved by the State Board of
 136 Education.

137
 138 School districts are encouraged to provide mechanisms for ~~these~~
 139 middle grades ~~school~~ teachers holding only a K-6 teaching
 140 certificate to obtain a subject area coverage for middle grades
 141 through postsecondary coursework or district add-on
 142 certification.

143 (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
 144 COMPETENCE.—Acceptable means of demonstrating mastery of
 145 professional preparation and education competence are:

146 (a) Successful completion of an approved teacher
 147 preparation program at a postsecondary educational institution
 148 within this state and achievement of a passing score on the
 149 professional education competency examination required by state
 150 board rule;

151 (b) Successful completion of a teacher preparation program
 152 at a postsecondary educational institution outside Florida and
 153 achievement of a passing score on the professional education
 154 competency examination required by state board rule;

155 (c) Documentation of a valid professional standard
 156 teaching certificate issued by another state;

157 (d) Documentation of a valid certificate issued by the
 158 National Board for Professional Teaching Standards or a national
 159 educator credentialing board approved by the State Board of
 160 Education;

161 (e) Documentation of two semesters of successful, full-
 162 time teaching in a Florida College System institution, state
 163 university, or private college or university that awards an
 164 associate or higher degree and is an accredited institution or
 165 an institution of higher education identified by the Department
 166 of Education as having a quality program and achievement of a
 167 passing score on the professional education competency
 168 examination required by state board rule;

169 (f) Successful completion of professional preparation
 170 courses as specified in state board rule, successful completion
 171 of a professional preparation and education competence
 172 ~~demonstration~~ program pursuant to paragraph (8)(b), and
 173 achievement of a passing score on the professional education
 174 competency examination required by state board rule;

175 (g) Successful completion of a professional development
 176 ~~preparation-alternative~~ certification and education competency
 177 program, outlined in paragraph (8)(a); or

178 (h) Successful completion of a competency-based ~~an~~
 179 ~~alternative~~ certification program pursuant to s. 1004.85 and
 180 achievement of a passing score on the professional education
 181 competency examination required by rule of the State Board of
 182 Education.

183 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION
 184 COMPETENCY PROGRAM.—

185 (a) The Department of Education shall develop and each
 186 school district may provide a cohesive competency-based
 187 professional development certification and education competency
 188 program by which members of a school district's instructional
 189 staff may satisfy the mastery of professional preparation and
 190 education competence requirements specified in ~~this~~ subsection
 191 (6) and rules of the State Board of Education. Participants must
 192 hold a state-issued temporary certificate. A school district
 193 that implements the program shall provide a competency-based
 194 certification program developed by the Department of Education
 195 or developed by the district and approved by the Department of
 196 Education. The program shall include the following ~~components~~:

197 1. A minimum period of initial preparation before assuming
 198 duties as the teacher of record.

199 2. An option for collaboration between school districts
 200 and other supporting agencies or educational entities for
 201 implementation.

202 3. An experienced peer-mentor component ~~peer mentors~~. Each
 203 individual selected by the district as a peer mentor must hold a
 204 valid professional certificate issued pursuant to this section,
 205 must have earned at least 3 years of teaching experience in
 206 prekindergarten through grade 12, and must have earned an
 207 effective or highly effective rating on the prior year's
 208 performance evaluation under s. 1012.34 or be a peer evaluator

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209 under the district's evaluation system approved under s.
 210 1012.34.

211 4. An assessment of teaching performance aligned to the
 212 district's system for personnel evaluation under s. 1012.34
 213 which provides for:

214 a. An initial evaluation of each educator's competencies
 215 to determine an appropriate individualized professional
 216 development plan.

217 b. A summative evaluation to assure successful completion
 218 of the program.

219 5. Professional education preparation content knowledge
 220 that includes, but is not limited to, the following:

221 a. The state ~~state-adopted student content~~ standards
 222 provided under s. 1003.41, including scientifically based
 223 reading instruction, content literacy, and mathematical
 224 practices, for each subject identified on the temporary
 225 certificate.

226 b. The educator-accomplished practices approved by the
 227 state board.

228 c. A variety of data indicators for monitoring student
 229 progress.

230 d. Methodologies for teaching students with disabilities.

231 e. Methodologies for teaching students of limited English
 232 proficiency ~~English language learners~~ appropriate for each
 233 subject area identified on the temporary certificate.

234 f. Techniques and strategies for operationalizing the role

235 of the teacher in assuring a safe learning environment for
 236 students.

237 6. Required achievement of passing scores on the subject
 238 area and professional education competency examination required
 239 by State Board of Education rule. Mastery of general knowledge
 240 must be demonstrated as described in subsection (3).

241 (b)1. Each school district must and a state supported
 242 public school or a private school may develop and maintain a
 243 system by which members of the instructional staff may
 244 demonstrate mastery of professional preparation and education
 245 competence as required by law. Each program must be based on
 246 classroom application of the Florida Educator Accomplished
 247 Practices and instructional performance and, for public schools,
 248 must be aligned with the district's evaluation system approved
 249 under s. 1012.34.

250 2. The Commissioner of Education shall determine the
 251 continued approval of programs implemented under this paragraph,
 252 based upon the department's review of performance data. The
 253 department shall review the performance data as a part of the
 254 periodic review of each school district's professional
 255 development system required under s. 1012.98.

256 Section 3. Subsection (17) of section 1012.56, Florida
 257 Statutes, is repealed.

258 Section 4. Subsections (3) and (5) of section 1012.585,
 259 Florida Statutes, are amended to read:

260 1012.585 Process for renewal of professional

261 certificates.—

262 (3) For the renewal of a professional certificate, the
 263 following requirements must be met:

264 (a) The applicant must earn a minimum of 6 college credits
 265 or 120 inservice points or a combination thereof. For each area
 266 of specialization to be retained on a certificate, the applicant
 267 must earn at least 3 of the required credit hours or equivalent
 268 inservice points in the specialization area. Education in
 269 "clinical educator" training pursuant to s. 1004.04(5)(b) and
 270 credits or points that provide training in the area of
 271 scientifically researched, knowledge-based reading literacy and
 272 computational skills acquisition, exceptional student education,
 273 normal child development, and the disorders of development may
 274 be applied toward any specialization area. Credits or points
 275 that provide training in the areas of drug abuse, child abuse
 276 and neglect, strategies in teaching students having limited
 277 proficiency in English, or dropout prevention, or training in
 278 areas identified in the educational goals and performance
 279 standards adopted pursuant to ss. 1000.03(5) and 1008.345 may be
 280 applied toward any specialization area. Credits or points earned
 281 through approved summer institutes may be applied toward the
 282 fulfillment of these requirements. Inservice points may also be
 283 earned by participation in professional growth components
 284 approved by the State Board of Education and specified pursuant
 285 to s. 1012.98 in the district's approved master plan for
 286 inservice educational training, including, but not limited to,

287 serving as a trainer in an approved teacher training activity,
 288 serving on an instructional materials committee or a state board
 289 or commission that deals with educational issues, or serving on
 290 an advisory council created pursuant to s. 1001.452.

291 (b) In lieu of college course credit or inservice points,
 292 the applicant may renew a subject area specialization ~~area~~ by
 293 passage of a state board approved Florida-developed subject area
 294 examination or, if a Florida subject area examination has not
 295 been developed, a standardized examination specified in state
 296 board rule test.

297 (c) If an applicant wishes to retain more than two
 298 specialization areas on the certificate, the applicant shall be
 299 permitted two successive validity periods for renewal of all
 300 specialization areas, but must earn no fewer than 6 college
 301 course credit hours or the equivalent in any one validity
 302 period.

303 (d) The State Board of Education shall adopt rules for the
 304 expanded use of training for renewal of the professional
 305 certificate for educators who are required to complete training
 306 in teaching students of limited English proficiency or students
 307 with disabilities and training in the teaching of reading as
 308 follows:

309 1. A teacher who holds a professional certificate may use
 310 college credits or inservice points earned through training in
 311 teaching students of limited English proficiency or students
 312 with disabilities ~~completed in English for Speakers of Other~~

313 ~~Languages training~~ and training in the teaching of reading in
 314 excess of 6 semester hours during one certificate-validity
 315 period toward renewal of the professional certificate during the
 316 subsequent validity periods.

317 2. A teacher who holds a temporary certificate may use
 318 college credits or inservice points earned through training in
 319 teaching students of limited English proficiency or students
 320 with disabilities ~~completed in English for Speakers of Other~~
 321 ~~Languages training~~ and training in the teaching of reading
 322 toward renewal of the teacher's first professional certificate.
 323 Such training must not have been included within the degree
 324 program, and the teacher's temporary and professional
 325 certificates must be issued for consecutive school years.

326 (e) Beginning July 1, 2014, an applicant for renewal of a
 327 professional certificate must earn a minimum of one college
 328 credit or the equivalent inservice points in the area of
 329 instruction for teaching students with disabilities. The
 330 requirement in this paragraph may not add to the total hours
 331 required by the department for continuing education or inservice
 332 training.

333 (5) The State Board of Education shall adopt rules to
 334 allow the reinstatement of expired professional certificates.
 335 The department may reinstate an expired professional certificate
 336 if the certificateholder:

337 (a) Submits an application for reinstatement of the
 338 expired certificate.

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339 (b) Documents completion of 6 college credits during the 5
 340 years immediately preceding reinstatement of the expired
 341 certificate, completion of 120 inservice points, or a
 342 combination thereof, in an area specified in paragraph (3)(a) to
 343 include the credit required under paragraph (3)(e).

344 (c) During the 5 years immediately preceding reinstatement
 345 of the certificate, achieves a passing score on the Florida-
 346 developed subject area examination or, if a Florida subject area
 347 examination has not been developed, a standardized examination
 348 specified in state board rule ~~test~~ for each subject to be shown
 349 on the reinstated certificate.

350
 351 The requirements of this subsection may not be satisfied by
 352 subject area examinations ~~tests~~ or college credits completed for
 353 issuance of the certificate that has expired.

354 Section 5. This act shall take effect July 1, 2014.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 851 Resident Status for Tuition Purposes
SPONSOR(S): Higher Education & Workforce Subcommittee; Nuñez and others
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Higher Education & Workforce Subcommittee	12 Y, 0 N, As CS	Sherry	Sherry
2) Education Appropriations Subcommittee		Garner <i>gj</i>	Heflin <i>Ad</i>

SUMMARY ANALYSIS

The bill revises provisions relating to the determination of resident status for tuition purposes.

The bill provides that a United States citizen who is a dependent child may not be denied classification as a resident for tuition purposes based solely upon the immigration status of his or her parent. It amends the definitions of "dependent child" and "parent" regarding establishing residency for tuition purposes.

The bill also clarifies that postsecondary institutions may satisfy the verification requirement of documents by accepting an affidavit that requires the person claiming residence to submit specific information. Furthermore, once any institution of higher education in the state classifies a student as a resident for tuition purposes or verifies that a student meets specific criteria established in law, an institution of higher education would not be required to reevaluate the classification status of a student so long as there is no inconsistent information suggesting an erroneous classification and there is no break in the student's enrollment of 12 months or longer.

The bill clarifies that a student who resides in Florida may be classified as a resident for tuition purposes if he or she marries a person who qualifies as a resident for tuition purposes. It also allows a student who has been classified as a nonresident to reclassify as a resident upon subsequently marrying a person who already qualifies as a resident for tuition purposes.

For a dependent child living with an adult relative who is a Florida resident and who is not the child's parent, the bill reduces the amount of time the child must live with the relative in order to use the relative's documentation to establish residency for tuition purposes from five years to three years.

The bill removes the classification of certain types of students as residents for tuition purposes and instead provides that these students are not required to pay out-of-state fees. The bill also adds the following types of students to those who are not required to pay out-of-state fees:

- Individuals who receive certain tuition waivers and exemptions under Florida law;
- Veterans of the United States Armed Forces, including reserve components, who physically reside in Florida while enrolled in a Florida postsecondary institution; and
- Students who attend a Florida high school for 3 consecutive years and enroll in a postsecondary institution within 24 months after graduation, provided they submit their high school transcript as documentary evidence of attendance and graduation.

Students who are not required to pay out-of-state fees under the new provisions may be reported for purposes of state funding and may be eligible for state financial aid or tuition assistance grants if they meet specific eligibility requirements for federal financial aid.

The bill clarifies that the Board of Governors must adopt regulations, instead of rules, to implement the section.

The fiscal impact of the bill is indeterminate at this time.

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

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

STORAGE NAME: h0851b.EDAS.DOCX

DATE: 2/24/2014

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Current law requires students to be classified as residents or nonresidents for the purpose of assessing tuition in postsecondary educational programs offered by charter technical career centers, career centers operated by school districts, Florida College System institutions, and state universities. Students pay differing tuition rates based on their status as a resident or nonresident of Florida.¹

Applicants to a postsecondary institution must meet certain qualifying standards in order to be classified as a resident of Florida for tuition purposes. The applicant, or in the case of a dependent child, his or her parents,² must establish legal residence in Florida and must have maintained legal residence for at least 12 consecutive months immediately prior to the applicant's enrollment in a postsecondary institution.³

Each postsecondary institution determines the residency status of the students who apply for admission to the institution.⁴ Each applicant must provide to the institution a statement of length of residence and establish that his or her presence in the state is for the purpose of maintaining a bona fide domicile and not as a temporary residence or residence incident to enrollment.⁵

Documentation of residency for tuition purposes

An applicant seeking an initial determination of residency must submit two or more documents evidencing residency to the institution. For students who are eligible to be claimed as a dependent under the federal income tax code (regardless of whether they are claimed or not), the applicant's parent (not the applicant) must submit documentation evidencing length of residency in Florida. No one document, alone, may be considered as conclusively establishing Florida residency for tuition purposes.⁶ At least one of the following must be provided by the applicant or the applicant's parent if the applicant is a dependent:

- A Florida voter's registration card;
- A Florida driver's license;
- A State of Florida identification card;
- A Florida vehicle registration;
- Proof of a permanent home in Florida which is occupied as a primary residence by the individual or by the individual's parent if the individual is a dependent child;
- Proof of a homestead exemption in Florida;
- Transcripts from a Florida high school for multiple years if the Florida high school diploma or GED was earned within the last 12 months; or
- Proof of permanent full-time employment in Florida for at least 30 hours per week for a 12-month period.⁷

¹ See Sections 1009.22, 1009.23, and 1009.24, F.S. Out-of-state tuition is established by each university board of trustees, subject to the approval of the BOG. Section 1009.24(4)(c), F.S.

² The legal residence of a dependent child's parents is prima facie evidence of the dependent child's residence. Section 1009.21(4), F.S.

³ Section 1009.21(2)(a)1., F.S. A legal resident, for purposes of tuition, is a person who has maintained his or her residence in Florida for the preceding year, has purchased a home which is occupied by him or her as his or her residence, or has established a domicile in Florida pursuant to s. 222.17, F.S. Section 1009.21(1)(d), F.S.

⁴ Section 1009.21(3)(c), F.S.

⁵ Section 1009.21(2)(a)2., F.S. Each institution must also establish a residency appeal committee under s. 1009.21(12), F.S.

⁶ Section 1009.21(3)(c), F.S.

⁷ Section 1009.21(3)(c)1., F.S.

One or more of the following documents may be provided by the applicant:

- A declaration of domicile in Florida;
- A Florida professional or occupational license;
- Florida incorporation;
- A document evidencing family ties in Florida;
- Proof of membership in a Florida-based charitable or professional organization; or
- Any other documentation that supports the student's request for resident status, including, but not limited to, utility bills and proof of 12 consecutive months of payments, a lease agreement and proof of 12 consecutive months of payments, or an official state, federal, or court document evidencing legal ties to Florida⁸

Implementation of Residency Requirements

Present Situation

The State Board of Education (SBE) and Florida Board of Governors (BOG) must adopt rules to implement the provisions of Section 1009.21, F.S.⁹ Accordingly, the SBE has adopted Rule 6A-10.044, F.A.C., "Residency for Tuition Purposes." The BOG has adopted a similar set of provisions under Rule 72.1001, F.A.C., also entitled "Residency for Tuition Purposes."¹⁰ Each rule establishes requirements for determining residency for tuition purposes.

Federal law provides that an "alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefits unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident."¹¹

Ruiz v. Robinson

In 2011, a group of five dependent, U.S. citizen residents of Florida filed a lawsuit against the SBE and the BOG challenging the above-referenced rule and regulation promulgated by both boards. The plaintiffs had applied to attend various postsecondary institutions in Florida,¹² but were denied residency status by the institutions application of the rules because the plaintiffs' parents could not establish legal immigration status.¹³ The plaintiffs claimed in their lawsuit that the rules are unconstitutional because they violate the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

The court held that the State cannot deny in-state residency status to a U.S. citizen resident of Florida based upon his or her parent's inability to prove their own legal presence in the country. While the court stated the definition of "legal resident" under Section 1009.21, F.S. is facially neutral; it found that the additional criteria set forth in the challenged rules, as implemented by the institutions, denied the Plaintiffs the same benefits and opportunities as similarly situated individuals.¹⁴ Therefore, the rules, insofar as they require dependent United States citizen students who are residents of Florida to establish the immigration status of their Florida resident parents, were found to violate the Equal Protection Clause of the Fourteenth Amendment. The court also enjoined the BOG and the SBE from

⁸ Section 1009.21(3)(c)2., F.S.

⁹ Section 1009.21(13), F.S.

¹⁰ The Florida Board of Governors also adopted Regulation 7.005 in 2011 with language that is identical to Rule 72.1001, F.A.C.

¹¹ 8 U.S.C. § 1623, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

¹² The institutions included Florida International University, Miami-Dade College, and Palm Beach State College.

¹³ 892 F. Supp. 2d 1321 (S.D. Fla. 2012).

¹⁴ *Ruiz v. Robinson* at 1333.

interpreting the rules in a way that would require such students to establish the immigration status of their Florida-resident parents.¹⁵

The court clarified that the order would not preclude the State from requiring proof of Florida residency from a student and the student's parents in order to classify the student as a resident for tuition purposes.¹⁶

The court also noted that the SBE or BOG could not use the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PROWRA) as justification for requiring proof of a parent's legal presence in the country because that law merely precludes unlawful *aliens*, not U.S. citizens, from receiving tuition benefits. Since the children in this case were U.S. citizens and the tuition benefit accrues to the child and not the parent, PROWRA was inapplicable.¹⁷

Effect of Proposed Changes

The bill provides that a United States citizen, who is a dependent child, may not be denied classification as a resident for tuition purposes based solely upon the immigration status of his or her parent. This, in effect, codifies the holding in *Ruiz v. Robinson*.¹⁸

Definitions

Present Situation

A "dependent child" is defined as any person, whether or not living with his or her parent, who is eligible to be claimed by his or her parent as a dependent under the federal income tax code.¹⁹ A "parent," in the context of establishing residency for tuition purposes, is defined as the natural or adoptive parents or legal guardian of a dependent child.²⁰ However, the federal income tax code allows a stepparent to claim a stepson or stepdaughter as a dependent.²¹

For purposes of determining eligibility for federal financial aid, an independent student is one of the following: at least 24 years old, married, a graduate or professional student, a veteran, a member of the armed forces, an orphan, a ward of the court, someone with legal dependents other than a spouse, an emancipated minor, or someone who is homeless or at risk of becoming homeless.²²

Effect of Proposed Changes

The bill amends the definition of "dependent child" to include any person who is not deemed an independent for purposes of federal financial aid. This would help to promote consistency and avoid discrepancy between the determination of dependent or independent status for residency purposes and the determination of such status for federal financial aid purposes. It also amends the definition of "parent" to include stepparents to align with the federal income tax code definition.

¹⁵ Final Judgment in *Ruiz v. Robinson*. Docket Document 109, 1:11-cv-23776-KMM, Federal District Court, Southern District of Florida.

¹⁶ *Id.* at 8-9.

¹⁷ *Id.* at 9.

¹⁸ 892 F. Supp. 2d 1321 (S.D. Fla. 2012).

¹⁹ Section 1009.21(1)(a), F.S.

²⁰ Section 1009.21(1)(f), F.S.

²¹ 26 U.S.C. s. 152.

²² U.S. Department of Education, *Federal Student Aid Glossary*, available at <http://studentaid.ed.gov/glossary> (last visited Feb. 27, 2014).

Verification of documents by postsecondary institutions

Present Situation

Public postsecondary institutions must affirmatively determine that an applicant granted admission to that institution meets the residency requirements.²³ Residency determination must be documented by the submission of written or electronic verification that includes two or more documents including either a Florida voter registration card, a Florida driver's license, a State of Florida identification card, a Florida vehicle registration, proof of a permanent home in Florida occupied as a primary residence, proof of a homestead exemption, a Florida high school transcript, or proof of permanent full-time employment in Florida.²⁴

Currently, the residency affidavit submitted by applicants provides for the person claiming residency to verify his or her voter registration card, driver's license, identification card, or vehicle registration by the state of issuance, number, original issue date and current issue date. In lieu of requiring the claimant to produce verified documents from the various state agencies responsible for issuing the documents, which could result in great expense and delay to the student and the claimant, postsecondary institutions have been using the residency affidavit to satisfy the electronic verification requirement in the statute.²⁵ There have been differing interpretations by some state auditors as to what constitutes "electronic verification" of this information.

Effect of Proposed Changes

The bill clarifies that postsecondary institutions may satisfy the verification requirement for documents by accepting an affidavit that requires the person claiming residence to submit specific information.

Children who reside with an adult (non-parent) relative

Present Situation

A dependent child living with an adult relative, who is not the child's parent, may be classified as a resident for tuition purposes if the child has lived with the adult relative for five consecutive years immediately prior to initial enrollment at an institution of higher education and the adult relative must have maintained legal residence in Florida for at least 12 months prior to the child's enrollment.²⁶

Effect of Proposed Changes

For a dependent child living with an adult relative who is not the child's parent, the bill reduces from five years to three years the amount of time the child must live with the relative in order to use the adult relative's documentation to qualify as a resident for tuition purposes. The three year requirement aligns with other time periods established in the bill.

Effect of marital status on residency for tuition purposes

Present Situation

A student may not be denied legal resident status solely by reason of marriage to a person domiciled in another state, so long as the student remains a legal resident of Florida.²⁷ Conversely, a student cannot

²³ Section 1009.21(3)(c), F.S.

²⁴ *Id.*

²⁵ Email, State University System of Florida, Board of Governors (Feb. 5, 2014).

²⁶ Section 1009.21(2)(b), F.S.

²⁷ Section 1009.21(5)(a), and (6)(d), F.S.

establish legal residence in this state solely by reason of marriage to a person domiciled in this state.²⁸ Florida law also provides that, upon becoming a legal resident, a student may reclassify as a resident for tuition purposes if his or her spouse is already a legal resident.²⁹

Effect of Proposed Changes

The bill clarifies when a person may be classified or reclassified, due to marriage, as a resident for tuition purposes. A person residing in Florida may be classified as a resident for tuition purposes if he or she marries a person who meets the 12-month residency requirement and otherwise qualifies as a resident for tuition purposes. A person may be reclassified as a resident for tuition purposes if the person submits evidence of: his or her own physical residence in the state and marriage to a person who qualifies as a resident for tuition purposes.

Reevaluation of residency status

Present Situation

Currently, if the parents of a dependent student establish a domicile in another state after the student has been classified as a Florida resident for tuition purposes, the student loses his or her resident status. However, the student is provided a one-year grace period, measured from the date the circumstances resulting in the loss of residency status arose, during which the student continues to maintain in-state tuition rates.³⁰

Effect of Proposed Changes

The bill provides that once any institution of higher education in the state classifies a student as a resident for tuition purposes or verifies that a student meets specific criteria established in law, an institution of higher education would not be required to reevaluate the classification status of a student so long as there is no inconsistent information suggesting an erroneous classification and there is no break in the student's enrollment of 12 months or longer.

