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# Education Committee

**Thursday, April 4, 2013**

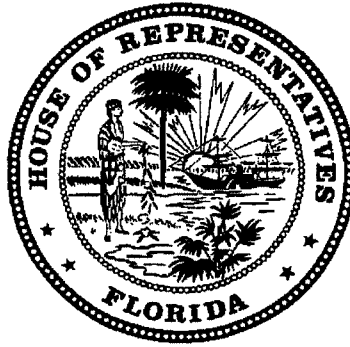
**10:30 AM – 1:00 PM**

**102 HOB**

**Meeting Packet  
REVISED**

**Will Weatherford  
Speaker**

**H. Marlene O'Toole  
Chair**



## AGENDA

Education Committee  
Thursday, April 4, 2013  
10:30 AM– 1:00 PM  
102 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Consideration of the following bill(s):
  - HB 991 Pub. Rec./School District After-Drill Report by Rodrigues, R.
  - HB 7141 Public School Personnel by K-12 Subcommittee, Adkins
  - CS/HB 441 Juvenile Justice Education Programs by Choice & Innovation Subcommittee, Adkins
  - CS/HB 1295 Discretionary Sales Surtaxes by Finance & Tax Subcommittee, Fresen
  - HB 1373 Immigrant Entrepreneur & STEM Student Recruitment & Retention Act by Grant
  - CS/HB 7027 Education Accountability by Education Appropriations Subcommittee, Choice & Innovation Subcommittee, Passidomo
- IV. Consideration of the following proposed committee bill:
  - PCB EDC 13-01 Public Records/Student Learning Growth Data
- V. Workshop on Early Learning
- VI. Closing Remarks and Adjournment



HB 991

2013

1                                   A bill to be entitled  
 2       An act relating to public records; amending s.  
 3       1006.07, F.S.; exempting from public records  
 4       requirements a school district's after-drill report  
 5       that summarizes the emergency drills of each school in  
 6       the district and the recommendations from  
 7       participating law enforcement officers or fire  
 8       officials; providing for future repeal and legislative  
 9       review of the exemption under the Open Government  
 10      Sunset Review Act; providing a statement of public  
 11      necessity; providing a contingent effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

14  
 15       Section 1. Subsection (7) is added to section 1006.07,  
 16 Florida Statutes, to read:

17       1006.07 District school board duties relating to student  
 18 discipline and school safety.—The district school board shall  
 19 provide for the proper accounting for all students, for the  
 20 attendance and control of students at school, and for proper  
 21 attention to health, safety, and other matters relating to the  
 22 welfare of students, including:

23       (7) AFTER-DRILL REPORTS.—A school district's after-drill  
 24 report and the recommendations from participating law  
 25 enforcement officers or fire officials are exempt from s.  
 26 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
 27 subsection is subject to the Open Government Sunset Review Act  
 28 in accordance with s. 119.15 and shall stand repealed on October



29 2, 2018, unless reviewed and saved from repeal through  
 30 reenactment by the Legislature.

31 Section 2. The Legislature finds that it is a public  
 32 necessity that information contained in a school district's  
 33 after-drill report and the recommendations from participating  
 34 law enforcement officers or fire officials be made exempt from  
 35 public records requirements. While educating students is a  
 36 school district's primary focus, each school district must also  
 37 protect its students along with its employees and faculty  
 38 members at each school. In light of the tragic events at Sandy  
 39 Hook Elementary School in Newtown, Connecticut, where 20  
 40 students and six adults were killed on December 14, 2012, and at  
 41 Columbine High School in Columbine, Colorado, where 12 students  
 42 and one teacher were murdered and an additional 21 students were  
 43 injured on April 20, 1999, school districts in this state are  
 44 keenly aware that the safety and security of students,  
 45 employees, and faculty members is of paramount concern. The  
 46 information contained in an after-drill report and the  
 47 recommendations from participating law enforcement officers or  
 48 fire officials regarding a school's conducted emergency drills  
 49 and the school's strengths and weaknesses in conducting those  
 50 drills is information that could be used by a person who intends  
 51 harm, possibly deadly harm, against the school's students,  
 52 employees, and faculty members. Failing to exempt this  
 53 information from public records requirements could expose a  
 54 school's safety measures to a person who means ill will or is  
 55 mentally unstable and could hamper the school's efforts to keep  
 56 its students, employees, and faculty members safe and secure.

HB 991

2013

57 | Accordingly, the Legislature finds that the harm to a school's  
58 | students, employees, and faculty members which would result from  
59 | the release of the school district's after-drill report and the  
60 | recommendations from participating law enforcement officers or  
61 | fire officials substantially outweighs any public benefit  
62 | derived from disclosure to the public.

63 |       Section 3. This act shall take effect on the same date  
64 | that HB 989 or similar legislation takes effect, if such  
65 | legislation is adopted in the same legislative session or an  
66 | extension thereof and becomes a law.

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 991 Pub. Rec./School District After-Drill Report  
**SPONSOR(S):** Rodrigues  
**TIED BILLS:** CS/HB 989 **IDEN./SIM. BILLS:** SB 800

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	10 Y, 0 N	Beagle	Ahearn
2) Government Operations Subcommittee	11 Y, 0 N	Stramski	Williamson
3) Education Committee		Beagle <b>GB</b>	Mizereck <b>W</b>

**SUMMARY ANALYSIS**

A security system plan or portion thereof for any property owned by or leased to the state or any of its political subdivisions, or for any privately owned or leased property held by an agency, is confidential and exempt from Art. I, s. 24(a), of the State Constitution. A security system plan includes threat assessments conducted by any agency, threat response plans, emergency evacuation plans, and sheltering arrangements.

Under Florida law, each district school board is required to formulate policies and procedures for emergency response drills and actual emergencies. CS/HB 989 requires each public school to submit to the district school board an after-drill report detailing each emergency evacuation drill or lockdown drill conducted by the school. The after-drill reports may include recommendations for improving lockdown procedures made by law enforcement and fire department personnel.

The bill creates a public record exemption for after-drill reports and recommendations made by law enforcement and fire department personnel.

The bill provides for repeal of the exemption on October 2, 2018, unless reviewed and saved from repeal by the Legislature. The bill provides a statement of public necessity as required by the State Constitution. It also provides an effective date that is contingent upon the passage of House Bill 989, or similar legislation, if adopted during the same legislative session and if such legislation becomes law.

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

**Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created public record or public meeting exemption. The bill creates a public record exemption; thus, it requires a two-thirds vote for final passage.**

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

##### Public Records

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

Public policy regarding access to government records is addressed further in the Florida Statutes. Section 119.07(1), F.S., guarantees every person a right to inspect and copy any state, county, or municipal record. Furthermore, the Open Government Sunset Review Act<sup>2</sup> provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

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

##### Public Record Exemptions -- Security System Plans

A security system plan or portion thereof for any property owned by or leased to the state or any of its political subdivisions, or for any privately owned or leased property held by an agency,<sup>3</sup> is confidential and exempt<sup>4</sup> from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.<sup>5</sup>

The term "security system plan" includes all:

- Records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof relating directly to the physical security of the facility or revealing security systems;
- Threat assessments conducted by any agency or any private entity;
- Threat response plans;

<sup>1</sup> Section 24(c), Art. I of the State Constitution.

<sup>2</sup> See s. 119.15, F.S.

<sup>3</sup> Section 119.011(2), F.S., defines "agency" to mean any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

<sup>4</sup> There is a difference between records the Legislature designates as exempt from public record requirements and those the Legislature deems confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. See *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991) If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption. See Attorney General Opinion 85-62 (August 1, 1985).

<sup>5</sup> Section 119.071(3)(a)2., F.S.

- Emergency evacuation plans;
- Sheltering arrangements; or
- Manuals for security personnel, emergency equipment, or security training.<sup>6</sup>

#### School District Emergency Response Drills

Florida law requires each district school board to formulate policies and procedures for emergency response drills and actual emergencies. These policies must include procedures for responding to various emergencies, such as fires, natural disasters, and bomb threats. Commonly used alarm system responses for specific types of emergencies must be incorporated into such policies.<sup>7</sup>

#### Committee Substitute for House Bill 989

CS/HB 989 requires each public school to conduct emergency lock-down drills with the same frequency as emergency evacuation drills, and requires each school to submit to the district school board an after-drill report detailing each emergency evacuation drill or lockdown drill conducted by the school. The after-drill reports may include recommendations for improving lockdown procedures made by law enforcement and fire department personnel.

#### Effect of Proposed Changes

The bill creates a public record exemption for after-drill reports of public school emergency evacuation and lockdown drills and recommendations made by participating law enforcement and fire department personnel.

The bill repeals the exemption on October 2, 2018, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.<sup>8</sup>

The bill provides an effective date that is contingent upon the passage of House Bill 989, or similar legislation, if adopted during the same legislative session and if such legislation becomes law.

#### B. SECTION DIRECTORY:

Section 1 amends s. 1006.07, F.S., creating a public record exemption for a school district's after-drill report.

Section 2 provides a public necessity statement.

Section 3 provides an effective date that is contingent upon the passage of House Bill 989, or similar legislation, if adopted during the same legislative session and if such legislation becomes law.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

<sup>6</sup> Section 119.071(3)(a)1., F.S

<sup>7</sup> Section 1006.07(4)(a), F.S. Additionally, district school boards must establish model emergency management and preparedness procedures for weapon-use and hostage situations; hazardous materials or toxic chemical spills; weather emergencies, including hurricanes, tornadoes, and severe storms; and exposure resulting from manmade emergencies. Section 1006.07(4)(b), F.S.

<sup>8</sup> Article I, Sec. 24(c), FLA. CONST.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill likely could create a minimal fiscal impact on school districts, because staff responsible for complying with public record requests could require training related to creation of the public record exemption. In addition, those school districts could incur costs associated with redacting the exempt information prior to releasing a record. The costs, however, would be absorbed, as they are part of the day-to-day responsibilities of the school district.

### 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:

Vote Requirement

Article I, s. 24(c) of the State Constitution, requires a two-thirds vote of the members present and voting for final passage of a newly created public record or public meeting exemption. The bill creates a new public record exemption; thus, it requires a two-thirds vote for final passage.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution, requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill creates a new public record exemption; thus, it includes a public necessity statement.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires a newly created public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill creates a public record exemption for after-drill reports of public school emergency evacuation and lockdown drills and recommendations made by law enforcement and fire department personnel. The exemption does not appear to be in conflict with the constitutional requirement that the exemption be no broader than necessary to accomplish its purpose.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Current law provides a public record exemption for a security system plan or portion thereof for any property owned by or leased to the state or any of its political subdivisions, or for any privately owned or leased property held by an agency. Security system plans include, in part, threat assessments

conducted by any agency or any private entity, threat response plans, and emergency evacuation plans. It would appear that the public record exemption provided in current law would also protect a school district's after-drill report and recommendations from participating law enforcement officers or fire officials. As such, the exemption created by this bill could appear redundant and unnecessary.

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

None.

HB 7141



HB 7141

2013

1                                   A bill to be entitled  
 2           An act relating to public school personnel; providing  
 3           requirements for measuring student performance in  
 4           instructional personnel and school administrator  
 5           performance evaluations; providing requirements for  
 6           the performance evaluation of personnel for purposes  
 7           of the performance salary schedule; providing an  
 8           effective date.

9

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

11

12           Section 1. Notwithstanding any provision to the contrary  
 13 in ss. 1012.22 and 1012.34, Florida Statutes, regarding the  
 14 performance salary schedule and personnel evaluation procedures  
 15 and criteria:

16           (1) At least 50 percent of a classroom teacher's or school  
 17 administrator's performance evaluation, or 40 percent if less  
 18 than 3 years of student performance data are available, shall be  
 19 based upon learning growth or achievement of the teacher's  
 20 students or, for a school administrator, the students attending  
 21 that school; the remaining portion shall be based upon factors  
 22 identified in district-determined, state-approved evaluation  
 23 system plans. Student achievement measures for courses  
 24 associated with statewide assessments may be used only if a  
 25 statewide growth formula has not been approved for that  
 26 assessment or, for courses associated with school district  
 27 assessments, if achievement is demonstrated to be a more  
 28 appropriate measure of teacher performance.

HB 7141

2013

29        (2) The student performance data used in the performance  
 30 evaluation of nonclassroom instructional personnel shall be  
 31 based on student outcome data that reflects the actual  
 32 contribution of such personnel to the performance of the  
 33 students assigned to the individual in the individual's areas of  
 34 responsibility.

35        (3) For purposes of the performance salary schedule in s.  
 36 1012.22, Florida Statutes, the student assessment data in the  
 37 performance evaluation must be from statewide assessments or  
 38 district-determined assessments as required in s. 1008.22(8),  
 39 Florida Statutes, in the subject areas taught.

40        Section 2. This act shall take effect July 1, 2013.

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 7141      PCB KTS 13-04      Public School Personnel  
**SPONSOR(S):** K-12 Subcommittee, Adkins  
**TIED BILLS:**            **IDEN./SIM. BILLS:** CS/SB 980

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-12 Subcommittee	12 Y, 0 N	Beagle	Ahearn
1) Education Committee		Beagle <i>GB</i>	Mizereck <i>MM</i>

### SUMMARY ANALYSIS

Currently, at least 50 percent of instructional personnel and school administrator performance evaluations must be based upon student performance. The percentage of an instructional personnel's or school administrator's performance evaluation that is based upon student performance may be reduced from 50 percent to 40 percent if less than three years of student data are available. Student learning growth, with certain exceptions, must be used to determine student performance. Learning growth must be measured by statewide assessments and, for subjects and grade levels not tested by statewide assessments, school district assessments. If approved by the Department of Education, student performance on a school district assessment may be measured by a student achievement measure, a combination of student learning growth and achievement, or a combination of student learning growth on a school district assessment and on FCAT Reading or Mathematics.

Until July 1, 2015, if a school district has not implemented an assessment and student learning growth formula for a course, two alternative growth measures may be used -- student learning growth on statewide assessments or measurable learning targets. Learning targets must be identified by the school principal based upon the goals of the school improvement plan. Additionally, a district school superintendent may assign student learning growth on statewide assessments to an instructional team. Some school districts have identified all instructional personnel at the school as an instructional team, resulting in teachers being evaluated on students or subjects they never taught.

Student learning growth for students assigned to nonclassroom instructional personnel is measured by statewide assessments; however, a combination of growth data and measurable student outcomes unique to the personnel assignment may be used, provided that growth data accounts for at least 30 percent of the evaluation.

The bill requires that a classroom teacher's performance evaluation be based only upon the performance of students he or she actually teaches and reiterates that a school administrator's evaluation is based upon students attending the school he or she oversees. All classroom teachers and school administrators must be evaluated using either a learning growth or student achievement measure. Student achievement measures may only be used for courses associated with statewide assessments if a statewide growth formula has not been approved for that assessment. For courses associated with a school district assessment, student achievement may only be used if it is demonstrated to be a more appropriate measure of performance than student learning growth. The bill reiterates existing law authorizing the percentage of an instructional personnel's or school administrator's performance evaluation that is based upon student performance to be reduced from 50 percent to 40 percent if less than three years of student data are available.

In evaluating nonclassroom instructional personnel, the bill requires school districts to use student outcome data that reflects the employee's actual contribution to the performance of students in his or her area of responsibility.

In addition, the bill reiterates that the student assessment data used in the performance evaluation must be from statewide assessments or school district assessments in the subject areas taught in order for an employee to be included in the performance salary schedule.

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

The bill takes effect July 1, 2013.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Educator Performance Evaluations

###### Background

In August 2010, Florida was one of 11 states and the District of Columbia awarded federal Race to the Top grant funds.<sup>1</sup> The Florida Department of Education (DOE) received \$700 million to implement various education reforms, including reforms to instructional personnel<sup>2</sup> and school administrator<sup>3</sup> performance evaluations.<sup>4</sup> Sixty-two of 67 school districts, 209 charter schools in 27 of the participating districts, and three university lab schools are participating in Race to the Top.<sup>5</sup> Fifty local teachers unions agreed to collaborate with their school districts in implementing these reforms.<sup>6</sup> The Legislature enacted the Student Success Act in May 2011, which, among other things, codified Florida's Race to the Top performance evaluation reforms into state law.<sup>7</sup>

Among other things, the Student Success Act required school district performance evaluation systems to differentiate among four levels of performance:

- Highly effective;
- Effective;
- Needs improvement, or for instructional personnel in their first three years of employment who need improvement, developing; and
- Unsatisfactory.<sup>8</sup>

At least 50 percent of each instructional personnel's and school administrator's performance evaluation must be based upon student performance. Student learning growth, with certain exceptions, is the primary measure of student performance used to evaluate these employees. Learning growth must be measured by statewide assessments and, for subjects and grade levels not tested by statewide assessments, school district assessments.<sup>9</sup>

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<sup>1</sup> American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (Feb. 17, 2009); Press Release, U.S. Department of Education, *Nine States and the District of Columbia Win Second Round Race to the Top Grants* (Aug. 24, 2010), <http://www.ed.gov/news/press-releases/nine-states-and-district-columbia-win-second-round-race-top-grants> (last visited Feb. 5, 2013).

<sup>2</sup> Instructional personnel include classroom teachers; student services personnel, e.g., guidance counselors, social workers, career specialists, and school psychologists; librarians and media specialists; other instructional staff, e.g., learning resource specialists; and education paraprofessionals under the direct supervision of instructional personnel. Section 1012.01(2), F.S. Although substitute teachers are classified as classroom teachers, the law specifically excludes them from performance evaluation requirements. Section 1012.34(3)(a), F.S.

<sup>3</sup> Section 1012.34(1)(a), F.S. School administrators include school principals, school directors, career center directors, and assistant principals. Section 1012.01(3), F.S.

<sup>4</sup> U.S. Department of Education, *Race to the Top Funding Status*, <http://www2.ed.gov/programs/racetothetop/funding.html> (last visited Feb. 5, 2013); Florida Department of Education, *Florida's Race to the Top: hearing before the House Education Comm.* (Jan. 13, 2011).

<sup>5</sup> Participating lab schools are the Florida Atlantic University, Florida A & M University, and University of Florida lab schools. The Baker, Dixie, Hamilton, Palm Beach, and Suwannee County school districts are not participating in the grant. Email, Florida Department of Education, Legislative Affairs Director (Nov. 16, 2012).

<sup>6</sup> Florida Department of Education, *Florida's Race to the Top Memorandum of Understanding: hearing before the House K-20 Competitiveness Subcomm.* (Feb. 23, 2011).

<sup>7</sup> Section 2, ch. 2011-1, L.O.F., codified at s. 1012.34, F.S. (2011); see Florida Department of Education, *Florida's Race to the Top Memorandum of Understanding for Phase 2*, at 10-13 (May 3, 2010), available at <http://www.fldoe.org/arra/pdf/phase2mou.pdf>.

<sup>8</sup> Section 1012.34(2)(e), F.S.

<sup>9</sup> Sections 1012.34(3)(a)1. and 1008.22(8), F.S.

School district assessments must be implemented no later than the 2014-15 school year. School districts may use nationally recognized standardized assessments, industry certification examinations, and district-developed assessments.<sup>10</sup> DOE has provided technical assistance and used Race to the Top funds for the development of test item banks, a test platform, and grants to school districts for developing assessments for hard-to-measure courses that can be shared across the state.<sup>11</sup>

### **Student Learning Growth Measures**

Student learning growth formulas tied to statewide or school district assessments must be used to determine the amount of learning growth a student makes in the year he or she is assigned to the instructional personnel.<sup>12</sup> The Commissioner of Education was required to adopt a student learning growth formula for the Florida Comprehensive Assessment Test (FCAT), which he did for Reading and Mathematics in June 2011.<sup>13</sup> The commissioner must select additional formulas as appropriate for the remainder of the statewide assessments, i.e., FCAT Science, FCAT Writing, and statewide, standardized end-of-course assessments in Algebra I, Geometry, and Biology I; however, formulas for these assessments have not been adopted.<sup>14</sup>

Measurement of student learning growth must be based upon at least three school years of student data. If less than three years of data is available for an employee, the school district must include available data and may reduce the weight attributed to student learning growth from 50 percent to not less than 40 percent for classroom teachers and school administrators and not less than 20 percent for nonclassroom instructional personnel.<sup>15</sup>

### Classroom Teachers

Measurement of student learning growth for classroom teacher evaluations varies according to the subjects and grades taught by the teacher, as follows:<sup>16</sup>

- For classroom teachers of courses tested by a statewide assessment, student learning growth on such assessments must be used.<sup>17</sup>
- For classroom teachers of courses measured by a school district assessment, student learning growth on such assessments must be used; however, school districts may request DOE-approval to use:

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<sup>10</sup> Sections 1008.22(8) and 1012.34(7)(b), F.S. The Commissioner of Education must identify methods to support school districts in the development or acquisition of assessments. Such methods include developing test item banks, facilitating the sharing of assessments among districts, acquiring assessments from state and national curriculum-area organizations, and technical assistance. Section 1008.22(8)(c), F.S.

<sup>11</sup> Florida Department of Education, *American Recovery and Reinvestment Act, Procurements*, <http://www.fldoe.org/arra/procurements.asp> (last visited Feb. 5, 2013). DOE awarded Race to the Top grants to fund seven projects by four Florida school districts to develop assessments for hard-to-measure courses. These projects include assessments of Physical Education and Health Education, Grades K – 8: Miami-Dade County; Physical Education and Health Education, Grades 9 – 12: Hillsborough County; Performing Arts: Chorus and Drama: Polk County; Performing Arts: Band and Instrumental: Polk County; Visual Arts: Miami-Dade County; World Languages (other than Spanish): Duval County; and Career and Technical Education-Hillsborough County. Florida Department of Education, *Race to the Top Assessments Information Sheet*, at 1 (June 2011), available at <http://www.fldoe.org/arra/racetothetop/assessments/pdf/InfoSheet-RTTT.pdf>. Field testing of these assessments will begin in Spring 2013-14. Florida Department of Education, *Race to the Top Assessments Timeline* (Aug. 2011), available at <http://www.fldoe.org/arra/racetothetop/assessments/pdf/Timeline-RTTT.pdf>.

<sup>12</sup> Section 1012.34(7)(a)-(b), F.S.

<sup>13</sup> *Id.*, Letter from Commissioner Smith to Student Learning Growth Implementation Committee (June 1, 2011), available at <http://www.fldoe.org/committees/pdf/CommissionerSmithCommittee.pdf>.

<sup>14</sup> Section 1012.34(7)(a), F.S.

<sup>15</sup> Section 1012.34(3)(a)1.a.-c., F.S.

<sup>16</sup> School districts must implement assessments for subjects not tested by statewide assessments by the 2014-15 school year. *See s.* 1008.22(8), F.S.

<sup>17</sup> Section 1012.34(7)(a)-(b), F.S.

- A student achievement measure or a combination of student learning growth and achievement; or<sup>18</sup>
- A combination of student learning growth on a school district assessment and on FCAT Reading or FCAT Mathematics, as long as learning growth on the district assessment is given greater weight.<sup>19</sup>

Until July 1, 2015, if a school district, for courses not tested on statewide assessments, has not implemented an assessment or a student learning growth formula for that assessment, the district may use two alternative growth measures -- student learning growth on statewide assessments or measurable learning targets. Learning targets must be identified by the school principal based upon the goals of the school improvement plan. Additionally, a district school superintendent may assign student learning growth on statewide assessments to an instructional team, i.e., classroom teachers who serve a common group of students.<sup>20</sup>

Some school districts have used school-wide or instructional team student performance data on FCAT Reading and Mathematics to evaluate classroom teachers of courses for which a district assessment has not been implemented or courses tested by a statewide assessment for which no student learning growth formula has been adopted. This has resulted in teachers being evaluated based upon students or subjects they never taught.<sup>21</sup>

### Nonclassroom Instructional Personnel

Nonclassroom instructional personnel include student services personnel, e.g., guidance counselors, social workers, career specialists, and school psychologists; librarians and media specialists; other instructional staff, e.g., learning resource specialists; and education paraprofessionals under the direct supervision of instructional personnel.<sup>22</sup> Student learning growth for students assigned to nonclassroom instructional personnel is measured by statewide assessments; however, a combination of growth data and measurable student outcomes unique to the personnel assignment may be used, provided that growth data accounts for at least 30 percent of the evaluation.<sup>23</sup>

### **Performance Salary Schedule**

The Student Success Act requires each school district to adopt a performance salary schedule for instructional personnel and school administrators by July 1, 2014. Instructional personnel and school administrators hired on or after July 1, 2014, and instructional personnel on annual contracts as of July 1, 2014, must be placed on the performance salary schedule.<sup>24</sup> Under the performance salary schedule, annual salary adjustments may only be given to employees rated highly effective or effective on annual performance evaluations.<sup>25</sup>

### Effect of Proposed Changes

The bill notwithstanding any provision to the contrary in ss. 1012.22 and 1012.34, F.S., regarding the performance salary schedule and personnel evaluation procedures and criteria.