Residency of individuals eligible for tuition exemptions and waivers

Present Situation

Under current law, certain persons are eligible for tuition exemptions and waivers, including:

- Individuals who are homeless;³¹
- Individuals who were in the custody of the Department of Children and Families at the time they reached 18 years of age;³²
- Individuals who were in the custody of a relative under s. 39.5085, F.S., at the time they reached 18 years of age or who were adopted from the Department of Children and families after May 5, 1997;³³
- Individuals who have been wrongfully incarcerated;³⁴
- Dependents or spouses of firefighters killed in the line of duty;³⁵ and

²⁸ Section 1009.21(5)(b), F.S.

²⁹ Section 1009.21,(6)(d), F.S. The student must submit evidence of his or her own residency in this state, evidence of his marriage to the spouse, and evidence of the spouse's legal residency in the state for at least 12 consecutive months immediately preceding the application for reclassification.

³⁰ Section 1009.21(8), F.S.

³¹ Section 961.06(1)(b), F.S.

³² Section 1009.25(1)(c), F.S.

³³ Section 1009.25(1)(d), F.S.

³⁴ Section 1009.25(1)(f), F.S.

³⁵ Section 112.191(3), F.S.

- Dependents or spouses of law enforcement, correctional, or correctional probation officers killed in the line of duty.³⁶

Although these individuals are legal residents of Florida, it can be difficult, or even impossible, for them to compile and provide documentation establishing their residence in Florida for tuition purposes. Consequently, institutions may grant the exemption or waiver to the student as a non-resident student. Currently, there are no provisions under Florida law automatically classifying persons eligible for these tuition exemptions and waivers as residents for tuition purposes.

Effect of Proposed Changes

Under the bill, individuals who receive a tuition exemption or waiver are no longer classified as residents for tuition purposes. However, such students are not required to pay out-of-state fees so long as they remain eligible for the exemption or waiver. This would eliminate the burden borne by students and institutions regarding classification of residency based on the submission of various documents to which these individuals may not have access. The bill also stipulates that these students may be reported for purposes of state funding and may be eligible for state financial aid awards and tuition assistance grants provided that they are U.S. citizens, permanent residents, or have lawful immigration status.

Veterans in Florida

Present Situation

Florida law also classifies certain individuals as Florida residents for tuition purposes without requiring the individuals to submit the above-described documentation under Section 1009.21(3)(c), F.S. Such individuals include:

- Active duty members of the Armed Services of the United States residing or stationed in this state, their spouses, and dependent children, and active drilling members of the Florida National Guard.
- Active duty members of the Armed Services of the United States and their spouses and dependents attending a Florida College System institution or state university within 50 miles of the military establishment where they are stationed, if such military establishment is within a county contiguous to Florida.
- United States citizens living on the Isthmus of Panama, who have completed 12 consecutive months of college work at the Florida State University Panama Canal Branch, and their spouses and dependent children.
- Full-time instructional and administrative personnel employed by state public schools and institutions of higher education and their spouses and dependent children.
- Students from Latin America and the Caribbean who receive scholarships from the federal or state government. Any student classified pursuant to this paragraph shall attend, on a full-time basis, a Florida institution of higher education.
- Southern Regional Education Board's Academic Common Market graduate students attending Florida's state universities.
- Full-time employees of state agencies or political subdivisions of the state when the student fees are paid by the state agency or political subdivision for the purpose of job-related law enforcement or corrections training.
- McKnight Doctoral Fellows and Finalists who are United States citizens.
- United States citizens living outside the United States who are teaching at a Department of Defense Dependent School or in an American International School and who enroll in a graduate level education program which leads to a Florida teaching certificate.

- Active duty members of the Canadian military residing or stationed in this state under the North American Air Defense (NORAD) agreement, and their spouses and dependent children, attending a Florida College System institution or state university within 50 miles of the military establishment where they are stationed.
- Active duty members of a foreign nation's military who are serving as liaison officers and are residing or stationed in this state, and their spouses and dependent children, attending a Florida College System institution or state university within 50 miles of the military establishment where the foreign liaison officer is stationed.³⁷

Under current law, however, veterans must meet the residency requirements set forth under s. 1009.21(2), F.S., in order to be eligible for in-state tuition rates.³⁸

Section 1.01(14), F.S., defines the term veteran as:

a person who served in the active military, naval, or air service and who was discharged or released therefrom under honorable conditions only or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans Affairs on individuals discharged or released with other than honorable discharges.

Florida is tied with Texas for the second largest population of veterans in the nation at 1.6 million. Only California has a larger population of veterans, at 2 million.³⁹

Effect of Proposed Changes

Under the bill, veterans of the Armed Services of the United States, including reserves, who physically reside in Florida while enrolled in a Florida institution of higher education, are not required to pay the out-of-state fees ordinarily charged to non-resident students. Consequently, veterans would not have to maintain legal residence for 12 months prior to enrollment in order to qualify for in-state tuition.

Florida High School Graduates

Present Situation

Currently, transcripts from a Florida high school for multiple years may be used as one piece of documentation for students trying to establish residency for tuition purposes.⁴⁰ However, in addition to the high school transcripts, students who are dependents must provide a second piece of documentation that attests to the residency of their parents or legal guardians. This may be difficult for students whose parents are estranged, unwilling to provide documentation, or are undocumented immigrants. Since no one document, alone, may be considered as conclusively establishing Florida residency for tuition purposes,⁴¹ many Florida high school graduates who have lived in Florida for multiple years cannot provide the required documentation and are classified as out-of-state students. This has been a particularly difficult problem for students who are undocumented immigrants that were brought to the United States by their parents as a child.

Several states currently have laws, referred to as tuition equity, that permit certain undocumented students who have attended and graduated from their primary and secondary schools to pay the same

³⁷ Section 1009.21(10), F.S.

³⁸ To establish residency for tuition purposes, a person, or if that person is a dependent child, his or her parent, to establish legal residence in Florida and maintain legal residence in Florida for at least 12 consecutive months immediately prior to initial enrollment in an institution of higher education. Section 1009.21(2)(a)1., F.S.

³⁹ United States Census Bureau, *A Snapshot of Our Nation's Veterans*, available at: <http://www.census.gov/how/infographics/veterans.html> (Last visited Feb. 14, 2014)

⁴⁰ Section 1009.21(3)(c), F.S.

⁴¹ *Id.*

tuition as their classmates at public institutions of higher education. A majority of America's undocumented immigrants live in these states, and several other states are considering similar policies.⁴²

Tuition equity laws generally allow students who attend and graduate from a high school in a state, and who meet other specified criteria, to pay in-state tuition rates, regardless of their immigration status. Currently, **17 states** have provisions allowing for in-state tuition rates for undocumented students. Fifteen states—California, Colorado, Connecticut, Illinois, Kansas, Maryland, Minnesota, Nebraska, New Jersey, New Mexico, New York, Oregon, Texas, Utah, and Washington— extend in-state tuition rates to undocumented students through state legislation. Two states—Oklahoma and Rhode Island— allow in-state tuition rates to undocumented students through Board of Regents decisions.⁴³

The states that have passed laws to allow undocumented students to receive in-state tuition delineate requirements for eligibility. In general, students must live in state and attend high school for a specified period (1-4 years), and graduate or receive their GED. Students must be accepted to a public college or university, and must sign an affidavit stating their intention to file for legal immigration status. Only 3 states—California, New Mexico and Texas—currently allow undocumented students to receive state financial aid. Students without legal immigrant status are ineligible for federal financial aid.⁴⁴

The 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) states, "...an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident."⁴⁵

The states that have enacted laws granting in-state tuition rates to undocumented students have worded the legislation so that it is contingent on high school attendance and graduation, and not based on residency within the state. Since legal United States residents are also entitled to in-state tuition rates based on the same criteria, the states claim that their laws do not violate the IIRIRA. The California Supreme Court upheld California's law that grants in-state tuition rates to eligible undocumented students.⁴⁶

Effect of Proposed Changes

The bill provides that students who attend a Florida high school for 3 consecutive years and enroll in an institution of higher education within 24 months after graduation are not required to pay out-of-state fees, provided they submit their high school transcript as documentary evidence of attendance and graduation. While these students are not classified as residents for tuition purposes, they may be reported for purposes of state funding and may be eligible for state financial aid if they are able to show proof of U.S. citizenship, permanent resident status, or lawful immigration status.

⁴² National Immigration Law Center, *Facts About In-state Tuition*, available at: <http://www.nilc.org/fsinstat.html> (Last visited Feb. 7, 2014)

⁴³ National Council of State Legislatures, *Undocumented Student Tuition: Overview*, available at: <http://www.ncsl.org/research/education/undocumented-student-tuition-overview.aspx> (Last visited Feb. 7, 2014)

⁴⁴ National Council of State Legislatures, *Undocumented Student Tuition: State Action*, available at: <http://www.ncsl.org/research/education/undocumented-student-tuition-state-action.aspx> (Last visited Feb. 7, 2014)

⁴⁵ Pub. L. No. 104-208, 110 Stat. 3009-546 (Sept. 30, 1996).

⁴⁶ National Council of State Legislatures, *Undocumented Student Tuition: Federal Action*, available at: <http://www.ncsl.org/research/education/undocumented-student-tuition-federal-action.aspx> (Last visited Feb. 7, 2014)

Eligibility for State Financial Aid and Tuition Assistance Grants

Present Situation

Section 1009.40(1)(a), F.S., outlines the general requirements for student eligibility for state financial aid awards and tuition assistance grants. More specifically, classification as a Florida resident for tuition purposes is one of the requirements for eligibility for 13 different state financial aid awards or tuition assistance grants, including but not limited to need-based Florida student assistance grants, Bright Futures scholarships, and the Florida Resident Access Grant.⁴⁷

Effect of Proposed Changes

Under the bill, students who are no longer classified as residents for tuition purposes and are not required to pay out-of-state fees may be reported for state funding and may be eligible for state financial aid or tuition assistance grants if they submit proof of United States citizenship, permanent resident status, or other immigration status that permits receipt of federal financial aid.

This limitation is consistent with the current federal policy that students without legal immigration status are not eligible for federal student aid. The limitation does not impact financial aid eligibility for students who are classified as residents for tuition purposes under existing law, but undocumented students who are unable to show proof of lawful immigration status would not be eligible for state financial aid awards or tuition assistance grants.

B. SECTION DIRECTORY:

Section 1. Amends s. 1009.21, F.S., revising provisions relating to the establishment of residency for tuition purposes; reducing the five-year requirement for children living with resident, non-parent relatives; allowing students to maintain established resident status; amending the definition of "dependent child"; amending the definition of "parent"; providing that the state may not deny a U.S. citizen resident of Florida residency status for tuition purposes based solely on the immigration status of his or her parent; permitting institutions to satisfy document verification requirement based on submission of affidavit by person claiming residency; clarifying provisions on residency for tuition purposes pertaining to marital status; granting residency status to veterans of the U.S. Armed Forces who physically reside in Florida while enrolled in a Florida institution of higher learning; granting residency status to individuals eligible for certain tuition waivers and exemptions under Florida law; granting residency status for students who meet certain graduation, enrollment, and residency documentation requirements; requiring the Board of Governors to adopt regulations implementing the section.

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.

⁴⁷ S. 1009.40(1)(a)2. Specifies that students must show proof of residency in this state for no less than 1 year preceding the award of aid or a tuition assistance grant for a program established pursuant to ss. 1009.50, 1009.505, 1009.51, 1009.52, 1009.53, 1009.56, 1009.60, 1009.62, 1009.72, 1009.73, 1009.77, 1009.89, and 1009.891, F.S.

2. Expenditures:

The fiscal impact is indeterminate as it is difficult to identify the number of students who meet the criteria outlined in the bill, but are not currently enrolled in or who would be reclassified at an institution of higher education.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill would allow veterans and specified Florida high school graduates, who would otherwise be unable to establish Florida residency for tuition purposes, to pay lower, in-state tuition rates at state universities and Florida College System institutions.

Student Veterans of State Universities

For the 2013-2014 academic year, the average cost of SUS undergraduate tuition and fees for two semesters (30 credit hours) is \$6,155 for residents and \$21,434 for non-residents. For graduate students, the average cost of tuition and fees for two semesters (24 hours) is \$10,262 for residents and \$25,138 for non-residents. Thus, student veterans could expect savings in the amount of \$15,279 at the undergraduate level and \$14,876 at the graduate level for the 2013-2014 academic year.⁴⁸

The State University System reported 353 non-resident or unclassified undergraduate veteran students and 195 non-resident graduate level veteran students in 2013-2014.⁴⁹ Thus, universities would experience an estimated loss of \$8,294,307 in revenues from out-of-state tuition and fees.

Student Veterans of Florida College System Institutions

For 2013-14, the Florida College System reports the average cost for two semesters is \$3,124 for residents enrolled in non-baccalaureate degree programs and \$11,531 for non-residents. For students enrolled in the baccalaureate degree programs, the cost for two semesters is \$3,585 for residents and \$15,400 for non-residents. Thus, student veterans could expect savings in the amount of \$8,407 in non-baccalaureate degree programs and \$11,815 in baccalaureate degree programs for the 2013-14 academic year.⁵⁰

The Florida College System reported that there were 449 veteran students who were classified as non-residents in 2012-13.⁵¹ Thus, the colleges would experience an estimated loss of approximately \$5 million in revenues from out-of-state tuition and fees.

D. FISCAL COMMENTS:

None.

⁴⁸ State University System of Florida Board of Governors, *Tuition & Fees*, available at <http://www.flbog.edu/about/budget/tuition.php>. (last visited Feb. 11, 2014).

⁴⁹ State University System of Florida Board of Governors, *Legislative Bill Analysis for HB 851* (2014).

⁵⁰ Email, Florida College System, Division of Florida Colleges (Feb. 12, 2014).

⁵¹ Email, Florida College System, Division of Florida Colleges (Feb. 12, 2014). Only GI Bill recipients are included in count.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require municipalities or counties to expend funds or to take any action requiring the expenditure of funds, reduce the authority that municipalities or counties have to raise revenues in the aggregate, or reduce the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill requires the Board of Governors to adopt regulations to implement the provisions of the section. The SBE and BOG may need to amend any rules or regulations inconsistent with the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 19, 2014, the Higher Education & Workforce subcommittee adopted 3 amendments and reported the bill favorably as a committee substitute.

The amendments:

- Removed the automatic classification of certain students as Florida residents for tuition purposes. Instead, the students who meet the criteria specified in subsection (10) are not required to pay out-of-state fees.
- Clarified that students who are not required to pay out-of-state fees under subsection (10) may qualify for state financial aid if they are eligible for federal financial aid.
- Clarified that once any postsecondary institution in the state classifies as student as a resident for tuition purposes or verifies that the student is not required to pay out-of-state fees under subsection (10), that institution or any other institution to which a student transfers is not required to reevaluate the student's classification unless there is evidence that the student was erroneously classified the first time or has broken enrollment at a postsecondary institution for a period of 12 months or longer.

This analysis is drafted to the committee substitute as passed by the Higher Education & Workforce subcommittee.

1 A bill to be entitled

2 An act relating to determination of resident status
3 for tuition purposes; amending s. 1009.21, F.S.;
4 revising the definitions of the terms "dependent
5 child" and "parent"; revising certain residency
6 requirements for a dependent child; prohibiting denial
7 of classification as a resident for tuition purposes
8 based on certain immigration status; revising
9 requirements for documentation of residency; revising
10 requirements relating to classification or
11 reclassification as a resident for tuition purposes
12 based on marriage; revising requirements relating to
13 reevaluation of classification as a resident for
14 tuition purposes; providing that certain persons are
15 not classified as residents for tuition purposes but
16 are not required to pay out-of-state fees; including
17 certain veterans of the Armed Services of the United
18 States, persons who receive certain tuition exemptions
19 or waivers, and students who meet certain attendance,
20 graduation, and enrollment requirements; providing
21 requirements for receipt of state financial aid awards
22 or tuition assistance grants; providing for the
23 adoption of rules and regulations; providing an
24 effective date.

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

27
28 Section 1. Paragraphs (a) and (f) of subsection (1),
29 paragraph (b) of subsection (2), paragraph (c) of subsection
30 (3), subsections (4) and (5), paragraph (d) of subsection (6),
31 and subsections (8), (10), and (13) of section 1009.21, Florida
32 Statutes, are amended, and paragraph (d) is added to subsection
33 (2) of that section, to read:

34 1009.21 Determination of resident status for tuition
35 purposes.—Students shall be classified as residents or
36 nonresidents for the purpose of assessing tuition in
37 postsecondary educational programs offered by charter technical
38 career centers or career centers operated by school districts,
39 in Florida College System institutions, and in state
40 universities.

41 (1) As used in this section, the term:

42 (a) "Dependent child" means any person, whether or not
43 living with his or her parent, who is eligible to be claimed by
44 his or her parent as a dependent under the federal income tax
45 code or who is not deemed independent for federal financial aid
46 purposes.

47 (f) "Parent" means the natural or adoptive parent,
48 stepparent, or legal guardian of a dependent child.

49 (2)

50 (b) However, with respect to a dependent child living with
51 an adult relative other than the child's parent, such child may
52 qualify as a resident for tuition purposes if the adult relative

53 is a legal resident who has maintained legal residence in this
 54 state for at least 12 consecutive months immediately before
 55 ~~prior to~~ the child's initial enrollment in an institution of
 56 higher education, provided the child has resided continuously
 57 with such relative for the 3 ~~5~~ years immediately before ~~prior to~~
 58 the child's initial enrollment in an institution of higher
 59 education, during which time the adult relative has exercised
 60 day-to-day care, supervision, and control of the child.

61 (d) A dependent child who is a United States citizen may
 62 not be denied classification as a resident for tuition purposes
 63 based solely upon the immigration status of his or her parent.

64 (3)

65 (c) Each institution of higher education shall
 66 affirmatively determine that an applicant who has been granted
 67 admission to that institution as a Florida resident meets the
 68 residency requirements of this section at the time of initial
 69 enrollment. The residency determination must be documented by
 70 the submission of written or electronic verification that
 71 includes two or more of the documents identified in this
 72 paragraph. Verification of the documents listed in sub-
 73 subparagraphs 1.a.-d. may be satisfied by submission of an
 74 affidavit by the person claiming residency. No single piece of
 75 evidence shall be conclusive.

76 1. The documents must include at least one of the
 77 following:

78 a. A Florida voter information ~~voter's registration~~ card.

- 79 b. A Florida driver ~~driver's~~ license.
- 80 c. A State of Florida identification card.
- 81 d. A Florida vehicle registration.
- 82 e. Proof of a permanent home in Florida which is occupied
- 83 as a primary residence by the individual or by the individual's
- 84 parent if the individual is a dependent child.
- 85 f. Proof of a homestead exemption in Florida.
- 86 g. Transcripts from a Florida high school for multiple
- 87 years if the Florida high school diploma or GED was earned
- 88 within the last 12 months.
- 89 h. Proof of permanent full-time employment in Florida for
- 90 at least 30 hours per week for a 12-month period.
- 91 2. The documents may include one or more of the following:
- 92 a. A declaration of domicile in Florida.
- 93 b. A Florida professional or occupational license.
- 94 c. Florida incorporation.
- 95 d. A document evidencing family ties in Florida.
- 96 e. Proof of membership in a Florida-based charitable or
- 97 professional organization.
- 98 f. Any other documentation that supports the student's
- 99 request for resident status, including, but not limited to,
- 100 utility bills and proof of 12 consecutive months of payments; a
- 101 lease agreement and proof of 12 consecutive months of payments;
- 102 or an official state, federal, or court document evidencing
- 103 legal ties to Florida.
- 104 (4) With respect to a dependent child, the legal residence

105 of the dependent child's parent or parents is prima facie
106 evidence of the dependent child's legal residence, which
107 evidence may be reinforced or rebutted, relative to the age and
108 general circumstances of the dependent child, by the other
109 evidence of legal residence required of or presented by the
110 dependent child. However, the legal residence of a dependent
111 child's parent or parents who are domiciled outside this state
112 is not prima facie evidence of the dependent child's legal
113 residence if that dependent child has lived in this state for 3
114 ~~5~~ consecutive years before ~~prior to~~ enrolling or reregistering
115 at the institution of higher education at which resident status
116 for tuition purposes is sought.

117 (5) A person who physically resides in this state may be
118 classified as a resident for tuition purposes if he or she
119 marries a person who meets the 12-month residency requirement
120 under subsection (2) and otherwise qualifies as a resident for
121 tuition purposes under this section ~~In making a domiciliary~~
122 ~~determination related to the classification of a person as a~~
123 ~~resident or nonresident for tuition purposes, the domicile of a~~
124 ~~married person, irrespective of sex, shall be determined, as in~~
125 ~~the case of an unmarried person, by reference to all relevant~~
126 ~~evidence of domiciliary intent. For the purposes of this~~
127 ~~section:~~

128 ~~(a) A person shall not be precluded from establishing or~~
129 ~~maintaining legal residence in this state and subsequently~~
130 ~~qualifying or continuing to qualify as a resident for tuition~~

131 ~~purposes solely by reason of marriage to a person domiciled~~
132 ~~outside this state, even when that person's spouse continues to~~
133 ~~be domiciled outside of this state, provided such person~~
134 ~~maintains his or her legal residence in this state.~~

135 ~~(b) A person shall not be deemed to have established or~~
136 ~~maintained a legal residence in this state and subsequently to~~
137 ~~have qualified or continued to qualify as a resident for tuition~~
138 ~~purposes solely by reason of marriage to a person domiciled in~~
139 ~~this state.~~

140 ~~(c) In determining the domicile of a married person,~~
141 ~~irrespective of sex, the fact of the marriage and the place of~~
142 ~~domicile of such person's spouse shall be deemed relevant~~
143 ~~evidence to be considered in ascertaining domiciliary intent.~~

144 (6)

145 (d) A person classified as a nonresident for tuition
146 purposes may be reclassified as a resident by subsequently
147 marrying a person who meets the criteria to establish residency
148 for tuition purposes. In order to be reclassified, a person must
149 submit all of the following:

150 1. Evidence of his or her own physical residence in this
151 state.

152 2. Evidence of marriage to a person who qualifies as a
153 resident for tuition purposes under this section.

154 3. Documentation to support his or her spouse's residency
155 classification. A person who is classified as a nonresident for
156 tuition purposes and who marries a legal resident of the state

157 ~~or marries a person who becomes a legal resident of the state~~
158 ~~may, upon becoming a legal resident of the state, become~~
159 ~~eligible for reclassification as a resident for tuition purposes~~
160 ~~upon submitting evidence of his or her own legal residency in~~
161 ~~the state, evidence of his or her marriage to a person who is a~~
162 ~~legal resident of the state, and evidence of the spouse's legal~~
163 ~~residence in the state for at least 12 consecutive months~~
164 ~~immediately preceding the application for reclassification.~~

165 (8) Once any institution of higher education in the state
166 classifies a student as a resident for tuition purposes or
167 verifies that a student meets the criteria under subsection
168 (10), an institution of higher education is not required to
169 reevaluate the classification unless inconsistent information
170 suggests that an erroneous classification was made or the
171 student breaks enrollment from the institution for a period of
172 12 months or longer. A person who has been properly classified
173 ~~as a resident for tuition purposes but who, while enrolled in an~~
174 ~~institution of higher education in this state, loses his or her~~
175 ~~resident tuition status because the person or, if he or she is a~~
176 ~~dependent child, the person's parent or parents establish~~
177 ~~domicile or legal residence elsewhere shall continue to enjoy~~
178 ~~the in-state tuition rate for a statutory grace period, which~~
179 ~~period shall be measured from the date on which the~~
180 ~~circumstances arose that culminated in the loss of resident~~
181 ~~tuition status and shall continue for 12 months. However, if the~~
182 ~~12-month grace period ends during a semester or academic term~~

183 ~~for which such former resident is enrolled, such grace period~~
 184 ~~shall be extended to the end of that semester or academic term.~~

185 (10) The following persons are not ~~shall be~~ classified as
 186 residents for tuition purposes but may be reported for purposes
 187 of state funding and are not required to pay out-of-state fees:

188 (a) Active duty members of the Armed Services of the
 189 United States residing or stationed in this state, their
 190 spouses, and dependent children, and active drilling members of
 191 the Florida National Guard.