<sup>18</sup> Section 1012.34(7)(c), F.S.

<sup>19</sup> Section 1012.34(7)(d), F.S.

<sup>20</sup> Section 1012.34(7)(e), F.S.

<sup>21</sup> See, e.g., Leon County Public Schools, *Leon Educator Assessment and Development System*, at 193-195 (Oct. 2011), available at [http://www.leonschools.net/docs/LCS\\_LEADS\\_BOOKLET\\_01\\_17\\_12.pdf](http://www.leonschools.net/docs/LCS_LEADS_BOOKLET_01_17_12.pdf); see, e.g., Pinellas County Schools, *Pinellas County Teacher Evaluation System*, at 13-16 (Dec. 2011), available at [https://www.pcsb.org/images/stories/PCS\\_Teacher\\_Evaluation\\_System.pdf](https://www.pcsb.org/images/stories/PCS_Teacher_Evaluation_System.pdf).

<sup>22</sup> Section 1012.01(2), F.S.

<sup>23</sup> Section 1012.34(3)(a)1.b., F.S.

<sup>24</sup> Section 1012.22(1)(c)4. and 5., F.S.

<sup>25</sup> Section 1012.22(1)(c)5.b., F.S.

The bill requires that a classroom teacher's performance evaluation be based only upon the performance of students he or she actually teaches and reiterates that a school administrator's evaluation is based upon students attending the school he or she oversees. This change, in effect, eliminates the use of instructional team or school-wide student performance data in evaluating classroom teachers. Accordingly, classroom teachers should only be evaluated based upon the students they teach.

All classroom teachers and school administrators must be evaluated using either a learning growth or student achievement measure. Student achievement measures may only be used for courses associated with statewide assessments if a statewide growth formula has not been approved for that assessment. For courses associated with a school district assessment, student achievement may only be used if it is demonstrated to be a more appropriate measure of performance than student learning growth. Unlike existing law, this change allows school districts to use student achievement measures to evaluate classroom teachers of courses tested by a statewide assessment for which no student learning growth formula has been adopted, e.g., Algebra I, Geometry, and Biology I.

The bill reiterates existing law authorizing the percentage of an instructional personnel's or school administrator's performance evaluation that is based upon student performance to be reduced from 50 percent to 40 percent if less than three years of student data are available.

In evaluating nonclassroom instructional personnel, the bill requires school districts to use student outcome data that reflects the employee's actual contribution to the performance of students in his or her area of responsibility. This enables school districts to cease using student learning growth data on statewide assessments to evaluate these employees, if such data does not reflect his or her contribution to student performance. Thus, districts may devise student performance measures that more accurately reflect the roles and responsibilities of these employees.

The bill reiterates that the student assessment data in the performance evaluation must be from statewide assessments or school district assessments, as applicable, in the subject areas taught, in order for an employee to be included in the performance salary schedule.

**B. SECTION DIRECTORY:**

**Section 1.** Creates an unnumbered section of law; specifies requirements regarding measurement of student performance for performance evaluation and performance-pay purposes.

**Section 2.** Provides that the bill takes effect July 1, 2013.

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

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

1. Revenues:

None.

2. Expenditures:

None.

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

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. 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 March 27, 2013, the K-12 Subcommittee adopted one amendment to PCB KTS 13-04. The amendment:

- Clarifies that classroom teachers must be evaluated only on students they actually taught and adds provisions reiterating that school administrator evaluations are based upon students attending the school.
- Adds provisions reiterating current law allowing the percentage of an instructional personnel's or school administrator's performance evaluation that is based upon student performance to be reduced from 50 percent to 40 percent if less than three years of student data are available. Such reduction was not addressed by the original PCB.





1                                   A bill to be entitled  
 2           An act relating to juvenile justice education  
 3           programs; amending s. 985.622, F.S.; revising  
 4           provisions to be included in the multiagency education  
 5           plan for students in juvenile justice education  
 6           programs, including virtual education as an option;  
 7           amending s. 985.632, F.S.; requiring the Department of  
 8           Juvenile Justice to provide cost and effectiveness  
 9           information for program and program activities to the  
 10          Legislature and the public; deleting legislative  
 11          intent language; requiring implementation of an  
 12          accountability system to ensure client needs are met;  
 13          requiring the department and Department of Education  
 14          to submit an annual report that includes data on  
 15          program costs and effectiveness and student  
 16          achievement and recommendations for elimination or  
 17          modification of programs; amending s. 1001.31, F.S.;  
 18          authorizing instructional personnel at all juvenile  
 19          justice facilities to access specific student records  
 20          at the district; amending s. 1003.51, F.S.; revising  
 21          terminology; revising requirements for rules to be  
 22          maintained by the State Board of Education; providing  
 23          expectations for effective education programs for  
 24          students in Department of Juvenile Justice programs;  
 25          revising requirements for contract and cooperative  
 26          agreements for the delivery of appropriate education  
 27          services to students in Department of Juvenile Justice  
 28          programs; requiring the Department of Education to

29 ensure that juvenile justice students who are eligible  
 30 have access to high school equivalency testing and  
 31 assist juvenile justice education programs with  
 32 becoming high school equivalency testing centers;  
 33 revising requirements for an accountability system all  
 34 juvenile justice education programs; revising  
 35 requirements to district school boards; amending s.  
 36 1003.52, F.S.; revising requirements for activities to  
 37 be coordinated by the coordinators for juvenile  
 38 justice education programs; authorizing contracting  
 39 for educational assessments; revising requirements for  
 40 assessments; authorizing access to local virtual  
 41 education courses; requiring that an education program  
 42 shall be based on each student's transition plan and  
 43 assessed educational needs; providing requirements for  
 44 prevention and day treatment juvenile justice  
 45 education programs; requiring progress monitoring  
 46 plans for all students not classified as exceptional  
 47 student education students; revising requirements for  
 48 such plans; requiring that the Department of  
 49 Education, in partnership with the Department of  
 50 Juvenile Justice, ensure that school districts and  
 51 juvenile justice education providers develop  
 52 individualized transition plans; providing  
 53 requirements for such plans; providing that the  
 54 Secretary of Juvenile Justice or the director of a  
 55 juvenile justice program may request that a school  
 56 district teacher's performance be reviewed by the

57 district and that the teacher be reassigned in certain  
 58 circumstances; correcting a cross-reference; requiring  
 59 the Department of Education to establish by rule  
 60 objective and measurable student performance measures  
 61 and program performance ratings; providing  
 62 requirements for such ratings; requiring a  
 63 comprehensive accountability and program improvement  
 64 process; providing requirements for such a process;  
 65 deleting provisions for minimum thresholds for the  
 66 standards and key indicators for education programs in  
 67 juvenile justice facilities; deleting a requirement  
 68 for an annual report; requiring data collection;  
 69 deleting provisions concerning the Arthur Dozier  
 70 School for Boys; requiring rulemaking; amending s.  
 71 1001.42, F.S.; revising terminology; revising a cross-  
 72 reference; providing a directive to the Division of  
 73 Law Revision and Information; providing an effective  
 74 date.

75

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

77

78 Section 1. Section 985.622, Florida Statutes, is amended  
 79 to read:

80 985.622 Multiagency plan for career ~~vocational~~ education.—

81 (1) The Department of Juvenile Justice and the Department  
 82 of Education shall, in consultation with the statewide Workforce  
 83 Development Youth Council, school districts, providers, and  
 84 others, jointly develop a multiagency plan for career ~~vocational~~

85 education that establishes the curriculum, goals, and outcome  
 86 measures for career vocational programs in juvenile justice  
 87 education programs ~~commitment facilities~~. The plan must include:

88 (a) Provisions for maximizing appropriate state and  
 89 federal funding sources, including funds under the Workforce  
 90 Investment Act and the Perkins Act. ~~†~~

91 (b) Provisions for eliminating barriers to increasing  
 92 occupation-specific job training and high school equivalency  
 93 examination preparation opportunities.

94 (c) ~~(b)~~ The responsibilities of both departments and all  
 95 other appropriate entities. ~~†~~ and

96 (d) ~~(e)~~ A detailed implementation schedule.

97 (2) The plan must define career vocational programming  
 98 that is appropriate based upon:

99 (a) The age and assessed educational abilities and goals  
 100 of the student youth to be served; and

101 (b) The typical length of stay and custody characteristics  
 102 at the juvenile justice education ~~commitment~~ program to which  
 103 each student youth is assigned.

104 (3) The plan must include a definition of career  
 105 ~~vocational~~ programming that includes the following  
 106 classifications of juvenile justice education programs  
 107 ~~commitment facilities~~ that will offer career vocational  
 108 programming by one of the following types:

109 (a) Type A.—Programs that teach personal accountability  
 110 skills and behaviors that are appropriate for students youth in  
 111 all age groups and ability levels and that lead to work habits  
 112 that help maintain employment and living standards.

113 (b) Type B.—Programs that include Type A program content  
 114 and an orientation to the broad scope of career choices, based  
 115 upon personal abilities, aptitudes, and interests. Exploring and  
 116 gaining knowledge of occupation options and the level of effort  
 117 required to achieve them are essential prerequisites to skill  
 118 training.

119 (c) Type C.—Programs that include Type A program content  
 120 and the career ~~vocational~~ competencies or the prerequisites  
 121 needed for entry into a specific occupation.

122 (4) The plan must also address strategies to facilitate  
 123 involvement of business and industry in the design, delivery,  
 124 and evaluation of career ~~vocational~~ programming in juvenile  
 125 justice education ~~commitment facilities and conditional release~~  
 126 programs, including apprenticeship and work experience programs,  
 127 mentoring and job shadowing, and other strategies that lead to  
 128 postrelease employment. Incentives for business involvement,  
 129 such as tax breaks, bonding, and liability limits should be  
 130 investigated, implemented where appropriate, or recommended to  
 131 the Legislature for consideration.

132 (5) The plan must also evaluate the effect of students'  
 133 mobility between juvenile justice education programs and school  
 134 districts on the students' educational outcomes and whether the  
 135 continuity of the students' education can be better addressed  
 136 through virtual education.

137 (6)~~(5)~~ The Department of Juvenile Justice and the  
 138 Department of Education shall each align its respective agency  
 139 policies, practices, technical manuals, contracts, quality-  
 140 assurance standards, performance-based-budgeting measures, and

141 | outcome measures with the plan in juvenile justice education  
 142 | programs ~~commitment facilities~~ by July 31, 2014 ~~2001~~. Each  
 143 | agency shall provide a report on the implementation of this  
 144 | section to the Governor, the President of the Senate, and the  
 145 | Speaker of the House of Representatives by August 31, 2014 ~~2001~~.

146 |       ~~(7)~~~~(6)~~ All provider contracts executed by the Department  
 147 | of Juvenile Justice or the school districts after January 1,  
 148 | 2015 ~~2002~~, must be aligned with the plan.

149 |       ~~(8)~~~~(7)~~ The planning and execution of quality assurance  
 150 | reviews conducted by the Department of Education or the  
 151 | Department of Juvenile Justice after August 1, 2014 ~~2002~~, must  
 152 | be aligned with the plan.

153 |       ~~(9)~~~~(8)~~ Outcome measures reported by the Department of  
 154 | Juvenile Justice and the Department of Education for students  
 155 | ~~youth~~ released on or after January 1, 2015 ~~2002~~, should include  
 156 | outcome measures that conform to the plan.

157 |       Section 2. Subsections (1) and (3) of section 985.632,  
 158 | Florida Statutes, are amended to read:

159 |       985.632 Quality assurance and cost-effectiveness.—

160 |       (1) The department shall:

161 |       (a) Provide cost and effectiveness information on programs  
 162 | and program activities in order to compare, improve, or  
 163 | eliminate a program or program activity if necessary.

164 |       (b) Provide program and program activity cost and  
 165 | effectiveness data to the Legislature in order for resources to  
 166 | be allocated for achieving desired performance outcomes.

167 |       (c) Provide information to the public concerning program  
 168 | and program activity cost and effectiveness.

169 (d) Implement a system of accountability in order to  
 170 provide the best and most appropriate programs and activities to  
 171 meet client needs.

172 ~~(e) Continue to improve service delivery. It is the intent~~  
 173 ~~of the Legislature that the department:~~

174 ~~(a) Ensure that information be provided to decisionmakers~~  
 175 ~~in a timely manner so that resources are allocated to programs~~  
 176 ~~of the department which achieve desired performance levels.~~

177 ~~(b) Provide information about the cost of such programs~~  
 178 ~~and their differential effectiveness so that the quality of such~~  
 179 ~~programs can be compared and improvements made continually.~~

180 ~~(c) Provide information to aid in developing related~~  
 181 ~~policy issues and concerns.~~

182 ~~(d) Provide information to the public about the~~  
 183 ~~effectiveness of such programs in meeting established goals and~~  
 184 ~~objectives.~~

185 ~~(e) Provide a basis for a system of accountability so that~~  
 186 ~~each client is afforded the best programs to meet his or her~~  
 187 ~~needs.~~

188 ~~(f) Improve service delivery to clients.~~

189 ~~(g) Modify or eliminate activities that are not effective.~~

190 (3) By March 1st of each year, the department, in  
 191 consultation with the Department of Education, shall publish a  
 192 report on program costs and effectiveness. The report shall  
 193 include uniform cost data for each program operated by the  
 194 department or by providers under contract with the department.  
 195 The Department of Education shall provide the cost data on each  
 196 education program operated by a school district or a provider



197 under contract with a school district. Cost data shall be  
 198 formatted and presented in a manner approved by the Legislature.  
 199 The report shall also include data on student learning gains, as  
 200 provided by the Department of Education, for all juvenile  
 201 justice education programs as required under s. 1003.52(3)(b),  
 202 information required under ss. 1003.52(17) and (21), the cost-  
 203 effectiveness of each program offered, and recommendations for  
 204 modification or elimination of programs or program activities  
 205 ~~The department shall annually collect and report cost data for~~  
 206 ~~every program operated or contracted by the department. The cost~~  
 207 ~~data shall conform to a format approved by the department and~~  
 208 ~~the Legislature. Uniform cost data shall be reported and~~  
 209 ~~collected for state-operated and contracted programs so that~~  
 210 ~~comparisons can be made among programs. The department shall~~  
 211 ~~ensure that there is accurate cost accounting for state-operated~~  
 212 ~~services including market-equivalent rent and other shared cost.~~  
 213 ~~The cost of the educational program provided to a residential~~  
 214 ~~facility shall be reported and included in the cost of a~~  
 215 ~~program. The department shall submit an annual cost report to~~  
 216 ~~the President of the Senate, the Speaker of the House of~~  
 217 ~~Representatives, the Minority Leader of each house of the~~  
 218 ~~Legislature, the appropriate substantive and fiscal committees~~  
 219 ~~of each house of the Legislature, and the Governor, no later~~  
 220 ~~than December 1 of each year. Cost-benefit analysis for~~  
 221 ~~educational programs will be developed and implemented in~~  
 222 ~~collaboration with and in cooperation with the Department of~~  
 223 ~~Education, local providers, and local school districts. Cost~~  
 224 ~~data for the report shall include data collected by the~~

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225 ~~Department of Education for the purposes of preparing the annual~~  
 226 ~~report required by s. 1003.52(19).~~

227 Section 3. Section 1001.31, Florida Statutes, is amended  
 228 to read:

229 1001.31 Scope of district system.—A district school system  
 230 shall include all public schools, classes, and courses of  
 231 instruction and all services and activities directly related to  
 232 education in that district which are under the direction of the  
 233 district school officials. A district school system may also  
 234 include alternative site schools for disruptive or violent  
 235 students ~~youth~~. Such schools for disruptive or violent students  
 236 ~~youth~~ may be funded by each district or provided through  
 237 cooperative programs administered by a consortium of school  
 238 districts, private providers, state and local law enforcement  
 239 agencies, and the Department of Juvenile Justice. Pursuant to  
 240 cooperative agreement, a district school system shall provide  
 241 instructional personnel at juvenile justice facilities ~~of 50 or~~  
 242 ~~more beds or slots~~ with access to the district school system  
 243 database for the purpose of accessing student academic,  
 244 immunization, and registration records for students assigned to  
 245 the programs. Such access shall be in the same manner as  
 246 provided to other schools in the district.

247 Section 4. Section 1003.51, Florida Statutes, is amended  
 248 to read:

249 1003.51 Other public educational services.—

250 (1) The general control of other public educational  
 251 services shall be vested in the State Board of Education except  
 252 as provided in this section ~~herein~~. The State Board of Education

253 shall, at the request of the Department of Children and Families  
 254 ~~Family Services~~ and the Department of Juvenile Justice, advise  
 255 as to standards and requirements relating to education to be met  
 256 in all state schools or institutions under their control which  
 257 provide educational programs. The Department of Education shall  
 258 provide supervisory services for the educational programs of all  
 259 such schools or institutions. The direct control of any of these  
 260 services provided as part of the district program of education  
 261 shall rest with the district school board. These services shall  
 262 be supported out of state, district, federal, or other ~~lawful~~  
 263 funds, depending on the requirements of the services being  
 264 supported.

265 (2) The State Board of Education shall adopt rules and  
 266 ~~maintain an administrative rule~~ articulating expectations for  
 267 effective education programs for students ~~youth~~ in Department of  
 268 Juvenile Justice programs, including, but not limited to,  
 269 education programs in juvenile justice prevention, day  
 270 treatment, residential, commitment and detention facilities. The  
 271 rule shall establish ~~articulate~~ policies and standards for  
 272 education programs for students ~~youth~~ in Department of Juvenile  
 273 Justice programs and shall include the following:

274 (a) The interagency collaborative process needed to ensure  
 275 effective programs with measurable results.

276 (b) The responsibilities of the Department of Education,  
 277 the Department of Juvenile Justice, Workforce Florida, Inc.,  
 278 district school boards, and providers of education services to  
 279 students ~~youth~~ in Department of Juvenile Justice programs.

280 (c) Academic expectations.

281 |        (d) Career and technical expectations.  
 282 |        (e) Education transition planning and services.  
 283 |        ~~(f)-(d)~~ Service delivery options available to district  
 284 | school boards, including direct service and contracting.  
 285 |        ~~(g)-(e)~~ Assessment procedures, which:  
 286 |            1. Include appropriate academic and career assessments  
 287 | administered at program entry and exit that are selected by the  
 288 | Department of Education in partnership with representatives from  
 289 | the Department of Juvenile Justice, district school boards, and  
 290 | education providers.  
 291 |            ~~2. Require district school boards to be responsible for~~  
 292 | ~~ensuring the completion of the assessment process.~~  
 293 |            ~~3. Require assessments for students in detention who will~~  
 294 | ~~move on to commitment facilities, to be designed to create the~~  
 295 | ~~foundation for developing the student's education program in the~~  
 296 | ~~assigned commitment facility.~~  
 297 |            2.4. Require assessments of students in programs sent  
 298 | ~~directly to commitment facilities~~ to be completed within the  
 299 | first 10 school days after ~~of~~ the student's entry into the  
 300 | program commitment.  
 301 |  
 302 | The results of these assessments, together with a portfolio  
 303 | depicting the student's academic and career accomplishments,  
 304 | shall be included in the discharge packet ~~package~~ assembled for  
 305 | each student youth.  
 306 |        ~~(h)-(f)~~ Recommended instructional programs, including, but  
 307 | not limited to, secondary education, high school equivalency  
 308 | examination preparation, postsecondary education, career

309 training, and job preparation.

310 (i)~~(g)~~ Funding requirements, which shall include the  
 311 requirement that at least 90 percent of the FEFP funds generated  
 312 by students in Department of Juvenile Justice programs or in an  
 313 education program for juveniles under s. 985.19 be spent on  
 314 instructional costs for those students. One hundred percent of  
 315 the formula-based categorical funds generated by students in  
 316 Department of Juvenile Justice programs must be spent on  
 317 appropriate categoricals such as instructional materials and  
 318 public school technology for those students.

319 (j)~~(h)~~ Qualifications of instructional staff, procedures  
 320 for the selection of instructional staff, and procedures for ~~to~~  
 321 ~~ensure~~ consistent instruction and qualified staff year round.  
 322 Qualifications shall include those for career education  
 323 instructors, standardized across the state, and shall be based  
 324 on state certification, local school district approval, and  
 325 industry-recognized credentials or industry training. Procedures  
 326 for the use of noncertified instructional personnel who possess  
 327 expert knowledge or experience in their fields of instruction  
 328 shall be established.

329 (k)~~(i)~~ Transition services, including the roles and  
 330 responsibilities of appropriate personnel in the juvenile  
 331 justice education program, the school district where the student  
 332 will reenter ~~districts~~, provider organizations, and the  
 333 Department of Juvenile Justice.

334 (l)~~(j)~~ Procedures and timeframe for transfer of education  
 335 records when a student ~~youth~~ enters and leaves a Department of  
 336 Juvenile Justice education program ~~facility~~.

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337        (m)~~(k)~~ The requirement that each district school board  
 338 maintain an academic transcript for each student enrolled in a  
 339 juvenile justice education program ~~facility~~ that delineates each  
 340 course completed by the student as provided by the State Course  
 341 Code Directory.

342        (n)~~(l)~~ The requirement that each district school board  
 343 make available and transmit a copy of a student's transcript in  
 344 the discharge packet when the student exits a juvenile justice  
 345 education program ~~facility~~.

346        (o)~~(m)~~ contract requirements.

347        (p)~~(n)~~ Performance expectations for providers and district  
 348 school boards, including student performance measures by type of  
 349 program, education program performance ratings, school  
 350 improvement, and corrective action plans for low-performing  
 351 programs ~~the provision of a progress monitoring plan as required~~  
 352 ~~in s. 1008.25.~~

353        (q)~~(o)~~ The role and responsibility of the district school  
 354 board in securing workforce development funds.

355        (r)~~(p)~~ A series of graduated sanctions for district school  
 356 boards whose educational programs in Department of Juvenile  
 357 Justice programs ~~facilities~~ are considered to be unsatisfactory  
 358 and for instances in which district school boards fail to meet  
 359 standards prescribed by law, rule, or State Board of Education  
 360 policy. These sanctions shall include the option of requiring a  
 361 district school board to contract with a provider or another  
 362 district school board if the educational program at the  
 363 Department of Juvenile Justice program is performing below  
 364 minimum standards ~~facility has failed a quality assurance review~~

365 and, after 6 months, is still performing below minimum  
 366 standards.

367 (s) Curriculum, guidance counseling, transition, and  
 368 education services expectations, including curriculum  
 369 flexibility for detention centers operated by the Department of  
 370 Juvenile Justice.

371 (t)~~(g)~~ Other aspects of program operations.

372 (3) The Department of Education in partnership with the  
 373 Department of Juvenile Justice, the district school boards, and  
 374 providers shall:

375 (a) Develop and implement requirements for contracts and  
 376 cooperative agreements regarding ~~Maintain model contracts for~~  
 377 the delivery of appropriate education services to students youth  
 378 in Department of Juvenile Justice programs ~~to be used for the~~  
 379 ~~development of future contracts.~~ The minimum contract  
 380 requirements shall include, but are not limited to, payment  
 381 structure and amounts; access to district services; contract  
 382 management provisions; data reporting requirements, including  
 383 reporting of full-time equivalent student membership;  
 384 administration of federal programs such as Title I, exceptional  
 385 student education, and the Carl D. Perkins Career and Technical  
 386 Education Act of 2006; and ~~model contracts shall reflect the~~  
 387 policy and standards included in subsection (2). ~~The Department~~  
 388 ~~of Education shall ensure that appropriate district school board~~  
 389 ~~personnel are trained and held accountable for the management~~  
 390 ~~and monitoring of contracts for education programs for youth in~~  
 391 ~~juvenile justice residential and nonresidential facilities.~~

392 (b) Develop and implement ~~Maintain model~~ procedures for

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393 transitioning students ~~youth~~ into and out of Department of  
 394 Juvenile Justice education programs. These procedures shall  
 395 reflect the policy and standards adopted pursuant to subsection  
 396 (2).