192 (b) Active duty members of the Armed Services of the
 193 United States and their spouses and dependents attending a
 194 Florida College System institution or state university within 50
 195 miles of the military establishment where they are stationed, if
 196 such military establishment is within a county contiguous to
 197 Florida.

198 (c) Veterans of the Armed Services of the United States,
 199 including reserve components thereof, who were honorably
 200 discharged and who physically reside in this state while
 201 enrolled in an institution of higher education.

202 (d) ~~(e)~~ United States citizens living on the Isthmus of
 203 Panama, who have completed 12 consecutive months of college work
 204 at the Florida State University Panama Canal Branch, and their
 205 spouses and dependent children.

206 (e) ~~(d)~~ Full-time instructional and administrative
 207 personnel employed by state public schools and institutions of
 208 higher education and their spouses and dependent children.

209 (f)~~(e)~~ Students from Latin America and the Caribbean who
 210 receive scholarships from the federal or state government. Any
 211 student classified pursuant to this paragraph shall attend, on a
 212 full-time basis, a Florida institution of higher education.

213 (g)~~(f)~~ Southern Regional Education Board's Academic Common
 214 Market graduate students attending Florida's state universities.

215 (h)~~(g)~~ Full-time employees of state agencies or political
 216 subdivisions of the state when the student fees are paid by the
 217 state agency or political subdivision for the purpose of job-
 218 related law enforcement or corrections training.

219 (i)~~(h)~~ McKnight Doctoral Fellows and Finalists who are
 220 United States citizens.

221 (j)~~(i)~~ United States citizens living outside the United
 222 States who are teaching at a Department of Defense Dependent
 223 School or in an American International School and who enroll in
 224 a graduate level education program which leads to a Florida
 225 teaching certificate.

226 (k)~~(j)~~ Active duty members of the Canadian military
 227 residing or stationed in this state under the North American Air
 228 Defense (NORAD) agreement, and their spouses and dependent
 229 children, attending a Florida College System institution or
 230 state university within 50 miles of the military establishment
 231 where they are stationed.

232 (l)(k) Active duty members of a foreign nation's military
 233 who are serving as liaison officers and are residing or
 234 stationed in this state, and their spouses and dependent

235 children, attending a Florida College System institution or
236 state university within 50 miles of the military establishment
237 where the foreign liaison officer is stationed.

238 (m) Persons who receive a tuition exemption or waiver
239 under s. 112.19(3), s. 112.191(3), s. 961.06(1)(b), s.
240 1009.25(1)(c), (d), or (f), or s. 1009.26(8) or (10).

241 (n) Students who attend a secondary school in this state
242 for 3 consecutive years immediately before high school
243 graduation, apply for enrollment in an institution of higher
244 education within 24 months after graduation, and submit an
245 official Florida high school transcript as documentary evidence
246 of attendance and graduation.

247
248 Notwithstanding s. 1009.40(1)(a)2., a person who is not required
249 to pay out-of-state fees pursuant to this subsection may be
250 eligible for state financial aid awards or tuition assistance
251 grants upon submission of proof of United States citizenship,
252 permanent resident status, or other immigration status that
253 permits receipt of federal financial aid.

254 (13) The State Board of Education shall adopt rules, and
255 the Board of Governors shall adopt regulations, ~~rules~~ to
256 implement this section.

257 Section 2. This act shall take effect July 1, 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 Nuñez offered the following:

4
5 **Amendment**

6 Remove lines 185-254 and insert:

7 (10) The following persons shall be classified as
8 residents for tuition purposes:

9 (a) Active duty members of the Armed Services of the
10 United States residing or stationed in this state, their
11 spouses, and dependent children, and active drilling members of
12 the Florida National Guard.

13 (b) Active duty members of the Armed Services of the
14 United States and their spouses and dependents attending a
15 Florida College System institution or state university within 50
16 miles of the military establishment where they are stationed, if
17 such military establishment is within a county contiguous to
18 Florida.

Amendment No. 1

19 (c) United States citizens living on the Isthmus of
20 Panama, who have completed 12 consecutive months of college work
21 at the Florida State University Panama Canal Branch, and their
22 spouses and dependent children.

23 (d) Full-time instructional and administrative personnel
24 employed by state public schools and institutions of higher
25 education and their spouses and dependent children.

26 (e) Students from Latin America and the Caribbean who
27 receive scholarships from the federal or state government. Any
28 student classified pursuant to this paragraph shall attend, on a
29 full-time basis, a Florida institution of higher education.

30 (f) Southern Regional Education Board's Academic Common
31 Market graduate students attending Florida's state universities.

32 (g) Full-time employees of state agencies or political
33 subdivisions of the state when the student fees are paid by the
34 state agency or political subdivision for the purpose of job-
35 related law enforcement or corrections training.

36 (h) McKnight Doctoral Fellows and Finalists who are United
37 States citizens.

38 (i) United States citizens living outside the United
39 States who are teaching at a Department of Defense Dependent
40 School or in an American International School and who enroll in
41 a graduate level education program which leads to a Florida
42 teaching certificate.

43 (j) Active duty members of the Canadian military residing
44 or stationed in this state under the North American Air Defense
45 (NORAD) agreement, and their spouses and dependent children,
46 attending a Florida College System institution or state

Amendment No. 1

47 university within 50 miles of the military establishment where
48 they are stationed.

49 (k) Active duty members of a foreign nation's military who
50 are serving as liaison officers and are residing or stationed in
51 this state, and their spouses and dependent children, attending
52 a Florida College System institution or state university within
53 50 miles of the military establishment where the foreign liaison
54 officer is stationed.

55 (l) Persons who receive a tuition exemption or waiver under
56 s. 112.19(3), s. 112.191(3), s. 961.06(1)(b), s. 1009.25(1)(c),
57 (d), or (f), or s. 1009.26(8) or (10).

58 (11) The following persons are not classified as residents
59 for tuition purposes but are exempt from the payment of out-of-
60 state fees:

61 (a) Veterans of the Armed Services of the United States,
62 including reserve components thereof, who were honorably
63 discharged and who physically reside in this state while
64 enrolled in an institution of higher education.

65 (b) Students who attend a secondary school in this state
66 for three consecutive years immediately before high school
67 graduation, apply for enrollment in an institution of higher
68 education within 24 months after graduation, and submit an
69 official Florida high school transcript as documentary evidence
70 of attendance and graduation.

71
72 Students who are exempt from the payment of out-of-state fees
73 under this subsection may be reported for purposes of state
74 funding.

Amendment No. 1

75 ~~(12)(11) Once a student has been classified as a resident~~
76 ~~for tuition purposes, an institution of higher education to~~
77 ~~which the student transfers is not required to reevaluate the~~
78 ~~classification unless inconsistent information suggests that an~~
79 ~~erroneous classification was made or the student's situation has~~
80 ~~changed. However, the student must have attended the institution~~
81 ~~making the initial classification within the prior 12 months,~~
82 ~~and the residency classification must be noted on the student's~~
83 ~~transcript.~~ The Higher Education Coordinating Council shall
84 consider issues related to residency determinations and make
85 recommendations relating to efficiency and effectiveness of
86 current law.

87 ~~(13)(12)~~ Each institution of higher education shall
88 establish a residency appeal committee comprised of at least
89 three members to consider student appeals of residency
90 determinations, in accordance with the institution's official
91 appeal process. The residency appeal committee must render to
92 the student the final residency determination in writing. The
93 institution must advise the student of the reasons for the
94 determination.

95 ~~(14)(13)~~ The State Board of Education shall adopt rules,
96 and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 851 (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 Nuñez offered the following:

4

5 **Amendment**

6 Remove line 168 and insert:

7 (11), an institution of higher education is not required to

8

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 Nuñez offered the following:

4
5 **Amendment**



6 Remove lines 34-35 and insert:

7 1009.21 Determination of resident status for tuition
8 purposes and exemption from payment of out-of-state fees.-

9 Students shall be classified as residents or
10

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7057 PCB HEWS 14-01 Career Centers and Charter Technical Career Centers
SPONSOR(S): Higher Education & Workforce Subcommittee, Rodrigues
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Higher Education & Workforce Subcommittee	9 Y, 0 N	Ammel	Sherry
1) Education Appropriations Subcommittee		Butler	Heflin 

SUMMARY ANALYSIS

The bill promotes better utilization of career centers and charter technical career centers and increases student access to programs that will prepare graduates for current and emergent careers in the following ways:

- Authorizes career centers and charter technical career centers to offer college credit certificate programs and creates a process for approval to offer associate in applied science (AAS) degree programs.
- Authorizes career centers and charter technical career centers who offer college credit certificate programs or AAS degrees to request a name change to "technical college."
- Establishes fees for college credit programs at career centers commensurate with Florida College System fees.
- Requires only those students pursuing a college credit certificate or associate in applied science degree (not adult general education students) to meet residency requirements.

The bill has an indeterminate fiscal impact on state or local governments (SEE FISCAL COMMENTS).

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Career Centers

Present Situation

Current law defines a career center as an educational institution offering terminal courses of a technical nature, and courses for out-of-school youth and adults.¹ Any district school board is authorized to establish and operate a career center after obtaining approval from the Department of Education (DOE).² In addition, district school boards of contiguous districts may enter into an agreement to establish a career center after obtaining approval from DOE.³

There are currently 48 public career centers operating in 30 school districts in Florida.⁴ Forty-seven of the career centers are accredited by the Council on Occupational Education (COE). Gadsden Technical Institute became a candidate for accreditation in 2013.⁵ The COE is recognized as a national institutional accrediting agency by the United States Secretary of Education for participation in Title IV programs.⁶ COE accredits educational institutions in 35 states, the District of Columbia, and two foreign countries,⁷ and its current scope includes accreditation of non-degree-granting and applied associate degree-granting postsecondary occupational education institutions.⁸

Both school districts and Florida College System (FCS) institutions offer workforce education programs.⁹ School districts may provide workforce education programs through one or more career centers, and may provide workforce education programs by sponsoring charter technical career centers in coordination with an FCS institution.¹⁰ Workforce education programs include: adult general education programs; career certificate programs; applied technology diploma programs; continuing workforce education courses; degree career education programs; and apprenticeship and preapprenticeship programs.¹¹ The career centers enrolled 46,739 students in career and technical education programs in 2012-13.¹²

Career centers in Florida are not currently authorized to award college credit or degrees. However, if an associate in applied science (AAS) or an associate in science degree program contains within it an

¹ Section 1001.44(3), F.S.

² Section 1001.44(1), F.S.

³ Section 1001.44(2), F.S.

⁴ Department of Education, District Technical Center Directors List, available at <http://www.fldoe.org/workforce/pdf/DistrictTechnicalCenterDirectors.pdf>, last visited (Nov. 2013).

⁵ Council on Occupational Education, *Accredited Institutions – August 2013*, available at <http://www.council.org/accredited-institutions/>.

⁶ Financial Aid for Postsecondary Students, Accreditation in the United States, available at http://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html.

⁷ COE, *Accredited Institutions – August 2013*, available at <http://www.council.org/accredited-institutions/>.

⁸ COE, *Handbook of Accreditation: 2013 Edition (Amended: 4-26-13)*, available at <http://www.council.org/manuals/>.

⁹ Section 1011.80(2), F.S.

¹⁰ Florida House of Representatives, Schools and Learning Council, *Use of the Designation “College” by Career Centers & Charter Technical Career Centers*, Interim Project Report (February 2008), available at <http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2370>, hereafter “Interim Report”.

¹¹ Section 1011.80(1), F.S.

¹² Florida Department of Education Presentation, *Postsecondary Education in District Technical Centers*, available at http://flsenate.gov/PublishedContent/Committees/2012-2014/AED/MeetingRecords/MeetingPacket_2435.pdf

occupational completion point that confers a certificate or applied technology diploma, that portion of the program may be conducted by a school district career center.¹³

For some time, career centers have advocated for a name change from “technical center” to “technical college”, to create a positive image and perception of the programs, services, staff, and students. However, there was concern that the designation “college” may be perceived as inappropriate for an educational institution that is not authorized to award college credit or college degrees.¹⁴

Charter Technical Career Centers

Present Situation

Current law defines a charter technical career center as a public school or a public technical center operated under a charter granted by a district school board, FCS institution board of trustees, or consortium of the above entities, and managed by a board of directors.¹⁵ The purpose of a charter technical center is to:

- develop a competitive workforce to support local business and industry and economic development;
- create a training and education model that is reflective of marketplace realities;
- offer a continuum of career educational opportunities using a school-to-work, tech-prep, technical, academy, and magnet school model; and
- provide career pathways for lifelong learning and career mobility.¹⁶

Charter technical career centers are authorized, through charters with their school district or FCS institution, to offer workforce education programs.¹⁷ Charter technical career centers are not currently authorized to award college credit or degrees. However, if an associate in applied science or an associate in science degree program contains within it an occupational completion point that confers a certificate or applied technology diploma, that portion of the program may be conducted by a school district career center.¹⁸

There are currently two charter technical career centers operating in Florida, Lake Technical Center in Eustis and First Coast Technical College in St. Augustine. Both are accredited by COE.¹⁹

Effect of Proposed Changes

The bill authorizes career centers and charter technical career centers to offer college credit certificate programs and establishes a process by which they can seek approval from the State Board of Education (state board) to offer AAS degrees. The center must submit a notice of its intent to propose an AAS degree program to the Division of Career and Adult Education (DCAE) within the DOE and to the FCS institution within its service area. Among other requirements, the intent must include evidence that the center engaged in need, demand, and impact discussions with the FCS institution in its service area. The notice must be submitted 45 days before the proposal to offer an AAS degree program is submitted to the state board. The proposal must be submitted to DCAE, and include, at a minimum, the following:

¹³ Section 1011.80(2), F.S.

¹⁴ Interim Report, pg. 1

¹⁵ Section 1002.34(3)(a), F.S.

¹⁶ Section 1002.34(2), F.S.

¹⁷ Section 1002.34(3)(a), F.S.

¹⁸ Section 1011.80(2), F.S., Although the subsection states school district career center, charter technical center is implied through its authorization by the school district career center under s. 1002.34(3)(a), F.S.

¹⁹ Office of Program Policy and Governmental Accountability, *Technical Centers*, presentation to Higher Education and Workforce Subcommittee (Jan. 8, 2014), available at <http://www.oppaga.state.fl.us/Presentations.aspx>.

- a description of the planning process and timeline for implementation;
- an analysis of workforce demand and unmet need for graduates of the program on a district or regional basis, as appropriate;
- identification of the facilities, equipment, and library and academic resources to be used;
- a cost analysis of creating a new AAS degree program;
- the program's admission requirements, academic content, curriculum, faculty credentials, student-to-teacher ratios, and accreditation plan;
- feedback from the FCS institution regarding the notice of intent to propose an AAS program;
- the program's enrollment projections and funding requirements;
- a description of outcome measures used to determine success;
- a plan that describes how the career center's college credit courses will meet the equivalent faculty credentials for inclusion in the statewide course numbering system; and
- a plan of action if the program is terminated.

DCAE shall review the proposal, and the Commissioner of Education shall make a recommendation to the state board. If approved by the state board, the center must obtain accreditation as an associate-in-applied-science-degree-granting institution from an accrediting agency that is recognized by the United States Department of Education.

The center must annually, and upon request of the state board, the Chancellor of DCAE, or the Legislature, submit a status report regarding the center's AAS degree programs. The bill outlines specific performance and compliance indicators that must be included in the report.

The bill authorizes a career center or a charter technical career center that offers college credit certificates or AAS degree programs to use the designation "technical college" with appropriate approval of their local school boards and accrediting agency.

Applied Technology Diploma

Present Situation

An applied technology diploma (ATD) is currently defined as a course of study that is part of a technical degree program, is less than 60 credit hours, and leads to employment in a specific occupation. It may consist of either technical (clock hour) or college credit; however a public school district (through a career center or charter technical career center), may offer the ATD only as technical credit, and college credit can be awarded to the student only upon articulation to an FCS institution.²⁰ As of October 2013, ten of the 30 districts in which career centers operate, were offering ATD programs with a statewide enrollment of 1,301 students.²¹

Effect of Proposed Changes

The bill renames and redefines "applied technology diploma" to "college credit certificate" to align with the centers' authority to offer college credit. ATDs, currently offered as clock hour programs, will be converted to college credit. College credit courses may be offered by a career center only as part of a college credit certificate or AAS degree program, and faculty credentials must meet guidelines required in the state course numbering system to ensure appropriate transfer of credit.

²⁰ Section 1004.02(8), F.S.

²¹ Email, Florida Department of Education, Division of Career and Adult Education (Jan. 28, 2014).

Workforce Education Postsecondary Student Fees

Present Situation

In 2011, the Legislature established block tuition for adult general education (AGE) at \$45 per half year or \$30 per term for residents and nonresidents, and an additional out-of-state fee of \$135 per half year or \$90 per term for non-residents. Fee exemptions previously outlined in s. 1009.25(1), F.S., for students enrolled in adult basic, adult secondary, and career-preparatory instruction from payment of tuition and fees were repealed, creating an additional requirement to verify the residency status of all students enrolling in AGE programs. The legislation required AGE students to meet the residency documentation requirements outlined in s. 1009.21, F.S.²²

Effect of Proposed Changes

The bill specifies that, for tuition purposes, residency determinations for students in workforce education programs apply only to students pursuing a college credit certificate or an AAS degree. Associated out-of-state block tuition fees for non-resident students in AGE programs are eliminated. Eliminating cumbersome documentation requirements for AGE students and the out-of-state fee will promote access and affordability for students. Eliminating residency determination/verification for this population will also reduce administrative costs to institutions.

The bill also establishes fees for college credit courses at career centers commensurate with those charged at FCS institutions.

B. SECTION DIRECTORY:

Section 1. Amends s. 1001.44 F.S., authorizing a career center to offer college credit certificate programs and providing a process for approval to offer associate in applied science (AAS) degree programs upon approval of the State Board of Education and their accrediting agency; outlining the application and approval process for offering such programs; and allowing a career center that does offer college credit certificate programs or AAS programs to use the designation "technical college" with appropriate approval.

Section 2. Amends s. 1002.34, F.S., authorizing a charter technical career center to offer college credit certificate programs and providing a process for approval to offer AAS degree programs; and allowing a center that does offer college credit certificate or AAS programs to use the designation "charter technical college" with appropriate approval.

Section 3. Amends s. 1004.02, F.S., renaming the applied technology diploma program as the college credit certificate program to provide clarification and reflect that a career center or charter technical career center can now offer college credit in such programs.

Section 4. Amends s. 1007.23, F.S., correcting a cross reference from applied technology diploma to college credit certificate.

Section 5. Amends s. 1007.25, F.S., correcting a cross reference from applied technology diploma to college credit certificate.

Section 6. Amends s. 1009.22, F.S., requiring only those students pursuing a college credit certificate or associate in applied science degree (not adult general education students) to meet residency requirements, and removes the associated out-of-state fee requirements for adult general education students; updates the standard tuition rates per contact hour for career certificate programs to current rates authorized by the Legislature; and provides a new tuition fee structure for college credit certificate

and AAS degree programs at the same rates as those charged by the Florida College System for college credit programs.

Section 7. Amends s.1009.53, F.S., correcting a cross reference from applied technology diploma to college credit certificate.

Section 8. Amends s. 1009.532, F.S., correcting a cross reference from applied technology diploma to college credit certificate.

Section 9. Amends s. 1009.536, F.S., correcting a cross reference from applied technology diploma to college credit certificate.

Section 10. Amends s. 1011.80, F.S., authorizing a career center or charter technical career center to offer AAS degree programs and college credit certificates; and clarifying that a career center authorized to offer AAS degree programs may only offer those general education courses contained within the approved degree program.

Section 11. 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:

By retooling applied technology degree programs to include credit courses and converting the tuition rates from contact hour to credit hour, the cost for students would increase by a minimal amount. The student does, however, receive an upgraded product with college credit that is more easily transferrable.

D. FISCAL COMMENTS:

The bill has an indeterminate fiscal impact. Repealing residency verification requirements for students enrolled in adult education courses could encourage increased student enrollment in adult general education programs. Authorizing career centers and charter technical centers to offer college credit certificate programs and AAS degree programs, as well as authorizing approved career centers to change the name to "technical college" could also encourage increased student enrollment in these programs. Increased enrollment in these programs is indeterminate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules providing guidelines for receiving, reviewing, and approving proposals to offer associate in applied science degree programs.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
2 An act relating to career centers and charter
3 technical career centers; amending s. 1001.44, F.S.;
4 authorizing a career center to offer college credit
5 courses applicable toward specific certificates or
6 degrees; providing a process for approval to offer
7 specific degree programs; requiring the State Board of
8 Education to adopt rules; authorizing a career center
9 to change the institution's name; amending s. 1002.34,
10 F.S.; authorizing a charter technical career center to
11 offer college credit courses applicable toward
12 specific certificates or degrees; providing an
13 approval process; authorizing a charter technical
14 career center to change the institution's name;
15 amending s. 1004.02, F.S., relating to definitions;
16 renaming the applied technology diploma program as the
17 college credit certificate program and clarifying the
18 program; amending ss. 1007.23 and 1007.25, F.S.;
19 conforming provisions; amending s. 1009.22, F.S.;
20 revising and clarifying tuition and fees for specific
21 workforce education programs; amending ss. 1009.53,
22 1009.532, and 1009.536, F.S.; conforming provisions;
23 amending s. 1011.80, F.S.; conforming provisions;
24 authorizing a career center to offer associate in
25 applied science degree programs; correcting a cross-
26 reference; providing an effective date.

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

Section 1. Section 1001.44, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 1001.44, F.S., for present text.)
1001.44 Career centers.—

(1) In order to provide additional career pathways, career centers shall support and enhance a competitive workforce by offering high-quality career and technical education programs that prepare graduates for current and emerging careers.

(2)(a) A career center is an educational institution that offers postsecondary career and technical education programs and is under the control of the district school board of the school district in which the center is located. A district school board, after first obtaining the approval of the Commissioner of Education, may organize, establish, and operate a career center or acquire and operate a career center previously established.

(b) The district school boards of two or more contiguous districts may, after first obtaining the approval of the commissioner, enter into an agreement to organize, establish, and operate, or acquire and operate, a career center under this section.

(3) A career center shall maintain an academic transcript for each student enrolled in the center. A student's transcript

53 shall include each course completed, credit earned, and
 54 credentials earned by the student. Each course shall be
 55 delineated by the course prefix and title assigned pursuant to
 56 s. 1007.24. A career center shall make each student's transcript
 57 available to that student.

58 (4) A career center may offer college credit courses
 59 applicable toward a college credit certificate or an associate
 60 in applied science degree through a partnership with a Florida
 61 College System institution or through direct authority to award
 62 such certificates and degrees. A career center must submit a
 63 proposal to the State Board of Education for approval before
 64 offering and awarding associate in applied science degrees.