397 (c) Maintain standardized required content of education  
 398 records to be included as part of a student's ~~youth's~~ commitment  
 399 record and procedures for securing the student's records. ~~The~~  
 400 education records ~~These requirements shall reflect the policy~~  
 401 ~~and standards adopted pursuant to subsection (2) and shall~~  
 402 include, but not be limited to, the following:

403 1. A copy of the student's individual educational plan.

404 2. A copy of the student's individualized progress  
 405 monitoring plan.

406 3. A copy of the student's individualized transition plan.

407 ~~4.2.~~ Assessment data, including grade level proficiency in  
 408 reading, ~~writing,~~ and mathematics, and performance on tests  
 409 taken according to s. 1008.22.

410 ~~5.3.~~ A copy of the student's permanent cumulative record.

411 ~~6.4.~~ A copy of the student's academic transcript.

412 ~~7.5.~~ A portfolio reflecting the student's ~~youth's~~ academic  
 413 and career and technical accomplishments, when age appropriate,  
 414 while in the Department of Juvenile Justice program.

415 (d) ~~Establish~~ Maintain ~~model procedures for securing the~~  
 416 ~~education record and~~ the roles and responsibilities of the  
 417 juvenile probation officer and others involved in the withdrawal  
 418 of the student from school and assignment to a juvenile justice  
 419 education program ~~commitment or detention facility.~~ District  
 420 ~~school boards shall respond to requests for student education~~



421 ~~records received from another district school board or a~~  
 422 ~~juvenile justice facility within 5 working days after receiving~~  
 423 ~~the request.~~

424 (4) ~~Each~~ The Department of Education shall ensure that  
 425 district school board shall: ~~boards~~

426 (a) Notify students in juvenile justice education programs  
 427 ~~residential or nonresidential facilities~~ who attain the age of  
 428 16 years of the ~~provisions of~~ law regarding compulsory school  
 429 attendance and make available the option of enrolling in a  
 430 program to attain a Florida high school diploma by taking the  
 431 high school equivalency examination before ~~General Educational~~  
 432 ~~Development test prior to~~ release from the program facility.  
 433 District school boards or Florida College System institutions,  
 434 or both, shall ~~waive GED testing fees for youth in Department of~~  
 435 ~~Juvenile Justice residential programs and shall, upon request,~~  
 436 designate schools operating for the purpose of providing  
 437 educational services to students ~~youth~~ in Department of Juvenile  
 438 Justice programs. The Department of Education shall assist  
 439 juvenile justice education programs with becoming high school  
 440 equivalency examination centers ~~as GED testing centers, subject~~  
 441 ~~to GED testing center requirements. The administrative fees for~~  
 442 ~~the General Educational Development test required by the~~  
 443 ~~Department of Education are the responsibility of district~~  
 444 ~~school boards and may be required of providers by contractual~~  
 445 ~~agreement.~~

446 (b) Respond to requests for student education records  
 447 received from another district school board or a juvenile  
 448 justice education program within 5 working days after receiving

449 | the request.

450 |       (c) Provide access to courses offered pursuant to ss.  
 451 | 1002.37, 1002.45, and 1003.498. School districts and providers  
 452 | may enter into cooperative agreements for the provision of  
 453 | curriculum associated with courses offered pursuant to s.  
 454 | 1003.498 to enable providers to offer such courses.

455 |       (d) Complete the assessment process required by subsection  
 456 | (2).

457 |       (e) Monitor compliance with contracts for education  
 458 | programs for students in juvenile justice prevention, day  
 459 | treatment, residential, and detention programs.

460 |       (5) The Department of Education shall establish and  
 461 | operate, either directly or indirectly through a contract, a  
 462 | mechanism to provide accountability measures that annually  
 463 | assesses and evaluates all juvenile justice education programs  
 464 | using student performance data and program performance ratings  
 465 | by type of program ~~quality assurance reviews of all juvenile~~  
 466 | ~~justice education programs~~ and shall provide technical  
 467 | assistance and related research to district school boards and  
 468 | juvenile justice education providers ~~on how to establish,~~  
 469 | ~~develop, and operate educational programs that exceed the~~  
 470 | ~~minimum quality assurance standards.~~ The Department of  
 471 | Education, with input from the Department of Juvenile Justice,  
 472 | school districts, and education providers shall develop annual  
 473 | recommendations for system and school improvement.

474 |       Section 5. Section 1003.52, Florida Statutes, is amended  
 475 | to read:

476 |       1003.52 Educational services in Department of Juvenile

477 Justice programs.—

478 (1) ~~The Legislature finds that education is the single~~  
 479 ~~most important factor in the rehabilitation of adjudicated~~  
 480 ~~delinquent youth in the custody of Department of Juvenile~~  
 481 ~~Justice programs. It is the goal of the Legislature that youth~~  
 482 ~~in the juvenile justice system continue to be allowed the~~  
 483 ~~opportunity to obtain a high quality education.~~ The Department  
 484 of Education shall serve as the lead agency for juvenile justice  
 485 education programs, curriculum, support services, and resources.  
 486 To this end, the Department of Education and the Department of  
 487 Juvenile Justice shall each designate a Coordinator for Juvenile  
 488 Justice Education Programs to serve as the point of contact for  
 489 resolving issues not addressed by district school boards and to  
 490 provide each department's participation in the following  
 491 activities:

492 (a) Training, collaborating, and coordinating with ~~the~~  
 493 ~~Department of Juvenile Justice,~~ district school boards, local  
 494 workforce boards and youth councils, educational contract  
 495 providers, and juvenile justice providers, whether state  
 496 operated or contracted.

497 (b) Collecting information on the academic, career  
 498 education, and transition performance of students in juvenile  
 499 justice programs and reporting on the results.

500 (c) Developing academic and career education protocols  
 501 that provide guidance to district school boards and juvenile  
 502 justice education providers in all aspects of education  
 503 programming, including records transfer and transition.

504 (d) Implementing a joint accountability, program

505 | performance, and program improvement process ~~Prescribing the~~  
 506 | ~~roles of program personnel and interdepartmental district school~~  
 507 | ~~board or provider collaboration strategies.~~

508 |  
 509 | Annually, a cooperative agreement and plan for juvenile justice  
 510 | education service enhancement shall be developed between the  
 511 | Department of Juvenile Justice and the Department of Education  
 512 | and submitted to the Secretary of Juvenile Justice and the  
 513 | Commissioner of Education by June 30. The plan shall include, at  
 514 | a minimum, each agency's role regarding educational program  
 515 | accountability, technical assistance, training, and coordination  
 516 | of services.

517 | (2) Students participating in Department of Juvenile  
 518 | Justice programs pursuant to chapter 985 which are sponsored by  
 519 | a community-based agency or are operated or contracted for by  
 520 | the Department of Juvenile Justice shall receive education  
 521 | ~~educational~~ programs according to rules of the State Board of  
 522 | Education. These students shall be eligible for services  
 523 | afforded to students enrolled in programs pursuant to s. 1003.53  
 524 | and all corresponding State Board of Education rules.

525 | (3) The district school board of the county in which the  
 526 | juvenile justice education prevention, day treatment,  
 527 | residential, or detention program ~~residential or nonresidential~~  
 528 | ~~care facility or juvenile assessment facility~~ is located shall  
 529 | provide or contract for appropriate educational assessments and  
 530 | an appropriate program of instruction and special education  
 531 | services.

532 | (a) The district school board shall make provisions for

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533 each student to participate in basic, career education, and  
 534 exceptional student programs as appropriate. Students served in  
 535 Department of Juvenile Justice programs shall have access to the  
 536 appropriate courses and instruction to prepare them for the high  
 537 school equivalency examination ~~GED test~~. Students participating  
 538 in high school equivalency examination ~~GED~~ preparation programs  
 539 shall be funded at the basic program cost factor for Department  
 540 of Juvenile Justice programs in the Florida Education Finance  
 541 Program. Each program shall be conducted according to applicable  
 542 law providing for the operation of public schools and rules of  
 543 the State Board of Education. School districts shall provide the  
 544 high school equivalency examination ~~GED~~ exit option for all  
 545 juvenile justice programs.

546 (b) ~~By October 1, 2004,~~ The Department of Education, with  
 547 the assistance of the school districts and juvenile justice  
 548 education providers, shall select a common student assessment  
 549 instrument and protocol for measuring student learning gains and  
 550 student progression while a student is in a juvenile justice  
 551 education program. ~~The assessment instrument and protocol must~~  
 552 ~~be implemented in all juvenile justice education programs in~~  
 553 ~~this state by January 1, 2005.~~

554 (4) Educational services shall be provided at times of the  
 555 day most appropriate for the juvenile justice program. School  
 556 programming in juvenile justice detention, prevention, day  
 557 treatment, and residential ~~commitment, and rehabilitation~~  
 558 programs shall be made available by the local school district  
 559 during the juvenile justice school year, as provided ~~defined~~ in  
 560 s. 1003.01(11). In addition, students in juvenile justice

561 education programs shall have access to courses offered pursuant  
 562 to ss. 1002.37, 1002.45, and 1003.498 Florida Virtual School  
 563 ~~courses~~. The Department of Education and the school districts  
 564 shall adopt policies necessary to provide ~~ensure~~ such access.

565 (5) The educational program shall provide instruction  
 566 based on each student's individualized transition plan, assessed  
 567 educational needs, and the education programs available in the  
 568 school district in which the student will return. Depending on  
 569 the student's needs, educational programming may consist of  
 570 remedial courses, consist of appropriate basic academic courses  
 571 required for grade advancement, career education courses, high  
 572 school equivalency examination preparation, or exceptional  
 573 student education curricula and related services which support  
 574 the transition ~~treatment~~ goals and reentry and which may lead to  
 575 completion of the requirements for receipt of a high school  
 576 diploma or its equivalent. Prevention and day treatment juvenile  
 577 justice education programs, at a minimum, shall provide career  
 578 readiness and exploration opportunities as well as truancy and  
 579 dropout prevention intervention services. Residential juvenile  
 580 justice education programs with a contracted minimum length of  
 581 stay of 9 months shall provide career education courses that  
 582 lead to preapprentice certifications, industry certifications,  
 583 occupational completion points, or work-related certifications.  
 584 Residential programs with contracted lengths of stay of less  
 585 than 9 months may provide career education courses that lead to  
 586 preapprentice certifications, industry certifications,  
 587 occupational completion points, or work-related certifications.  
 588 If the duration of a program is less than 40 days, the

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589 educational component may be limited to tutorial remediation  
 590 activities, ~~and~~ career employability skills instruction,  
 591 education counseling, and transition services that prepare  
 592 students for a return to school, the community, and their home  
 593 settings based on the students' needs.

594 (6) Participation in the program by students of compulsory  
 595 school-attendance age as provided for in s. 1003.21 shall be  
 596 mandatory. All students of noncompulsory school-attendance age  
 597 who have not received a high school diploma or its equivalent  
 598 shall participate in the educational program, unless the student  
 599 files a formal declaration of his or her intent to terminate  
 600 school enrollment as described in s. 1003.21 and is afforded the  
 601 opportunity to take the general educational development test and  
 602 attain a Florida high school diploma before ~~prior to~~ release  
 603 from a juvenile justice education program facility. A student  
 604 ~~youth~~ who has received a high school diploma or its equivalent  
 605 and is not employed shall participate in workforce development  
 606 or other career ~~or technical~~ education or Florida College System  
 607 institution or university courses while in the program, subject  
 608 to available funding.

609 (7) An individualized A progress monitoring plan shall be  
 610 developed for all students not classified as exceptional  
 611 education students upon entry in a juvenile justice education  
 612 program and upon reentry in the school district ~~who score below~~  
 613 ~~the level specified in district school board policy in reading,~~  
 614 ~~writing, and mathematics or below the level specified by the~~  
 615 ~~Commissioner of Education on statewide assessments as required~~  
 616 ~~by s. 1008.25.~~ These plans shall address academic, literacy, and

617 career and technical ~~life~~ skills and shall include provisions  
 618 for intensive remedial instruction in the areas of weakness.

619 (8) Each district school board shall maintain an academic  
 620 record for each student enrolled in a juvenile justice program  
 621 ~~facility~~ as prescribed by s. 1003.51. Such record shall  
 622 delineate each course completed by the student according to  
 623 procedures in the State Course Code Directory. The district  
 624 school board shall include a copy of a student's academic record  
 625 in the discharge packet when the student exits the program  
 626 ~~facility~~.

627 (9) ~~Each The Department of Education shall ensure that all~~  
 628 district school board shall ~~boards~~ make provisions for high  
 629 school level students ~~youth~~ to earn credits toward high school  
 630 graduation while in residential and nonresidential juvenile  
 631 justice programs ~~facilities~~. Provisions must be made for the  
 632 transfer of credits and partial credits earned.

633 (10) School districts and juvenile justice education  
 634 providers shall develop individualized transition plans during  
 635 the course of a student's stay in a juvenile justice education  
 636 program to coordinate academic, career and technical, and  
 637 secondary and postsecondary services that assist the student in  
 638 successful community reintegration upon release. Development of  
 639 the transition plan shall be a collaboration of the personnel in  
 640 the juvenile justice education program, reentry personnel,  
 641 personnel from the school district where the student will  
 642 return, the student, the student's family, and Department of  
 643 Juvenile Justice personnel for committed students.

644 (a) Transition planning must begin upon a student's



645 placement in the program. The transition plan must include, at a  
 646 minimum:

647 1. Services and interventions that address the student's  
 648 assessed educational needs and postrelease education plans.

649 2. Services to be provided during the program stay and  
 650 services to be implemented upon release, including, but not  
 651 limited to, continuing education in secondary school, career and  
 652 technical programs, postsecondary education, or employment,  
 653 based on the student's needs.

654 3. Specific monitoring responsibilities to determine  
 655 whether the individualized transition plan is being implemented  
 656 and the student is provided access to support services that will  
 657 sustain the student's success by individuals who are responsible  
 658 for reintegration shall coordinate activities.

659 (b) For the purpose of transition planning and reentry  
 660 services, representatives from the school district and the one  
 661 stop center where the student will return shall participate as  
 662 members of the local Department of Juvenile Justice reentry  
 663 teams. The school district, upon return of a student from a  
 664 juvenile justice education program, must consider the individual  
 665 needs and circumstances of the student and the transition plan  
 666 recommendations when reenrolling a student in a public school. A  
 667 local school district may not maintain a standardized policy for  
 668 all students returning from a juvenile justice program but place  
 669 students based on their needs and their performance in the  
 670 program.

671 (c) The Department of Education and the Department of  
 672 Juvenile Justice shall provide oversight and guidance to school

673 districts, education providers, and reentry personnel on how to  
 674 implement effective educational transition planning and  
 675 services.

676 ~~(11)(10)~~ The district school board shall recruit and train  
 677 teachers who are interested, qualified, or experienced in  
 678 educating students in juvenile justice programs. Students in  
 679 juvenile justice programs shall be provided a wide range of  
 680 education ~~educational~~ programs and opportunities including  
 681 textbooks, technology, instructional support, and ~~other~~  
 682 resources commensurate with resources provided available to  
 683 students in public schools, including textbooks and access to  
 684 technology. If the district school board operates a juvenile  
 685 justice education program at a juvenile justice facility, the  
 686 district school board, in consultation with the director of the  
 687 juvenile justice facility, shall select the instructional  
 688 personnel assigned to that program. The Secretary of Juvenile  
 689 Justice or the director of a juvenile justice program may  
 690 request that the performance of a teacher assigned by the  
 691 district to a juvenile justice education program be reviewed by  
 692 the district and that the teacher be reassigned based upon an  
 693 evaluation conducted pursuant to s. 1012.34 or for inappropriate  
 694 behavior ~~Teachers assigned to educational programs in juvenile~~  
 695 ~~justice settings in which the district school board operates the~~  
 696 ~~educational program shall be selected by the district school~~  
 697 ~~board in consultation with the director of the juvenile justice~~  
 698 ~~facility. Educational programs in Juvenile justice~~ education  
 699 programs ~~facilities~~ shall have access to the substitute teacher  
 700 pool used ~~utilized~~ by the district school board.

701 |        (12)~~(11)~~ District school boards may contract with a  
 702 | private provider for the provision of education ~~educational~~  
 703 | programs to students ~~youths~~ placed with the Department of  
 704 | Juvenile Justice and shall generate local, state, and federal  
 705 | funding, including funding through the Florida Education Finance  
 706 | Program for such students. The district school board's planning  
 707 | and budgeting process shall include the needs of Department of  
 708 | Juvenile Justice programs in the district school board's plan  
 709 | for expenditures for state categorical and federal funds.

710 |        (13)~~(12)~~(a) Funding for eligible students enrolled in  
 711 | juvenile justice education programs shall be provided through  
 712 | the Florida Education Finance Program as provided in s. 1011.62  
 713 | and the General Appropriations Act. Funding shall include, at a  
 714 | minimum:

715 |            1. Weighted program funding or the basic amount for  
 716 | current operation multiplied by the district cost differential  
 717 | as provided in s. 1011.62(1)(s) ~~1011.62(1)(r)~~ and (2);

718 |            2. The supplemental allocation for juvenile justice  
 719 | education as provided in s. 1011.62(10);

720 |            3. A proportionate share of the district's exceptional  
 721 | student education guaranteed allocation, the supplemental  
 722 | academic instruction allocation, and the instructional materials  
 723 | allocation;

724 |            4. An amount equivalent to the proportionate share of the  
 725 | state average potential discretionary local effort for  
 726 | operations, which shall be determined as follows:

727 |            a. If the district levies the maximum discretionary local  
 728 | effort and the district's discretionary local effort per FTE is

729 | less than the state average potential discretionary local effort  
 730 | per FTE, the proportionate share shall include both the  
 731 | discretionary local effort and the compression supplement per  
 732 | FTE. If the district's discretionary local effort per FTE is  
 733 | greater than the state average per FTE, the proportionate share  
 734 | shall be equal to the state average; or

735 |       b. If the district does not levy the maximum discretionary  
 736 | local effort and the district's actual discretionary local  
 737 | effort per FTE is less than the state average potential  
 738 | discretionary local effort per FTE, the proportionate share  
 739 | shall be equal to the district's actual discretionary local  
 740 | effort per FTE. If the district's actual discretionary local  
 741 | effort per FTE is greater than the state average per FTE, the  
 742 | proportionate share shall be equal to the state average  
 743 | potential local effort per FTE; and

744 |       5. A proportionate share of the district's proration to  
 745 | funds available, if necessary.

746 |       (b) Juvenile justice education ~~educational~~ programs to  
 747 | receive the appropriate FEFP funding for Department of Juvenile  
 748 | Justice programs shall include those operated through a contract  
 749 | with the Department of Juvenile Justice ~~and which are under~~  
 750 | ~~purview of the Department of Juvenile Justice~~ quality assurance  
 751 | ~~standards for education.~~

752 |       (c) Consistent with the rules of the State Board of  
 753 | Education, district school boards are required to request an  
 754 | alternative FTE survey for Department of Juvenile Justice  
 755 | programs experiencing fluctuations in student enrollment.

756 |       (d) FTE count periods shall be prescribed in rules of the

757 | State Board of Education and shall be the same for programs of  
 758 | the Department of Juvenile Justice as for other public school  
 759 | programs. The summer school period for students in Department of  
 760 | Juvenile Justice programs shall begin on the day immediately  
 761 | following the end of the regular school year and end on the day  
 762 | immediately preceding the subsequent regular school year.  
 763 | Students shall be funded for no more than 25 hours per week of  
 764 | direct instruction.

765 |       (e) Each juvenile justice education program must receive  
 766 | all federal funds for which the program is eligible.

767 |       (14)~~(13)~~ Each district school board shall negotiate a  
 768 | cooperative agreement with the Department of Juvenile Justice on  
 769 | the delivery of educational services to students ~~youths~~ under  
 770 | the jurisdiction of the Department of Juvenile Justice. Such  
 771 | agreement must include, but is not limited to:

772 |       (a) Roles and responsibilities of each agency, including  
 773 | the roles and responsibilities of contract providers.

774 |       (b) Administrative issues including procedures for sharing  
 775 | information.

776 |       (c) Allocation of resources including maximization of  
 777 | local, state, and federal funding.

778 |       (d) Procedures for educational evaluation for educational  
 779 | exceptionalities and special needs.

780 |       (e) Curriculum and delivery of instruction.

781 |       (f) Classroom management procedures and attendance  
 782 | policies.

783 |       (g) Procedures for provision of qualified instructional  
 784 | personnel, whether supplied by the district school board or

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785 provided under contract by the provider, and for performance of  
786 duties while in a juvenile justice setting.

787 (h) Provisions for improving skills in teaching and  
788 working with students referred to juvenile justice programs  
789 ~~delinquents~~.

790 (i) Transition plans for students moving into and out of  
791 juvenile programs facilities.

792 (j) Procedures and timelines for the timely documentation  
793 of credits earned and transfer of student records.

794 (k) Methods and procedures for dispute resolution.

795 (l) Provisions for ensuring the safety of education  
796 personnel and support for the agreed-upon education program.

797 (m) Strategies for correcting any deficiencies found  
798 through the accountability and evaluation system and student  
799 performance measures ~~quality assurance process~~.

800 ~~(15)(14)~~ Nothing in this section or in a cooperative  
801 agreement requires ~~shall be construed to require~~ the district  
802 school board to provide more services than can be supported by  
803 the funds generated by students in the juvenile justice  
804 programs.

805 ~~(16)(15)(a)~~ The Department of Education, in consultation  
806 with the Department of Juvenile Justice, district school boards,  
807 and providers, shall adopt rules establishing: ~~establish~~

808 (a) Objective and measurable student performance measures  
809 to evaluate a student's educational progress while participating  
810 in a prevention, day treatment, or residential program. The  
811 student performance measures must be based on appropriate  
812 outcomes for all students in juvenile justice education

813 programs, taking into consideration the student's length of stay  
 814 in the program. Performance measures shall include outcomes that  
 815 relate to student achievement of career education goals,  
 816 acquisition of employability skills, receipt of a high school  
 817 diploma, and grade advancement.

818 (b) A performance rating system to be used by the  
 819 Department of Education to evaluate ~~quality assurance standards~~  
 820 ~~for~~ the delivery of educational services within each of the  
 821 juvenile justice programs. The performance rating shall be  
 822 primarily based on data regarding student performance as  
 823 described in paragraph (a) ~~component of residential and~~  
 824 ~~nonresidential juvenile justice facilities.~~

825 (c) The timeframes, procedures, and resources to be used  
 826 to improve a low-rated educational program or to terminate or  
 827 reassign the program ~~These standards shall rate the district~~  
 828 ~~school board's performance both as a provider and contractor.~~  
 829 ~~The quality assurance rating for the educational component shall~~  
 830 ~~be disaggregated from the overall quality assurance score and~~  
 831 ~~reported separately.~~

832 (d) ~~(b)~~ The Department of Education, in partnership with  
 833 the Department of Juvenile Justice, shall develop a  
 834 comprehensive accountability and program improvement ~~quality~~  
 835 ~~assurance review~~ process. The accountability and program  
 836 improvement process shall be based on student performance  
 837 measures by type of program and shall rate education program  
 838 performance. The accountability system shall identify and  
 839 recognize high-performing education programs. The Department of  
 840 Education, in partnership with the Department of Juvenile

841 | Justice, shall identify low-performing programs. Low-performing  
 842 | education programs shall receive an onsite program evaluation  
 843 | from the Department of Juvenile Justice. School improvement,  
 844 | technical assistance, or the reassignment of the program shall  
 845 | be based, in part, on the results of the program evaluation.  
 846 | Through a corrective action process, low-performing programs  
 847 | must demonstrate improvement or reassign the program and  
 848 | ~~schedule for the evaluation of the educational component in~~  
 849 | ~~juvenile justice programs. The Department of Juvenile Justice~~  
 850 | ~~quality assurance site visit and the education quality assurance~~  
 851 | ~~site visit shall be conducted during the same visit.~~

852 | ~~(c) The Department of Education, in consultation with~~  
 853 | ~~district school boards and providers, shall establish minimum~~  
 854 | ~~thresholds for the standards and key indicators for educational~~  
 855 | ~~programs in juvenile justice facilities. If a district school~~  
 856 | ~~board fails to meet the established minimum standards, it will~~  
 857 | ~~be given 6 months to achieve compliance with the standards. If~~  
 858 | ~~after 6 months, the district school board's performance is still~~  
 859 | ~~below minimum standards, the Department of Education shall~~  
 860 | ~~exercise sanctions as prescribed by rules adopted by the State~~  
 861 | ~~Board of Education. If a provider, under contract with the~~  
 862 | ~~district school board, fails to meet minimum standards, such~~  
 863 | ~~failure shall cause the district school board to cancel the~~  
 864 | ~~provider's contract unless the provider achieves compliance~~  
 865 | ~~within 6 months or unless there are documented extenuating~~  
 866 | ~~circumstances.~~

867 | ~~(d) The requirements in paragraphs (a), (b), and (c) shall~~  
 868 | ~~be implemented to the extent that funds are available.~~



869        (17) The department, in collaboration with the Department  
 870 of Juvenile Justice, shall monitor and report on the educational  
 871 performance of students in commitment, day treatment,  
 872 prevention, and detention programs. The report by the Department  
 873 of Education must include, at a minimum, the number and  
 874 percentage of students who:

875        (a) Return to an alternative school, middle school, or  
 876 high school upon release and the attendance rate of such  
 877 students before and after participation in juvenile justice  
 878 education programs.