65 (5) The process for a career center to offer an associate
 66 in applied science degree program shall be as follows:

67 (a) The career center shall submit a notice of its intent
 68 to propose an associate in applied science degree program to the
 69 Division of Career and Adult Education and the Florida College
 70 System institution in its service area 45 days before submitting
 71 the proposal. The notice must include a brief description of the
 72 program, the geographic region to be served, and an estimated
 73 timeframe for implementation. The notice must also include
 74 evidence that the career center engaged in need, demand, and
 75 impact discussions with the Florida College System institution
 76 in its service area.

77 (b) A proposal to offer an associate in applied science
 78 degree program shall be submitted to the Division of Career and

- 79 Adult Education and, at a minimum, include:
- 80 1. A description of the planning process and timeline for
 81 implementation.
- 82 2. An analysis of workforce demand and unmet need for
 83 graduates of the program on a district or regional basis, as
 84 appropriate, including evidence from entities independent of the
 85 institution.
- 86 3. Identification of the facilities, equipment, and
 87 library and academic resources that will be used to deliver the
 88 program.
- 89 4. A cost analysis of creating a new associate in applied
 90 science degree program.
- 91 5. The program's admission requirements, academic content,
 92 curriculum, faculty credentials, student-to-teacher ratios, and
 93 accreditation plan.
- 94 6. Feedback from the Florida College System institution
 95 regarding the notice of intent pursuant to paragraph (a).
- 96 7. The program's enrollment projections and funding
 97 requirements.
- 98 8. A description of outcome measures that will be used to
 99 determine success, including, but not limited to, program
 100 completions, placements, licensures, and feedback of employer
 101 satisfaction with the job performance of graduates.
- 102 9. A plan that describes how the career center's college
 103 credit courses will meet the equivalent faculty credential
 104 standards for inclusion in the statewide course numbering system

105 pursuant to s. 1007.24(7).

106 10. A plan of action if the program is terminated.

107 (c) The Division of Career and Adult Education shall
 108 review the proposal, notify the career center, in writing, of
 109 any deficiencies within 30 days after receipt of the proposal,
 110 and provide the center with an opportunity to correct the
 111 deficiencies.

112 (d) Within 45 days after receipt of the finalized proposal
 113 by the Division of Career and Adult Education, the commissioner
 114 shall recommend approval or disapproval of the proposal to the
 115 state board. The state board shall consider the recommendation
 116 and the proposal at the next scheduled meeting, adhering to
 117 appropriate meeting notice requirements. If the state board
 118 disapproves the career center proposal, it shall provide the
 119 center with a written explanation for that determination. The
 120 state board's action is not subject to the provisions of the
 121 Administrative Procedure Act.

122 (e) After approval by the state board to offer its first
 123 associate in applied science degree program, the career center
 124 must obtain accreditation as an associate-in-applied-science-
 125 degree-granting institution from an accrediting agency that is
 126 recognized by the United States Department of Education.

127 (f) A career center shall notify the appropriate
 128 accrediting agency of subsequent degree programs that are
 129 approved by the state board.

130 (g) A career center shall annually, and upon request of

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131 the state board, the Chancellor of Career and Adult Education,
 132 or the Legislature, report its status using the following
 133 performance and compliance indicators:

- 134 1. Obtaining and maintaining appropriate accreditation.
- 135 2. Maintaining qualified faculty and institutional
 136 resources.
- 137 3. Maintaining enrollment in previously approved programs.
- 138 4. Managing fiscal resources appropriately.
- 139 5. Measuring program success, including program
 140 completions, placements, licensures, and employer satisfaction
 141 with the job performance of graduates.

142
 143 The state board, upon review of the performance and compliance
 144 indicators, may require a career center to modify or terminate
 145 an associate in applied science degree program authorized under
 146 this section.

147 (6) The state board shall adopt rules providing guidelines
 148 for receiving, reviewing, and approving proposals to offer
 149 associate in applied science degree programs. The rules shall
 150 establish an annual timeframe by which proposals must be
 151 received. The rules shall also require that a presentation be
 152 made to assist the state board in its decision.

153 (7) With the approval of its district school board, a
 154 career center may change the institution's name and use the
 155 designation "technical college" if the center offers college
 156 credit certificate programs or has been authorized to offer

157 associate in applied science degree programs pursuant to
 158 subsection (5).

159 Section 2. Paragraphs (b) and (g) of subsection (11) of
 160 section 1002.34, Florida Statutes, are amended, and paragraphs
 161 (h) and (i) are added to that subsection, to read:

162 1002.34 Charter technical career centers.—

163 (11) FUNDING.—

164 (b) Each district school board and Florida College System
 165 institution that sponsors a charter technical career center
 166 shall pay directly to the center an amount stated in the
 167 charter. State funding shall be generated for the center for its
 168 student enrollment and program outcomes as provided in law. A
 169 center is eligible for funding from workforce education funds,
 170 the Florida Education Finance Program, and the Florida College
 171 System Program Fund, depending upon the programs offered
 172 ~~conducted~~ by the center, pursuant to s. 1011.80.

173 (g) A center must describe ~~define~~ in the charter agreement
 174 the delivery system in which the instructional offering of
 175 educational services will be placed. The rules governing this
 176 delivery system must be applied to all of the center's students
 177 and must authorize all other sponsoring educational systems to
 178 report required enrollment and student data based solely on the
 179 rules of the offering institution. Each sponsor shall earn full-
 180 time equivalent membership for each student for funding and
 181 reporting purposes.

182 (h) A center may offer college credit courses applicable

183 toward a college credit certificate or an associate in applied
 184 science degree through a partnership with a Florida College
 185 System institution or through direct authority to award such
 186 certificates and degrees. A center must submit a proposal to the
 187 State Board of Education for approval before offering and
 188 awarding associate in applied science degrees, as prescribed in
 189 s. 1001.44(5).

190 (i) With the approval of its board of directors, a center
 191 may change the institution's name and use the designation
 192 "technical college" if the center offers college credit
 193 certificate programs or has been authorized to offer associate
 194 in applied science degree programs pursuant to s. 1001.44(5).

195 Section 3. Subsections (8) and (26) of section 1004.02,
 196 Florida Statutes, are amended to read:

197 1004.02 Definitions.—As used in this chapter:

198 (8) "College credit certificate program" ~~"Applied~~
 199 ~~technology diploma program"~~ means a course of study that is part
 200 of a technical degree program, is less than 60 credit hours, and
 201 leads to employment in a specific occupation. ~~An applied~~
 202 ~~technology diploma program may consist of either technical~~
 203 ~~credit or college credit. A public school district may offer an~~
 204 ~~applied technology diploma program only as technical credit,~~
 205 ~~with college credit awarded to a student upon articulation to a~~
 206 ~~Florida College System institution.~~ Statewide articulation among
 207 public schools and Florida College System institutions is
 208 guaranteed by s. 1007.23, and is subject to guidelines and

209 standards adopted by the State Board of Education pursuant to
 210 ss. 1007.24 and 1007.25.

211 (26) "Workforce education" means adult general education
 212 or career education and may consist of a continuing workforce
 213 education course or a program of study leading to an
 214 occupational completion point, a career certificate, a college
 215 credit certificate ~~an applied technology diploma~~, or a career
 216 degree.

217 Section 4. Subsections (1) and (4) of section 1007.23,
 218 Florida Statutes, are amended to read:

219 1007.23 Statewide articulation agreement.—

220 (1) The State Board of Education and the Board of
 221 Governors shall enter into a statewide articulation agreement
 222 which the State Board of Education shall adopt by rule. The
 223 agreement must preserve Florida's "2+2" system of articulation,
 224 facilitate the seamless articulation of student credit across
 225 and among Florida's educational entities, and reinforce the
 226 provisions of this chapter by governing:

227 (a) Articulation between secondary and postsecondary
 228 education.†

229 (b) Admission of associate in arts degree graduates from
 230 Florida College System institutions and state universities.†

231 (c) Admission of college credit certificate ~~applied~~
 232 ~~technology diploma~~ program graduates from Florida College System
 233 institutions or career centers.†

234 (d) Admission of associate in science degree and associate

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235 in applied science degree graduates from Florida College System
 236 institutions.†

237 (e) The use of acceleration mechanisms, including
 238 nationally standardized examinations through which students may
 239 earn credit.†

240 (f) General education requirements and statewide course
 241 numbers as provided for in ss. 1007.24 and 1007.25.†~~and~~

242 (g) Articulation among programs in nursing.

243 (4) The articulation agreement must guarantee the
 244 statewide articulation of appropriate workforce development
 245 programs and courses between school districts and Florida
 246 College System institutions and specifically provide that every
 247 college credit certificate ~~applied technology diploma~~ graduate
 248 must be granted the same amount of credit upon admission to an
 249 associate in science degree or associate in applied science
 250 degree program unless it is a limited access program. Preference
 251 for admission must be given to graduates who are residents of
 252 Florida.

253 Section 5. Subsections (2) and (11) of section 1007.25,
 254 Florida Statutes, are amended to read:

255 1007.25 General education courses; common prerequisites;
 256 other degree requirements.—

257 (2) The department shall identify postsecondary career
 258 education programs offered by Florida College System
 259 institutions and district school boards. The department shall
 260 also identify career courses designated as college credit

261 courses applicable toward a college credit certificate ~~career~~
 262 ~~education diploma~~ or degree. Such courses must be identified
 263 within the statewide course numbering system.

264 (11) The Commissioner of Education shall appoint faculty
 265 committees representing both Florida College System institution
 266 and public school faculties to recommend to the commissioner for
 267 approval by the State Board of Education a standard program
 268 length and appropriate occupational completion points for each
 269 postsecondary career certificate program, college credit
 270 certificate ~~diploma~~, and degree offered by a school district or
 271 a Florida College System institution.

272 Section 6. Subsection (3) of section 1009.22, Florida
 273 Statutes, is amended to read:

274 1009.22 Workforce education postsecondary student fees.—

275 (3) (a) Except as otherwise provided by law, fees for
 276 students who are nonresidents for tuition purposes must offset
 277 the full cost of instruction. Residency of students pursuing a
 278 college credit certificate or an associate in applied science
 279 degree shall be determined as required in s. 1009.21. Fee-
 280 nonexempt students enrolled in applied academics for adult
 281 education instruction shall be charged fees equal to the fees
 282 charged for adult general education programs. Each Florida
 283 College System institution that conducts developmental education
 284 and applied academics for adult education instruction in the
 285 same class section may charge a single fee for both types of
 286 instruction.

287 (b) Fees for continuing workforce education shall be
288 locally determined by the district school board or Florida
289 College System institution board. Expenditures for the
290 continuing workforce education program provided by the Florida
291 College System institution or school district must be fully
292 supported by fees. Enrollments in continuing workforce education
293 courses may not be counted for purposes of funding full-time
294 equivalent enrollment.

295 (c) ~~Effective July 1, 2011, for programs leading to a~~
296 ~~career certificate or an applied technology diploma, the~~
297 ~~standard tuition shall be \$2.22 per contact hour for residents~~
298 ~~and nonresidents and the out-of-state fee shall be \$6.66 per~~
299 ~~contact hour.~~ For adult general education programs, a block
300 tuition of \$45 per half year or \$30 per term shall be assessed
301 ~~for residents and nonresidents, and the out-of-state fee shall~~
302 ~~be \$135 per half year or \$90 per term.~~ Each district school
303 board and Florida College System institution board of trustees
304 shall adopt policies and procedures for the collection of and
305 accounting for the expenditure of the block tuition. All funds
306 received from the block tuition shall be used only for adult
307 general education programs. Students enrolled in adult general
308 education programs may not be assessed the fees authorized in
309 subsection (5), subsection (6), or subsection (7).

310 (d) For programs leading to a career certificate, the
311 standard tuition shall be \$2.33 per contact hour for residents
312 and nonresidents and the out-of-state fee shall be \$6.66 per

313 contact hour in addition to the standard tuition of \$2.33 per
 314 contact hour. For programs leading to a college credit
 315 certificate or an associate in applied science degree, the
 316 standard tuition shall be \$71.98 per college credit hour for
 317 residents and nonresidents and the out-of-state fee shall be
 318 \$215.94 per credit hour in addition to the standard college
 319 credit hour rate of \$71.98.

320 ~~(e)-(d)~~ ~~Beginning with the 2008-2009 fiscal year and each~~
 321 ~~year thereafter,~~ The tuition and the out-of-state fee per
 322 contact hour shall increase at the beginning of each fall
 323 semester at a rate equal to inflation, unless otherwise provided
 324 in the General Appropriations Act. The Office of Economic and
 325 Demographic Research shall report the rate of inflation to the
 326 President of the Senate, the Speaker of the House of
 327 Representatives, the Governor, and the State Board of Education
 328 each year before ~~prior to~~ March 1. For purposes of this
 329 paragraph, the rate of inflation shall be defined as the rate of
 330 the 12-month percentage change in the Consumer Price Index for
 331 All Urban Consumers, U.S. City Average, All Items, or successor
 332 reports as reported by the United States Department of Labor,
 333 Bureau of Labor Statistics, or its successor for December of the
 334 previous year. In the event the percentage change is negative,
 335 the tuition and out-of-state fee shall remain at the same level
 336 as the prior fiscal year.

337 ~~(f)-(e)~~ Each district school board and each Florida College
 338 System institution board of trustees may adopt tuition and out-

339 of-state fees that may vary no more than 5 percent below and 5
 340 percent above the combined total of the standard tuition and
 341 out-of-state fees established in paragraph (d)~~(e)~~.

342 ~~(f) The maximum increase in resident tuition for any~~
 343 ~~school district or Florida College System institution during the~~
 344 ~~2007-2008 fiscal year shall be 5 percent over the tuition~~
 345 ~~charged during the 2006-2007 fiscal year.~~

346 ~~(g) The State Board of Education may adopt, by rule, the~~
 347 ~~definitions and procedures that district school boards and~~
 348 ~~Florida College System institution boards of trustees shall use~~
 349 ~~in the calculation of cost borne by students.~~

350 Section 7. Subsection (1) of section 1009.53, Florida
 351 Statutes, is amended to read:

352 1009.53 Florida Bright Futures Scholarship Program.—

353 (1) The Florida Bright Futures Scholarship Program is
 354 created to establish a lottery-funded scholarship program to
 355 reward any Florida high school graduate who merits recognition
 356 of high academic achievement and who enrolls in a degree
 357 program, certificate program, or college credit certificate
 358 ~~applied technology~~ program at an eligible Florida public or
 359 private postsecondary education institution within 3 years of
 360 graduation from high school.

361 Section 8. Paragraph (c) of subsection (3) of section
 362 1009.532, Florida Statutes, is amended to read:

363 1009.532 Florida Bright Futures Scholarship Program;
 364 student eligibility requirements for renewal awards.—

365 (3)
 366 (c) A student who is initially eligible in the 2012-2013
 367 academic year and thereafter may receive an award for a maximum
 368 of 100 percent of the number of credit hours required to
 369 complete an associate degree program, a baccalaureate degree
 370 program, or a postsecondary career certificate program or, for a
 371 Florida Gold Seal Vocational Scholars award, may receive an
 372 award for a maximum of 100 percent of the number of credit hours
 373 or equivalent clock hours required to complete one of the
 374 following at a Florida public or nonpublic education institution
 375 that offers these specific programs: for a college credit
 376 certificate ~~an applied technology diploma~~ program as defined in
 377 s. 1004.02(8), up to 60 credit hours or equivalent clock hours;
 378 for a technical degree education program as defined in s.
 379 1004.02(14), up to the number of hours required for a specific
 380 degree not to exceed 72 credit hours or equivalent clock hours;
 381 or for a career certificate program as defined in s.
 382 1004.02(21), up to the number of hours required for a specific
 383 certificate not to exceed 72 credit hours or equivalent clock
 384 hours. A student who transfers from one of these program levels
 385 to another program level becomes eligible for the higher of the
 386 two credit hour limits.

387 Section 9. Paragraph (c) of subsection (4) of section
 388 1009.536, Florida Statutes, is amended to read:

389 1009.536 Florida Gold Seal Vocational Scholars award.—The
 390 Florida Gold Seal Vocational Scholars award is created within

391 the Florida Bright Futures Scholarship Program to recognize and
 392 reward academic achievement and career preparation by high
 393 school students who wish to continue their education.

394 (4)

395 (c) A student who is initially eligible in the 2012-2013
 396 academic year and thereafter may earn a Florida Gold Seal
 397 Vocational Scholarship for a maximum of 100 percent of the
 398 number of credit hours or equivalent clock hours required to
 399 complete one of the following at a Florida public or nonpublic
 400 education institution that offers these specific programs: for a
 401 college credit certificate ~~an applied technology diploma~~ program
 402 as defined in s. 1004.02(8), up to 60 credit hours or equivalent
 403 clock hours; for a technical degree education program as defined
 404 in s. 1004.02(14), up to the number of hours required for a
 405 specific degree not to exceed 72 credit hours or equivalent
 406 clock hours; or for a career certificate program as defined in
 407 s. 1004.02(21), up to the number of hours required for a
 408 specific certificate not to exceed 72 credit hours or equivalent
 409 clock hours.

410 Section 10. Paragraph (c) of subsection (1) and
 411 subsections (2) and (10) of section 1011.80, Florida Statutes,
 412 are amended to read:

413 1011.80 Funds for operation of workforce education
 414 programs.—

415 (1) As used in this section, the terms "workforce
 416 education" and "workforce education program" include:

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417 (c) College credit certificate ~~Applied technology diploma~~
 418 programs, as defined in s. 1004.02(8).

419 (2) A ~~Any~~ workforce education program may be conducted by
 420 a Florida College System institution or a school district,
 421 except that ~~college credit in an associate in applied science or~~
 422 an associate in science degree may be awarded only by a Florida
 423 College System institution. However, if an ~~associate in applied~~
 424 ~~science or an~~ associate in science degree program contains
 425 within it ~~an occupational completion point that confers a~~
 426 college credit certificate or an applied technology diploma,
 427 that portion of the program may be offered ~~conducted~~ by a school
 428 district career center. A career center authorized to offer an
 429 associate in applied science degree program pursuant to s.
 430 1001.44(5) may offer only those general education courses
 431 contained within the approved degree program. ~~Any~~ Instruction
 432 designed to articulate to a degree program is subject to
 433 guidelines and standards adopted by the State Board of Education
 434 pursuant to s. 1007.25.

435 (10) A high school student dually enrolled under s.
 436 1007.271 in a workforce education program operated by a Florida
 437 College System institution or school district career center
 438 generates the amount calculated for workforce education funding,
 439 including any payment of performance funding, and the
 440 proportional share of full-time equivalent enrollment generated
 441 through the Florida Education Finance Program for the student's
 442 enrollment in a high school. If a high school student is dually

443 enrolled in a Florida College System institution program,
444 including a program conducted at a high school, the Florida
445 College System institution earns the funds generated for
446 workforce education funding, and the school district earns the
447 proportional share of full-time equivalent funding from the
448 Florida Education Finance Program. If a student is dually
449 enrolled in a career center operated by the same district as the
450 district in which the student attends high school, that district
451 earns the funds generated for workforce education funding and
452 also earns the proportional share of full-time equivalent
453 funding from the Florida Education Finance Program. If a student
454 is dually enrolled in a workforce education program provided by
455 a career center operated by a different school district, the
456 funds must be divided between the two school districts
457 proportionally from the two funding sources. A student may not
458 be reported for funding in a dual enrollment workforce education
459 program unless the student has completed the basic skills
460 assessment pursuant to s. 1004.91. A student who is coenrolled
461 in a K-12 education program and an adult education program may
462 be reported for purposes of funding in an adult education
463 program. If a student is coenrolled in core curricula courses
464 for credit recovery or dropout prevention purposes and does not
465 have a pattern of excessive absenteeism or habitual truancy or a
466 history of disruptive behavior in school, the student may be
467 reported for funding for up to two courses per year. Such a
468 student is exempt from the payment of the block tuition for

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469 adult general education programs provided in s. 1009.22(3)(c)
470 ~~1009.22(3)(d)~~. The Department of Education shall develop a list
471 of courses to be designated as core curricula courses for the
472 purposes of coenrollment.

473 Section 11. This act shall take effect July 1, 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 Rodrigues, R. offered the following:

Amendment

6 Remove line 277 and insert:
 7 the full cost of instruction. Residency of students pursuing a
 8 career certificate,

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 Rodrigues, R. offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 410-472 and insert:

7 Section 1. Section 1011.80, Florida Statutes, is amended
 8 to read:

9 1011.80 Funds for operation of workforce education
 10 programs.-

11 (1) As used in this section, the terms "workforce
 12 education" and "workforce education program" include:

13 (a) Adult general education programs designed to improve
 14 the employability skills of the state's workforce as defined in
 15 s. 1004.02(3).

16 (b) Career certificate programs, as defined in s.
 17 1004.02(21).

Amendment No. 2

18 (c) College credit certificate ~~Applied technology diploma~~
19 programs, as defined in s. 1004.02(8).

20 (d) Continuing workforce education courses.

21 (e) Degree career education programs.

22 (f) Apprenticeship and preapprenticeship programs as
23 defined in s. 446.021.

24 (2) A ~~Any~~ workforce education program may be conducted by
25 a Florida College System institution or a school district,
26 except that ~~college credit in an associate in applied science or~~
27 an associate in science degree may be awarded only by a Florida
28 College System institution. However, if an ~~associate in applied~~
29 ~~science or an~~ associate in science degree program contains
30 within it ~~an occupational completion point that confers a~~
31 college credit certificate or an applied technology diploma,
32 that portion of the program may be offered ~~conducted~~ by a school
33 district career center. A career center authorized to offer an
34 associate in applied science degree program pursuant to s.
35 1001.44(5) may offer only those general education courses
36 contained within the approved degree program. ~~Any~~ Instruction
37 designed to articulate to a degree program is subject to
38 guidelines and standards adopted by the State Board of Education
39 pursuant to s. 1007.25.

40 (3) Each school district and Florida College System
41 institution receiving state appropriations for workforce
42 education programs must maintain adequate and accurate records,
43 including a system to record school district workforce education

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44 funding and expenditures in order to maintain separation of
45 postsecondary workforce education expenditures from secondary
46 education expenditures. These records must be filed with the
47 Department of Education in correct and proper form on or before
48 the date due as fixed by law or rule for each annual or periodic
49 report that is required by rules of the State Board of
50 Education.

51 (4) School districts shall report full-time equivalent
52 students by discipline category for the programs specified in
53 subsection (1). There shall be an annual cost analysis for the
54 school district workforce education programs that reports cost
55 by discipline category consistent with the reporting for full-
56 time equivalent students. The annual financial reports submitted
57 by the school districts must accurately report on the student
58 fee revenues by fee type according to the programs specified in
59 subsection (1). The Department of Education shall develop a plan
60 for comparable reporting of program, student, facility,
61 personnel, and financial data of Florida College System
62 institutions and the school district workforce education
63 programs.

64 ~~(3) If a program for disabled adults pursuant to s.~~
65 ~~1004.93 is a workforce program as defined in law, it must be~~
66 ~~funded as provided in this section.~~

67 ~~(4) Funding for all workforce education programs must be~~
68 ~~based on cost categories, performance output measures, and~~
69 ~~performance outcome measures.~~

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70 ~~(a) The cost categories must be calculated to identify~~
71 ~~high cost programs, medium cost programs, and low cost programs.~~
72 ~~The cost analysis used to calculate and assign a program of~~
73 ~~study to a cost category must include at least both direct and~~
74 ~~indirect instructional costs, consumable supplies, equipment,~~
75 ~~and standard program length.~~

76 ~~(b) The performance output measure for an adult general~~
77 ~~education course of study is measurable improvement in student~~
78 ~~skills. This measure shall include improvement in literacy~~
79 ~~skills, grade level improvement as measured by an approved test,~~
80 ~~or attainment of a State of Florida diploma or an adult high~~
81 ~~school diploma.~~

82 ~~(c) The performance outcome measures for adult general~~
83 ~~education programs are associated with placement and retention~~
84 ~~of students after reaching a completion point or completing a~~
85 ~~program of study. These measures include placement or retention~~
86 ~~in employment. Continuing postsecondary education at a level~~
87 ~~that will further enhance employment is a performance outcome~~
88 ~~for adult general education programs.~~

89 (5) State funding and student fees for workforce education
90 instruction shall be established as follows:

91 (a) Expenditures for the continuing workforce education
92 programs provided by the Florida College System institutions or
93 school districts must be fully supported by fees. Enrollments in
94 continuing workforce education courses shall not be counted for
95 purposes of funding full-time equivalent enrollment.

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96 (b) For all other workforce education programs, state
97 funding shall be calculated based on weighted enrollment and
98 program costs minus fee revenues generated to offset program
99 operational costs equal 75 percent of the average cost of
100 instruction with the remaining 25 percent made up from student
101 fees. Fees for courses within a program shall not vary according
102 to the cost of the individual program, but instead shall be as
103 provided in s. 1009.22 based on a uniform fee calculated and set
104 at the state level, as adopted by the State Board of Education,
105 unless otherwise specified in the General Appropriations Act.

106 ~~(c) For fee-exempt students pursuant to s. 1009.25, unless~~
107 ~~otherwise provided for in law, state funding shall equal 100~~
108 ~~percent of the average cost of instruction.~~

109 ~~(c)(d)~~ For a public educational institution that has been
110 fully funded by an external agency for direct instructional
111 costs of any course or program, the FTE generated shall not be
112 reported for state funding.

113 ~~(6) (a) A school district or a Florida College System~~
114 ~~institution that provides workforce education programs shall~~
115 ~~receive funds in accordance with distributions for base and~~
116 ~~performance funding established by the Legislature in the~~
117 ~~General Appropriations Act. To ensure equitable funding for all~~
118 school district workforce education programs and to recognize
119 enrollment growth, the Department of Education shall use the
120 funding model developed by the District Workforce Education
121 Funding Steering Committee to determine each district's

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122 workforce education funding needs. To assist the Legislature in
123 allocating workforce education funds in the General
124 Appropriations Act, the funding model shall annually be provided
125 to the legislative appropriations committees no later than March
126 1.

127 (b) Operational funding shall be provided to school
128 districts for workforce education programs based on weighted
129 student enrollment and program costs determined by cost
130 categories. The cost categories must be calculated to identify
131 high-cost programs, medium-cost programs, and low-cost programs.
132 The cost analysis used to calculate and assign a program of
133 study to a cost category must include at least both direct and
134 indirect instructional costs, consumable supplies, equipment,
135 and standard program length.

136 (7) Performance funding for workforce education programs
137 shall be contingent upon specific appropriation in the General
138 Appropriations Act. To assist the Legislature in determining
139 performance funding allocations, the State Board of Education
140 shall provide the Legislature with recommended formulas,
141 criteria, timeframes, and mechanisms for distributing
142 performance funds no later than March 1. These recommendations
143 shall reward programs that:

144 (a) Prepare people to enter high-skill/high-wage
145 occupations identified by the Workforce Estimating Conference
146 created by s. 216.136 and other programs as approved by
147 Workforce Florida, Inc. At a minimum, performance incentives

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148 shall be calculated for adults who reach completion points or
149 complete programs that lead to specified high-wage employment
150 and to their placement in that employment.

151 (b) Prepare adults who are eligible for public assistance,
152 economically disadvantaged, disabled, not proficient in English,
153 or dislocated workers for high-wage occupations. At a minimum,
154 performance incentives shall be calculated at an enhanced value
155 for the completion of adults identified in this paragraph and
156 job placement of such adults upon completion. In addition,
157 adjustments may be made in payments for job placements for areas
158 of high unemployment.

159 (c) Increase student achievement in adult general
160 education courses by measuring performance output and outcome
161 measures.

162 1. The performance output measure for an adult general
163 education course of study is measurable improvement in student
164 skills. This measure shall include improvement in literacy
165 skills, grade level improvement as measured by an approved test,
166 or attainment of a Florida diploma or an adult high school
167 diploma.

168 2. The performance outcome measures for adult general
169 education programs are associated with placement and retention
170 of students after reaching a completion point or completing a
171 program of study. These measures include placement or retention
172 in employment. Continuing postsecondary education at a level

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173 that will further enhance employment is a performance outcome
174 for adult general education programs.

175 (d) Award industry certifications. Performance funding for
176 industry certifications shall be determined as follows:

177 ~~(b) Performance funding for industry certifications for~~
178 ~~school district workforce education programs is contingent upon~~
179 ~~specific appropriation in the General Appropriations Act and~~
180 ~~shall be determined as follows:~~

181 1. Occupational areas for which industry certifications
182 may be earned, as established in the General Appropriations Act,
183 are eligible for performance funding. Priority shall be given to
184 the occupational areas emphasized in state, national, or
185 corporate grants provided to Florida educational institutions.

186 2. The Chancellor of Career and Adult Education shall
187 identify the industry certifications eligible for funding on the
188 Postsecondary Industry Certification Funding List approved by
189 the State Board of Education pursuant to s. 1008.44, based on
190 the occupational areas specified in the General Appropriations
191 Act.

192 3. Each school district shall be provided \$1,000 for each
193 industry certification earned by a workforce education student.
194 The maximum amount of funding appropriated for performance
195 funding pursuant to this paragraph shall be limited to \$15
196 million annually. If funds are insufficient to fully fund the
197 calculated total award, such funds shall be prorated.

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198 ~~(c) A program is established to assist school districts~~
199 ~~and Florida College System institutions in responding to the~~
200 ~~needs of new and expanding businesses and thereby strengthening~~
201 ~~the state's workforce and economy. The program may be funded in~~
202 ~~the General Appropriations Act. The district or Florida College~~
203 ~~System institution shall use the program to provide customized~~
204 ~~training for businesses which satisfies the requirements of s.~~
205 ~~288.047. Business firms whose employees receive the customized~~
206 ~~training must provide 50 percent of the cost of the training.~~
207 ~~Balances remaining in the program at the end of the fiscal year~~
208 ~~shall not revert to the general fund, but shall be carried over~~
209 ~~for 1 additional year and used for the purpose of serving~~
210 ~~incumbent worker training needs of area businesses with fewer~~
211 ~~than 100 employees. Priority shall be given to businesses that~~
212 ~~must increase or upgrade their use of technology to remain~~
213 ~~competitive.~~

214 (8) ~~(7)~~(a) A school district or Florida College System
215 institution that receives workforce education funds must use the
216 money to benefit the workforce education programs it provides.
217 The money may be used for equipment upgrades, program
218 expansions, or any other use that would result in workforce
219 education program improvement. The district school board or
220 Florida College System institution board of trustees may not
221 withhold any portion of the performance funding for indirect
222 costs.

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223 (b) State funds provided for the operation of
224 postsecondary workforce programs may not be expended for the
225 education of state or federal inmates.

226 ~~(8) The State Board of Education and Workforce Florida,~~
227 ~~Inc., shall provide the Legislature with recommended formulas,~~
228 ~~criteria, timeframes, and mechanisms for distributing~~
229 ~~performance funds. The commissioner shall consolidate the~~
230 ~~recommendations and develop a consensus proposal for funding.~~
231 ~~The Legislature shall adopt a formula and distribute the~~
232 ~~performance funds to the State Board of Education for Florida~~
233 ~~College System institutions and school districts through the~~
234 ~~General Appropriations Act. These recommendations shall be based~~
235 ~~on formulas that would discourage low performing or low demand~~
236 ~~programs and encourage through performance funding awards:~~

237 ~~(a) Programs that prepare people to enter high-wage~~
238 ~~occupations identified by the Workforce Estimating Conference~~
239 ~~created by s. 216.136 and other programs as approved by~~
240 ~~Workforce Florida, Inc. At a minimum, performance incentives~~
241 ~~shall be calculated for adults who reach completion points or~~
242 ~~complete programs that lead to specified high-wage employment~~
243 ~~and to their placement in that employment.~~

244 ~~(b) Programs that successfully prepare adults who are~~
245 ~~eligible for public assistance, economically disadvantaged,~~
246 ~~disabled, not proficient in English, or dislocated workers for~~
247 ~~high-wage occupations. At a minimum, performance incentives~~
248 ~~shall be calculated at an enhanced value for the completion of~~

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249 ~~adults identified in this paragraph and job placement of such~~
250 ~~adults upon completion. In addition, adjustments may be made in~~
251 ~~payments for job placements for areas of high unemployment.~~

252 ~~(c) Programs that are specifically designed to be~~
253 ~~consistent with the workforce needs of private enterprise and~~
254 ~~regional economic development strategies, as defined in~~
255 ~~guidelines set by Workforce Florida, Inc. Workforce Florida,~~
256 ~~Inc., shall develop guidelines to identify such needs and~~
257 ~~strategies based on localized research of private employers and~~
258 ~~economic development practitioners.~~

259 ~~(d) Programs identified by Workforce Florida, Inc., as~~
260 ~~increasing the effectiveness and cost efficiency of education.~~

261 ~~(9) School districts shall report full-time equivalent~~
262 ~~students by discipline category for the programs specified in~~
263 ~~subsection (1). There shall be an annual cost analysis for the~~
264 ~~school district workforce education programs that reports cost~~
265 ~~by discipline category consistent with the reporting for full-~~
266 ~~time equivalent students. The annual financial reports submitted~~
267 ~~by the school districts must accurately report on the student~~
268 ~~fee revenues by fee type according to the programs specified in~~
269 ~~subsection (1). The Department of Education shall develop a plan~~
270 ~~for comparable reporting of program, student, facility,~~
271 ~~personnel, and financial data between the Florida College System~~
272 ~~institutions and the school district workforce education~~
273 ~~programs.~~

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274 ~~(9)-(10)~~ A high school student dually enrolled under s.
275 1007.271 in a workforce education program operated by a Florida
276 College System institution or school district career center
277 generates the amount calculated for workforce education funding,
278 including any payment of performance funding, and the
279 proportional share of full-time equivalent enrollment generated
280 through the Florida Education Finance Program for the student's
281 enrollment in a high school. If a high school student is dually
282 enrolled in a Florida College System institution program,
283 including a program conducted at a high school, the Florida
284 College System institution earns the funds generated for
285 workforce education funding, and the school district earns the
286 proportional share of full-time equivalent funding from the
287 Florida Education Finance Program. If a student is dually
288 enrolled in a career center operated by the same district as the
289 district in which the student attends high school, that district
290 earns the funds generated for workforce education funding and
291 also earns the proportional share of full-time equivalent
292 funding from the Florida Education Finance Program. If a student
293 is dually enrolled in a workforce education program provided by
294 a career center operated by a different school district, the
295 funds must be divided between the two school districts
296 proportionally from the two funding sources. A student may not
297 be reported for funding in a dual enrollment workforce education
298 program unless the student has completed the basic skills
299 assessment pursuant to s. 1004.91. A student who is coenrolled

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300 in a K-12 education program and an adult education program may
301 be reported for purposes of funding in an adult education
302 program. If a student is coenrolled in core curricula courses
303 for credit recovery or dropout prevention purposes and does not
304 have a pattern of excessive absenteeism or habitual truancy or a
305 history of disruptive behavior in school, the student may be
306 reported for funding for up to two courses per year. Such a
307 student is exempt from the payment of the block tuition for
308 adult general education programs provided in s. 1009.22(3)(c)
309 1009.22(3)(d). The Department of Education shall develop a list
310 of courses to be designated as core curricula courses for the
311 purposes of coenrollment.

312 ~~(10)-(11)~~ The State Board of Education may adopt rules to
313 administer this section.

314

315

316

317

318

319

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

320

Remove lines 23-26 and insert:

321

amending s. 1011.80, F.S., relating to funds for operation of

322

workforce education programs; conforming provisions; authorizing

323

a career center to offer associate in applied science degree

324

programs; requiring school districts and Florida College System

325



institutions to maintain certain records; providing requirements

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326 | for reporting students and cost analysis; revising funding
327 | calculation and allocation; correcting a cross-reference;
328 | providing an effective date.
329 |

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7033 **PCB KTS 14-03** **Middle Grades Education**
SPONSOR(S): K-12 Subcommittee, Adkins
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-12 Subcommittee	13 Y, 0 N	Brink	Ahearn
1) Education Appropriations Subcommittee		Seifert 	Heflin 
2) Education Committee			

SUMMARY ANALYSIS

The bill restructures requirements for middle grades education so that:

- each school that includes any of grades 6, 7, or 8 implement an early warning system that uses early warning indicators to identify students at risk of not graduating from high school.
- a school's child study team or similar team convene when a student exhibits two or more early warning indicators for dropout prevention and academic intervention programs.
- the Department of Education (DOE) provide web-based professional development to districts to help teachers integrate digital instruction into their classrooms including access to web-based materials on middle grades instructional techniques.
- school districts emphasize middle grades best practices in the districts' professional development systems and to describe the training middle grades instructional personnel and school administrators receive on these best practices.
- a school that includes any of grades 6, 7, or 8 report in its school improvement plan information relating to professional development and the school's early warning system.
- the State Board of Education (SBE) remove from the Course Code Directory any middle grades course that does not fully integrate all appropriate curricular content required by the state's academic standards and authorizes the SBE to approve a new course only if the course meets the required curricular content.

The bill provides weighted full-time equivalent (FTE) funding to schools for industry certifications earned by middle grades students.

The bill extends anti-hazing provisions to include grades 6 through 8 and revises the definition of "hazing". School districts must adopt policies that prohibit hazing and set consequences for violations. The bill requires school districts to report incidents of hazing in grades 6 through 12 to the DOE and modifies existing criminal hazing provisions.

The bill has no fiscal impact on state or local governments.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Middle Grades Reform

Legislative History

Middle grades¹ education is a relatively recent construct, originating in the early 1960's, designed to create schools responsive to the needs of young people.² Florida's Legislature first launched a statewide middle grades reform effort in 1984 by establishing the Florida Progress in Middle Childhood Education Program (PRIME). The purpose of PRIME was to establish programs that "recognize the developmental diversity and needs of [grades 4 through 8] students and which result in schools which have the structure, organization, curriculum, services, and personnel appropriate to facilitate" the transition from elementary to high school.³ These programs emphasized instructional practices including interdisciplinary teaming and instruction, middle grades curriculum development, planning and evaluating middle grades programs, in-service training on middle grades best practices, and student progress monitoring.⁴

In 2004, the Legislature enacted the Middle Grades Reform Act,⁵ the purpose of which was to add focus to middle school courses so students promoted from grade 8 would be ready to succeed in high school. The Act:

- Required the Department of Education (DOE) to review reading and language arts programs in the middle grades and assist the Commissioner of Education (commissioner) with recommendations for curricula changes;
- Instituted a rigorous reading requirement in schools where less than 75 percent of grade 6, 7, or 8 students were reading on grade level;
- Required the DOE to conduct a study on improving the overall academic performance of middle school students; and
- Established a personalized middle school success plan for all students entering grade 6 who scored below Level 3 on their most recent Florida Comprehensive Assessment Test (FCAT) Reading assessment.

After the Middle Grades Reform Act was enacted, a Middle Grades Reform Task Force, convened by the DOE, published recommendations for further reforms,⁶ many of which were included in HB 7087 in 2006.⁷ Among other things, HB 7087 established middle grades course completion requirements for promotion to grade 9. In addition, the legislation required middle grades students to complete both a year-long exploratory wheel course and a career and education planning course which results in an academic and career plan for the student.⁸

In 2013, the Legislature enacted CS/CS/SB 1076, which amended provisions relating to weighted full-time equivalent (FTE) funding for middle grades industry certifications, required that the career and education

¹ In Florida, middle grades are comprised of grades 6, 7, and 8. Florida Department of Education, *2013-2014 Course Code Directory and Instructional Personnel Assignments*, available at <http://www.fldoe.org/articulation/CCD/files/CCDNarrative1314.pdf>.

² Peter Meyer, *The Middle School Mess*, EDUC. NEXT, Winter 2011, at 42, available at http://educationnext.org/files/ednext_20111_Meyer.pdf.

³ See s. 83, ch. 83-336, L.O.F.

⁴ See *id.*

⁵ See ch. 2004-255, L.O.F.

⁶ See Florida Department of Education, *Middle Grades Reform Recommendations* (Nov. 16, 2004), available at www.fldoe.org/board/meetings/2004_11_16/MiddleGrades_Pres.pdf.

⁷ Florida Department of Education, Press Release, *Governor Bush Announces Initiative to Increase Rigor and Change Culture of Middle Grades*, http://www.fldoe.org/news/2005/2005_01_10-5.asp (last visited Dec. 16, 2013).

⁸ Section 21, ch. 2006-74, L.O.F.

planning course be internet-based and emphasize entrepreneurship skills, adjusted end-of-course assessment provisions for the required course in civics, and expanded remediation options for middle grades students who earn a Level 1 on the FCAT Reading assessment.

Research and Data

Recent research has identified practices that have proven instrumental in decreasing achievement gaps and propelling students into high school on track to graduate ready for college and career.⁹ Certain themes pervade the research, such as:

- The need to closely monitor students early in middle school using research-based indicators to identify students in need of additional support or interventions to stay on track to graduate high school college and career ready;
- The importance of small learning communities, interdisciplinary teaching teams, and common planning time so that teachers can better connect with students and understand students' strengths and areas for growth;
- The crucial role effective, relevant, and school-needs focused professional development plays in preparing middle grades teachers to effectively teach middle grades students;
- The connection between high performing schools and the use of data to make decisions about school improvement; and
- The need for high expectations for students and aligning curricula with state standards.¹⁰

Early Warning Systems

Research from Johns Hopkins University has shown that students who are at risk of dropping out or failing to graduate from high school on time can be identified, as early as sixth grade, using certain "early warning indicators".¹¹ These indicators include, for students in the sixth grade, attendance in the range of 80-90 percent or below, receipt of an out-of-school suspension, and course failure in English or mathematics.¹² The research found that students from high-poverty, urban schools in Philadelphia who exhibited any one of these indicators in the sixth grade had less than a 20 percent chance of graduating from high school on time (within one extra year of their expected graduation date).¹³ Furthermore, less than 75 percent of students exhibiting one or more of these indicators graduated from high school on time.¹⁴

Predictive power: % with this flag who...	Flag in Sixth Grade (in 1997)			
	Attended 80% or Less	Failed Math	Failed English	Suspended Out of School
Graduated on time	13	13	12	16
Graduated 1 year late	4	6	6	4
Did not graduate within 1 year late	83	81	82	80
Yield: % of nongraduates flagged	23	21	17	10

⁹ Robert Balfanz, *Putting Middle Grades Students on the Graduation Path: A Policy and Practice Brief*, National Middle School Association, June 2009, at 3, available at https://www.amle.org/portals/0/pdf/articles/Policy_Brief_Balfanz.pdf.

¹⁰ See Office of Program Policy and Government Accountability, *Middle Grades Best Practices*, Research Memorandum (Sept. 30, 2013).

¹¹ See *Id.* See also Robert Balfanz, Lisa Herzog, & Douglas J. Mac Iver, *Preventing Student Disengagement and Keeping Students on the Graduation Path in urban Middle-Grades Schools: Early Identification and Effective Interventions*, 42 EDUCATIONAL PSYCHOLOGIST 223 (2007), available at web.jhu.edu/sebin/q/b/preventingstudentdisengagement.pdf.

¹² *Id.* at 227.

¹³ See *Id.* at 226-28, 230.

¹⁴ Robert Balfanz, *Putting Middle Grades Students on the Graduation Path: A Policy and Practice Brief*, National Middle School Association, June 2009, at 4.

¹⁵ Robert Balfanz, Lisa Herzog, & Douglas J. Mac Iver, *Preventing Student Disengagement and Keeping Students on the Graduation Path in urban Middle-Grades Schools: Early Identification and Effective Interventions*, 42 EDUCATIONAL PSYCHOLOGIST 223, at 228 (using data from the School District of Philadelphia).

Early warning systems predicated on this research have been implemented at a number of middle schools nationwide.¹⁶ These systems are used to monitor students using the attendance, behavior, and course performance indicators shown by the research to be reliable indicators of students at risk of dropping out.¹⁷ Once a student is identified as being off track, research-based intervention techniques are initiated to help the student get back on track to graduate on time.¹⁸ The systems have been identified as a key tool to promote student achievement and a benchmark against which the nation can chart its progress against problems with student dropouts.¹⁹

In the Miami-Dade County School District, a collaborative program called Diplomas Now, formed for the purpose of implementing the early warning research of Johns Hopkins University, has established early warning systems at six schools to identify at-risk students and provide interventions to help these students get back on track to graduate.²⁰ The program has helped 186 students improve their attendance, with 41 percent of those students improving their attendance significantly enough to no longer be identified as at risk based on the attendance indicator. Likewise, the program has helped 240 students improve their behavior, 64 percent of whom were put back on track for graduation by the end of the year. Finally, the program has helped 198 students improve their English grades and 212 improve their mathematics grades, with 54 percent in English and 46 percent of students in mathematics getting back on track.²¹

Additional research has reaffirmed the importance of utilizing early warning and intervention systems in improving student achievement in the middle grades.²² Benefits of these systems include:

- The ability to pinpoint and address student disengagement on an individual student basis;
- Decreased reliance on broader socioeconomic markers of demographics and economic status to identify at-risk students;
- The ability to target resources to improve student achievement by focusing on academic performance and thereby reduce the interference of unfavorable nonacademic factors on student success; and
- Identification of patterns in early warning indicators at the school and district levels to identify systemic weaknesses in schools that are increasing the likelihood of student dropouts.²³

¹⁶ Diplomas Now, *Where We Work*, <http://diplomasnow.org/about/where-we-work/> (last visited Jan. 22, 2014).

¹⁷ The 2007 report published in the *Educational Psychologist* journal states that the attendance, behavior, and course performance indicators were used to identify 60% of the participating students who would not graduate from high school. See Robert Balfanz, Lisa Herzog, & Douglas J. Mac Iver, *Preventing Student Disengagement and Keeping Students on the Graduation Path in urban Middle-Grades Schools: Early Identification and Effective Interventions*, 42 *EDUCATIONAL PSYCHOLOGIST* at 223.

¹⁸ Robert Balfanz, *Putting Middle Grades Students on the Graduation Path: A Policy and Practice Brief*, National Middle School Association, June 2009, at 10-11; Diplomas Now, *Diplomas Now Benefits Students, their Schools, and Communities: hearing before the House Education K-12 Subcommittee* (Nov. 5, 2013).

¹⁹ Everyone Graduates Center, *On Track for Success: The Use of Early Warning Indicator and Intervention Systems to Build a Grad Nation* (November 2011), available at http://new.every1graduates.org/wp-content/uploads/2012/03/on_track_for_success.pdf.

²⁰ Diplomas Now, *Where we Work*, <http://diplomasnow.org/about/where-we-work/> (last visited Jan. 22, 2014).

²¹ Diplomas Now, *Diplomas Now Benefits Students, their Schools, and Communities: hearing before the House Education K-12 Subcommittee* (Nov. 5, 2013).