879        (b) Receive a standard high school diploma or a high  
 880 school equivalency diploma.

881        (c) Receive industry certification.

882        (d) Receive occupational completion points.

883        (e) Enroll in a postsecondary educational institution.

884        (f) Complete a juvenile justice education program without  
 885 reoffending.

886        (g) Reoffend within 1 year after completion of a day  
 887 treatment or residential commitment program.

888        (h) Remain employed 1 year after completion of a day  
 889 treatment or residential commitment program.

890

891 The results of this report shall be included in the report  
 892 required by s. 985.632.

893        (18)~~(16)~~ The district school board shall not be charged  
 894 any rent, maintenance, utilities, or overhead on such  
 895 facilities. Maintenance, repairs, and remodeling of existing  
 896 facilities shall be provided by the Department of Juvenile

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897 Justice.

898 (19)~~(17)~~ When additional facilities are required, the  
 899 district school board and the Department of Juvenile Justice  
 900 shall agree on the appropriate site based on the instructional  
 901 needs of the students. When the most appropriate site for  
 902 instruction is on district school board property, a special  
 903 capital outlay request shall be made by the commissioner in  
 904 accordance with s. 1013.60. When the most appropriate site is on  
 905 state property, state capital outlay funds shall be requested by  
 906 the Department of Juvenile Justice provided by s. 216.043 and  
 907 shall be submitted as specified by s. 216.023. Any instructional  
 908 facility to be built on state property shall have educational  
 909 specifications jointly developed by the district school board  
 910 and the Department of Juvenile Justice and approved by the  
 911 Department of Education. The size of space and occupant design  
 912 capacity criteria as provided by State Board of Education rules  
 913 shall be used for remodeling or new construction whether  
 914 facilities are provided on state property or district school  
 915 board property.

916 (20)~~(18)~~ The parent of an exceptional student shall have  
 917 the due process rights provided for in this chapter.

918 (21)~~(19)~~ The Department of Education and the Department of  
 919 Juvenile Justice, after consultation with and assistance from  
 920 local providers and district school boards, shall collect data  
 921 ~~report annually to the Legislature by February 1~~ on the progress  
 922 toward developing effective education ~~educational~~ programs for  
 923 juvenile delinquents, including the amount of funding provided  
 924 by district school boards to juvenile justice programs;~~7~~ the

925 amount retained for administration, including documenting the  
 926 purposes for such expenses; the status of the development of  
 927 cooperative agreements; education program performance the  
 928 results, including the identification of high and low-performing  
 929 programs and aggregate student performance results; of the  
 930 quality assurance reviews including recommendations for system  
 931 improvement; and information on the identification of, and  
 932 services provided to, exceptional students in juvenile justice  
 933 programs ~~commitment facilities~~ to determine whether these  
 934 students are properly reported for funding and are appropriately  
 935 served.

936 ~~(22)(20)~~ The education ~~educational~~ programs at the ~~Arthur~~  
 937 ~~Dezier School for Boys in Jackson County and the Florida School~~  
 938 ~~for Boys in Okeechobee~~ shall be operated by the Department of  
 939 Education, either directly or through grants or contractual  
 940 agreements with other public or duly accredited education  
 941 agencies approved by the Department of Education.

942 ~~(23)(21)~~ The State Board of Education shall ~~may~~ adopt any  
 943 rules necessary to implement ~~the provisions of this section,~~  
 944 ~~including uniform curriculum, funding, and second chance~~  
 945 ~~schools.~~ Such rules must require the minimum amount of paperwork  
 946 and reporting.

947 ~~(24)(22)~~ The Department of Juvenile Justice and the  
 948 Department of Education, in consultation with Workforce Florida,  
 949 Inc., the statewide Workforce Development Youth Council,  
 950 district school boards, Florida College System institutions,  
 951 providers, and others, shall jointly develop a multiagency plan  
 952 for career education which describes the funding, curriculum,

953 transfer of credits, goals, and outcome measures for career  
 954 education programming in juvenile commitment facilities,  
 955 pursuant to s. 985.622. The plan must be reviewed annually.

956 Section 6. Paragraph (b) of subsection (18) of section  
 957 1001.42, Florida Statutes, is amended to read:

958 1001.42 Powers and duties of district school board.—The  
 959 district school board, acting as a board, shall exercise all  
 960 powers and perform all duties listed below:

961 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—  
 962 Maintain a state system of school improvement and education  
 963 accountability as provided by statute and State Board of  
 964 Education rule. This system of school improvement and education  
 965 accountability shall be consistent with, and implemented  
 966 through, the district's continuing system of planning and  
 967 budgeting required by this section and ss. 1008.385, 1010.01,  
 968 and 1011.01. This system of school improvement and education  
 969 accountability shall comply with the provisions of ss. 1008.33,  
 970 1008.34, 1008.345, and 1008.385 and include the following:

971 (b) Public disclosure.—The district school board shall  
 972 provide information regarding the performance of students and  
 973 educational programs as required pursuant to ss. 1008.22 and  
 974 1008.385 and implement a system of school reports as required by  
 975 statute and State Board of Education rule which shall include  
 976 schools operating for the purpose of providing educational  
 977 services to students ~~youth~~ in Department of Juvenile Justice  
 978 programs, and for those schools, report on the elements  
 979 specified in s. 1003.52(16) ~~1003.52(19)~~. Annual public  
 980 disclosure reports shall be in an easy-to-read report card

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981 | format and shall include the school's grade, high school  
 982 | graduation rate calculated without high school equivalency  
 983 | examinations ~~GED tests~~, disaggregated by student ethnicity, and  
 984 | performance data as specified in state board rule.

985 |       Section 7. The Division of Law Revision and Information is  
 986 | requested to prepare a reviser's bill for the 2014 Regular  
 987 | Session of the Legislature to change the terms "General  
 988 | Educational Development test" or "GED test" to "high school  
 989 | equivalency examination" and the terms "general education  
 990 | diploma," "graduate equivalency diploma," or "GED" to "high  
 991 | school equivalency diploma" wherever those terms appear in the  
 992 | Florida Statutes.

993 |       Section 8. This act shall take effect July 1, 2013.

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 441 Juvenile Justice Education Programs  
**SPONSOR(S):** Choice & Innovation Subcommittee, Adkins  
**TIED BILLS:** IDEN./SIM. **BILLS:** CS/SB 1406

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	13 Y, 0 N, As CS	Thomas	Fudge
2) Appropriations Committee	24 Y, 0 N	Toms	Leznoff
3) Education Committee		Thomas <i>MT</i>	Mizereck <i>MM</i>

### SUMMARY ANALYSIS

The bill makes changes to the provisions of law that govern the accountability, deliverance, and review of juvenile justice education programs that provide educational services to students within the Department of Juvenile Justice (DJJ).

The bill revises the accountability of juvenile justice education programs (program) by:

- Requiring cost and effectiveness information on programs and program activities be provided in order to compare, improve, or eliminate a program or program activity.
- Requiring program and program activity cost and effectiveness data be provided to the Legislature and the public.
- Implementing an accountability system to meet client needs.
- Requiring the Department of Education (DOE) in partnership with DJJ to develop a comprehensive accountability and school improvement process.
- Requiring DOE in collaboration with DJJ to monitor and report on the educational performance of students in commitment, day treatment, prevention, and detention programs.
- Requiring DOE in consultation with DJJ, district school boards, and providers to adopt rules for objective and measurable student performance measures and program performance ratings for the delivery of educational services by prevention, day treatment, and residential programs.
- Requiring DJJ in consultation with DOE to publish by March 1 of each year a report on program costs and effectiveness, educational performance of students, and recommendations for modification or elimination of programs or program activities.
- Requiring DOE in partnership with DJJ, the district school, and providers to:
  - Develop and implement requirements for contracts and cooperative agreements regarding the delivery of appropriate education services to students in DJJ programs.
  - Maintain standardized procedures for securing student records.

The bill revises provisions related to juvenile justice programs by:

- Requiring school districts and juvenile justice education providers, in collaboration with others to develop an individualized transition plan during a student's stay at a program.
- Requiring DOE and DJJ to provide oversight and guidance on how to implement effective educational transition planning and services.
- Requiring prevention and day treatment programs to provide career readiness and exploration opportunities as well as truancy and dropout prevention intervention services.
- Requiring the multiagency plan for career education to eliminate barriers to education and address virtual education.

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

The bill provides an effective date of July 1, 2013.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Department of Juvenile Justice (DJJ)

The Department of Juvenile Justice's mission is to increase public safety by reducing juvenile delinquency through effective prevention, intervention, and treatment services that strengthen families and turn around the lives of troubled youth.<sup>1</sup> DJJ oversees at-risk and adjudicated youth in four service areas: prevention and victim services, probation and community intervention services, residential services, and detention services.<sup>2</sup> During the 2011-12 school year, Juvenile Justice education programs served more than 32,000 students.<sup>3</sup>

- Prevention and Victim Services - Prevention and Victim Services target at-risk youth who are considered most likely to become habitual juvenile offenders and who live in areas with the highest concentration of youth who have been referred for delinquency.<sup>4</sup>
- Probation and Community Intervention Services (Non-residential) - Non-residential services provide intervention and case management services to youth on diversion, probation, and post commitment supervision. These youth remain at home and participate in at least 5 days per week in a day treatment program.<sup>5</sup>
- Residential Services - Residential services ensure graduated sanctions for serious, violent and chronic offenders; address special mental health and substance abuse needs of offenders; and enhance their education in residential commitment programs.<sup>6</sup> Juveniles who are adjudicated by the court can be committed to residential programs classified as low, moderate, high or maximum risk.<sup>7</sup>
- Detention Services - Detention is the custody status for youth who are held pursuant to a court order; or following arrest for a violation of the law. A youth may be detained only when specific statutory criteria, outlined in s. 985.215, F.S. are met. Criteria for detention include current offenses, prior history, legal status, and any aggravating or mitigating factors.<sup>8</sup>

##### Multiagency Plan for Career Education

###### Present Situation

Current law requires DJJ and DOE, in consultation with the statewide Workforce Development Youth Council, school districts, providers, and others, to develop a multiagency plan (plan) for vocational education in commitment facilities.<sup>9</sup> The plan must include:

<sup>1</sup> Florida Department of Juvenile Justice, *available at*, <http://www.djj.state.fl.us> (last visited March 1, 2013).

<sup>2</sup> Office of Program Policy Analysis and Government Accountability, Government Program Summaries – Department of Juvenile Justice, *available at* [http://www.oppaga.state.fl.us/government/s\\_agency.asp](http://www.oppaga.state.fl.us/government/s_agency.asp).

<sup>3</sup> Florida Department of Juvenile Justice, e-mail (last visited March 1, 2013).

<sup>4</sup> Florida Department of Juvenile Justice, Fiscal year 2010-11 Annual Report, 16, *available at* <http://www.djj.state.fl.us/AboutDJJ/index.html> (last visited March 1, 2013).

<sup>5</sup> Florida Department of Juvenile Justice, <http://www.djj.state.fl.us/Residential/restrictiveness.html> (last visited March 3, 2013).

<sup>6</sup> Office of Program Policy Analysis and Government Accountability, Government Program Summaries – Department of Juvenile Justice Residential Services, *available at* <http://www.oppaga.state.fl.us/profiles/1001>.

<sup>7</sup> Office of Program Policy Analysis and Government Accountability, Government Program Summaries – Department of Juvenile Justice Residential Services, *available at* <http://www.oppaga.state.fl.us/profiles/1001>.

<sup>8</sup> Florida Department of Juvenile Justice, *available at*, <http://www.djj.state.fl.us/AboutDJJ/faq.html#Education> (last visited March 4, 2013).

<sup>9</sup> Section 985.622(1), F.S.

- Provisions for maximizing appropriate state and federal funding sources, responsibilities of both departments and all other appropriate entities and detailed implementation schedules.<sup>10</sup>
- A definition of vocational programming that is appropriate based upon the age and assessed educational abilities and goals of the youth to be served and the typical length of stay and custody characteristics at the commitment program to which each youth is assigned.<sup>11</sup>
- A definition of vocational programming that includes the classifications of commitment facilities that will offer vocational programming by one of the following types:
  - Type A - Programs that teach personal accountability skills and behavior that is appropriate for youth in all age groups and ability levels and that lead to work habits that help maintain employment and living standards.
  - Type B - Programs that include Type A program content and an orientation to the broad scope of career choices, based upon personal abilities, aptitudes and interest.
  - Type C - Programs that include Type A program content and the vocational competencies or the prerequisites needed for entry into a specific occupation.<sup>12</sup>

In October 2010, Office of Program Policy Analysis and Government Accountability (OPPAGA) issued a report that stated that the plan had several shortcomings. According to OPPAGA, the plan lacked goals and implementation strategies for increasing the percentage of youth receiving occupation-specific job training. Also, the plan did not address the barriers that juvenile justice students face in attaining a general educational development (GED) diploma.<sup>13</sup> OPPAGA found that many juvenile justice programs emphasized academic instruction rather than GED preparation and job training. OPPAGA recommended that the Legislature amend s. 985.622, F.S., to address the shortcomings found in the plan.

### Effect of Proposed Changes

The bill expands the requirement of the plan to address all educational programs not just in commitment facilities. The plan must:

- Include provisions for eliminating barriers to increasing occupation-specific job training and high school equivalency examination preparation opportunities.
- Evaluate the effect that students' mobility between juvenile justice education programs and school districts has on the students' educational outcomes and whether the continuity of the students' education can be better addressed through virtual education.

The bill revises implementation dates for DOE and DJJ to align respective agency reporting documents to the revised plan for career education.

## **Educational Services in Department of Juvenile Justice Programs**

### Present Situation

Current law sets forth how educational services must be provided in DJJ programs and establishes the educational expectations for DJJ youth in such programs.<sup>14</sup> DOE is the lead agency for juvenile justice education programs, curriculum, support services, and resources; however, district school boards are responsible for actually providing educational services to youth in juvenile justice programs.<sup>15</sup> Educational services consist of basic academic, career, or exceptional curricula that support treatment

<sup>10</sup> Section 985.622(1)(a)(c), F.S.

<sup>11</sup> Section 985.622(2), F.S.

<sup>12</sup> Section 985.622(3), F.S.

<sup>13</sup> Office of Program Policy Analysis and Government Accountability, *Juvenile Justice Students Face Barriers to High School Graduation and Job Training*, Report No. 10-55, at 9 available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1055rpt.pdf>

<sup>14</sup> Section 1003.52, F.S.

<sup>15</sup> Section 1003.52(1), (3), and (4), F.S.



goals and reentry, and that may lead to the completion of a high school diploma or its equivalent.<sup>16</sup> These services can be provided by the district school board itself or by a private provider through a contract with the district school board.<sup>17</sup> However, school districts remain responsible for the quality of education provided in residential and day treatment juvenile justice facilities regardless of whether the school district provides those services directly or through a contractor.<sup>18</sup>

Annually, DJJ and DOE must develop a cooperative agreement and plan for juvenile justice education service enhancement, which must be submitted to the Secretary of the Department of Juvenile Justice and the Commissioner of Education.<sup>19</sup>

Each district school board must negotiate a cooperative agreement with DJJ regarding the delivery of educational programming to DJJ youth. These agreements must include provisions that address certain issues, such as:

- Curriculum and delivery of instruction;
- Classroom management procedures and attendance policies;
- Procedures for provision of qualified instructional personnel;
- Improving skills in teaching and working with juvenile delinquents;
- Transition plans for students moving into and out of juvenile facilities; and
- Strategies for correcting any deficiencies found through the quality assurance process.<sup>20</sup>

DOE and DJJ must each designate a coordinator to resolve issues not addressed by the district school boards and to provide each department's participation in:

- Training, collaborating, and coordinating with DJJ, district school boards, educational contract providers, and juvenile justice providers, whether state-operated or contracted;
- Collecting and reporting information on the academic performance of students in juvenile justice programs;
- Developing academic and career protocols that provide guidance to district school boards and providers in educational programming; and
- Prescribing the roles of program personnel and school district or provider collaboration strategies.<sup>21</sup>

### Effect of Proposed Changes

The bill revises the responsibilities of DOE and DJJ designated coordinators to include:

- Training, collaboration, and coordinating with local workforce boards and youth councils.
- Collecting information on the career education and transition performance of students in juvenile justice programs and reporting the results.
- Implementing a joint accountability, program performance, and program improvement process.

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<sup>16</sup> Section 1003.52(5), F.S.

<sup>17</sup> Section 1003.52(11), F.S.

<sup>18</sup> Office of Program Policy Analysis and Government Accountability, *Youth Entering the State's Juvenile Justice Programs Have Substantial Educational Deficits; Available Data Is Insufficient to Assess Learning Gains of Students*, Report No. 10-07 (2010), available at, <http://www.oppaga.state.fl.us/Summary.aspx?reportNum=10-07> (last visited March 4, 2013).

<sup>19</sup> Section 1003.52 (1), F.S.

<sup>20</sup> Section 1003.52(13), F.S.

<sup>21</sup> Section 1003.52(1), F.S.

The bill also:

- Requires prevention and day treatment juvenile justice education programs, at a minimum, to provide career readiness and exploration opportunities as well as truancy and dropout prevention intervention services.
- Requires residential juvenile justice education programs with a contracted minimum length of stay of 9 months to provide career education courses that lead to preapprentice certifications, industry certifications, occupational completion points, or work-related certifications.
- Allows residential programs with contract lengths of stay of less than 9 months to provide career education courses that lead to preapprentice certifications, industry certifications, and occupational completion points, or work related certifications.

The bill refines the educational component of programs with a duration of less than 40 days to include:

- tutorial remediation activities,
- career employability skills instruction,
- education counseling, and
- transition services that prepare students for a return to school, the community, and their home setting based on the students' needs.

The bill requires educational programs to provide instruction based on each student's individualized transition plan, assessed educational needs, and the educational programs available in the school district in which the student will return. Depending on the student's needs, educational programming may consist of remedial courses, academic courses required for grade advancement, career education courses, and high school equivalency examination preparation, or exceptional student education curricula and related services which support the transition goals and reentry and which may lead to completion of the requirements for receipt of a high school diploma or its equivalent.

The bill requires that the DJJ and DOE annual cooperative agreement and plan for juvenile justice education service enhancement include each agency's role regarding educational program accountability, technical assistance, training, and coordination of service.

### **Accountability and Reporting**

#### **Present Situation**

The Department of Education and the Department of Juvenile Justice, after consulting with the district school boards and local providers, must report annually to the Legislature on the progress toward developing effective educational programs for youth in the juvenile justice system. This report must include the results of the quality assessment reviews, including recommendations for system improvement.<sup>22</sup> In its annual report to the Legislature, *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, DOE made several recommendations to address educational accountability and improvement such as:

- Continue to develop a juvenile justice education accountability system for programs and explore a process in which high-performing programs are recognized and low-performing programs receive assistance.
- Develop a customized school improvement plan template for programs.
- Continue to support improvement in transition services for youth in juvenile justice education through the maintenance of an accurate statewide transition contact list.

- Provide additional training and support to programs to improve their efforts with the Basic Achievement Skills Inventory administration, data reporting, and data interpretation.
- Continue to identify effective program practices and resources for students in need of academic remediation and credit recovery.
- Continue to identify academic curriculum, resources, and instructional practices related to high academic achievement for all students while incarcerated.
- Continue to collaborate efforts among DOE, DJJ, school districts, and private providers to ensure appropriate and effective education for youth in juvenile justice programs.<sup>23</sup>

In 2010, the Office of Program Policy Analysis & Government Accountability (OPPAGA) issued a report examining educational services provided to youth in DJJ residential and day treatment programs. OPPAGA found that most students entering juvenile justice programs were older, academically behind their peers, and were likely to have had attendance problems at school. OPPAGA found that DOE had not collected sufficient information to assess the learning gains (or lack thereof) of students in juvenile justice programs. Only 48 of the 141 programs (34%) reported complete information for at least half of their students. For those programs that did report data, the nature of the assessment instrument made it difficult to determine whether students were making appropriate educational progress. OPPAGA recommended that the Legislature amend s. 1003.52(3)(b), F.S., to require that DOE make annual status reports to the Legislature on the learning gains of students in juvenile justice facilities and the steps it has taken to ensure the completeness and reliability of juvenile justice student performance data.<sup>24</sup>

The Department of Juvenile Justice is required to annually collect and report cost data for every program state-operated or contracted by the department. DJJ is responsible for accurate cost accounting for state-operated services including market-equivalent rent and other shared cost. The cost of the educational program provided to a residential facility must be reported and included in the cost of a program. The cost-benefit analysis for each educational program will be developed and implemented in collaboration with the Department of Education, local providers, and local school districts. Cost data for the report must include data collected by DOE for the purpose of preparing the annual report required pursuant to s. 1003.52(19), F.S., relating to developing effective educational progress for juvenile delinquents.<sup>25</sup>

DOE in consultation with DJJ, district school boards and providers must establish objective and measurable quality assurance standards for the educational components of residential and nonresidential juvenile justice facilities.<sup>26</sup> The quality assurance standards and indicators are revised annually for juvenile justice education programs, based on new statutory and regulatory requirements, best practices research, and input from school districts and educational providers.<sup>27</sup> These standards must rate the district school boards' performance both as a provider and contractor.<sup>28</sup>

### Effect of Proposed Changes

The bill requires DOE to establish and operate, either directly or indirectly through a contract, a mechanism to provide accountability measures that annually assess and evaluate all juvenile justice

<sup>23</sup> Florida Department of Education, *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, Annual Report 200-2010, at 13 (2011), available at [http://www.fldoe.org/ese/pdf/jj\\_annual.pdf](http://www.fldoe.org/ese/pdf/jj_annual.pdf)

<sup>24</sup> Office of Program Policy Analysis and Government Accountability, *Youth Entering the State's Juvenile Justice Program Have Substantial Educational Deficits; Available Data is Insufficient to Assess Learning Gains of Students*, Report No. 10-07, at 8 (Jan. 2010), available at [www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1007rpt.pdf](http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1007rpt.pdf).

<sup>25</sup> Section 985.632, F.S.

<sup>26</sup> Section 1003.52(15)(a), F.S.

<sup>27</sup> Florida Department of Education, *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, Annual Report 2009-2010 (2011), available at [www.fldoe.org/ese/pdf/jj\\_annual.pdf](http://www.fldoe.org/ese/pdf/jj_annual.pdf).

<sup>28</sup> Section 1003.52(15)(a), F.S.

education program using student performance data and program performance ratings by type of program.

DOE, in partnership with DJJ, must develop a comprehensive accountability and program improvement process. The accountability and program improvement process must be based on student performance measures by type of program and must rate education program performance. The accountability system must identify and recognize high-performing education programs.

DOE, in partnership with DJJ, must identify low-performing programs. Low-performing education programs must receive an onsite program evaluation from DJJ. Identification of education programs needing school improvement, technical assistance, or reassignment of the program must be based, in part on the results of the program evaluation. Through a corrective action process, low-performing programs must demonstrate improvement or the program must be reassigned to the district or another provider.