²² Trish Williams, Matthew Rosin, & Michael W. Kirst, *Gaining Ground in the Middle Grades*, *EDUC. OUTLOOK*, January 2011, at 1; Southern Regional Education Board, *Improved Middle Grades Schools for Improved High School Readiness: Ten Best Practices in the Middle Grades* (2012), at 17, available at publications.sreb.org/2012/12V05_MiddleGrades_10_Best_Practices.pdf; Southern Regional Education Board, *A New Mission for the Middle Grades: Preparing Students for a Changing World* (2011), at 13, available at publications.sreb.org/2011/11E15_Mid_Grades_Com.pdf; Education Commission of the States, *Middle Grades: 15 Actions Your State Can Take to Maximize Young Adolescents' Readiness for Grade 9—and College and Careers*, *THE PROGRESS OF EDUC. REFORM*, August 2009, at 2; Alliance for Excellent Education, *Using Early-Warning Data to Improve Graduation Rates: Closing Cracks in the Education System* (2008), available at <http://www.all4ed.org/wp-content/uploads/EWI.pdf>.

²³ Alliance for Excellent Education, *Using Early-Warning Data to Improve Graduation Rates: Closing Cracks in the Education System* (2008), at 2-3, available at <http://www.all4ed.org/wp-content/uploads/EWI.pdf>.

Professional Development

Research on middle grades reform emphasizes that professional development is crucial in improving student academic performance. The Southern Regional Education Board reported that the most improved middle schools surveyed as part of its *Making Middle Grades Work* initiative²⁴ provide extensive professional development to staff in a variety of areas, including use of project-based learning, active student participation in the learning process, adapting teaching methods to the learning styles of different students, use of reading and writing for learning in the content area and across curriculum, use of interdisciplinary themes or units, and other research-based areas.²⁵ The most-improved schools also sustained staff development programs over time while providing incentives that encourage teachers to participate, reflect on what they learn, and apply the practices in their classrooms.²⁶ Other research has shown that professional development is critical to integrating digital instruction into the classroom²⁷ and implementing interdisciplinary teaching.²⁸

Interdisciplinary Teaching and Small Learning Communities

Interdisciplinary teaching entails the formation of small teams of teachers who share students and meet regularly to discuss student progression.²⁹ This practice allows the teams to ease the transition between elementary school and middle school, provide a more accelerated curriculum, and create a more personalized learning environment for students.³⁰ Furthermore, interdisciplinary teaching has been proven to increase student achievement as measured on state reading and mathematics assessments, even in high-poverty schools.³¹

Small learning communities are individualized learning units within larger school settings.³² In a small learning community, a team of teachers instruct a smaller group of common students, which allows for greater interdisciplinary teaching, individualized instruction, and relationship building between students, teachers, and parents.³³ It has long been considered a best practice in middle grades instruction.³⁴

Integration of Digital Instruction

Recent middle grades reform research emphasizes the need for schools to have the technological capacity to prepare students for the information and digital age, handle increasing technological demands on teachers for tools to advance student learning, and sufficiently monitor student progression.³⁵ Furthermore, it is important that schools integrate digital instruction into the classroom and course curricula, offering a broad span of

²⁴ Southern Regional Education Board, *Making Middle Grades Work*, http://www.sreb.org/page/1080/making_middle_grades_work.html (last visited Jan. 2, 2014).

²⁵ Southern Regional Education Board, *Improved Middle Grades Schools for Improved High School Readiness: Ten Best Practices in the Middle Grades*, at 24-25.

²⁶ *Id.* at 26.

²⁷ Advancing Education, Inc., *Commonalities of Georgia's Successful Middle Schools* (2011), available at http://www.gpee.org/fileadmin/files/PDFs/Middle_Sch_Rpt_-_SS.pdf.

²⁸ Christopher M. Cook & Shawn A. Faulkner, *The Use of Common Planning Time: A Case Study of Two Kentucky Schools to Watch*, 34 RESEARCH IN MIDDLE LEVEL EDUC. ONLINE (No. 2) 1 (2010).

²⁹ Office of Program Policy and Government Accountability, *Middle Grades Best Practices*, Research Memorandum, at 2 (Sept. 30, 2013).

³⁰ *Id.* at 2.

³¹ *Id.* at 2.

³² California Department of Education, *Small Learning Communities*, <http://pubs.cde.ca.gov/tcsii/ch5/smllrngcmunities.aspx> (last visited Jan. 23, 2014).

³³ See *Id.* See also Paul S. George, *What is a Middle School—Really?; hearing before hearing before the House Education K-12 Subcommittee* (Nov. 5, 2013).

³⁴ California Department of Education, *Small Learning Communities*, <http://pubs.cde.ca.gov/tcsii/ch5/smllrngcmunities.aspx> (last visited Jan. 23, 2014).

³⁵ Southern Regional Education Board, *A New Mission for the Middle Grades: Preparing Students for a Changing World* (2011), at 7.

techniques and tools to individualize education and supplement classroom instruction. Blending technology with classroom instruction can improve student performance and motivation beyond classroom or internet-based courses alone.³⁶

Integration of technology into the classroom, also called “blended learning,” allows for greater personalization of instruction to drive student engagement, helps reduce student dropouts, closes achievement gaps, and better prepares students for college and career.³⁷ Further, blended learning can accelerate educational opportunities through a wider variety of subjects, instructional strategies and delivery, and curriculum and content relevant to students.³⁸ A digitally enhanced personalized learning experience can build upon individual learning styles, connect with student interests and abilities, and allow students to work at their own pace.³⁹

Competency-Based Education

As blended learning has become more prevalent across the country, the expanded options for personalized instruction has resulted in a growing demand for student-centered digital learning using competency-based education.⁴⁰

Competency-based education, also known as proficiency-, standards-, mastery-, or performance-based education, is an instructional approach in which students progress to more advanced work upon demonstration of mastery of academic content, as opposed to time spent in a course.⁴¹ Virtual instruction is an example of competency-based instruction in Florida—high school students earn credits toward graduation and middle grades students progress from grade to grade by successfully completing courses, not by time spent in a class.⁴²

Competency-based education has been cited as a method to:

- Help traditionally underserved students learn to achieve high state standards;
- Increase college and career readiness;
- Strengthen the economy through a workforce prepared to succeed in a global, knowledge-based economy; and
- Increase student engagement and provide acceleration mechanisms for students at-risk of not graduating high school because they are significantly behind in credits, coursework, or skills.⁴³

When used in conjunction with integrated digital instruction, competency-based education can empower personalized instruction and allow students to learn at their own place at any time or any place.⁴⁴

Data on Middle Grades in Florida

³⁶ *See id.* at 8.

³⁷ Alliance for Excellent Education, *The Digital Imperative: How Technology and Teaching Meet Today’s Education Challenges* (June 2012), at 12, available at <http://all4ed.org/wp-content/uploads/2012/01/DigitalLearningImperative.pdf>

³⁸ *Id.*

³⁹ *Id.* at 12.

⁴⁰ International Association for K-12 Online Learning, *Re-Engineering Information Technology: Design Considerations for Competency Education* (2013), available at <http://www.inacol.org/resources/publications/competency-education/>.

⁴¹ Edudemic, *How Competency-Based Learning Actually Works* (2013), <http://www.edudemic.com/how-competency-based-learning-actually-works/> (last visited Jan. 3, 2014).

⁴² Sections 1002.37(a)1.-2. and 1001.42(23), F.S.

⁴³ International Association for K-12 Online Learning, *Necessary for Success, Building Mastery of World-Class Skills: A state Policymakers Guide to Competency Education* (2013), at 11, available at <http://www.inacol.org/resources/publications/competency-education/>.

⁴⁴ International Association for K-12 Online Learning, *Re-Engineering Information Technology: Design Considerations for Competency Education* (2013), at 5.

Representatives of the DOE appeared before the House Education K-12 Subcommittee on November 5, 2013, to present data on the current state of middle grades education. Among other things, the data reflected the performance of Florida's 4th and 8th grade students on the National Assessment of Educational Progress (NAEP), learning gains as measured by state assessments for 4th through 8th grade students, statewide attendance numbers, the percentage of middle grades students reported as dropouts, and instances of student discipline (suspensions and expulsions).⁴⁵

The data presented on NAEP scores showed that, as of 2013, Florida's 8th grade students score lower than the national average in mathematics at both basic and proficient levels while nearly level with the national average in reading at both levels.⁴⁶ Data on student attendance indicated that, statewide, about 6.7 percent of 6th graders, 8.8 percent of 7th graders, and 9.9 percent of 8th graders were absent from school 21 or more days, a number correlated with a significant drop in student performance,⁴⁷ during the 2011-2012 school year. Moreover, in the 2011-2012 school year, 18.1 percent of 6th graders, 21.2 percent of 7th graders, and 21 percent of 8th graders statewide received an in-school suspension or out-of-school suspension or were expelled.⁴⁸ Finally, 0.7 percent of 6th grade students, 0.5 percent of 7th graders, and 0.9 percent of 8th graders were reported by districts as dropouts in the 2011-2012 school year.⁴⁹

Background

General Requirements

In order for a student to be promoted to grade 9,⁵⁰ the student must successfully complete the following academic courses:

- Three middle grades or higher courses in English language arts;
- Three middle grades or higher courses in mathematics;
- Three middle grades or higher courses in social studies, one semester of which must include the study of state and federal government and civics education;
- Three middle grades or higher courses in science; and
- One course in career and education planning to be completed in 6th, 7th, or 8th grade.⁵¹

Beginning in the 2013-14 school year, the required civics course must include an end-of-course (EOC) assessment in civics education which constitutes 30 percent of the student's final course grade.⁵²

Acceleration

Each school that includes middle grades must offer at least one high school level mathematics course for which students may earn high school credit.⁵³ For high school level Algebra I, Geometry, and Biology I courses

⁴⁵ Florida Department of Education, *Middle Grades Descriptive Data; hearing before the House Education K-12 Subcommittee* (Nov. 5, 2013).

⁴⁶ For reading, 33 percent of Florida 8th graders scored at or above proficient level against a national average of 34 percent. Seventy-seven percent scored at or above basic level, matching the national average of 77 percent. In mathematics, 31 percent of Florida's 8th graders scored at or above proficient level against a national average of 34 percent. Seventy percent scored at or above basic level against a national average of 73 percent.

⁴⁷ Florida Department of Education, *Impact of Absenteeism in Early Grades; hearing before the House Education Committee* (Jan. 7, 2014).

⁴⁸ Florida Department of Education, *Middle Grades Descriptive Data; hearing before the House Education K-12 Subcommittee* (Nov. 5, 2013).

⁴⁹ *Id.*

⁵⁰ Students in grades 6, 7, or 8 who are not enrolled in a school with a middle grades configuration are subject to the same promotion requirements as students enrolled in a school with a middle grades configuration. Section 1003.4156(2), F.S.

⁵¹ Section 1003.4156(1)(a), F.S.

⁵² Section 1003.4156(1)(c), F.S.

⁵³ Section 1003.4156(1)(b), F.S.

tested by a statewide, standardized, EOC assessment, a middle grades student's successful completion of that course is not contingent upon the student's performance on the EOC assessment. However, a middle grades student must earn a passing score on the Algebra I EOC assessment in order to receive high school credit in Algebra I. A middle grades student taking Geometry or Biology I must take the EOC assessment, which constitutes 30 percent of the student's final course grade, and earn a passing grade in the course, in order to earn high school credit for the course.⁵⁴

Statewide Middle Grades Standards and Assessments

Legislation enacted in 2008 provided for the replacement of the Sunshine State Standards (SSS) with more rigorous Next Generation Sunshine State Standards (NGSSS).⁵⁵ Among other things, the legislation directed the Commissioner of Education to establish an expedited schedule for this transition, to be completed by December 1, 2011. The transition from the SSS to the NGSSS was completed in December 2010. The NGSSS establish the core curricular content for English language arts, Science, Mathematics, Social Studies, Visual and Performing Arts, Physical Education, and Foreign Languages for the public K-12 system, including middle grades.⁵⁶

The statewide assessment program measures student mastery of the NGSSS.⁵⁷ The statewide assessment program for public schools includes the FCAT and statewide, standardized EOC assessments.⁵⁸ FCAT assesses reading (grades 3-10), mathematics (grades 3-8), science (grades 5 and 8), and writing (grades 4, 8, and 10).⁵⁹ Florida transitioned to FCAT 2.0 assessments aligned to the more rigorous NGSSS in reading and mathematics in the 2010-2011 school year and in science in the 2011-2012 school year.⁶⁰ Administration of high school FCAT Mathematics was discontinued for students entering grade 9 in the 2010-2011 school year and thereafter.⁶¹

Public middle grades students are required to participate in the statewide assessment program. They fulfill this requirement by taking the FCAT 2.0 each year for their respective grade level.⁶² In addition, each middle grades student must successfully complete, prior to promotion to high school, a civics course that is at least one semester long. Beginning in 2013-2014, each student must take a statewide, standardized civics EOC assessment which constitutes 30 percent of the student's final grade.⁶³

Middle grades students who take Algebra I, Geometry, or Biology I must sit for the corresponding statewide standardized assessment.⁶⁴ Successful completion of the assessment for these courses for high school promotion purposes is not contingent upon the student passing the exam.⁶⁵ However, in order to earn high school credit, a middle grades student taking Algebra I must pass the statewide, standardized EOC assessment.⁶⁶ For Geometry and Biology I, a student's performance on the statewide, standardized

⁵⁴ Section 1003.4156(1)(b) and (d), F.S.

⁵⁵ Section 8, ch. 2008.235, L.O.F.

⁵⁶ Section 1003.41(1)-(2), F.S.; *see, e.g.*, Florida Department of Education, *Next Generation Sunshine State Standards*, <http://www.fldoe.org/bii/curriculum/sss/> (last visited March 10, 2013).

⁵⁷ Section 1008.22(1)(a), F.S.

⁵⁸ Section 1008.22(3)(c)1. and 2., F.S.

⁵⁹ Section 1008.22(3)(a), F.S.

⁶⁰ Florida Department of Education, *2011 FCAT 2.0 Fact Sheet*, at 1 (Feb. 2011), available at <http://fcats.fldoe.org/fcat2/pdf/ffs2.pdf>; Rule 6A-1.09422(3)(b), F.A.C.

⁶¹ Section 1008.22(3)(c)2.a.

⁶² Section 1008.22(3)(a), F.S.

⁶³ Section 1003.4156(1)(c), F.S.

⁶⁴ Section 1003.4156(1), F.S.

⁶⁵ *Id.*

⁶⁶ Section 1003.4156(1)(b), F.S.

assessment comprises 30 percent of the student's final grade, and the student must pass the course in order to earn high school credit.⁶⁷

Remediation Requirements

Prior to the 2013-2014 school year, middle grades students who scored a Level 1 on FCAT Reading were required to receive remediation through an intensive remediation course. Legislation enacted in 2013 allows flexibility for these students to participate in the required remediation either through a remedial course or a content area course which incorporates remediation strategies.⁶⁸ In addition, students who score a Level 2 on the FCAT Reading are also subject to the remediation requirements.⁶⁹

Middle grades students who score a Level 1 or Level 2 on FCAT Mathematics or, when implemented, the new statewide, standardized mathematics assessment, must receive remediation the following year.⁷⁰ The remediation may be integrated into the student's required mathematics courses.⁷¹

Attendance Requirements

In Florida, children 6 to 16 years of age must regularly attend school.^{72,73} Upon attaining 16 years of age, a student is not subject to compulsory school attendance if he or she files with the district school board a formal declaration of intent to terminate school enrollment, which must be signed by the student's parent.⁷⁴ A student terminating school enrollment must complete an exit interview and survey prescribed by the Department of Education and explain the reasons for terminating enrollment.⁷⁵

In addition to attendance in public school, compulsory school attendance may be achieved through regular attendance in a private school; a parochial, religious, or denominational school; a home education program; or a private tutoring program.⁷⁶

State law directs district school boards to establish attendance policies defining excused or unexcused absences or tardiness. Specific criteria for determining whether an absence or tardiness is excused or unexcused are determined by the district school board.⁷⁷ The parent of a student who is absent from school must justify the absence, and the absence is evaluated based on the school board's attendance policies.⁷⁸ If a student is continually sick and repeatedly absent from school, state law requires the student to be under a physician's supervision in order for the absences to be excused. In such cases, the physician's excuse justifies absences beyond the maximum number of days permitted under the district school board's attendance policy.⁷⁹

⁶⁷ Section 1003.4156(1)(b) and (d), F.S.

⁶⁸ Section 13, ch. 2013-27, L.O.F.

⁶⁹ Section 1003.4156(2), F.S.

⁷⁰ Section 1003.4156(3), F.S.

⁷¹ *Id.*

⁷² Sections 1002.20(2)(a) and 1003.21(1)(a)1., F.S. (a child who is 6 years of age, or who will be 6 years old by February 1 of the school year, or older is subject to compulsory school attendance).

⁷³ Although not required to attend public school, children with disabilities who have attained the age of 3 years are eligible for admission to public special education programs. Similarly, children younger than 3 years of age with disabilities may be eligible for special programs and services. Section 1003.21(1)(e), F.S.

⁷⁴ Section 1003.21(1)(c), F.S. A student who is 18 years of age is not required to obtain parental consent when terminating school enrollment. *Id.*

⁷⁵ *Id.*

⁷⁶ Sections 1002.20(2)(b) and 1003.01(13), F.S.

⁷⁷ Section 1003.24, F.S. (flush-left provisions at end of section).

⁷⁸ Section 1003.26, F.S.

⁷⁹ Section 1003.24(4), F.S.

State law and state board rule also authorize a public school to grant permission to students, in accordance with the school district's rules, to be absent from school for religious instruction, religious holidays, or because religious tenets forbid secular activity during the school day.⁸⁰

School districts must implement the following steps to enforce regular attendance:

Contact: Each time a student has an unexcused absence or absence for which the reason is unknown, the school principal or his or her designee must contact the student's parent to determine the reason for the absence. If the reason for the absence is determined to fall within the district's policy for excused absences, the school must allow the student to make up assigned work. The student may not be penalized unless such work is not made up within a reasonable time.⁸¹

Refer: If a student exhibits a "pattern of nonattendance,"⁸² his or her teacher must report the behavior to the school principal. Unless there is clear evidence that the absences are not a pattern of nonattendance, the principal must refer the case to the school's child study team⁸³ to determine whether early patterns of truancy are developing.⁸⁴ If a child study team finds a pattern of truancy developing, the principal must notify the district superintendent and the district contact for home education programs.⁸⁵

The child study team must meet with the student's parent to identify potential remedies and, if that meeting does not resolve the problem, the team must implement:

- Frequent attempts at communication between the teacher and the family;
- Evaluation for alternative education programs; and
- Attendance contracts.⁸⁶

The child study team may also implement other interventions, including referral to other agencies for family services or recommendations for filing a truancy petition,⁸⁷ and must report the case to the district superintendent only after all reasonable intervention efforts have been exhausted.⁸⁸

Florida law holds parents responsible for their student's regular school attendance and for participating in the efforts of a child study team.⁸⁹ A parent who knowingly refuses or fails to do either of the aforementioned requirements may be criminally prosecuted for a second degree misdemeanor, which is punishable by imprisonment for up to 60 days.⁹⁰ In addition to imprisonment, the court may require the parent to participate in an approved parent training class, attend school with the student unless this would cause undue hardship, perform community service hours at the school, or participate in counseling or other services.^{91,92}

⁸⁰ Sections 1002.20(2)(c) and 1003.21(2)(b), F.S.; rule 6A-1.09514(1) and (2), F.A.C.

⁸¹ Section 1003.26(1)(a), F.S.

⁸² If a student has at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within 90 calendar days, the student's primary teacher must report to the school principal that the student may be exhibiting a "pattern of nonattendance." Section 1003.26(1)(b), F.S.

⁸³ A child study team is typically synonymous with other multidisciplinary school teams, such as "problem solving teams," intervention support teams, school based intervention teams, response to intervention teams, and student support teams. Along with its statutory duties concerning student attendance, the child study team meets to collect and review information about students who are referred for learning and/or behavioral concerns. See Florida Department of Education, *Glossary*, <http://www.fldoe.org/military/generaled/glossary.asp> (last visited Aug. 15, 2013).

⁸⁴ Section 1003.26(1)(b), F.S.

⁸⁵ *Id.*

⁸⁶ Section 1003.26(1)(c), F.S.

⁸⁷ "Truancy petition" means a petition filed by the superintendent of schools alleging that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, or has more than 15 unexcused absences in a 90-calendar-day period. A truancy petition is filed and processed under s. 984.151, F.S. Section 984.03(55), F.S.

⁸⁸ Section 1003.26(1), F.S.

⁸⁹ Section 1003.24, F.S.

⁹⁰ Sections 1003.24, 1003.26(1)(e) and (f), and 1003.27(2) and (7)(a), F.S.

⁹¹ Section 1003.27(7)(a)3., F.S.

If a student is found by the court to be a habitual truant,⁹³ the court must order him or her to make up all school work missed and may order him or her to pay a civil penalty of up to \$2 for each day of school missed; perform up to 25 community service hours at the school; or participate in counseling or other services, as appropriate.⁹⁴ For a second or subsequent finding of habitual truancy, the court must order the student to make up all school work missed and may order the him or her to pay a civil penalty of up to \$5 for each day of school missed; perform up to 50 community service hours at the school; or participate in counseling or other services, as appropriate.⁹⁵

Dropout Prevention and Academic Intervention

Present Situation

Each district school board may establish dropout prevention and academic intervention programs at the elementary, middle, or high school level.⁹⁶ These programs must use instructional teaching methods appropriate to the specific needs of each student participating in the program.⁹⁷ Any school that establishes a dropout prevention and academic intervention program must reflect the program in its school improvement plan.⁹⁸

Dropout prevention and academic intervention programs may differ from traditional programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and must employ alternative teaching methodologies, curricula, learning activities, and diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students.⁹⁹

Eligibility for participation in a dropout prevention and academic intervention program is limited to students in grades 1 through 12.¹⁰⁰ Such students are eligible for dropout prevention and academic programs if they are academically unsuccessful, exhibit a pattern of excessive absenteeism or have been identified as a habitual truant, or have a history of disruptive behavior in school or have committed an offense that warrant out-of-school suspension or expulsion from school.¹⁰¹ Student participation in a dropout prevention and academic intervention program is voluntary.¹⁰²

School districts must report eligible students in the appropriate basic cost factor in the Florida Education Finance Program (FEFP), and the strategies and supports provided to eligible students are funded through the General Appropriations Act.¹⁰³ Such strategies and supports may include, but are not limited to, those services

⁹² A parent is not responsible for a child's nonattendance if the absence is: authorized by the head of the school; without the parent's knowledge or consent; due to the parent's financial inability to provide necessary clothing for the child; or due to the child's sickness, injury, or other insurmountable condition. Section 1003.27(7)(d)1., F.S.

⁹³ "Habitual truant" is a legal status determined by the court upon the filing of a petition by the school superintendent. In order for the court to declare a student habitually truant, the court must find that the student is subject to compulsory school attendance; the student has had 15 unexcused absences within 90 calendar days with or without the knowledge or consent of the student's parent; and a child study team has conducted intervention activities and attempted unsuccessfully to remediate the student's truant behavior. Section 1003.01(8), F.S.

⁹⁴ Section 1003.27(7)(d)1., F.S.

⁹⁵ Section 1003.27(7)(d)2., F.S.

⁹⁶ Section 1003.53(2)(a), F.S.

⁹⁷ *Id.*

⁹⁸ Section 1003.53(2)(b), F.S.

⁹⁹ Section 1003.53(1)(a), F.S.

¹⁰⁰ Section 1003.53(1)(b), F.S.