DJJ must:

- Provide cost and effectiveness information on programs and program activities in order to compare, improve, or eliminate a program or program activity if necessary.
- Provide program and program activity cost and effectiveness data to the Legislature in order for resources to be allocated for achieving desired performance outcomes.
- Provide information to the public concerning program and program activity cost and effectiveness.
- Implement a system of accountability in order to provide the best and most appropriate program and activities to meet client needs.
- Continue to improve service delivery.

DJJ, in consultation with DOE, must publish by March 1 of each year a report on program costs and effectiveness. The report must include uniform cost data for each program operated by DJJ and by providers under contract with DJJ. DOE is required to provide cost data on each education program operated by a school district or a provider under contract with a school district. The report must also include data on student learning gains, as provided by DOE, for all juvenile justice education programs; educational performance information, developing effective education programs, cost-effectiveness, and recommendations for modification or elimination of programs or program activities.

DOE, in consultation with DJJ, district school boards, and providers must establish by rule:

- Objective and measurable student performance measures to evaluate a student's educational progress while participating in a prevention, day treatment, or residential program. The student performance measures must be based on appropriate outcomes for all students in juvenile justice programs, taking into consideration the student's length of stay in the program. Performance measures must include outcomes that relate to student achievement of career education goals, acquisition of employability skills, receipt of a high school diploma, grade advancement, and learning gains.
- A performance rating system to be used by DOE to evaluate the delivery of educational services within each of the juvenile justice education programs. The performance rating system must be primarily based upon data regarding student performance as described above.
- The timeframes, procedures, and resources to be used to improve a low-rated educational program or to terminate or reassign the program.

The bill requires that education program performance results, including the identification of high and low-performing programs and aggregated student performance results be included in DOE and DJJ annual report on the progress toward developing effective educational programs.

DOE in collaboration with DJJ must monitor and report on the educational performance of students in commitment, day treatment, prevention, and detention programs. The report must include, at a minimum, the number and percentage of students:

- Returning to an alternative school, middle school, or high school upon release and the attendance rate of such students before and after participation in juvenile justice education programs.
- Receiving a standard high school diploma or high school equivalency diploma.
- Receiving industry certification.
- Receiving occupational completion points.
- Enrolling in a postsecondary educational institution
- Completing a juvenile justice education program without reoffending
- Reoffending within 1 year after completing a day treatment or residential commitment program.
- Remaining employed 1 year after completion of a day treatment or residential commitment program.

The results of the educational performance report must be included in the program costs and effectiveness report.

### **Transition Plan and Reentry Plan**

#### **Present Situation**

Currently an individual transition plan is developed for each student entering a DJJ commitment, day treatment, early delinquency intervention, or detention program.<sup>29</sup> The transition plan is based on the student's post-placement goals that are developed cooperatively with the student, his/her parents, school district and or contracted provider personnel, and DJJ program staff. Re-entry counselors, probation officers, and personnel from the student's "home" school district shall be involved in the transition planning to the extent practicable.<sup>30</sup> The transition plan also includes a student's academic record including each course completed by the student according to procedures in the State Course Code Directory, career re-entry goals maintained by the school district, and recommended educational placement. An exit plan is also conducted for each student. A copy of the academic records, student assessment, individual academic plan, work and project samples, and the transition plan is included in the discharge packet when the student exits a DJJ facility.<sup>31</sup>

#### **Effect of Proposed Changes**

The bill requires a transition plan to include, at a minimum:

- Services and interventions that address the student's assessed educational needs and postrelease education plans.
- Services to be provided during the program stay and services to be implemented upon release, including but not limited to, continuing education in secondary, career and technical programs, postsecondary education, or employment, based on the student's needs.
- Specific monitoring responsibilities to determine whether the individualized transition plan is being implemented and the student is provided access to support services that will sustain the student's success, that must be coordinated by individuals who are responsible for reintegration.

<sup>29</sup> Section 1003.52(13)(i); Rule 6A-6.05281, F.A.C.

<sup>30</sup> Email, Florida Department of Education, Governmental Relation Office (Feb. 8, 2012).

<sup>31</sup> Florida Department of Education, Legislative Bill Analysis for SB 834 (2011).

DOE and DJJ must provide oversight and guidance to school districts, education providers, and reentry personnel on how to implement effective educational transition planning and services. The bill also requires upon a student's return from a program, school districts to consider the individual needs and circumstances of the student and the transition plan recommendations when reenrolling a student in a public school. A local school district may not maintain a standardized policy for all students returning from a juvenile justice program, but place students based on their needs and their performance in the program.

The bill requires that representatives from the school district and One Stop Center, where the student will return, participate as members of the local Department of Juvenile Justice reentry team.

## **Teachers in Juvenile Justice Programs**

### **Present Situation**

District school boards must recruit and train teachers who are interested, qualified, or experienced in educating students in juvenile justice programs. Students in juvenile justice programs must be provided a wide range of educational programs and opportunities including textbooks, technology, instructional support, and other resources available to students in public schools. Teachers assigned to educational programs in juvenile justice settings in which the district school board operates the educational program must be selected by the district school board in consultation with the director of the juvenile justice facility. Educational programs in juvenile justice facilities must have access to the substitute teacher pool utilized by the district school board.<sup>32</sup>

### **Effect of Proposed Changes**

State Board of Education (SBE) rules for qualification of instructional staff must include career education instructors, standardized across the state, and be based on state certification, local school district approval, and industry recognized credentials or industry training. The bill also requires the establishment of procedures for the use of noncertified instructional personnel who possess expert knowledge or experience in their fields of instruction.

The bill also allows the Secretary of the Department of Juvenile Justice or the director of a juvenile justice program to request that the performance of a teacher assigned by the district to a juvenile justice education program be reviewed by the district and that the teacher be reassigned based upon an evaluation conducted pursuant to s. 1012.34, F.S., for inappropriate behavior.

### **Public Educational Services – District School Boards**

The bill clarifies the responsibilities of district school boards to include:

- Notifying students in juvenile justice education program who attain the age of 16 years of the law regarding compulsory school attendance and make available the option of enrolling in a program to attain a high school diploma by taking the high school equivalency exam before release from the program.
- Responding to request for student education records received from another district school board or a juvenile justice education program within 5 working days after receiving the request.
- Providing access to courses offered through Florida Virtual School, virtual instruction programs, and school district virtual courses. School districts and providers may enter into cooperative agreements for the provision of curriculum associated with school district virtual courses to enable providers to offer such courses.
- Completing the assessment process.

- Monitoring compliance with contracts for education programs for students in juvenile justice prevention, day treatment, residential, and detention programs.

The bill requires DOE in partnership with DJJ, the district school, and providers to:

- Develop and implement requirements for contracts and cooperative agreements regarding the delivery of appropriate education services to students in DJJ programs.
- Maintain standardized procedures for securing the student's records. The records must include, but not be limited to the student's individualized progress monitoring plan and individualized transition plan.

The bill also requires DOE to assist juvenile justice programs with becoming high school equivalency examination centers.

## B. SECTION DIRECTORY:

Section 1. Amends s. 985.622, F.S., revising provisions to be included in the multiagency education plan for students in juvenile justice education programs.

Section 2. Amends s. 985.632, F.S., requiring the Department of Juvenile Justice to provide cost and effectiveness information for program and program activities to the Legislature and the public; deleting legislative intent language; requiring implementation of an accountability system to ensure client needs are met; requiring the Department of Juvenile Justice and Department of Education to submit an annual report including data on program costs and effectiveness and student achievement and recommendations for elimination or modification of programs.

Section 3. Amends s. 1001.31, F.S., authorizing instructional personnel at all juvenile justice facilities to access specific student records at the district.

Section 4. Amends s. 1003.51, F.S., revising terminology; revising requirements for rules to be maintained by the State Board of Education; providing expectations for effective education programs for students in Department of Juvenile Justice programs; revising requirements for contract and cooperative agreements for the delivery of appropriate education services to students in Department of Juvenile Justice programs; requiring the Department of Education to ensure that juvenile justice students who are eligible have access to high school equivalency testing and assist juvenile justice education programs with becoming high school equivalency testing centers; revising requirements for an accountability system for all juvenile justice education programs; revising requirements to district school boards.

Section 5. Amends s. 1003.52, F.S., revising requirements for activities to be coordinated by the coordinators for juvenile justice education programs; authorizing contracting for educational assessments; revising requirements for assessments; authorizing access to local virtual education courses; requiring that an educational program be based on each student's transition plan and assessed educational needs; providing requirements for prevention and day treatment juvenile justice education programs; requiring progress monitoring plans or all students not classified as exceptional student education students; revising requirements for such plans; requiring that the Department of Education, in partnership the Department of Juvenile Justice, ensure that school districts and juvenile justice education providers develop individualized transition plans; providing requirements for such plans; providing that the Secretary of the Department of Juvenile Justice or the director of a juvenile justice program may request that a school district teacher's performance be reviewed by the district and that the teacher be reassigned in certain circumstances; correcting a cross-reference; requiring the Department of Education to establish by rule objective and measurable student performance measures and program performance rating; providing requirements for such ratings; requiring a comprehensive accountability and program improvement process; providing requirements for such a process; deleting

a requirement for an annual report; requiring data collection; deleting provisions concerning the Arthur Dozier School for boys; requiring rulemaking.

Section 6. Amends s. 1001.42, F.S., revising terminology; revising a cross-reference; providing a directive to the Division of Law Revision and Information.

Section 7. Provides an effective date of July 1, 2013.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

#### 2. Expenditures:

This bill does not appear to have a fiscal impact on state expenditures.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

This bill does not appear to have a fiscal impact on local revenues.

#### 2. Expenditures:

This bill does not appear to have a fiscal impact on local expenditures.

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

This bill does not appear to have a fiscal impact on DJJ providers or any other private sector entity.

### D. FISCAL COMMENTS:

The Department of Juvenile Justice has indicated that there will be no fiscal impact from the effects of this bill.<sup>33</sup> DJJ has been working in consultation with the Department of Education on the proposed statutory changes of this bill. There will be no fiscal impact to the Department of Education or the Department of Children and Families.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

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

This bill does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

<sup>33</sup> Department of Juvenile Justice 2013 Legislative Session Bill Analysis, 3/22/2013, HB 441 Relating to DJJ Education Reform, Joan Wimmer. On file with Justice Appropriations Subcommittee staff.



2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill requires SBE to implement rules relating to educational services in DJJ programs.

The bill revises the rulemaking requirements of the Department of Education. The bill requires DOE to adopt rules for objective and measurable student performance measures and program performance ratings for the delivery of educational services by prevention, day treatment, and residential programs.

The bill requires that SBE rules relating to qualifications of instructional staff include career education instructors, standardized across the state, and based on state certification, local school district approval, and industry recognized credentials or industry training.

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

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 12, 2013, the Choice & Innovation Subcommittee reported the proposed committee substitute (PCS) to HB 441 favorably as a committee substitute.

The committee substitute:

- Required cost and effectiveness information on programs and program activities be provided in order to compare, improve, or eliminate a program or program activity.
- Required DOE in partnership with DJJ to develop a comprehensive accountability and school improvement process.
- Required DOE in collaboration with DJJ to monitor and report on the educational performance of students in commitment, day treatment, prevention, and detention programs.
- Required DJJ in consultation with DOE to publish by March 1 of each year a report on program costs and effectiveness, educational performance of students, and recommendations for modification or elimination of programs or program activities.
- Clarified that school districts and juvenile justice education providers, in collaboration with others develop an individualized transition plan during a student's stay in a program.
- Clarified that an individualized progress monitoring plan be developed for all students (excluding ESE students) upon entry in a DJJ program and upon reentry in the school district.
- Required DOE and DJJ to provide oversight and guidance on how to implement effective educational transition planning and services.
- Required prevention and day treatment programs to provide career readiness and exploration opportunities as well as truancy and dropout prevention intervention services.
- Expanded the multiagency plan for career education to include eliminating barriers to education and addressing virtual education for juvenile justice programs.
- Allowed students in juvenile justice education programs to receive career readiness and exploration opportunities, pre-apprentice certifications, industry certifications, occupational completion points, or work-related certification depending on the length of stay in a program.

The committee substitute removed the provisions in HB 441 that:

- Required at least 95% of the Florida Education Finance Program (FEFP) funds generated by students in DJJ programs or in an education program for juveniles be spent on instructional cost for DJJ students.

- Required 90% of federal Title I, Part D funds generated by students in DJJ programs be expended directly on educational and transition services for DJJ students.
- Required students in juvenile justice education programs who are administered the GED test remain enrolled in the education program for the duration of the FTE student membership survey period in which they are tested.
- Required juvenile justice education programs not to be charged full-time equivalent student membership for virtual courses accessed through the school district that are for credit recovery or offered to youth beyond the instructional 300 minute daily requirement.
- Required juvenile justice educational programs receive year-round FEFP funding for DJJ programs.
- Required juvenile justice education programs receive additional weighted funding equivalent to 0.1 FTE.
- Required DOE provide funding that support students in juvenile justice education programs who have graduated high school or received their high school equivalency diploma.
- Removed the option for DOE to enter into an agreement with one or more state supported public postsecondary institutions to offer online courses to youth in juvenile justice education programs throughout the state.

This analysis is drafted to the committee substitute as passed by the Choice & Innovation Subcommittee.





29 | authorization and use of proceeds.—It is the legislative intent  
 30 | that any authorization for imposition of a discretionary sales  
 31 | surtax shall be published in the Florida Statutes as a  
 32 | subsection of this section, irrespective of the duration of the  
 33 | levy. Each enactment shall specify the types of counties  
 34 | authorized to levy; the rate or rates which may be imposed; the  
 35 | maximum length of time the surtax may be imposed, if any; the  
 36 | procedure which must be followed to secure voter approval, if  
 37 | required; the purpose for which the proceeds may be expended;  
 38 | and such other requirements as the Legislature may provide.  
 39 | Taxable transactions and administrative procedures shall be as  
 40 | provided in s. 212.054.

41 |       (9) FLORIDA COLLEGE SURTAX.—A county as defined in s.  
 42 | 125.011(1) may levy a surtax of up to 0.5 percent for the  
 43 | benefit of a Florida College System institution as defined in s.  
 44 | 1000.21, located in the county, pursuant to an ordinance that is  
 45 | conditioned to take effect only upon approval by a majority vote  
 46 | of the electors of the county voting in a referendum.

47 |       (a) The ordinance must set forth a plan for using the  
 48 | surtax proceeds for the benefit of the Florida College System  
 49 | institution by the institution's board of trustees. Such plan  
 50 | must provide for the permissible uses of the surtax proceeds,  
 51 | including, but not limited to, the maintenance, improvement, and  
 52 | expansion of academic and workforce training programs; teaching  
 53 | enhancements; capital expenditures and infrastructure projects;  
 54 | fixed capital costs associated with the construction,  
 55 | reconstruction, renovation, maintenance, or improvement of  
 56 | facilities and campuses that have a useful life expectancy of at

57 least 5 years; deferred maintenance; land improvement, design,  
 58 and engineering costs related thereto; and the expansion and  
 59 enhancement of facilities at all institution sites within the  
 60 county. The proceeds of the surtax must be set aside and  
 61 invested as permitted by law, with the principal and income to  
 62 be used for the purposes listed in this subsection as  
 63 administered by the board of trustees.

64 (b) If the county, at the request of a Florida College  
 65 System institution in the county, calls for a referendum, the  
 66 expense of holding the referendum may not be paid with student  
 67 fees or moneys that the institution receives from the state, but  
 68 shall be paid only with funds received from private sources or  
 69 with college auxiliary funds. The county must provide at least  
 70 30 days' notice of the election as provided under s. 100.342.

71 (c) The referendum providing for the imposition of the  
 72 surtax shall include a statement that provides a brief and  
 73 general description of the purposes for which the proceeds of  
 74 the surtax may be used, conform to the requirements of s.  
 75 101.161, and be placed on the ballot by the governing body of  
 76 the county. The following questions shall be placed on the  
 77 ballot:

78  
 79 FOR THE. . . .CENTS TAX  
 80 AGAINST THE. . . .CENTS TAX  
 81

82 (d) Upon approval of the referendum, proceeds from the  
 83 surtax must be deposited by the Department of Revenue into a  
 84 Florida Prime account managed by the Florida State Board of

85 Administration and used only for the operation, maintenance, and  
 86 administration of the Florida College System institution within  
 87 that county.

88 (e) Upon approval of the referendum, an oversight board  
 89 shall be established to review and accept or amend expenditures  
 90 of the proceeds of the surtax and to review the plan prepared by  
 91 the board of trustees pursuant to paragraph (f). Annually, or as  
 92 needed, the oversight board shall meet to approve the proposed  
 93 spending plan.

94 1. The board shall be composed of seven members who are  
 95 residents of the county and appointed as follows:

96 a. One member appointed by the board of directors of the  
 97 Greater Miami Chamber of Commerce.

98 b. One member of the board of directors of the United Way  
 99 of Miami-Dade County appointed by the board of directors of the  
 100 United Way of Miami-Dade County.

101 c. One member appointed by the Beacon Council, Miami-Dade  
 102 County's official economic development partnership.

103 d. Two members appointed by the board of trustees of the  
 104 Florida College System institution who may not be members of the  
 105 board of trustees of the Florida College System institution.

106 e. Two members appointed by the chair of the county  
 107 legislative delegation.

108 2. Initial appointments to the oversight board shall be  
 109 made by the respective entities within 60 days after the passage  
 110 of the referendum. Each member shall be appointed for a 5-year  
 111 term. A vacancy on the board shall be filled for the unexpired  
 112 portion of the term in the same manner as the original

113 appointment. No member may serve for more than the remaining  
 114 portion of a previous member's unexpired term.

115 (f) Consistent with the purposes set forth in the plan  
 116 included in the ordinance under paragraph (a), the board of  
 117 trustees of the Florida College System institution shall  
 118 annually prepare a plan that specifies how the board of trustees  
 119 intends to allocate and expend the funds for the institution's  
 120 upcoming fiscal year and submit such plan to the oversight board  
 121 for approval.

122 (g) The annual apportionment of state funds for the  
 123 support of a Florida College System institution allocated under  
 124 general law may not be reduced because the institution has  
 125 received funds pursuant to a sales surtax levied under this  
 126 subsection.

127 (h) A surtax imposed under this subsection expires 5 years  
 128 after the effective date of the surtax.

129 Section 2. This act shall take effect upon becoming a law.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1295 Discretionary Sales Surtaxes  
**SPONSOR(S):** Finance & Tax Subcommittee, Fresen  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 1718

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Finance & Tax Subcommittee	16 Y, 0 N, As CS	Flieger	Langston
2) Education Committee		Thomas <i>not</i>	Mizereck <i>MB</i>
3) Appropriations Committee			

### SUMMARY ANALYSIS

The bill creates a ninth discretionary sales and use surtax in s. 212.055, F.S. The newly created "Florida College Surtax" allows a county as defined in s. 125.011(1), F.S., to levy a surtax of up to 0.5 percent for the benefit of a Florida College System institution as defined by s. 1000.21, F.S., which is located within that county. To levy the surtax, a qualifying county must approve an ordinance via referendum. The expense of holding the referendum must be paid for by the Florida College System institution and may not use student fees or state funding, the referendum shall be paid for only through funds received from private donors or with college auxiliary funds.

Should the referendum be successful, the surtax will last for 5 years. The funds raised by the surtax will be subject to oversight by a seven member board created by the bill.

Currently, Miami-Dade is the only county in Florida whose charter satisfies the s. 125.011(1), F.S., definition. The only Florida College System institution located within Miami-Dade county is Miami-Dade College. Of the four discretionary sales surtaxes Miami-Dade may levy, the county currently levies a 0.5 percent Charter County and Regional Transportation Surtax and a 0.5 percent County Public Hospital Surtax.

The bill has not been evaluated by the Revenue Estimating Conference. Staff estimates that a 0.5 percent surtax in Miami-Dade could raise \$202M in annual revenue.

The bill takes effect upon becoming a law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

Section 212.055, F.S., authorizes counties to impose eight local discretionary sales surtaxes on all transactions occurring in the county subject to the state tax imposed on sales, use, services, rental, admissions, and other transactions by ch. 212, F.S., and on communications services as defined in ch. 202, F.S.<sup>1</sup> The discretionary sales surtax is based on the rate in the county where the taxable goods or services are sold, or delivered into, and is levied in addition to the state sales and use tax of 6 percent. The surtax does not apply to sales price above \$5,000 on any item of tangible personal property. This \$5,000 cap does not apply to the sale of any service, rentals of real property, or transient rentals.

The eight discretionary sales surtaxes and their maximum rates are:

- Charter County and Regional Transportation System Surtax, 1 percent
- Emergency Fire Rescue Services and Facilities Surtax, 1 percent
- Local Government Infrastructure Surtax, 1 percent
- Small County Surtax, 1 percent
- Indigent Care and Trauma Center Surtax, 0.5 percent
- County Public Hospital Surtax, 0.5 percent
- School Capital Outlay Surtax, 0.5 percent
- Voter-Approved Indigent Care Surtax, 1 percent

Every county is eligible to levy the School Capital Outlay and Local Government Infrastructure Surtaxes, the others have varying requirements. Section 212.055, F.S., further provides caps on the combined rates. The maximum discretionary sales surtax that any county can levy depends upon the county's eligibility. Currently, the highest surtax imposed is 1.5 percent in several counties,<sup>2</sup> however, the theoretical maximum combined rate ranges between 2 percent and 3.5 percent, depending on the specifics of each individual county.<sup>3</sup>

Section 212.054, F.S., requires that any increase or decrease in a discretionary sales surtax must take effective on January 1.

Of the four discretionary sales surtaxes Miami-Dade may levy, the county currently levies a 0.5 percent Charter County and Regional Transportation Surtax and a 0.5 percent County Public Hospital Surtax.

##### Effect of the Proposed Changes

The bill creates a ninth discretionary surtax in s. 212.055, F.S. The "Florida College Surtax" allows a county as defined in s. 125.011(1), F.S.,<sup>4</sup> to levy a surtax of up to 0.5 percent for the benefit of a Florida College System institution as defined by s. 1000.21, F.S.,<sup>5</sup> which is located within that county. Miami-

<sup>1</sup> The tax rates, duration of the surtax, method of imposition, and proceed uses are individually specified in s. 212.055, F.S. General limitations, administration, and collection procedures are set forth in s. 212.054, F.S.

<sup>2</sup> See DOR Form DR-15 DSS, "Discretionary Sales Surtax Information", available at <http://dor.myflorida.com/dor/forms/2013/dr15dss.pdf> (last visited 1/31/2013).

<sup>3</sup> See pg. 212-213 of the REC's 2012 Florida Tax Handbook, available at <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2012.pdf> (last visited 3/9/12)

<sup>4</sup> A county "operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the Constitution of 1968, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred."

<sup>5</sup> <http://data.fldoe.org/workforce/contacts/default.cfm?action=showList&ListID=52> (last accessed 3/18/13)

Dade is the only county in Florida whose charter satisfies the s. 125.011(1), F.S., definition, though Hillsborough and Monroe County are authorized to operate under such a charter.

The only Florida College System institution currently located within Miami-Dade county is Miami-Dade College.

To levy the surtax, a qualifying county must approve an ordinance via referendum. The ordinance must set forth the permissible uses of the surtax proceeds. The expense of holding the referendum must be paid for by the Florida College System institution and may not use student fees or state funding, the referendum shall be paid for only through funds received from private donors or with college auxiliary funds.

The bill provides that if the referendum is successful, a seven member oversight board shall be established to provide guidance and accountability for the expenditure of the revenue raised by the surtax. The board shall be composed of:

- One member appointed by the board of directors of the Greater Miami Chamber of Commerce,
- One member appointed by the board of directors of the United Way of Miami-Dade County,
- One member appointed by the Beacon Council, Miami-Dade County's official economic development partnership,
- Two members appointed by the board of trustees of the Florida College System institution, and
- Two members appointed by the chair of the county legislative delegation.

The board will annually meet to approve a proposed spending plan. Members will be appointed to 5 year terms.

The bill prohibits any reduction in the annual apportionment of state funds allocated to support a Florida College System institution that has received funds from a Florida College Surtax.

The surtax would expire 5 years after enactment.

#### B. SECTION DIRECTORY:

Section 1. Amends s. 212.055, F.S., creating a ninth discretionary surtax

Section 2. Provides an effective date.

### 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:

The bill has not been evaluated by the Revenue Estimating Conference. Staff estimates that a 0.5 percent surtax in Miami-Dade could raise \$202M in annual revenue.<sup>6</sup>

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 20, 2013, the Finance and Tax Subcommittee adopted a strike-all amendment which reduced the length of the surtax from 10 years to 5 years and increased the term of board members from 4 to 5 years. This analysis reflects those changes.

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<sup>6</sup> Office of Economic and Demographic Research, 2012 Local Government Financial Information Handbook, pg 164. Available at <http://edr.state.fl.us/Content/local-government/reports/lgfi12.pdf> (last accessed 3/19/13)



1                                   A bill to be entitled  
 2           An act relating to the Immigrant Entrepreneur and STEM  
 3           Student Recruitment and Retention Act; creating such  
 4           act and providing a short title; amending s. 322.08,  
 5           F.S.; providing for issuance of a temporary driver  
 6           license to specified immigrant entrepreneurs and  
 7           certain foreign students in specified fields within  
 8           science, technology, engineering, and mathematics  
 9           (STEM); creating ss. 288.1259 and 1002.3106, F.S.;  
 10          providing eligibility requirements for issuance of  
 11          temporary driver licenses to immigrant entrepreneurs  
 12          and STEM students, respectively; providing  
 13          definitions; providing an effective date.

14  
 15           WHEREAS, as an important aspect of the promotion of  
 16          business development in the State of Florida and the general  
 17          health of the state economy, the Legislature recognizes the  
 18          benefit of attracting immigrant entrepreneurs and students with  
 19          degrees in STEM subjects to the state, and

20           WHEREAS, the Legislature also recognizes the value of  
 21          enabling these individuals to remain in the state temporarily  
 22          while waiting for a visa, and the value of enabling such  
 23          entrepreneurs to remain in the state permanently after receiving  
 24          a visa, and

25           WHEREAS, by providing immigrant entrepreneurs and STEM  
 26          students with the ability to obtain a temporary driver license  
 27          while waiting for a visa, the state optimizes the chances that  
 28          the entrepreneur will decide to establish his or her permanent

29 residence in the state and permanently situate his or her  
 30 business in the state after receiving a visa, NOW, THEREFORE,  
 31

32 Be It Enacted by the Legislature of the State of Florida:  
 33

34 Section 1. This act may be cited as the "Immigrant  
 35 Entrepreneur and STEM Student Recruitment and Retention Act."

36 Section 2. Paragraph (c) of subsection (2) of section  
 37 322.08, Florida Statutes, is amended to read:

38 322.08 Application for license; requirements for license  
 39 and identification card forms.-

40 (2) Each such application shall include the following  
 41 information regarding the applicant:

42 (c) Proof of identity satisfactory to the department. Such  
 43 proof must include one of the following documents issued to the  
 44 applicant:

45 1. A driver license record or identification card record  
 46 from another jurisdiction that required the applicant to submit  
 47 a document for identification which is substantially similar to  
 48 a document required under subparagraph 2., subparagraph 3.,  
 49 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph  
 50 7., or subparagraph 8.;

51 2. A certified copy of a United States birth certificate;

52 3. A valid, unexpired United States passport;

53 4. A naturalization certificate issued by the United  
 54 States Department of Homeland Security;

55 5. A valid, unexpired alien registration receipt card  
 56 (green card);

- 57           6. A Consular Report of Birth Abroad provided by the  
 58 United States Department of State;
- 59           7. An unexpired employment authorization card issued by  
 60 the United States Department of Homeland Security; ~~or~~
- 61           8. Proof of nonimmigrant classification provided by the  
 62 United States Department of Homeland Security, for an original  
 63 driver license. In order to prove nonimmigrant classification,  
 64 an applicant must provide at least one of the following  
 65 documents. In addition, the department may require applicants to  
 66 produce United States Department of Homeland Security documents  
 67 for the sole purpose of establishing the maintenance of, or  
 68 efforts to maintain, continuous lawful presence:
- 69           a. A notice of hearing from an immigration court  
 70 scheduling a hearing on any proceeding.
- 71           b. A notice from the Board of Immigration Appeals  
 72 acknowledging pendency of an appeal.
- 73           c. A notice of the approval of an application for  
 74 adjustment of status issued by the United States Bureau of  
 75 Citizenship and Immigration Services.
- 76           d. An official documentation confirming the filing of a  
 77 petition for asylum or refugee status or any other relief issued  
 78 by the United States Bureau of Citizenship and Immigration  
 79 Services.
- 80           e. A notice of action transferring any pending matter from  
 81 another jurisdiction to this state issued by the United States  
 82 Bureau of Citizenship and Immigration Services.
- 83           f. An order of an immigration judge or immigration officer  
 84 granting relief that authorizes the alien to live and work in



85 the United States, including, but not limited to, asylum.

86 g. Evidence that an application is pending for adjustment  
 87 of status to that of an alien lawfully admitted for permanent  
 88 residence in the United States or conditional permanent resident  
 89 status in the United States, if a visa number is available  
 90 having a current priority date for processing by the United  
 91 States Bureau of Citizenship and Immigration Services.

92 h. On or after January 1, 2010, an unexpired foreign  
 93 passport with an unexpired United States Visa affixed,  
 94 accompanied by an approved I-94, documenting the most recent  
 95 admittance into the United States; or

96 9. Proof of classification as an immigrant entrepreneur  
 97 under s. 288.1259 or a STEM student under s. 1002.3106 and proof  
 98 of application to the United States Department of Homeland  
 99 Security for permission to remain in the United States while  
 100 awaiting resolution of residency status. Such proof shall  
 101 include a copy of the application, including, but not limited  
 102 to, a copy of a green card, visa, or determination of  
 103 citizenship, and shall also include proof of submission of the  
 104 application to the United States Department of Homeland Security  
 105 by mail or electronic submission. This subparagraph is subject  
 106 to a determination of the proposed immigrant entrepreneur's or  
 107 STEM student's visa status by the United States Department of  
 108 Homeland Security. If the United States Department of Homeland  
 109 Security determines that a visa should not be renewed or  
 110 extended, the driver license must be revoked.

111

112 A driver license or temporary permit issued based on documents

113 required in subparagraph 7., ~~or~~ subparagraph 8., or subparagraph  
 114 9. is valid for a period not to exceed the expiration date of  
 115 the document presented or 1 year.

116 Section 3. Section 288.1259, Florida Statutes, is created  
 117 to read:

118 288.1259 Immigrant entrepreneurs.—To qualify as an  
 119 immigrant entrepreneur for purposes of eligibility for a  
 120 temporary driver license under s. 322.08(2)(c)9., an applicant  
 121 must provide to the Department of Economic Opportunity, on a  
 122 form provided by the department, information required by the  
 123 department accompanied by proof that he or she meets the  
 124 following requirements:

125 (1) INVESTMENT REQUIREMENTS.—

126 (a) Proof that a qualified venture capitalist, qualified  
 127 super angel investor, or government entity has invested at least  
 128 \$100,000 on behalf of the applicant.

129 (b) Proof of the existence of commercial activities that:

130 1. Create at least five new full-time jobs employing  
 131 people other than the applicant's spouse or children;

132 2. Raise at least \$500,000 in capital investment for a  
 133 commercial entity based in the United States; or

134 3. Generate at least \$500,000 in revenue.

135 (2) VISA STATUS AND EDUCATION REQUIREMENTS.—

136 (a) Proof that the applicant holds an unexpired work visa  
 137 or student visa; or

138 (b) Proof that the applicant has completed a graduate-  
 139 level degree in science, technology, engineering, math, computer  
 140 science, or other relevant academic discipline from an

141 | accredited United States college, university, or other  
 142 | institution of higher education.

143 | (3) PERSONAL FINANCIAL REQUIREMENTS.—

144 | (a) Proof of annual income of at least 250 percent of the  
 145 | federal poverty level;

146 | (b)1. Proof of possession of assets equivalent to at least  
 147 | 2 years of income at 250 percent of the federal poverty level;  
 148 | and

149 | 2. Proof that a qualified venture capitalist, qualified  
 150 | super angel investor, or government entity has invested at least  
 151 | \$20,000 on behalf of the applicant; or

152 | (c) Proof of a controlling interest in a foreign company  
 153 | that has generated at least \$100,000 in revenue from sales in  
 154 | the United States in the most recent 12-month period.

155 | Section 4. Section 1002.3106, Florida Statutes, is created  
 156 | to read:

157 | 1002.3106 Temporary driver license for foreign students in  
 158 | fields within science, technology, engineering, and mathematics  
 159 | (STEM).—

160 | (1) For purposes of eligibility for a temporary driver  
 161 | license under s. 322.08(2)(c)9., the term "STEM student" means a  
 162 | foreign student that meets the following requirements:

163 | (a) Possess a doctorate degree, a master's degree of at  
 164 | least 2 years, or a 5-year combined baccalaureate-master's  
 165 | degree in computer science, engineering, mathematics, or the  
 166 | physical sciences, other than biological sciences, from an  
 167 | eligible United States university as defined in subsection (2).

168 | (b) Possess an undergraduate degree in a STEM field listed

169 in paragraph (a).

170 (c) Has completed all doctoral degree or master's degree  
 171 coursework, including online coursework, while physically  
 172 present in the United States.

173 (2) For purposes of this section, the term "eligible  
 174 United States university" means a university that:

175 (a) Meets the standards of a United States university as  
 176 defined in the Higher Education Act of 1965.

177 (b)1. Is classified as of July 1, 2013, by the Carnegie  
 178 Foundation for the Advancement of Teaching as a doctorate-  
 179 granting university with a level of research activity that is  
 180 rated as high or very high; or

181 2. Is classified as of July 1, 2013, by the National  
 182 Science Foundation as having research activity equivalent to an  
 183 institution described in subparagraph 1.



184 (c) Has been in existence for at least 10 years.

185 (d) Is accredited by an accrediting body that is  
 186 recognized by the United States Department of Education or the  
 187 Council for Higher Education Accreditation.

188 Section 5. This act shall take effect July 1, 2013.

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 1373 Immigrant Entrepreneur & STEM Student Recruitment & Retention Act  
**SPONSOR(S):** Grant  
**TIED BILLS:** IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee	12 Y, 0 N	Kiner	Miller
2) Education Committee		Brink 	Mizereck 
3) Transportation & Economic Development Appropriations Subcommittee			
4) Economic Affairs Committee			

**SUMMARY ANALYSIS**

House Bill 1373, cited as the Immigrant Entrepreneur and STEM Student Recruitment and Retention Act, authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to accept additional identity documentation in order to issue a temporary driver license to a person who is waiting for a visa and meets the requirements for classification as an immigrant entrepreneur or STEM student.

The bill's legislative intent recognizes the benefit of attracting immigrant entrepreneurs and students with degrees in science, technology, engineering, or mathematics (STEM), as well their contribution to the promotion of business development within the state. By providing qualifying immigrant entrepreneurs and STEM students the ability to obtain a temporary driver license, the legislative intent further provides that the state will optimize the chances these individuals will decide to permanently reside and situate their businesses in Florida.

The bill provides eligibility requirements for receiving immigrant entrepreneur and STEM student classification, and provides criteria for DHSMV to consider when reviewing identity documentation presented by an individual applying for a temporary driver license according to either status. Because the criteria mirrors DHSMV's current policy for issuing a temporary driver license to a person qualifying for non-immigrant classification, DHSMV's policy will be unaffected by the bill's proposed changes.

As with all temporary driver licenses issued to persons qualifying for non-immigrant classification, the maximum term a temporary driver license issued to a qualified immigrant entrepreneur or STEM student will be valid is one year.

The bill has no fiscal impact on state or local governments. A person that qualifies for a temporary driver license under the bill's provisions will be required to pay the regular \$48 driver license fee, which is deposited into the General Revenue Fund.

The bill is effective on July 1, 2013.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

Section 322.08, F.S., provides requirements that applicants must meet in order to be issued a driver license. Among the requirements, is that the applicant provide proof of identity. Currently, an applicant must provide one of the following to meet the proof of identity requirement:

1. a driver license record or identification card record issued by another jurisdiction that required the applicant to submit identity documentation which is substantially similar to any of the documents listed in 2.-8.;
2. a certified copy of a United States (U.S.) birth certificate;
3. a valid U.S. passport;
4. a naturalization certificate issued by the U.S. Department of Homeland Security (DHS);
5. a valid alien registration receipt card (green card);
6. a Consular Report of Birth Abroad from the U.S. Department of State;
7. an unexpired employment authorization card issued by the U.S. DHS; or
8. proof of nonimmigrant classification provided by the U.S. DHS in the form of at least one of the following:
  - a. notice of hearing from an immigration court scheduling a hearing on any proceeding;
  - b. a notice from the Board of Immigration Appeals acknowledging pendency of an appeal;
  - c. a notice issued by the U.S. Bureau of Citizenship and Immigration Status approving an application for adjustment of status;
  - d. an official document issued by the U.S. Bureau of Citizenship and Immigration Status confirming a petition for asylum or refugee status;
  - e. a notice of action issued by the U.S. Bureau of Citizenship and Immigration Status transferring any pending matter to the state;
  - f. an order of an immigration judge or officer authorizing the person to live and work in the U.S. (e.g., asylum);
  - g. evidence that an application is pending for adjustment of status to that of an alien lawfully admitted for permanent residence or conditional permanent resident status in the U.S., if a visa number is available having a current priority date for processing by the U.S. Bureau of Citizenship and Immigration Services; or
  - h. an unexpired foreign passport with an unexpired U.S. Visa affixed, accompanied by an approved I-94, documenting the most recent admittance into the U.S.

If the applicant relies on any of the documentation listed in 7. or 8., his or her temporary driver license will expire on the date listed on the document or one year after issuance, whichever occurs first.

##### Effect of Proposed Change

The bill authorizes DHSMV to accept additional identity documentation in order to issue a temporary driver license to a person who is waiting for a visa and meets the requirements for classification as an immigrant entrepreneur or STEM student.

The bill provides eligibility requirements for receiving immigrant entrepreneur and STEM student classification, and provides criteria for DHSMV to consider when reviewing identity documentation presented by an individual applying for a temporary driver license according to either status.

##### *Immigrant Entrepreneur*

To qualify as an 'immigrant entrepreneur,' the bill requires a person to meet specified investment, visa status, education, and personal financial requirements and provide proof to the Department of Economic Opportunity. These requirements are as follows:

- Investment requirements:
  - Proof that a qualified venture capitalist, qualified super angel investor, or government entity has invested at least \$100,000 on behalf of the applicant.
  - Proof of the existence of commercial activities that:
    - create at least five new full-time jobs employing people other than the applicant's spouse or children.
    - raise at least \$500,000 in capital investment for a commercial entity based in the United States; or
    - generate at least \$500,000 in revenue.
- Visa status and education requirements:
  - Proof that the applicant holds an unexpired work visa or student visa; or
  - Proof that the applicant has completed a graduate-level degree in science, technology, engineering, math, computer science, or other relevant academic discipline from an accredited United States college, university, or other institution of higher education.
- Personal Financial Requirements:
  - Proof of annual income of at least 250 percent of the federal poverty level;
  - Proof of possession of assets equivalent to at least 2 years of income at 250 percent of the federal poverty level; and proof that a qualified venture capitalist, qualified super angel investor, or government entity has invested at least \$20,000 on behalf of the applicant; or
  - Proof of a controlling interest in a foreign company that has generated at least \$100,000 in revenue from sales in the United States in the most recent 12-month period.

### *STEM Student*

To qualify as a 'STEM student,' a foreign student must meet the following requirements:

- Possess a doctorate degree, a master's degree of at least 2 years, or a 5-year combined baccalaureate-master's degree in computer science, engineering, mathematics, or the physical sciences, other than biological sciences, from an eligible United States university;
- Possess an undergraduate degree in a STEM field listed above; and
- Has completed all doctoral degree or master's degree coursework, including online coursework, while physically present in the United States.

The bill defines 'eligible United States University' as a university that:

- meets the standards of a United States university as defined in the Higher Education Act of 1965;
- is classified as of July 1, 2013, by the Carnegie Foundation for the Advancement of Teaching as a doctorate-granting university with a level of research activity that is rated as high or very high; or is classified as of July 1, 2013, by the National Science Foundation as having research activity equivalent to an institution with a level of research activity that is rated as high or very high by the Carnegie Foundation for the Advancement of Teaching as a doctorate-granting university;
- has been in existence for at least 10 years;
- is accredited by an accrediting body that is recognized by the United States Department of Education or the Council for Higher Education Accreditation.

### *Issuance of Temporary Driver License*

The bill requires a person that wishes to obtain a temporary driver license based on his or her classification as an immigrant entrepreneur or STEM student to present proof of that status to the DHSMV. The person must also present proof of application to the United States Department of

Homeland Security (DHS) for permission to remain in the United States while awaiting resolution of residency status.

Because the criteria mirrors DHSMV's current policy for issuing a temporary driver license to a person qualifying for non-immigrant classification, DHSMV's policy will be unaffected by the bill's proposed changes.

As with all temporary driver licenses issued to persons qualifying for non-immigrant classification, the maximum term a temporary driver license issued to a qualified immigrant entrepreneur or STEM student will be valid is one year. The bill also specifies that if DHS determines that a visa should not be renewed or extended, DHSMV must revoke the immigrant entrepreneur or STEM student's temporary driver license.

The bill has no fiscal impact on state or local governments. A person that qualifies for a temporary driver license under the bill's provisions, will be required to pay the regular \$48 driver license fee, which is deposited into the General Revenue Fund.

The bill is effective on July 1, 2013.

**B. SECTION DIRECTORY:**

- Section 1: creates the Immigrant Entrepreneur and STEM Student Recruitment and Retention Act;
- Section 2: provides criteria for DHSMV to consider when reviewing identity documentation presented by an individual applying for a temporary driver license according to immigrant entrepreneur or STEM student status;
- Section 3: sets eligibility criteria for achieving 'immigrant entrepreneur' status;
- Section 4: sets eligibility criteria for achieving 'STEM student' status;
- Section 5: provides an effective date.

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

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

- 1. Revenues:  
See Fiscal Comments.
- 2. Expenditures:  
See Fiscal Comments.

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

- 1. Revenues:  
None.
- 2. Expenditures:  
None.

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

See Fiscal Comments.



**D. FISCAL COMMENTS:**

The number of persons that may qualify to receive a temporary driver license based solely on their status as an immigrant entrepreneur or STEM student is unknown. However, each temporary driver license issued under the bill's provisions will cost the licensee \$48, which will be deposited into the General Revenue Fund.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill requires the Department of Economic Opportunity to provide a form to a person wishing to receive immigrant entrepreneur status.

The effect of the proposed changes will require DHSMV to update its Driver License Operations Manual to include standards for issuing a temporary driver license to a person that presents identity documentation in connection with immigrant entrepreneur or STEM student status.

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

The bill allows for eligible foreign persons to be classified as a "STEM student." However, the eligibility criteria pertain to individuals who already possess a degree. It may be more accurate to provide for a designation of "STEM graduate" instead of "STEM student" to reflect the status of the individuals who will be affected by the bill.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

Not applicable.



1                                   A bill to be entitled  
 2           An act relating to education accountability; amending  
 3           s. 1002.22, F.S.; requiring the State Board of  
 4           Education to notify the Legislature of major changes  
 5           in federal law that may affect the state's K-20  
 6           education performance accountability system; amending  
 7           s. 1004.015, F.S.; providing a purpose and guiding  
 8           principle of the Higher Education Coordinating Council  
 9           to improve the K-20 education performance  
 10          accountability system and to support data exchange;  
 11          amending s. 1005.22, F.S.; revising duties of the  
 12          Commission for Independent Education relating to  
 13          collecting and reporting data regarding institutions  
 14          licensed by the commission; amending s. 1007.01, F.S.;  
 15          revising duties of the Articulation Coordinating  
 16          Committee relating to collecting and reporting  
 17          statewide education data; amending s. 1008.31, F.S.;  
 18          requiring the Board of Governors to make data  
 19          available to the Department of Education to be  
 20          integrated into the K-20 data warehouse; requiring the  
 21          Commissioner of Education to have access to certain  
 22          data for the purpose of providing data to  
 23          organizations and authorized representatives;  
 24          requiring certain educational institutions to annually  
 25          provide data from the prior year to the K-20 data  
 26          warehouse or to the department; requiring the  
 27          commissioner to collaborate with the Department of  
 28          Economic Opportunity to develop procedures to tie

29 student-level data to student and workforce outcome  
 30 data; amending s. 1008.34, F.S.; revising provisions  
 31 relating to schools that are assigned school grades,  
 32 including colocated schools, and students whose  
 33 assessment data is used in determining school grades;  
 34 amending s. 1008.341, F.S.; revising provisions  
 35 relating to alternative schools that are assigned a  
 36 school improvement rating, including an exceptional  
 37 student education center; revising the student data  
 38 used in determining an alternative school's school  
 39 improvement rating; providing requirements for the  
 40 content and distribution of student report cards for  
 41 alternative schools; amending s. 1008.385, F.S.;  
 42 requiring the commissioner to provide information  
 43 relating to master school identification numbers for  
 44 purposes of the comprehensive management information  
 45 system; providing an effective date.

46  
 47 Be It Enacted by the Legislature of the State of Florida:

48  
 49 Section 1. Paragraph (b) of subsection (3) of section  
 50 1002.22, Florida Statutes, is amended to read:

51 1002.22 Education records and reports of K-12 students;  
 52 rights of parents and students; notification; penalty.—

53 (3) DUTIES AND RESPONSIBILITIES.—The State Board of  
 54 Education shall:

55 (b) Monitor the FERPA and notify the Legislature of any  
 56 significant change to the requirements of the FERPA or other

57 | major changes in federal law which may impact this section or s.  
 58 | 1008.31.

59 | Section 2. Subsection (1) of section 1004.015, Florida  
 60 | Statutes, is amended, and paragraph (f) is added to subsection  
 61 | (3) of that section, to read:

62 | 1004.015 Higher Education Coordinating Council.—

63 | (1) The Higher Education Coordinating Council is created  
 64 | for the purposes of identifying unmet needs; ~~and~~ facilitating  
 65 | solutions to disputes regarding the creation of new degree  
 66 | programs and the establishment of new institutes, campuses, or  
 67 | centers; and facilitating solutions to data issues identified by  
 68 | the Articulation Coordinating Committee pursuant to s. 1007.01  
 69 | to improve the K-20 education performance accountability system.

70 | (3) The council shall serve as an advisory board to the  
 71 | Legislature, the State Board of Education, and the Board of  
 72 | Governors. Recommendations of the council shall be consistent  
 73 | with the following guiding principles:

74 | (f) To promote adoption by the members of the council of a  
 75 | common set of data elements identified by the National Center  
 76 | for Education Statistics to support the effective exchange of  
 77 | data within and across states.

78 | Section 3. Paragraph (i) of subsection (1) of section  
 79 | 1005.22, Florida Statutes, is amended to read:

80 | 1005.22 Powers and duties of commission.—

81 | (1) The commission shall:

82 | (i) Serve as a central agency for collecting and  
 83 | distributing current information regarding institutions licensed  
 84 | by the commission. The commission shall annually collect, and

85 | all institutions licensed by the commission shall annually  
 86 | report, student-level data from the prior year for each student  
 87 | who receives state funds, in a format prescribed by the  
 88 | Department of Education. At a minimum, data from the prior year  
 89 | must shall be reported annually and include retention rates,  
 90 | transfer rates, completion rates, graduation rates, employment  
 91 | and placement rates, and earnings of graduates. By December 31,  
 92 | 2013, the commission shall report the data for the 2012-2013  
 93 | academic year to the department. By December 31 of each year  
 94 | thereafter, the commission shall report the data to the  
 95 | department.