¹⁰¹ Section 1003.53(1)(c), F.S. Under certain circumstances, school districts may assign students in grades 6 through 10, who are habitually truant or who have been disruptive or violent, to a second chance school. *See s. 1003.53(1)(d), F.S.*

¹⁰² Section 1003.53(1)(a), F.S.

¹⁰³ Section 1003.53(1)(b), F.S.

identified on a student's academic intervention plan.¹⁰⁴ Funding for these programs is paid from the Supplemental Academic Instruction (SAI) Categorical Fund and are in addition to the funds appropriated on the basis of full-time equivalent (FTE) student membership in the FEFP.¹⁰⁵ Each district with one or more of the 100 lowest-performing elementary schools must first use at least \$15 million SAI funds and at least \$15 million from the district research-based reading instruction funds to provide an additional hour of intensive reading instruction each day.¹⁰⁶ After this requirement has been met, the SAI funds may be used for other purposes which may include dropout prevention and academic intervention.¹⁰⁷

District school boards that receive state funding for dropout prevention and academic intervention must submit an annual report to the DOE documenting the extent of the district's success in using dropout prevention and academic intervention programs to improve the district's graduation rate, dropout rate, attendance rate, and retention/promotion rate.¹⁰⁸ In addition, school boards that provide a dropout prevention and academic intervention program must maintain for each participating student records documenting the student's eligibility, the length of the student's participation, the type of program to which the student was assigned or type of academic intervention services provided, and an evaluation of the student's academic and behavioral performance while in the program.¹⁰⁹

Prior to a student's placement in a dropout prevention and academic intervention program, the school principal must provide written notice to the student's parent.¹¹⁰ The student's parent must return acknowledgement of the written notice within 3 days of receipt. The notice must inform the parent that he or she is entitled to administrative review, under ch. 120, F.S., of any action by school personnel relating to the student's placement.¹¹¹

District school boards must establish procedures to ensure that teachers assigned to dropout prevention and academic intervention programs possess the affective, pedagogical, and content-related skills necessary to meet the needs of students placed in the program.¹¹²

Effect of Proposed Changes

The bill requires each school that includes any of grades 6, 7, or 8 to implement an early warning system to identify students who are at risk of not graduating from high school. The bill identifies four early warning indicators that schools must use to monitor students:

- Attendance below 90 percent;
- Course failure in English language arts or mathematics;
- One or more in-school or out-of-school suspensions; and
- Scoring a Level 1 score on the statewide, standardized reading or mathematics assessments.

The bill allows each district to prescribe additional early warning indicators for use in its schools' early warning systems.

¹⁰⁴ *Id.*

¹⁰⁵ Section 1011.62(1)(f)2., F.S.

¹⁰⁶ *Id.* In the 2013 General Appropriations Act, Specific Appropriations 7 and 87, s. 2, ch. 2013-40, L.O.F., the Legislature allocated a total sum of \$639,296,226 for SAI and \$130,000,000 for Reading Instruction. In each district with one or more of the 100 lowest-performing elementary schools, at least a combined total of \$30,000,000 of the district's allocation from SAI and Reading Instruction is required to be first used to provide the additional hour of intensive reading instruction. See Specific Appropriation 87, s. 2, ch. 2013-40, L.O.F.

¹⁰⁷ *See id.*

¹⁰⁸ Section 1003.53(3), F.S.

¹⁰⁹ Section 1003.53(5), F.S.

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² Section 1003.53(4), F.S.

When a student exhibits two or more early warning indicators, the school must convene the school's child study team,¹¹³ or a similar team established to implement the school's early warning system, to determine appropriate intervention strategies for the student. The team may be the student's individualized education program (IEP) team, if applicable, or any other team the school establishes for the purpose of academic intervention. The school must provide to the student's parent at least 10 days' written notice of the meeting. The notice must indicate the meeting's purpose, time, and location. The school must also provide the parent the opportunity to participate in the meeting.

Each school that includes any of grades 6, 7, or 8 must include annually in its school improvement plan the following information and data on the school's early warning system:

- A list of the early warning indicators used in the system;
- The number of students identified by the system as exhibiting two or more early warning indicators;
- The number of students by grade level that exhibit each indicator; and
- A description of all intervention strategies employed by the school to improve the academic performance of students identified by the early warning system.

The bill provides that students identified by a school's early warning system are eligible for dropout prevention and academic intervention programs.

Professional Development

Present Situation

Florida law requires a number of entities, including the DOE, public postsecondary educational institutions, public school districts, public schools, state education foundations, consortia, and professional organizations, to work collaboratively to develop a coordinated system of professional development. The purpose of the system is to increase student achievement, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum, and prepare students for continuing education and the workforce.¹¹⁴

Part of the DOE's responsibility in the professional development system is to disseminate to the school community research-based professional development methods and programs that have demonstrated success in meeting identified student needs.¹¹⁵ At least one method of dissemination must be through a web-based statewide performance support system, including a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available assistance.¹¹⁶ In addition, the DOE must disseminate, using the web-based statewide performance-support system, proven model professional development programs that have demonstrated success in increasing rigorous and relevant content, increasing student achievement and engagement, and meeting identified school needs.¹¹⁷ The DOE must also disseminate, using web-based technology, research-based best practice methods by which the state and district school boards may evaluate and improve the professional development system.¹¹⁸

Each school district is required to develop a professional development system in consultation with teachers, teacher-educators of Florida College System (FCS) institutions and state universities, business and community

¹¹³ School child study teams are convened by school principals to help enforce school attendance requirements pursuant to s. 1003.26, F.S.

¹¹⁴ Section 1012.98(1), F.S.

¹¹⁵ Section 1012.98(4)(a), F.S. The web-based statewide performance support system can be accessed at <https://www.floridaschoolleaders.org>.

¹¹⁶ *Id.*

¹¹⁷ Section 1012.98(11), F.S.

¹¹⁸ Section 1012.98(7), F.S.

representatives, and local education foundations, consortia, and professional organizations.¹¹⁹ The system must:

- Be approved by the DOE, with all substantial revisions thereto also approved by the DOE;
- Be based on analyses of student achievement data and instructional strategies and methods that support rigorous, relevant, and challenging curricula for all students;
- Provide inservice activities with followup support appropriate to accomplish district-level and school-level improvement goals and standards;
- Include a master plan for inservice activities, which must be aligned to and support school-based inservice plans and school improvement plans and be approved annually by the district school board;
- Include inservice activities for school administrative personnel that address updated skills necessary for instructional leadership and effective school management;
- Provide for systemic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs;
- Provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs; and
- Provide for the continuous evaluation of the quality and effectiveness of professional developmental programs in order to eliminate ineffective programs and strategies and expand effective ones.¹²⁰

A district school board may contract with independent entities for professional development services and inservice education if the district school board can demonstrate to the Commissioner of Education that, through such a contract, a better product can be acquired or its goals for education improvement can be better met.¹²¹

Effect of Proposed Changes

The bill requires professional development activities designed to implement the School Community Professional Development Act¹²² to provide middle grades instructional personnel and school administrators the knowledge, skills, and best practices necessary to support excellence in classroom instruction and educational leadership.

The bill requires the DOE to include in its web-based statewide performance support system, subject to appropriation, materials related to middle grades classroom instruction, including integrated digital instruction and competency-based instruction, classroom management, student behavior and interaction, extended learning opportunities for students, and instructional leadership.

In addition, the DOE must disseminate, using web-based technology, professional development in the use of integrated digital instruction at schools that include middle grades. The professional development must provide training and materials that districts can use to provide instructional personnel with the necessary knowledge, skills, and strategies to effectively blend digital instruction into subject-matter curricula. The professional development must emphasize online learning and research techniques, reading instruction, the use of digital devices to supplement the delivery of curricular content to students, and digital device management and security. The bill encourages school districts to incorporate the professional development as part of their professional development system.

The bill requires each school district to include in the district's inservice plan a description of the training that middle grades instructional personnel and school administrators receive on:

- The district's code of student conduct;
- Integrated digital instruction and competency-based instruction;

¹¹⁹ Section 1012.98(4)(b), F.S.

¹²⁰ *Id.*

¹²¹ Section 1012.98(9), F.S.

¹²² Section 1012.98, F.S.

- Classroom management;
- Student behavior and interaction;
- Extended learning opportunities for students; and
- Instructional leadership.

In addition, the district's professional development system must emphasize, for middle grades:

- Interdisciplinary planning, collaboration, and instruction;
- Alignment of curriculum and instructional materials to the state academic standards; and
- Use of small learning communities;
- Problem-solving, inquiry-driven research and analytical approaches for students;
- Strategies and tools based on student needs;
- Integration of digital instruction and competency-based instruction; and
- Project-based instruction.

The bill requires each school that includes middle grades to include in its school improvement plan a description of the specific strategies used by the school to implement these items emphasized by the district inservice plan.

School Improvement Plans

Present Situation

District school boards are required to annually approve and require implementation of a school improvement plan for each school in the district.¹²³ School districts must provide funds to schools for developing and implementing school improvement plans.¹²⁴

Schools that earn a grade of D or F are required to prepare a school improvement plan using a form prescribed by the DOE.¹²⁵ The form outlines specific expected improvements and data reporting, including data related to early warning systems, and guides the school improvement problem-solving and planning process.¹²⁶ The DOE-prescribed school improvement plan also doubles as a Title I Schoolwide Plan, as it is embedded with all required components of a schoolwide and targeted assistance program under the federal No Child Left Behind Act.¹²⁷

Effect of Proposed Changes

The bill requires schools that include any of grades 6, 7, or 8 to report information and data on early warning systems¹²⁸ and professional development, which includes the strategies used by the school to implement each item emphasized by the district professional development system.

Middle Grades Career Education

Present Situation

Each district school board must develop a strategic 3-year plan, in collaboration with regional workforce boards, economic development agencies, and postsecondary institutions, to address and meet local and

¹²³ Section 1001.42(18)(a), F.S.

¹²⁴ Section 1001.42(18)(c), F.S.

¹²⁵ See Rule 6A-1.09981, F.A.C.; Florida Department of Education, *Form SIP-1 School Improvement Plan (2013)*, available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03056>.

¹²⁶ Rule 6A-1.09981(4) and (5), F.A.C.

¹²⁷ See 20 U.S.C. s. 6314(b)

¹²⁸ See *Early Warning Systems*, *supra* p. 13.

regional workforce demands.¹²⁹ The strategic plan must include plans to implement a career and professional academy or career-themed course in at least one middle school in the district.¹³⁰ Further, the strategic plan must provide students the opportunity to transfer from a middle school career and professional academy¹³¹ or a career-themed course¹³² to a high school career and professional academy or a career-themed course currently operating within the school district.¹³³

Each course must be aligned with at least one high school career and professional academy or career-themed course offered in the district while maintaining partnerships with local business and industry and economic development boards. In addition, middle grades career and professional academies and career-themed courses must:

- Lead to careers in occupations designated as high-skill, high-wage, and high-demand in the Industry Certification Funding List approved under rules adopted by the State Board of Education (SBE);
- Integrate content from core subject areas;
- Integrate career and professional academy or career-themed course content with intensive reading, English language arts, and mathematics pursuant to ss. 1003.428 and 1003.4282, F.S.;
- Coordinate with high schools to maximize opportunities for middle grades students to earn high school credit;
- Provide access to virtual instruction courses provided by virtual education providers legislatively authorized to provide part-time instruction to middle grades students. The virtual instruction courses must be aligned to state curriculum standards for middle grades career and professional academy courses or career-themed courses, with priority given to students who have required course deficits;
- Provide instruction from highly skilled professionals who hold industry certificates in the career area in which they teach;
- Offer externships; and
- Provide personalized student advisement that includes a parent-participation component.¹³⁴

Students who complete a middle school career and professional academy or a career-themed course must have the opportunity to earn an industry certificate and high school credit and participate in career planning, job shadowing, and business leadership development activities.¹³⁵

The DOE must collect and report student achievement data related to certain performance factors identified by statute for each middle school career and professional academy or career themed course implemented by a school district.¹³⁶

Prior to 2013, schools could receive a weighted FTE student membership calculation for each middle grades student who earned an industry certification identified by the SBE's Industry Certification Funding List.¹³⁷ If a middle grades student earned an industry certification in the fields of science, technology, engineering, or

¹²⁹ Section 1003.491(2), F.S.

¹³⁰ Section 1003.4935, F.S.

¹³¹ A "career and professional academy" is defined in statute to mean a research-based program offered by a public school district or school that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the regional workforce board or the Department of Economic Opportunity. Section 1003.493(1)(a), F.S.

¹³² A "career-themed course" is a course, or a course in a series of courses, that leads to an industry certification identified in the Industry Certification Funding List pursuant to rules adopted by the State Board of Education. Career-themed courses have industry-specific curriculum aligned directly to priority workforce needs established by the regional workforce board or the Department of Economic Opportunity. Section 1003.493(1)(b), F.S.

¹³³ Section 1003.4935(1), F.S.

¹³⁴ Section 1003.4935(2), F.S.

¹³⁵ Section 1003.4935(1), F.S.

¹³⁶ Section 1003.4935(3), F.S.

¹³⁷ Section 1011.62(1)(o), F.S. (2012); *See* s. 39, ch. 2013-27, L.O.F.

mathematics identified on the Industry Certification Funding List, the student's school would receive a 0.1 weighted FTE student membership calculation upon that student's promotion to grade 9.¹³⁸

Legislation enacted in 2013 eliminated the provisions that awarded weighted FTE funding to schools based on industry certifications earned by middle grades students.¹³⁹ Instead, as a result of the same legislation, schools were to have received bonuses amounting to \$50 for each middle grades student who earns a Florida Digital Tools Certificate, with a minimum of \$1,000 and maximum of \$15,000 per school.¹⁴⁰ Under the Florida Digital Tools Certificate program, a student who masters certain targeted, digital skills necessary to the student's academic work and which the student may need in future employment was to be awarded a certificate to indicate the students' digital skills.¹⁴¹ The program was to be created by one or more technology companies with DOE-approved industry certifications.¹⁴² However, funding for the Florida Digital Tools Certificates program was vetoed from the 2013 General Appropriations Act by the Governor.¹⁴³

Each district must allocate at least 80 percent of the funds provided for industry certification to the program that generated the funds.¹⁴⁴ The allocation may not be used to supplant funds provided for basic operation of the program.¹⁴⁵ Unless a different amount is specified in the General Appropriations Act, the appropriation for the industry certification calculation is limited to \$60 million annually.¹⁴⁶ If the appropriation is insufficient to fully fund the total calculation, the appropriation is prorated.¹⁴⁷

Effect of Proposed Changes

The bill restores language providing weighted FTE student membership for industry certifications earned by middle grades students. If a middle grades student earns an industry certification, the student's school will be awarded an additional 0.1 FTE student membership upon that student's completion of 8th grade. Unlike prior requirements, weighted funding for industry certifications is not limited to the areas of science, technology, engineering, or mathematics.

Middle Grades Courses and Curricular Content

Present Situation

In order for a student's enrollment in a course or program to generate FTE funding through the FEFP, the course or program must, among other requirements, be approved by the SBE for inclusion in its Course Code Directory.¹⁴⁸ In addition, the curricular content for all subjects must integrate:¹⁴⁹

- Critical-thinking, problem-solving, and workforce-literacy skills;
- Communication, reading, and writing skills;
- Mathematics skills;
- Collaboration skills;
- Contextual and applied-learning skills;

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ Section 1003.4203(4), F.S.

¹⁴² *Id.*

¹⁴³ See Specific Appropriation 102A, s. 2. ch. 2013-40, L.O.F.

¹⁴⁴ Section 1011.62(1)(o)2., F.S.

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ See Rule 6A-1.09441, F.A.C. See also s. 1011.62(1)(c), F.S. The Course Code Directory and Instructional Personnel Assignments 2013-2014 can be found at <http://www.flrules.org/gateway/reference.asp?No=Ref-03096>.

¹⁴⁹ Section 1003.41(1), F.S.

- Technology-literacy skills;
- Information and media-literacy skills; and
- Civic-engagement skills.

Currently, there is no express requirement that any course approved by the SBE integrate all appropriate curricular content as prescribed by the state's academic standards.

Effect of Proposed Changes

The bill requires the SBE to remove any middle grades course in the Course Code Directory that does not fully integrate all appropriate curricular content required by the state's academic standards. Furthermore, the SBE may approve a new course for inclusion in the Course Code Directory only if the course contains the required curricular content.

Hazing¹⁵⁰

Present Situation

Hazing at a high school with grades 9 through 12 is criminally punishable as either a first degree misdemeanor or third degree felony, depending on the nature of the act of hazing.¹⁵¹ Hazing is defined as:

Any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student at a high school with grades 9 through 12 for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a high school with grades 9 through 12.¹⁵²

Hazing includes, but is not limited to:

- Pressuring or coercing the student into violating state or federal law;
- Any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements;
- Forced consumption of any food, liquor, drug, or other substance;
- Forced physical activity that could adversely affect the physical health or safety of a student; or
- Any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of a student.¹⁵³

The definition of hazing excludes customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.¹⁵⁴

Hazing constitutes a first degree misdemeanor if a person intentionally or recklessly commits an act of hazing upon another person who is a member of or applicant to any type of student organization and the hazing creates a substantial risk of physical injury or death to the other person.¹⁵⁵ If the act of hazing results in serious bodily injury or death of the other person, then the act constitutes a third degree felony.¹⁵⁶

¹⁵⁰ This analysis does not address hazing at postsecondary institutions, which is subject to the provisions of s. 1006.63, F.S.

¹⁵¹ Section 1006.135(1), F.S.

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ Section 1006.135(3), F.S.

¹⁵⁶ Section 1006.135, (2), F.S.

Attendance and completion of a 4-hour hazing education course is a required condition of any sentence imposed on a person convicted of hazing.¹⁵⁷ A court may also impose a drug or alcohol probation as a condition of the sentence.¹⁵⁸

It is not a defense to a charge of hazing that:

- Consent of the victim had been obtained;
- The conduct or activity that resulted in death or injury of the victim was not part of an official organizational event or was not otherwise sanctioned or approved by the organization; or
- The conduct or activity that resulted in death or injury of the victim was not done as a condition of membership to an organization.¹⁵⁹

Prosecution for hazing does not preclude prosecution for a more general offense resulting from the same criminal transaction or episode (e.g., battery).¹⁶⁰

Unlike incidents of bullying or harassment of K-12 students¹⁶¹ or postsecondary hazing,¹⁶² incidents of hazing at high schools are not reported by school districts to the DOE.

Effect of Proposed Changes

The bill extends the definition of hazing to include grades 6 through 8 and clarifies what conduct constitutes an act of hazing. The bill also requires each school district to establish a policy that prohibits hazing and sets consequences for violations. The district policy must also include:

- A definition of hazing which must include the definition of hazing provided by statute;
- A procedure for reporting an alleged act of hazing, including provisions that permit a person to anonymously report such an act;¹⁶³
- The requirement that a school with any of grades 9 through 12 report an alleged act of hazing to a local law enforcement agency if the alleged act meets the criteria for criminal hazing;
- A provision for referral of victims and perpetrators of hazing to a certified school counselor; and
- The requirement that each incident of hazing be reported to the DOE as part of the reporting school's safety and discipline report¹⁶⁴ through the School Environmental Safety Incident Reporting (SESIR) System.¹⁶⁵

The information provided to the DOE must include the number of hazing incidents reported, the number of incidents that result in disciplinary action taken by the school, and the number of incidents that do not result in either referral to a local law enforcement agency or disciplinary action taken by the school.

The bill modifies criminal hazing provisions by changing the intent standard for misdemeanor and felony hazing from intentional or reckless to "knew or should have known." The bill maintains applicability of criminal penalties only to students in grades 9 through 12 and changes the level of risk required in misdemeanor hazing

¹⁵⁷ Section 1006.135,(4), F.S.

¹⁵⁸ *Id.*

¹⁵⁹ Section 1006.135(5), F.S.

¹⁶⁰ Section 1006.135(6), F.S.

¹⁶¹ Bullying and harassment are prohibited under s. 1006.147, F.S.

¹⁶² Hazing at postsecondary institutions is subject to the provisions of s. 1006.63, F.S.

¹⁶³ The bill specifies that disciplinary action for hazing may not be based solely on an anonymous report.

¹⁶⁴ Each school principal must report data concerning school safety and discipline to the DOE using forms prescribed by state board rule. Section 1006.09(6), F.S. The principal must develop a plan to verify the accuracy of reported incidents. *Id.*

¹⁶⁵ The SESIR system compiles data on incidents of crime, violence, and disruptive behaviors that occur on school grounds, on school transportation, and at off-campus, school-sponsored events. See Florida Department of Education, *Statewide Report on School Safety and Discipline Data*, <http://www.fldoe.org/safeschools/sesir.asp> (last visited Jan. 16, 2014).

from "substantial" to "potential". The bill allows courts to require a defendant convicted of hazing to make a public apology to the students and victims at the school and/or participate in a school-sponsored anti-hazing campaign to raise awareness of what constitutes hazing and the penalties for hazing.

B. SECTION DIRECTORY:

Section 1. Amends s. 1001.42, F.S.; requiring a school that includes certain grades to include information, data, and instructional strategies in its school improvement plan; requiring a school that includes certain grades to implement an early warning system based on indicators to identify students in need of additional academic support.

Section 2. Amends s. 1003.42, F.S.; providing the State Board of Education duties relating to middle grades courses.

Section 3. Amends s. 1003.4935, F.S.; authorizing additional FTE funding for certain industry certifications.

Section 4. Amends s. 1003.53, F.S.; authorizing dropout prevention and academic intervention services for a student identified by a school's early warning system.

Section 5. Amends s. 1006.135, F.S.; including middle grades schools under provisions prohibiting hazing; revising the definition of the term "hazing"; requiring a school district policy that prohibits hazing and establishes consequences for an act of hazing; revising penalty provisions and providing for applicability.

Section 6. Amends s. 1011.62, F.S.; specifying requirements related to additional FTE funding based on completion of certain courses or programs and issuance of industry certification; deleting obsolete provisions.

Section 7. Amends s. 1012.98, F.S.; providing requirements relating to professional development, including inservice plans and instructional strategies, for middle grades educators; requiring the Department of Education to disseminate professional development in the use of integrated digital instruction.

Section 8. 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:

Current law requires the DOE to provide professional development methods of dissemination to include a web-based statewide performance support system, including a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available assistance. The addition of middle grades materials to the web-based system can be accomplished within existing resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires school districts to adopt an anti-hazing policy in rule.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
2 An act relating to middle grades education; amending
3 s. 1001.42, F.S.; requiring a school that includes
4 certain grades to include information, data, and
5 instructional strategies in its school improvement
6 plan; requiring a school that includes certain grades
7 to implement an early warning system based on
8 indicators to identify students in need of additional
9 academic support; amending s. 1003.42, F.S.; providing
10 State Board of Education duties relating to middle
11 grades courses; amending s. 1003.4935, F.S.;

12 authorizing additional FTE funding for certain
13 industry certifications; amending s. 1003.53, F.S.;

14 authorizing dropout prevention and academic
15 intervention services for a student identified by a
16 school's early warning system; amending s. 1006.135,
17 F.S.; including middle grades schools under provisions
18 prohibiting hazing; revising the definition of the
19 term "hazing"; requiring a school district policy that
20 prohibits hazing and establishes consequences for an
21 act of hazing; revising penalty provisions and
22 providing for applicability; amending s. 1011.62,
23 F.S.; specifying requirements relating to additional
24 FTE funding based on completion of certain courses or
25 programs and issuance of industry certification;
26 deleting obsolete provisions; amending s. 1012.98,

27 F.S.; providing requirements relating to professional
 28 development, including inservice plans and
 29 instructional strategies, for middle grades educators;
 30 requiring the Department of Education to disseminate
 31 professional development in the use of integrated
 32 digital instruction; providing an effective date.
 33

34 Be It Enacted by the Legislature of the State of Florida:
 35

36 Section 1. Subsection (18) of section 1001.42, Florida
 37 Statutes, is amended to read:

38 1001.42 Powers and duties of district school board.—The
 39 district school board, acting as a board, shall exercise all
 40 powers and perform all duties listed below:

41 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
 42 Maintain a state system of school improvement and education
 43 accountability as provided by statute and State Board of
 44 Education rule. This system of school improvement and education
 45 accountability shall be consistent with, and implemented
 46 through, the district's continuing system of planning and
 47 budgeting required by this section and ss. 1008.385, 1010.01,
 48 and 1011.01. This system of school improvement and education
 49 accountability shall comply with the provisions of ss. 1008.33,
 50 1008.34, 1008.345, and 1008.385 and include the following:

51 (a) School improvement plans.—

52 1. The district school board shall annually approve and

53 require implementation of a new, amended, or continuation school
 54 improvement plan for each school in the district. If a school
 55 has a significant gap in achievement on statewide assessments
 56 pursuant to s. 1008.34(3)(b) by one or more student subgroups,
 57 as defined in the federal Elementary and Secondary Education Act
 58 (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not significantly
 59 decreased the percentage of students scoring below satisfactory
 60 on statewide assessments; or has significantly lower graduation
 61 rates for a subgroup when compared to the state's graduation
 62 rate, that school's improvement plan shall include strategies
 63 for improving these results. The state board shall adopt rules
 64 establishing thresholds and for determining compliance with this
 65 subparagraph ~~paragraph~~.

66 2. A school that includes any of grades 6, 7, or 8 shall
 67 include annually in its school improvement plan information and
 68 data on the school's early warning system required under
 69 paragraph (b), including a list of the early warning indicators
 70 used in the system, the number of students identified by the
 71 system as exhibiting two or more early warning indicators, the
 72 number of students by grade level that exhibit each indicator,
 73 and a description of all intervention strategies employed by the
 74 school to improve the academic performance of students
 75 identified by the early warning system. In addition, a school
 76 that includes any of grades 6, 7, or 8 shall describe in its
 77 school improvement plan the strategies used by the school to
 78 implement the instructional practices for middle grades

79 emphasized by the district's professional development system
 80 pursuant to s. 1012.98(4)(b)9.

81 (b) Early warning system.-

82 1. A school that includes any of grades 6, 7, or 8 shall
 83 implement an early warning system to identify students in grades
 84 6, 7, and 8 who need additional support to improve academic
 85 performance and stay engaged in school. The early warning system
 86 must include the following early warning indicators:

87 a. Attendance below 90 percent, regardless of whether
 88 absence is excused or a result of out-of-school suspension.

89 b. One or more suspensions, whether in school or out of
 90 school.

91 c. Course failure in English language arts or mathematics.

92 d. A Level 1 score on the statewide, standardized
 93 assessments in English language arts or mathematics.

94
 95 A school district may identify additional early warning
 96 indicators for use in a school's early warning system.

97 2. When a student exhibits two or more early warning
 98 indicators, the school's child study team under s. 1003.02 or a
 99 school-based team formed for the purpose of implementing the
 100 requirements of this paragraph shall convene to determine
 101 appropriate intervention strategies for the student. The school
 102 shall provide at least 10 days' written notice of the meeting to
 103 the student's parent, indicating the meeting's purpose, time,
 104 and location, and provide the parent the opportunity to

105 | participate.

106 | ~~(c)(b)~~ Public disclosure.—The district school board shall
 107 | provide information regarding the performance of students and
 108 | educational programs as required pursuant to ss. 1008.22 and
 109 | 1008.385 and implement a system of school reports as required by
 110 | statute and State Board of Education rule which shall include
 111 | schools operating for the purpose of providing educational
 112 | services to youth in Department of Juvenile Justice programs,
 113 | and for those schools, report on the elements specified in s.
 114 | 1003.52(19). Annual public disclosure reports shall be in an
 115 | easy-to-read report card format and shall include the school's
 116 | grade, high school graduation rate calculated without GED tests,
 117 | disaggregated by student ethnicity, and performance data as
 118 | specified in state board rule.

119 | ~~(d)(e)~~ School improvement funds.—The district school board
 120 | shall provide funds to schools for developing and implementing
 121 | school improvement plans. Such funds shall include those funds
 122 | appropriated for the purpose of school improvement pursuant to
 123 | s. 24.121(5)(c).

124 | Section 2. Subsection (1) of section 1003.42, Florida
 125 | Statutes, is amended to read:

126 | 1003.42 Required instruction.—

127 | (1) Each district school board shall provide all courses
 128 | required for middle grades promotion, high school graduation,
 129 | and appropriate instruction designed to ensure that students
 130 | meet State Board of Education adopted standards in the following

131 | subject areas: reading and other language arts, mathematics,
 132 | science, social studies, foreign languages, health and physical
 133 | education, and the arts. The state board must remove a middle
 134 | grades course in the Course Code Directory that does not fully
 135 | integrate all appropriate curricular content required by s.
 136 | 1003.41 and may approve a new course only if it meets the
 137 | required curricular content.

138 | Section 3. Subsection (4) is added to section 1003.4935,
 139 | Florida Statutes, to read:

140 | 1003.4935 Middle grades career and professional academy
 141 | courses and career-themed courses.-

142 | (4) Industry certifications offered in the middle grades
 143 | that are included in the Industry Certification Funding List are
 144 | eligible for additional full-time equivalent membership pursuant
 145 | to s. 1011.62(1).

146 | Section 4. Paragraph (c) of subsection (1) of section
 147 | 1003.53, Florida Statutes, is amended to read:

148 | 1003.53 Dropout prevention and academic intervention.-

149 | (1)

150 | (c) A student shall be identified as being eligible to
 151 | receive services funded through the dropout prevention and
 152 | academic intervention program based upon one of the following
 153 | criteria:

154 | 1. The student is academically unsuccessful as evidenced
 155 | by low test scores, retention, failing grades, low grade point
 156 | average, falling behind in earning credits, or not meeting the

157 state or district proficiency levels in reading, mathematics, or
 158 writing.

159 2. The student has a pattern of excessive absenteeism or
 160 has been identified as a habitual truant.

161 3. The student has a history of disruptive behavior in
 162 school or has committed an offense that warrants out-of-school
 163 suspension or expulsion from school according to the district
 164 school board's code of student conduct. For the purposes of this
 165 program, "disruptive behavior" is behavior that:

166 a. Interferes with the student's own learning or the
 167 educational process of others and requires attention and
 168 assistance beyond that which the traditional program can provide
 169 or results in frequent conflicts of a disruptive nature while
 170 the student is under the jurisdiction of the school either in or
 171 out of the classroom; or

172 b. Severely threatens the general welfare of students or
 173 others with whom the student comes into contact.

174 4. The student is identified by a school's early warning
 175 system pursuant to s. 1001.42(18)(b).

176 Section 5. Section 1006.135, Florida Statutes, is amended
 177 to read:

178 1006.135 Hazing prohibited at ~~high~~ schools with any of
 179 grades 6-12 ~~9-12 prohibited~~.

180 (1) DEFINITION.—As used in this section, "hazing" means
 181 any action or situation that ~~recklessly or intentionally~~
 182 endangers the mental or physical health or safety of a student

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183 at a ~~high~~ school with any of grades 6 9 through 12 for purposes
 184 including, but not limited to, initiation or admission into or
 185 affiliation with any organization operating under the sanction
 186 of a ~~high~~ school with any of grades 6 9 through 12. "Hazing"
 187 includes, but is not limited to: ;

188 (a) Pressuring, ~~or~~ coercing, or forcing a ~~the~~ student
 189 into:

190 1. Violating state or federal law; ;

191 2. Consuming any food, liquor, drug, or other substance;

192 or

193 3. Participating in physical activity that could adversely
 194 affect the health or safety of the student.

195 (b) Any brutality of a physical nature, such as whipping,
 196 beating, branding, or exposure to the elements, ~~forced~~
 197 consumption of any food, liquor, drug, or other substance, ~~or~~
 198 other forced physical activity that could adversely affect the
 199 physical health or safety of the student, and also includes any
 200 activity that would subject the student to extreme mental
 201 stress, such as sleep deprivation, forced exclusion from social
 202 contact, forced conduct that could result in extreme
 203 embarrassment, or other forced activity that could adversely
 204 affect the mental health or dignity of the student.

205

206 Hazing does not include customary athletic events or other
 207 similar contests or competitions or any activity or conduct that
 208 furthers a legal and legitimate objective.

209 (2) SCHOOL DISTRICT POLICY.—Each school district shall
 210 adopt in rule a policy that prohibits hazing and establishes
 211 consequences for a student who commits an act of hazing. The
 212 policy must include:

213 (a) A definition of hazing, which must include the
 214 definition provided in this section.

215 (b) A procedure for reporting an alleged act of hazing,
 216 including provisions that permit a person to anonymously report
 217 such an act. However, disciplinary action may not be based
 218 solely on an anonymous report.

219 (c) A requirement that a school with any of grades 9
 220 through 12 report an alleged act of hazing to a local law
 221 enforcement agency if the alleged act meets the criteria
 222 established under subsection (3).

223 (d) A provision for referral of victims and perpetrators
 224 of hazing to a certified school counselor.

225 (e) A requirement that each incident of hazing be reported
 226 in the school's safety and discipline report required under s.
 227 1006.09(6). The report must include the number of hazing
 228 incidents reported, the number of incidents referred to a local
 229 law enforcement agency, the number of incidents that result in
 230 disciplinary action taken by the school, and the number of
 231 incidents that do not result in either referral to a local law
 232 enforcement agency or disciplinary action taken by the school.

233 (3)~~2~~ CRIMINAL PENALTIES.—This subsection applies only to
 234 students in any of grades 9 through 12.

235 (a)1. A person who commits an act of hazing, ~~a third~~
 236 ~~degree felony, punishable as provided in s. 775.082 or s.~~
 237 ~~775.083, when he or she intentionally or recklessly commits any~~
 238 ~~act of hazing as defined in subsection (1)~~ upon another person
 239 who is a member of or an applicant to any type of student
 240 organization commits a third degree felony, punishable as
 241 provided in s. 775.082 or s. 775.083, if the person knew or
 242 should have known the act would result in serious bodily injury
 243 or death of such other person and the act hazing results in
 244 serious bodily injury or death of such other person.

245 2.(3) A person who commits an act of hazing, ~~a first~~
 246 ~~degree misdemeanor, punishable as provided in s. 775.082 or s.~~
 247 ~~775.083, when he or she intentionally or recklessly commits any~~
 248 ~~act of hazing as defined in subsection (1)~~ upon another person
 249 who is a member of or an applicant to any type of student
 250 organization commits a first degree misdemeanor, punishable as
 251 provided in s. 775.082 or s. 775.083, if the person knew or
 252 should have known the act would create a potential risk of
 253 physical injury or death to such other person and the act hazing
 254 creates a potential ~~substantial~~ risk of physical injury or death
 255 to such other person.

256 (b)(4) As a condition of any sentence imposed pursuant to
 257 paragraph (a) subsection (2) or subsection (3), the court:

258 1. Shall order the defendant to attend and complete a 4-
 259 hour hazing education course and may also impose a condition of
 260 drug or alcohol probation.

261 2. May require the defendant to make a public apology to
 262 the students and victims at the school.

263 3. May require the defendant to participate in a school-
 264 sponsored antihazing campaign to raise awareness of what
 265 constitutes hazing and the penalties for hazing.

266 ~~(c)(5)~~ It is not a defense to a charge of hazing that:

267 1.(a) Consent of the victim had been obtained;

268 2.(b) The conduct or activity that resulted in the death
 269 or injury of a person was not part of an official organizational
 270 event or was not otherwise sanctioned or approved by the
 271 organization; or

272 3.(e) The conduct or activity that resulted in death or
 273 injury of the person was not done as a condition of membership
 274 to an organization.

275 ~~(4)(6)~~ CONSTRUCTION.—This section shall not be construed
 276 to preclude prosecution for a more general offense resulting
 277 from the same criminal transaction or episode.

278 Section 6. Paragraph (o) of subsection (1) of section
 279 1011.62, Florida Statutes, is amended to read:

280 1011.62 Funds for operation of schools.—If the annual
 281 allocation from the Florida Education Finance Program to each
 282 district for operation of schools is not determined in the
 283 annual appropriations act or the substantive bill implementing
 284 the annual appropriations act, it shall be determined as
 285 follows:

286 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR

287 OPERATION.—The following procedure shall be followed in
 288 determining the annual allocation to each district for
 289 operation:

290 (o) Calculation of additional full-time equivalent
 291 membership based on successful completion of a career-themed
 292 course or a career and professional academy program, pursuant to
 293 ss. 1003.491, 1003.492, ~~and~~ 1003.493, and 1003.4935, and
 294 issuance of industry certification identified in the Industry
 295 Certification Funding List pursuant to rules adopted by the
 296 State Board of Education.—

297 1. A value of 0.1 or 0.2 full-time equivalent student
 298 membership shall be calculated for each student who completes a
 299 career-themed course, as defined in s. 1003.493(1)(b), or a
 300 career and professional academy or career-themed course,
 301 pursuant to ss. 1003.491, 1003.492, 1003.493, and 1003.4935, and
 302 who is issued the highest level of ~~an~~ industry certification
 303 identified annually in the Industry Certification Funding List
 304 approved under rules adopted by the State Board of Education
 305 upon completion of grade 8 pursuant to subparagraph 2. or upon
 306 earning a high school diploma. The maximum full-time equivalent
 307 student membership value for any student ~~in grades 9 through 12~~
 308 is 0.3. A value of 0.2 full-time equivalent membership shall be
 309 calculated for each student who is issued an industry
 310 certification that has a statewide articulation agreement for
 311 college credit approved by the State Board of Education. For
 312 industry certifications that do not articulate for college

313 credit, the Department of Education shall assign a full-time
 314 equivalent value of 0.1 for each certification. The State Board
 315 of Education shall include the assigned values in the Industry
 316 Certification Funding List under rules adopted by the state
 317 board. Such value shall be added to the total full-time
 318 equivalent student membership in secondary career education
 319 programs for grades 9 through 12 in the subsequent year for
 320 courses that were not provided through dual enrollment. Industry
 321 certifications earned through dual enrollment must be reported
 322 and funded pursuant to ss. 1011.80 and 1011.81.

323 2. Upon completion of grade 8, a value of 0.1 full-time
 324 equivalent student membership shall be calculated for each
 325 student who completes a career-themed course or a career and
 326 professional academy course under s. 1003.4935 and who is issued
 327 the highest level of industry certification identified in the
 328 Industry Certification Funding List under rules adopted by the
 329 state board.

330 ~~3.2.~~ Each district must allocate at least 80 percent of
 331 the funds provided for industry certification, in accordance
 332 with this paragraph, to the program that generated the funds.
 333 This allocation may not be used to supplant funds provided for
 334 basic operation of the program. Unless a different amount is
 335 specified in the General Appropriations Act, the appropriation
 336 for this calculation is limited to \$60 million annually. If the
 337 appropriation is insufficient to fully fund the total
 338 calculation, the appropriation shall be prorated.

339 4.3 For industry certifications earned in the 2013-2014
 340 school year and in subsequent years, the school district shall
 341 distribute to each classroom teacher who provided direct
 342 instruction toward the attainment of an industry certification
 343 that qualified for additional full-time equivalent membership
 344 under subparagraph 1. or subparagraph 2.:

345 a. A bonus in the amount of \$25 for each student taught by
 346 a teacher who provided instruction in a course that led to the
 347 attainment of an industry certification on the Industry
 348 Certification Funding List with a weight of 0.1.

349 b. A bonus in the amount of \$50 for each student taught by
 350 a teacher who provided instruction in a course that led to the
 351 attainment of an industry certification on the Industry
 352 Certification Funding List with a weight of 0.2.

353 ~~4. For the 2013-2014 fiscal year, the additional FTE~~
 354 ~~membership calculation must include the additional FTE for any~~
 355 ~~student who earned a certification in the 2009-2010, 2010-2011,~~
 356 ~~and 2011-2012 fiscal years who was not previously funded and was~~
 357 ~~enrolled in 2012-2013.~~

358
 359 Bonuses awarded pursuant to this paragraph shall be provided to
 360 teachers who are employed by the district in the year in which
 361 the additional FTE membership calculation is included in the
 362 calculation. Bonuses shall be calculated based upon the
 363 associated weight of an industry certification on the Industry
 364 Certification Funding List for the year in which the

365 certification is earned by the student. Any bonus awarded to a
 366 teacher under this paragraph may not exceed \$2,000 in any given
 367 school year and is in addition to any regular wage or other
 368 bonus the teacher received or is scheduled to receive.

369 Section 7. Paragraph (d) is added to subsection (3) of
 370 section 1012.98, Florida Statutes, and subsections (4) and (7)
 371 of that section are amended, to read:

372 1012.98 School Community Professional Development Act.-

373 (3) The activities designed to implement this section
 374 must:

375 (d) Provide middle grades instructional personnel and
 376 school administrators with the knowledge, skills, and best
 377 practices necessary to support excellence in classroom
 378 instruction and educational leadership.

379 (4) The Department of Education, school districts,
 380 schools, Florida College System institutions, and state
 381 universities share the responsibilities described in this
 382 section. These responsibilities include the following:

383 (a)1. The department shall disseminate to the school
 384 community research-based professional development methods and
 385 programs that have demonstrated success in meeting identified
 386 student needs. The Commissioner of Education shall use data on
 387 student achievement to identify student needs. The methods of
 388 dissemination must include a web-based statewide performance
 389 support system, including a database of exemplary professional
 390 development activities, a listing of available professional

391 development resources, training programs, and available
392 assistance.

393 2. The web-based statewide performance support system
394 established pursuant to subparagraph 1. must include for middle
395 grades, subject to appropriation, materials related to classroom
396 instruction, including integrated digital instruction and
397 competency-based instruction; classroom management; student
398 behavior and interaction; extended learning opportunities for
399 students; and instructional leadership.

400 (b) Each school district shall develop a professional
401 development system as specified in subsection (3). The system
402 shall be developed in consultation with teachers, teacher-
403 educators of Florida College System institutions and state
404 universities, business and community representatives, and local
405 education foundations, consortia, and professional
406 organizations. The professional development system must:

407 1. Be approved by the department. All substantial
408 revisions to the system shall be submitted to the department for
409 review for continued approval.

410 2. Be based on analyses of student achievement data and
411 instructional strategies and methods that support rigorous,
412 relevant, and challenging curricula for all students. Schools
413 and districts, in developing and refining the professional
414 development system, shall also review and monitor school
415 discipline data; school environment surveys; assessments of
416 parental satisfaction; performance appraisal data of teachers,

417 managers, and administrative personnel; and other performance
 418 indicators to identify school and student needs that can be met
 419 by improved professional performance.

420 3. Provide inservice activities coupled with followup
 421 support appropriate to accomplish district-level and school-
 422 level improvement goals and standards. The inservice activities
 423 for instructional personnel shall focus on analysis of student
 424 achievement data, ongoing formal and informal assessments of
 425 student achievement, identification and use of enhanced and
 426 differentiated instructional strategies that emphasize rigor,
 427 relevance, and reading in the content areas, enhancement of
 428 subject content expertise, integrated use of classroom
 429 technology that enhances teaching and learning, classroom
 430 management, parent involvement, and school safety.

431 4. Include a master plan for inservice activities,
 432 pursuant to rules of the State Board of Education, for all
 433 district employees from all fund sources. The master plan shall
 434 be updated annually by September 1, must be based on input from
 435 teachers and district and school instructional leaders, and must
 436 use the latest available student achievement data and research
 437 to enhance rigor and relevance in the classroom. Each district
 438 inservice plan must be aligned to and support the school-based
 439 inservice plans and school improvement plans pursuant to s.
 440 1001.42(18). Each district inservice plan must provide a
 441 description of the training that middle grades instructional
 442 personnel and school administrators receive on the district's

443 | code of student conduct adopted pursuant to s. 1006.07;
 444 | integrated digital instruction and competency-based instruction;
 445 | classroom management; student behavior and interaction; extended
 446 | learning opportunities for students; and instructional
 447 | leadership. District plans must be approved by the district
 448 | school board annually in order to ensure compliance with
 449 | subsection (1) and to allow for dissemination of research-based
 450 | best practices to other districts. District school boards must
 451 | submit verification of their approval to the Commissioner of
 452 | Education no later than October 1, annually. Each school
 453 | principal may establish and maintain an individual professional
 454 | development plan for each instructional employee assigned to the
 455 | school as a seamless component to the school improvement plans
 456 | developed pursuant to s. 1001.42(18). An individual professional
 457 | development plan must be related to specific performance data
 458 | for the students to whom the teacher is assigned, define the
 459 | inservice objectives and specific measurable improvements
 460 | expected in student performance as a result of the inservice
 461 | activity, and include an evaluation component that determines
 462 | the effectiveness of the professional development plan.

463 | 5. Include inservice activities for school administrative
 464 | personnel that address updated skills necessary for
 465 | instructional leadership and effective school management
 466 | pursuant to s. 1012.986.

467 | 6. Provide for systematic consultation with regional and
 468 | state personnel designated to provide technical assistance and

469 evaluation of local professional development programs.

470 7. Provide for delivery of professional development by
 471 distance learning and other technology-based delivery systems to
 472 reach more educators at lower costs.

473 8. Provide for the continuous evaluation of the quality
 474 and effectiveness of professional development programs in order
 475 to eliminate ineffective programs and strategies and to expand
 476 effective ones. Evaluations must consider the impact of such
 477 activities on the performance of participating educators and
 478 their students' achievement and behavior.

479 9. For middle grades, emphasize:

480 a. Interdisciplinary planning, collaboration, and
 481 instruction.

482 b. Alignment of curriculum and instructional materials to
 483 the state academic standards adopted pursuant to s. 1003.41.

484 c. Use of small learning communities; problem-solving,
 485 inquiry-driven research and analytical approaches for students;
 486 strategies and tools based on student needs; competency-based
 487 instruction; integrated digital instruction; and project-based
 488 instruction.

489
 490 Each school that includes any of grades 6, 7, or 8 must include
 491 in its school improvement plan, required under s. 1001.42(18), a
 492 description of the specific strategies used by the school to
 493 implement each item listed in this subparagraph.

494 (7) (a) The Department of Education shall disseminate,

495 using web-based technology, research-based best practice methods
496 by which the state and district school boards may evaluate and
497 improve the professional development system. The best practices
498 must include data that indicate the progress of all students.
499 The department shall report annually to the State Board of
500 Education and the Legislature any school district that, in the
501 determination of the department, has failed to provide an
502 adequate professional development system. This report must
503 include the results of the department's investigation and of any
504 intervention provided.

505 (b) The department shall also disseminate, using web-based
506 technology, professional development in the use of integrated
507 digital instruction at schools that include middle grades. The
508 professional development must provide training and materials
509 that districts can use to provide instructional personnel with
510 the necessary knowledge, skills, and strategies to effectively
511 blend digital instruction into subject-matter curricula. The
512 professional development must emphasize online learning and
513 research techniques, reading instruction, the use of digital
514 devices to supplement the delivery of curricular content to
515 students, and digital device management and security. Districts
516 are encouraged to incorporate the professional development as
517 part of their professional development system.

518 Section 8. This act shall take effect July 1, 2014.