96 |       Section 4. Subsection (3) of section 1007.01, Florida  
 97 | Statutes, is amended to read:

98 |       1007.01 Articulation; legislative intent; purpose; role of  
 99 | the State Board of Education and the Board of Governors;  
 100 | Articulation Coordinating Committee.—

101 |       (3) The Commissioner of Education, in consultation with  
 102 | the Chancellor of the State University System, shall establish  
 103 | the Articulation Coordinating Committee, which shall make  
 104 | recommendations related to statewide articulation policies and  
 105 | issues regarding access, quality, and reporting of data  
 106 | maintained by the K-20 data warehouse, established pursuant to  
 107 | ss. 1001.10 and 1008.31, to the Higher Education Coordination  
 108 | Council, the State Board of Education, and the Board of  
 109 | Governors. The committee shall consist of two members each  
 110 | representing the State University System, the Florida College  
 111 | System, public career and technical education, public K-12  
 112 | education, and nonpublic education and one member representing

113 students. The chair shall be elected from the membership. The  
 114 committee shall:

115 (a) Monitor the alignment between the exit requirements of  
 116 one education system and the admissions requirements of another  
 117 education system into which students typically transfer and make  
 118 recommendations for improvement.

119 (b) Propose guidelines for interinstitutional agreements  
 120 between and among public schools, career and technical education  
 121 centers, Florida College System institutions, state  
 122 universities, and nonpublic postsecondary institutions.

123 (c) Annually recommend dual enrollment course and high  
 124 school subject area equivalencies for approval by the State  
 125 Board of Education and the Board of Governors.

126 (d) Annually review the statewide articulation agreement  
 127 pursuant to s. 1007.23 and make recommendations for revisions.

128 (e) Annually review the statewide course numbering system,  
 129 the levels of courses, and the application of transfer credit  
 130 requirements among public and nonpublic institutions  
 131 participating in the statewide course numbering system and  
 132 identify instances of student transfer and admissions  
 133 difficulties.

134 (f) Annually publish a list of courses that meet common  
 135 general education and common degree program prerequisite  
 136 requirements at public postsecondary institutions identified  
 137 pursuant to s. 1007.25.

138 (g) Foster timely collection and reporting of statewide  
 139 education data ~~Examine statewide data regarding articulation to~~  
 140 ~~identify issues and make recommendations to improve articulation~~

141 | ~~throughout~~ the K-20 education performance accountability system  
 142 | by:

143 |       1. Facilitating timely reporting of data by all  
 144 | educational delivery systems to the K-20 data warehouse  
 145 | established pursuant to ss. 1001.10 and 1008.31.

146 |       2. Facilitating timely reporting of data by the K-20 data  
 147 | warehouse to organizations and authorized representatives  
 148 | pursuant to s. 1008.31.

149 |       3. Identifying data issues including, but not limited to,  
 150 | data quality and accessibility.

151 |       (h) Recommend roles and responsibilities of public  
 152 | education entities in interfacing with the single, statewide  
 153 | computer-assisted student advising system established pursuant  
 154 | to s. 1006.73.

155 |       Section 5. Subsection (3) of section 1008.31, Florida  
 156 | Statutes, is amended to read:

157 |       1008.31 Florida's K-20 education performance  
 158 | accountability system; legislative intent; mission, goals, and  
 159 | systemwide measures; data quality improvements.—

160 |       (3) K-20 EDUCATION DATA QUALITY IMPROVEMENTS.—To provide  
 161 | data required to implement education performance accountability  
 162 | measures in state and federal law, the Commissioner of Education  
 163 | shall initiate and maintain strategies to improve data quality  
 164 | and timeliness. The Board of Governors shall make available to  
 165 | the department all data within the State University Database  
 166 | System to collected from state universities shall, as determined  
 167 | by the commissioner, be integrated into the K-20 data warehouse.  
 168 | The commissioner shall have unlimited access to such data ~~solely~~



169 | for the purposes of conducting studies, reporting annual and  
 170 | longitudinal student outcomes, ~~and~~ improving college readiness  
 171 | and articulation, and providing data to organizations and  
 172 | authorized representatives. All public educational institutions  
 173 | shall annually provide data from the prior year to the K-20 data  
 174 | warehouse in a format based on data elements identified  
 175 | ~~specified~~ by the commissioner.

176 |         (a) School districts and public postsecondary educational  
 177 | institutions shall maintain information systems that will  
 178 | provide the State Board of Education, the Board of Governors of  
 179 | the State University System, and the Legislature with  
 180 | information and reports necessary to address the specifications  
 181 | of the accountability system. The level of comprehensiveness and  
 182 | quality must ~~shall~~ be no less than that which was available as  
 183 | of June 30, 2001.

184 |         (b) Colleges and universities eligible to participate in  
 185 | the William L. Boyd, IV, Florida Resident Access Grant Program  
 186 | shall annually report student-level data from the prior year for  
 187 | each student who receives state funds in a format prescribed by  
 188 | the Department of Education. At a minimum, data from the prior  
 189 | year must ~~shall be reported annually to the department and~~  
 190 | include retention rates, transfer rates, completion rates,  
 191 | graduation rates, employment and placement rates, and earnings  
 192 | of graduates. By December 31, 2013, the colleges and  
 193 | universities described in this paragraph shall report the data  
 194 | for the 2012-2013 academic year to the department. By December  
 195 | 31 of each year thereafter, the colleges and universities  
 196 | described in this paragraph shall report the data to the

197 | department.

198 |       (c) The Commissioner of Education shall determine the  
 199 | standards for the required data, monitor data quality, and  
 200 | measure improvements. The commissioner shall report annually to  
 201 | the State Board of Education, the Board of Governors of the  
 202 | State University System, the President of the Senate, and the  
 203 | Speaker of the House of Representatives data quality indicators  
 204 | and ratings for all school districts and public postsecondary  
 205 | educational institutions.

206 |       (d) The commissioner shall continuously monitor and review  
 207 | the collection of paperwork, data, and reports by school  
 208 | districts and complete an annual review of such collection by ~~no~~  
 209 | ~~later than~~ June 1 of each year. The annual review must include  
 210 | recommendations for consolidating paperwork, data, and reports,  
 211 | wherever feasible, in order to reduce the burdens on school  
 212 | districts.

213 |       (e) By July 1 of each year, the commissioner shall prepare  
 214 | a report assisting the school districts in eliminating or  
 215 | consolidating paperwork, data, and reports by providing  
 216 | suggestions, technical assistance, and guidance.

217 |       (f) Before establishing any new reporting or data  
 218 | collection requirements, the commissioner ~~of Education~~ shall use  
 219 | ~~utilize~~ existing data being collected to reduce duplication and  
 220 | minimize paperwork.

221 |       (g) The commissioner shall collaborate with the executive  
 222 | director of the Department of Economic Opportunity to develop  
 223 | procedures for the ability to tie student-level data to student  
 224 | and workforce outcome data contained in the Wage Record

225 Interchange System 2.

226 Section 6. Subsection (1) and paragraphs (a) and (c) of  
 227 subsection (3) of section 1008.34, Florida Statutes, are amended  
 228 to read:

229 1008.34 School grading system; school report cards;  
 230 district grade.—

231 (1) ANNUAL REPORTS.—The Commissioner of Education shall  
 232 prepare annual reports of the results of the statewide  
 233 assessment program which describe student achievement in the  
 234 state, each district, and each school. The commissioner shall  
 235 prescribe the design and content of these reports, which must  
 236 include descriptions of the performance of all schools  
 237 participating in the assessment program and all of their major  
 238 student populations as determined by the commissioner. The  
 239 report must also include the percent of students performing at  
 240 or above grade level and making ~~a year's~~ learning gains ~~growth~~  
 241 ~~in a year's time~~ in reading and mathematics. The provisions of  
 242 s. 1002.22 pertaining to student records apply to this section.

243 (3) DESIGNATION OF SCHOOL GRADES.—

244 (a) Beginning with the 2013-2014 school year, each school  
 245 that has students who are tested and included in the school  
 246 grading system shall receive a school grade if the number of its  
 247 students tested on statewide assessments pursuant to s. 1008.22  
 248 meets or exceeds the minimum sample size of 10, except as  
 249 follows:

250 ~~1. A school shall not receive a school grade if the number~~  
 251 ~~of its students tested and included in the school grading system~~  
 252 ~~is less than the minimum sample size necessary, based on~~

253 ~~accepted professional practice, for statistical reliability and~~  
 254 ~~prevention of the unlawful release of personally identifiable~~  
 255 ~~student data under s. 1002.22 or 20 U.S.C. s. 1232g.~~

256 1.2. An alternative school may choose to receive a school  
 257 grade under this section or a school improvement rating under s.  
 258 1008.341. For charter schools that meet the definition of an  
 259 alternative school pursuant to State Board of Education rule,  
 260 the decision to receive a school grade is the decision of the  
 261 charter school governing board.

262 2.3. A school that serves any combination of students in  
 263 kindergarten through grade 3 which does not receive a school  
 264 grade because its students are not tested and included in the  
 265 school grading system shall receive the school grade designation  
 266 of a K-3 feeder pattern school identified by the Department of  
 267 Education and verified by the school district. A school feeder  
 268 pattern exists if at least 60 percent of the students in the  
 269 school serving a combination of students in kindergarten through  
 270 grade 3 are scheduled to be assigned to the graded school.

271 3. If a colocated school does not earn a school grade or  
 272 school improvement rating for the performance of its students,  
 273 the student performance data of all schools operating at the  
 274 same facility must be aggregated to develop a school grade that  
 275 will be assigned to all schools at that location. A colocated  
 276 school is a school that has its own unique master school  
 277 identification number and provides for the education of each of  
 278 its enrolled students and operates at the same facility as  
 279 another school that has its own unique master school  
 280 identification number and provides for the education of each of

281 | its enrolled students.

282 |       (c) Student assessment data used in determining school  
283 | grades shall include:

284 |       1. The aggregate scores of all eligible students enrolled  
285 | in the school who have been assessed on the FCAT and statewide,  
286 | standardized end-of-course assessments in courses required for  
287 | high school graduation, including, beginning with the 2011-2012  
288 | school year, the end-of-course assessment in Algebra I; and  
289 | beginning with the 2012-2013 school year, the end-of-course  
290 | assessments in geometry and Biology I; and beginning with the  
291 | 2014-2015 school year, on the statewide, standardized end-of-  
292 | course assessment in civics education at the middle school  
293 | level.

294 |       2. The aggregate scores of all eligible students enrolled  
295 | in the school who have been assessed on the FCAT and statewide,  
296 | standardized end-of-course assessments as described in s.  
297 | 1008.22(3)(c)2.a., and who have scored at or in the lowest 25th  
298 | percentile of students in the school in reading and mathematics,  
299 | unless these students are exhibiting satisfactory performance.

300 |       3. The achievement scores and learning gains of eligible  
301 | students attending alternative schools that provide dropout  
302 | prevention and academic intervention services pursuant to s.  
303 | 1003.53. The term "eligible students" in this subparagraph does  
304 | not include:

305 |       a. Students attending an alternative school who are  
306 | subject to district school board policies for expulsion for  
307 | repeated or serious offenses, who are in dropout retrieval  
308 | programs serving students who have officially been designated as

309 dropouts, or who are in programs operated or contracted by the  
 310 Department of Juvenile Justice.

311 b. Students attending an alternative school that is an  
 312 exceptional student education center, pursuant to s.  
 313 1008.341(2), who were not enrolled in or in attendance at a  
 314 public school within the school district during the previous 3  
 315 years other than the exceptional student education center.

316  
 317 The student performance data for eligible students identified in  
 318 this subparagraph shall be included in the calculation of the  
 319 home school's grade. As used in this subparagraph and s.

320 1008.341, the term "home school" means the school to which the  
 321 student would be assigned if the student were not assigned to an  
 322 alternative school. If an alternative school chooses to be  
 323 graded under this section, student performance data for eligible  
 324 students identified in this subparagraph shall not be included  
 325 in the home school's grade but shall be included only in the  
 326 calculation of the alternative school's grade. A school district  
 327 that fails to assign the FCAT and statewide, standardized end-  
 328 of-course assessment as described in s. 1008.22(3)(c)2.a. scores  
 329 of each of its students to his or her home school or to the  
 330 alternative school that receives a grade shall forfeit Florida  
 331 School Recognition Program funds for 1 fiscal year. School  
 332 districts must require collaboration between the home school and  
 333 the alternative school in order to promote student success. This  
 334 collaboration must include an annual discussion between the  
 335 principal of the alternative school and the principal of each  
 336 student's home school concerning the most appropriate school

337 assignment of the student.

338 4. The achievement scores and learning gains of students  
 339 designated as hospital- or homebound. Student assessment data  
 340 for a student ~~students~~ designated as hospital- or homebound  
 341 shall be assigned to his or her ~~their~~ home school for the  
 342 purposes of school grades if the student was enrolled in the  
 343 home school during the October and February FTE count. As used  
 344 in this subparagraph, the term "home school" means the school to  
 345 which a student would be assigned if the student were not  
 346 assigned to a hospital- or homebound program.

347 5. For schools comprised of high school grades 9, 10, 11,  
 348 and 12, or grades 10, 11, and 12, the data listed in  
 349 subparagraphs 1.-3. and the following data as the Department of  
 350 Education determines such data are valid and available:

351 a. The high school graduation rate of the school as  
 352 calculated by the department;

353 b. The participation rate of all eligible students  
 354 enrolled in the school and enrolled in College Board Advanced  
 355 Placement courses; International Baccalaureate courses; dual  
 356 enrollment courses; Advanced International Certificate of  
 357 Education courses; and courses or sequences of courses leading  
 358 to national industry certification identified in the Industry  
 359 Certification Funding List, pursuant to rules adopted by the  
 360 State Board of Education;

361 c. The aggregate scores of all eligible students enrolled  
 362 in the school in College Board Advanced Placement courses,  
 363 International Baccalaureate courses, and Advanced International  
 364 Certificate of Education courses;

365 d. Earning of college credit by all eligible students  
 366 enrolled in the school in dual enrollment programs under s.  
 367 1007.271;

368 e. Earning of a national industry certification identified  
 369 in the Industry Certification Funding List, pursuant to rules  
 370 adopted by the State Board of Education;

371 f. The aggregate scores of all eligible students enrolled  
 372 in the school in reading, mathematics, and other subjects as  
 373 measured by the SAT, the ACT, the Postsecondary Education  
 374 Readiness Test, and the common placement test for postsecondary  
 375 readiness;

376 g. The high school graduation rate of all eligible at-risk  
 377 students enrolled in the school who scored at Level 2 or lower  
 378 on grade 8 FCAT Reading and FCAT Mathematics;

379 h. The performance of the school's students on statewide,  
 380 standardized end-of-course assessments administered under s.  
 381 1008.22(3)(c)2.c. and d.; and

382 i. The growth or decline in the data components listed in  
 383 sub-subparagraphs a.-h. from year to year.

384  
 385 The State Board of Education shall adopt appropriate criteria  
 386 for each school grade. The criteria must also give added weight  
 387 to student achievement in reading. Schools earning a grade of  
 388 "C," making satisfactory progress, shall be required to  
 389 demonstrate that adequate progress has been made by students in  
 390 the school who are in the lowest 25th percentile in reading and  
 391 mathematics on the FCAT and end-of-course assessments as  
 392 described in s. 1008.22(3)(c)2.a., unless these students are



393 exhibiting satisfactory performance. For schools comprised of  
 394 high school grades 9, 10, 11, and 12, or grades 10, 11, and 12,  
 395 the criteria for school grades must also give added weight to  
 396 the graduation rate of all eligible at-risk students. In order  
 397 for a high school to earn a grade of "A," the school must  
 398 demonstrate that its at-risk students, as defined in this  
 399 paragraph, are making adequate progress.

400 Section 7. Subsections (2), (3), and (5) of section  
 401 1008.341, Florida Statutes, are amended to read:

402 1008.341 School improvement rating for alternative  
 403 schools.—

404 (2) SCHOOL IMPROVEMENT RATING.—An alternative school is a  
 405 school that provides dropout prevention and academic  
 406 intervention services pursuant to s. 1003.53. An alternative  
 407 school shall receive a school improvement rating pursuant to  
 408 this section unless the school earns a school grade pursuant to  
 409 s. 1008.34. For accountability purposes, an exceptional student  
 410 education center, as defined in State Board of Education rule to  
 411 provide instruction in accordance with the requirements in s.  
 412 1003.57(1)(d), is an alternative school that has its own unique  
 413 master school identification number and serves students with  
 414 disabilities for whom the individual education plan team  
 415 determines that the school is the least restrictive environment  
 416 based upon the student's need for specialized instruction and  
 417 related services. The department shall monitor each district  
 418 school board's placement of students with disabilities.  
 419 Beginning with the 2013-2014 school year, each ~~However,~~ an  
 420 alternative school that chooses to receive a school improvement

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421 rating shall ~~not~~ receive a school improvement rating if the  
 422 number of its students for whom student performance data on  
 423 statewide, standardized assessments pursuant to s. 1008.22 is  
 424 available for the current year and previous year meets or  
 425 exceeds ~~is less than~~ the minimum sample size of 10. An  
 426 alternative school that tests at least 80 percent of its  
 427 students may receive a school improvement rating. If an  
 428 alternative school tests less than 90 percent of its students,  
 429 the school may not earn a rating higher than "maintaining."  
 430 ~~necessary, based on accepted professional practice, for~~  
 431 ~~statistical reliability and prevention of the unlawful release~~  
 432 ~~of personally identifiable student data under s. 1002.22 or 20~~  
 433 ~~U.S.C. s. 1232g.~~ The school improvement rating shall identify an  
 434 alternative school as having one of the following ratings  
 435 defined according to rules of the State Board of Education:  
 436 (a) "Improving" means the students attending the school  
 437 are making more academic progress than when the students were  
 438 served in their home schools.  
 439 (b) "Maintaining" means the students attending the school  
 440 are making progress equivalent to the progress made when the  
 441 students were served in their home schools.  
 442 (c) "Declining" means the students attending the school  
 443 are making less academic progress than when the students were  
 444 served in their home schools.  
 445  
 446 The school improvement rating shall be based on a comparison of  
 447 student performance data for the current year and previous year.  
 448 Schools that improve at least one level or maintain an

449 "improving" rating pursuant to this section are eligible for  
 450 school recognition awards pursuant to s. 1008.36.

451 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student data  
 452 used in determining an alternative school's school improvement  
 453 rating shall include:

454 (a) The achievement ~~aggregate~~ scores on statewide,  
 455 standardized assessments, including retakes, administered under  
 456 s. 1008.22 for all eligible students who were assigned to and  
 457 enrolled in the school during the October or February FTE count  
 458 and who have assessment scores ~~FCAT~~ or comparable scores for the  
 459 preceding school year.

460 (b) The achievement ~~aggregate~~ scores on statewide,  
 461 standardized assessments, including retakes, administered under  
 462 s. 1008.22 for all eligible students who were assigned to and  
 463 enrolled in the school during the October or February FTE count  
 464 and who have scored in the lowest 25th percentile of students in  
 465 the state on FCAT Reading.

466  
 467 The achievement ~~assessment~~ scores of students who are subject to  
 468 district school board policies for expulsion for repeated or  
 469 serious offenses, who are in dropout retrieval programs serving  
 470 students who have officially been designated as dropouts, or who  
 471 are in programs operated or contracted by the Department of  
 472 Juvenile Justice may not be included in an alternative school's  
 473 school improvement rating.

474 (5) SCHOOL AND STUDENT REPORT CARDS ~~CARD~~.—The Department  
 475 of Education shall annually develop, in collaboration with the  
 476 school districts, a school report card for alternative schools

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477 to be delivered to parents throughout each school district. The  
 478 report card shall include the school improvement rating,  
 479 identification of student learning gains, student attendance  
 480 data, information regarding school improvement, ~~an explanation~~  
 481 ~~of school performance as evaluated by the federal No Child Left~~  
 482 ~~Behind Act of 2001,~~ and indicators of return on investment. An  
 483 alternative school that serves at least 10 students who are  
 484 tested on the statewide, standardized assessments pursuant to s.  
 485 1008.22 in the current year and previous year shall distribute  
 486 an individual student report card to parents that includes the  
 487 student's learning gains and progress toward meeting high school  
 488 graduation requirements. The report card shall also include the  
 489 school's industry certification rate, college readiness rate,  
 490 dropout rate, and graduation rate. This subsection does not  
 491 abrogate the provisions of s. 1002.22 relating to student  
 492 records or the requirements of 20 U.S.C. s. 1232g, the Family  
 493 Educational Rights and Privacy Act.

494 Section 8. Paragraph (a) of subsection (2) of section  
 495 1008.385, Florida Statutes, is amended to read:

496 1008.385 Educational planning and information systems.—

497 (2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.—The  
 498 Commissioner of Education shall develop and implement an  
 499 integrated information system for educational management. The  
 500 system must be designed to collect, via electronic transfer, all  
 501 student and school performance data required to ascertain the  
 502 degree to which schools and school districts are meeting state  
 503 performance standards, and must be capable of producing data for  
 504 a comprehensive annual report on school and district

505 performance. In addition, the system shall support, as feasible,  
 506 the management decisions to be made in each division of the  
 507 department and at the individual school and district levels.  
 508 Similar data elements among divisions and levels shall be  
 509 compatible. The system shall be based on an overall conceptual  
 510 design; the information needed for such decisions, including  
 511 fiscal, student, program, personnel, facility, community,  
 512 evaluation, and other relevant data; and the relationship  
 513 between cost and effectiveness. The system shall be managed and  
 514 administered by the commissioner and shall include a district  
 515 subsystem component to be administered at the district level,  
 516 with input from the reports-and-forms control management  
 517 committees. Each district school system with a unique management  
 518 information system shall assure that compatibility exists  
 519 between its unique system and the district component of the  
 520 state system so that all data required as input to the state  
 521 system is made available via electronic transfer and in the  
 522 appropriate input format.

523 (a) The specific responsibilities of the commissioner  
 524 shall include:

525 1. Consulting with school district representatives in the  
 526 development of the system design model and implementation plans  
 527 for the management information system for public school  
 528 education management;

529 2. Providing operational definitions for the proposed  
 530 system, including criteria for issuing and revoking master  
 531 school identification numbers to support the maintenance of  
 532 education records, to enforce and support education

533 accountability, to support the distribution of funds to school  
 534 districts, to support the preparation and analysis of school  
 535 district financial reports, and to assist the commissioner in  
 536 carrying out the duties set forth in ss. 1001.10 and 1001.11;

537         3. Determining the information and specific data elements  
 538 required for the management decisions made at each educational  
 539 level, recognizing that the primary unit for information input  
 540 is the individual school and recognizing that time and effort of  
 541 instructional personnel expended in collection and compilation  
 542 of data should be minimized;

543         4. Developing standardized terminology and procedures to  
 544 be followed at all levels of the system;

545         5. Developing a standard transmittal format to be used for  
 546 collection of data from the various levels of the system;

547         6. Developing appropriate computer programs to assure  
 548 integration of the various information components dealing with  
 549 students, personnel, facilities, fiscal, program, community, and  
 550 evaluation data;

551         7. Developing the necessary programs to provide  
 552 statistical analysis of the integrated data provided in  
 553 subparagraph 6. in such a way that required reports may be  
 554 disseminated, comparisons may be made, and relationships may be  
 555 determined in order to provide the necessary information for  
 556 making management decisions at all levels;

557         8. Developing output report formats which will provide  
 558 district school systems with information for making management  
 559 decisions at the various educational levels;

560         9. Developing a phased plan for distributing computer

561 services equitably among all public schools and school districts  
 562 in the state as rapidly as possible. The plan shall describe  
 563 alternatives available to the state in providing such computing  
 564 services and shall contain estimates of the cost of each  
 565 alternative, together with a recommendation for action. In  
 566 developing the plan, the feasibility of shared use of computing  
 567 hardware and software by school districts, Florida College  
 568 System institutions, and universities shall be examined. Laws or  
 569 administrative rules regulating procurement of data processing  
 570 equipment, communication services, or data processing services  
 571 by state agencies shall not be construed to apply to local  
 572 agencies which share computing facilities with state agencies;

573 10. Assisting the district school systems in establishing  
 574 their subsystem components and assuring compatibility with  
 575 current district systems;

576 11. Establishing procedures for continuous evaluation of  
 577 system efficiency and effectiveness;

578 12. Initiating a reports-management and forms-management  
 579 system to ascertain that duplication in collection of data does  
 580 not exist and that forms and reports for reporting under state  
 581 and federal requirements and other forms and reports are  
 582 prepared in a logical and uncomplicated format, resulting in a  
 583 reduction in the number and complexity of required reports,  
 584 particularly at the school level; and

585 13. Initiating such other actions as are necessary to  
 586 carry out the intent of the Legislature that a management  
 587 information system for public school management needs be  
 588 implemented. Such other actions shall be based on criteria

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589 including, but not limited to:

590       a. The purpose of the reporting requirement;

591       b. The origination of the reporting requirement;

592       c. The date of origin of the reporting requirement; and

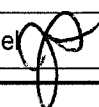

593       d. The date of repeal of the reporting requirement.

594 Section 9. This act shall take effect July 1, 2013.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 7027    PCB CIS 13-02    Education Accountability  
**SPONSOR(S):** Education Appropriations Subcommittee, Choice & Innovation Subcommittee, Passidomo  
**TIED BILLS:**                    **IDEN./SIM. BILLS:** SB 878

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Choice & Innovation Subcommittee	10 Y, 3 N	Fudge	Fudge
1) Education Appropriations Subcommittee	12 Y, 0 N, As CS	Seifert	Heflin
2) Education Committee		Amme 	Mizereck 

### SUMMARY ANALYSIS

The bill increases school accountability by:

- Defining a colocated school as one that: has its own Master School Identification (MSID) number; provides the education for each of its enrolled students; and operates at the same facility as another school with its own MSID number and providing education for its enrolled students.
- Clarifying that if one school operating in a facility of colocated schools does not receive a school grade or school improvement rating, the student performance data of all schools will be aggregated and assigned to all schools at the facility.
- Requiring that all traditional schools that meet or exceed the minimum sample size of 10 shall receive a school grade.
- Requiring the DOE to include retakes when calculating the school improvement rating and to issue a school improvement rating when the school tests over 80% of its students, rather than 90%.
- Designating Exceptional Student Education Centers as alternative schools for accountability purposes.
- Requiring the DOE to define, in rule, ESE Center Schools that provide instruction in accordance with requirements in s. 1003.57(1)(d), F.S.
- Clarifying that achievement scores and learning gains of students attending ESE Centers will not be included in the students' home school, if the student had not been enrolled in or attended a public school in the district within the last three years, other than the ESE Center School.
- Clarifying that achievement scores and learning gains for hospital- or homebound students will only be assigned to their home school if the student was enrolled in the home school during the October and February FTE counts.
- Specifies duties of the Articulation Coordinating Committee (ACC), the Higher Education Coordinating Council (HECC), public and private postsecondary institutions, and the Commissioner of Education, in an effort to streamline the data reporting process and data accessibility.

The bill has a fiscal impact on state government. See FISCAL ANALYSIS.

The effective date of the bill is July 1, 2013.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### School Grades

###### Current Situation

All public schools, including charter schools, which have at least 30 full-year-enrolled students with valid Florida Comprehensive Assessment Test (FCAT) scores in reading for the current and prior years and at least 30 full-year-enrolled students with valid FCAT scores in mathematics for the current and prior years are assigned a school grade.<sup>1</sup> For the mathematics portion of the school grade, high schools must have at least 10 students with valid Algebra 1 EOC assessment scores in 2011-12 and, beginning in 2012-13, at least 10 students with valid Geometry EOC assessment scores or FAA scores in the current and previous years in order to receive a school grade.<sup>2</sup> Because learning gains for high school students may be measured using FCAT 2.0 Mathematics scores for the prior-year scores, these scores are also counted toward the minimum cell-size requirements. Department of Juvenile Justice schools are not graded, and alternative schools that provide dropout prevention and academic intervention services have the option of earning a school grade or a school improvement rating.<sup>3</sup> If an alternative school chooses to receive a school improvement rating instead of a school grade, student performance is also included in the school grade of the students' home school.<sup>4</sup>

To earn an "A," a school must test at least 95 percent of eligible students. To earn a "B," "C," or "D," a school must test at least 90 percent of the eligible students.<sup>5</sup> If less than 90 percent of the eligible students are assessed, an "I" (Incomplete) is assigned.<sup>6</sup>

###### Effect of Proposed Changes

The bill defines a colocated school as a school with its own unique master school identification number which provides for the education of each of its enrolled students and operates at the same facility as another school that has its own unique master school identification number that provides for the education of each of its enrolled students. If more than one school operates at the same facility and one of the schools does not earn a school grade or school improvement rating, then the student performance data of all schools must be aggregated to develop a school grade that will be assigned to all schools at the facility.

To increase the number of schools receiving a school grade, the bill requires all schools that meet or exceed the minimum sample size of 10 to receive a school grade. Currently, a school may not receive a school grade if it has less than the minimum sample size of 30.

<sup>1</sup> Rule 6A-1.09981(3)(a), F.A.C.; s. 1008.34(3)(a)1., F.S.

<sup>2</sup> Rule 6A-1.09981(3)(a), F.A.C.; *see also* s. 1008.34(3)(a)1., F.S.

<sup>3</sup> Beginning in 2011-12, ESE Center Schools, as a subset of alternative schools, are also eligible to choose between receiving a regular school grade or a school improvement rating. Florida Department of Education, *Notice of Intent* (February 28, 2012), *available at* <http://www.fldoe.org/esea/pdf/NoticeofIntent.pdf>.

<sup>4</sup> Section 1008.34(3)(c)3., F.S.; *see also* s. 1008.341, F.S. "Home school" means the school to which the student would be assigned if the student were not assigned to an alternative school. Section 1008.34(3)(c)3., F.S.

<sup>5</sup> Rule 6A-1.09981(1)(a)4., F.A.C.

<sup>6</sup> Rule 6A-1.09981(8)(b)1., F.A.C.

## Alternative Schools

### Current Situation

An alternative school is any school that provides dropout prevention and academic intervention services. Alternative schools may serve students in grades 1-12 who:

- Are academically unsuccessful as evidenced by low test scores, retention, failing grades, low grade point average, falling behind in earning credits, or not meeting the state or district proficiency levels in reading, mathematics, or writing;
- Have a pattern of excessive absenteeism or are habitual truants; or
- Have a history of disruptive behavior<sup>7</sup> in school or has committed an offense that warrants out-of-school suspension or expulsion from school.<sup>8</sup>

However, for accountability purposes, the definition of an alternative school excludes "second chance schools",<sup>9</sup> educational programs operated or contracted by Department of Juvenile Justice facilities, and district school board programs that serve students officially enrolled in dropout retrieval programs.<sup>10</sup> There are 266 alternative schools subject to accountability.

Beginning July 1, 2012, the department classified schools serving students with disabilities exclusively as Alternative Centers for reporting purposes.<sup>11</sup>

### *School Improvement Ratings*

Alternative schools must receive a school improvement rating.<sup>12</sup> School improvement ratings are indicators of whether an alternative school's performance has improved, remained the same, or declined compared to the prior year based on student statewide, standardized assessment scores.<sup>13</sup> However, in lieu of a school improvement rating, an alternative school may choose to receive a school grade. For charter schools that meet the definition of an alternative school, i.e., charter alternative schools, the decision to receive a school grade is the decision of the charter school governing board.<sup>14</sup> The school improvement rating must include:

- The aggregate scores on statewide assessments for all eligible students who were assigned to and enrolled in the school during the October or February FTE count and who have FCAT or comparable scores for the preceding school year;<sup>15</sup> and

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<sup>7</sup> For the purposes of this program, "disruptive behavior" is behavior that interferes with the student's own learning or that of others and requires a degree of individual attention that is not practicable in a traditional program or results in frequent conflicts of a disruptive nature or that severely threatens the general welfare of students or others. Section 1003.53(1)(c)3.a.-b., F.S.

<sup>8</sup> Section 1003.53, F.S.

<sup>9</sup> A "second chance school" means district school board programs provided through cooperative agreements between the Department of Juvenile Justice, private providers, state or local law enforcement agencies, or other state agencies for students who have been disruptive or violent or who have committed serious offenses. Section 1003.53(1)(d)1., F.S.

<sup>10</sup> Section 1008.341(2), F.S.; Rule 6A-1.099822(2)(a), F.A.C.; *cf.* s. 1008.341(3), F.S. (stating that the assessment scores of students who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice may not be included in an alternative school's school improvement rating.)

<sup>11</sup> Notice of Intent from Commissioner of Education Gerard Robinson, Feb. 28, 2012, *available at* <http://www.fldoe.org/esea/pdf/NoticeofIntent.pdf>.

<sup>12</sup> Section 1008.341(2), F.S.

<sup>13</sup> Section 1008.341(2), F.S.; *see also* Rule 6A-1.099822, F.A.C.

<sup>14</sup> Section 1008.34(3)(a)2., F.S.

<sup>15</sup> Section 1008.341(3)(a), F.S.

- The aggregate scores on statewide assessments for all eligible students who were assigned to and enrolled in the school during the October or February FTE count and who have scored in the lowest 25<sup>th</sup> percentile of students in the state on FCAT Reading.<sup>16</sup>

The achievement scores and learning gains of eligible students attending alternative schools that provide dropout prevention and academic intervention services are credited back to the home school for inclusion the home school's grade calculation. "Home school" means the school to which the student would be assigned if the student were not assigned to an alternative school.<sup>17</sup> Alternative schools include ESE Centers for the purposes of school accountability. An alternative school that earns a school improvement rating receives one of the following:

- "Improving" – students are making more academic progress at the alternative school than when the students were served in their home schools;
- "Maintaining" – students are making progress at the alternative school equivalent to academic progress made when the students were served in their home schools; or
- "Declining" – students are making less academic progress at the alternative school than when the students were served in their home schools.<sup>18</sup>

In order to receive a school improvement rating, an alternative school must have a minimum of 10 students with valid FCAT or FAA scores in reading for the current and previous two years and a minimum of 10 students with valid FCAT, FAA, and/or EOC assessment scores in mathematics for the current and previous two years.<sup>19</sup>

### Effect of Proposed Changes

The bill provides that if the alternative school serves at least 10 students who are tested on statewide assessments in the current and prior year, the alternative school must report to the parents of each enrolled student: learning gains, industry certification rate, college readiness rate, dropout rate, graduation rate, and the student's progress toward meeting high school graduation requirements. This additional information will enable parents to make informed decisions regarding the education of their students, especially for those students attending schools that do not receive a school grade or school improvement rating.

To increase the number of alternative schools receiving a school improvement rating, the bill requires the department to include retakes when calculating the school improvement rating and to issue a school improvement rating when a school tests over 80% of its students. However, an alternative school may not earn a rating higher than "Maintaining" if the school tests less than 90% of its students. In addition, if an alternative school chooses not to receive a school grade but has student performance data for 10 or more students in the current and prior year, the alternative school must receive a school improvement rating.

### **ESE Center Schools**

#### Current Situation

As part of Florida's Elementary and Secondary Education Act Flexibility Waiver the department was required to include in Florida's school accountability system, schools that provide specialized services to students with disabilities who cannot be served in the general school setting. The department

<sup>16</sup> Section 1008.341(3)(b), F.S.

<sup>17</sup> Section 1008.34(3)(c)3., F.S.; *cf.* rule 6A-1.099822(6), F.A.C. (stating that the student performance of eligible students shall be included in the students' home school's grade as well as the school's school improvement rating, if the school is not a charter alternative school). This presumes that students are not assigned to charter alternative schools.

<sup>18</sup> *Id.*

<sup>19</sup> Rule 6A-1.099822(5)(a), F.A.C.

identified these schools as Exceptional Student Education Center Schools. On February 28, 2012, the department issued a Notice of Intent to classify schools serving students with disabilities exclusively as alternative centers.<sup>20</sup> This action by the department would allow ESE Center Schools to either receive a school grade or school improvement rating. However, by choosing a school improvement rating the learning gains of the students at the ESE Center are reported to the homeschool and included in that school's grade.

### Effect of Proposed Changes

The bill designates, for accountability purposes, ESE Center Schools as alternative schools and requires the department to define, in rule, ESE Center Schools that provide instruction in accordance with the requirements of s. 1003.57(1)(d).<sup>21</sup> The department must monitor districts regarding the placement of students with disabilities.

The achievement scores and learning gains of students attending ESE Center Schools who were not enrolled in or in attendance at a public school within the school district during the previous three years, other than an exceptional student education center are not included in the grade of the students' home school.

The bill also provides that student assessment data for students designated as hospital- or homebound are assigned to their home school for purposes of school grades only if the student was enrolled in the home school during the October and February FTE count.

### **Florida's K-20 education performance accountability system**

#### Current Situation

In 2001, the Legislature created the K-20 education performance accountability system which is intended "to assess the effectiveness of Florida's seamless K-20 education delivery system."<sup>22</sup> The K-20 education performance accountability system was established as a "single, unified accountability system" consisting of state and sector-specific performance measures and standards to assess student outcomes.<sup>23</sup>

Data from Florida's public educational institutions and not-for-profit independent colleges and universities which are eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant (FRAG) Program, are integrated into the K-20 data warehouse which is maintained by the Florida Department of Education (DOE or department). FRAG-eligible not-for-profit independent colleges and universities must report student-level data annually in a format prescribed by the department. At a minimum, the data must include retention rates, transfer rates, completion rates, graduation rates, employment and placement rates, and earnings of graduates. The Commissioner of Education determines the standards for the data that are collected, monitors data quality, and measures improvements.<sup>24</sup>

The K-20 data warehouse is designed to serve the education information interests of the state and the general public by providing data that follows student cohorts over time to determine trends in education

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<sup>20</sup> Notice of Intent – Classification of ESE Centers as Alternative Schools, *available at* <http://www.fldoe.org/esea/pdf/NoticeofIntent.pdf>.

<sup>21</sup> Section 1003.57(1)(d), F.S., states that "[i]n providing for the education of exceptional students, the district school superintendent, principals, and teachers shall utilize the regular school facilities and adapt them to the needs of exceptional students to the maximum extent appropriate. Segregation of exceptional students shall occur only if the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."

<sup>22</sup> Section 1008.31(1)(a), F.S. Section 9, ch. 2001-170, L.O.F., was initially codified at s. 229.007, F.S., and was redesignated in 2002 as s. 1008.31, F.S.

<sup>23</sup> Section 1008.31(1)-(2), F.S.

<sup>24</sup> Section 1008.31(3)(a)-(c), F.S.

research. Effective July 1, 2011, the department established a Research Agenda to encourage research in areas of specific interest to the department and amended the process for providing researchers access to data maintained by the K-20 data warehouse.<sup>25</sup>

### **Articulation Coordinating Committee**

The Articulation Coordinating Committee (ACC) serves as an advisory board to the SBE and the BOG on postsecondary transition issues. The committee provides a unique K-20 forum for cross-sector collaboration that informs the policy decisions of the SBE and the BOG regarding the implementation of the statewide articulation agreement. The ACC reports to the Commissioner of Education and is comprised of the following members: two members each representing the State University System (SUS), the Florida College System (FCS), public career and technical education, public K-12 education, and non-public education, and one member representing students.<sup>26</sup>

The ACC must:<sup>27</sup>

- Monitor the alignment between the exit and admission requirements of education systems and make recommendations for improving transfer of students from one education system to another education system.
- Propose guidelines for interinstitutional articulation agreements between and among public schools, career and technical education centers, FCS institutions, state universities, and nonpublic postsecondary institutions.
- Annually recommend dual enrollment course and high school subject area equivalencies for approval by the SBE and the BOG.
- Annually review the statewide articulation agreement<sup>28</sup> and make recommendations for revision.
- Annually review the statewide course numbering system (SCNS), the levels of courses, and the application of transfer credit requirements among public and non-public institutions participating in the SCNS and identify instances of student transfer and admissions difficulties.
- Annually publish a list of courses that meet common general education and common degree program prerequisite requirements at public postsecondary institutions.<sup>29</sup>
- Examine statewide data regarding articulation to identify issues and make recommendations to improve articulation throughout the K-20 education system.
- Recommend roles and responsibilities of public education entities in interfacing with the statewide computer-assisted student advising component of the Florida Virtual Campus.<sup>30</sup>

### **Higher Education Coordinating Council**

The Legislature created the Higher Education Coordinating Council (HECC) in 2010 to identify unmet needs and facilitate solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers.<sup>31</sup> The council is comprised of the following members: the Commissioner of Education; the Chancellor of the SUS; the Chancellor of the FCS; the Executive Director of the Commission for Independent Education (CIE); the President of the Independent Colleges and Universities of Florida (ICUF); and two members of the business community, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives.<sup>32</sup>

<sup>25</sup> Florida Department of Education, *Research*, <http://www.fldoehub.org/Research/Pages/default.aspx> (last visited Jan. 28, 2013).

<sup>26</sup> Section 1007.01(2)-(3), F.S. The ACC was initially codified at 229.551, F.S., but was repealed January 7, 2003, by s. 3(7), ch. 2000-321. In 2011, the ACC was again codified in law by amending s. 1007.01, F.S. Section 7, ch. 2011-177, L.O.F.

<sup>27</sup> Section 1007.01(3), F.S.

<sup>28</sup> Statewide articulation agreement is established pursuant to s. 1007.23, F.S.

<sup>29</sup> See s. 1007.25, F.S.

<sup>30</sup> The Legislature established the Florida Virtual Campus in 2012. Section 14, ch. 2012-134, L.O.F.

<sup>31</sup> Section 1004.015(1), F.S.; see s. 13, ch. 2010-78, L.O.F.

<sup>32</sup> Section 1004.015(2), F.S.

The HECC serves as an advisory board to the Legislature, the State Board of Education, and the Board of Governors of the State University System of Florida (BOG). Recommendations of the council must be consistent with the following guiding principles:<sup>33</sup>

- To achieve within existing resources a seamless academic educational system that fosters an integrated continuum of kindergarten through graduate school education for Florida's students.
- To promote consistent education policy across all educational delivery systems, focusing on students.
- To promote substantially improved articulation across all educational delivery systems.
- To promote a system that maximizes educational access and allows the opportunity for a high-quality education for all Floridians.
- To promote a system of coordinated and consistent transfer of credit and data collection for improved accountability purposes between the educational delivery systems.

By December 31 of each year, the HECC must submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the BOG, and the SBE outlining recommendations relating to:<sup>34</sup>

- The primary core mission of public and nonpublic postsecondary education institutions within the context of state access demands and economic development.
- Performance outputs and outcomes designed to meet annual and long-term state goals. Performance measures must be consistent across sectors and allow for a comparison of Florida's performance to that of other states.
- Florida's articulation policies and practices.
- The alignment of workforce education data collected and reported by FCS institutions and school districts including the establishment of common data elements and definitions for data that are used for state and federal funding and program accountability.

### **The Commission for Independent Education**

The Commission for Independent Education (CIE) regulates independent postsecondary educational institutions which operate in Florida or make application to operate in Florida and that are not provided, operated, and supported by the State of Florida, its political subdivisions, or the Federal Government. The CIE is responsible for matters concerning consumer protection, program improvement, and licensure for institutions under the purview of the commission.<sup>35</sup> The granting of diplomas and degrees by independent postsecondary educational institutions under CIE's jurisdiction must be authorized by the CIE.<sup>36</sup>

The CIE serves as a central agency for collecting and distributing current information regarding the independent postsecondary educational institutions licensed by the commission. The CIE must collect, and all the institutions licensed by the commission must report, student-level data for each student who receives state funds. The data must be reported annually and at a minimum, must include retention rates, transfer rates, completion rates, graduation rates, employment and placement rates, and earnings of graduates.<sup>37</sup>

### Effect of Proposed Changes

The bill requires the Articulating Coordinating Committee to make recommendations regarding access, quality, and reporting of data maintained by the K-20 data warehouse and facilitate timely reporting of data by all educational delivery systems. The ACC must also facilitate the timely reporting of data by

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<sup>33</sup> Section 1004.015(3), F.S.

<sup>34</sup> Section 1004.015(4), F.S.

<sup>35</sup> Sections 1005.21(2) and 1005.02(11), F.S.

<sup>36</sup> Section 1005.21(1), F.S.

<sup>37</sup> Section 1005.22(1)(i), F.S.

the K-20 data warehouse to organizations and authorized representatives. The Higher Education Coordinating Council shall facilitate solutions to data issues identified by the Articulating Coordinating Committee and promote the adoption of a common set of data elements by the members of the council.

The commissioner must collaborate with the executive director of the Department of Economic Opportunity to develop procedures for the ability to tie student-level data to student and workforce outcome data.

The bill also requires the department to develop criteria for issuing and revoking master school identification numbers to support the maintenance of education records, to enforce and support education accountability, to support the distribution of funds to school districts, to support the preparation and analysis of school districts financial reports, and to assist the Commissioner of Education in carrying out the duties set forth in ss. 1001.10 and 1001.11, F.S.

**B. SECTION DIRECTORY:**

Section 1: Amends s. 1002.22 to require the State Board of Education to notify the Legislature of any major changes in federal law which may affect the state's K-20 education performance accountability system.

Section 2: Amends s. 1004.015, providing a purpose and guiding principle of the Higher Education Coordinating Council to improve the K-20 education performance accountability system and to support data exchange

Section 3: Amends s. 1005.22, to revise the duties of the Commission for Independent Education regarding the collection and distribution of current data on institutions licensed by the commission.

Section 4: Amends s. 1007.01, F.S., to require the Articulating Coordinating Committee to make recommendations related to statewide policies and issues regarding access, quality, and reporting of data maintained by the K-20 data warehouse.

Section 5: Amends s. 1008.31, F.S., to require the Board of Governors to make data available to the Department of Education to be integrated into the K-20 data warehouse; require certain educational institutions to annually provide data from the prior year to the K-20 data warehouse or to the department; require the commissioner to collaborate with the Department of Economic Opportunity to develop procedures to tie student-level data to student and workforce outcome data;

Section 6: Amends s. 1008.34, F.S., to revise the criteria for issuing school grades to certain schools, to identify the circumstances when student performance is reflected in a school's grade, and to require the issuance of a school grade if a school meets or exceeds the minimum sample size.

Section 7: Amends s. 1008.341, F.S., revise provisions relating to alternative schools that are assigned a school improvement rating, including an exceptional student education center; revise the student data used in determining an alternative school's school improvement rating; provide requirements for the content and distribution of student report cards for alternative schools

Section 8: Amends s. 1008.385, F.S., to require the department to develop criteria for the issuance and revocation of master school identification numbers.

Section 9: Providing an effective date of July 1, 2013.

**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:

The bill may increase the cost organizations may pay for data requests submitted to the department. In addition, the Articulation Coordination Committee may need to hold two additional meetings, which may cost up to \$1,000 in travel per the 11 committee members, which amounts to \$22,000. These costs will be incurred by the participating members' institution.

D. FISCAL COMMENTS:

The bill requires student level collection by the Commission for Independent Education (CIE). Costs estimated for one additional staff and expenses are \$113,210. The additional staff is necessary due to the reporting of the data collection process.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the department to adopt rules regarding the written agreement between the department and organizations and authorized representatives, and the service charges associated with such agreements.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

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

On February 20, 2013, the Choice & Innovation Subcommittee reported the proposed committee bill (PCB) 13-02 favorably. There were no amendments to the bill.

On March 19, 2013, the Education Appropriations Subcommittee reported the bill favorably with one amendment which removed the fiscal impact associated with requirements for the department to create a web-interface and Research Engine for the Education Data Warehouse.



1 A bill to be entitled  
 2 An act relating to public records; providing an  
 3 exemption from public records requirements for student  
 4 learning growth data that is educator-specific and  
 5 personally identifies an educator which is held by the  
 6 Department of Education or a school district for use  
 7 in an evaluation of an educator; providing for limited  
 8 duration of the exemption; defining the term  
 9 "educator"; providing for retroactive effect of the  
 10 exemption; authorizing disclosure of such student  
 11 learning growth data under specified conditions;  
 12 providing for future review and repeal of the  
 13 exemption; providing a statement of public necessity;  
 14 providing an effective date.

15  
 16 Be It Enacted by the Legislature of the State of Florida:

17  
 18 Section 1. Paragraph (a) of subsection (3) of section  
 19 1012.31, Florida Statutes, is amended to read:

20 1012.31 Personnel files.—Public school system employee  
 21 personnel files shall be maintained according to the following  
 22 provisions:

23 (3)(a) Public school system employee personnel files are  
 24 subject to the provisions of s. 119.07(1), except as follows:

25 1. Any complaint and any material relating to the  
 26 investigation of a complaint against an employee shall be  
 27 confidential and exempt from the provisions of s. 119.07(1)  
 28 until the conclusion of the preliminary investigation or until

29 such time as the preliminary investigation ceases to be active.  
 30 If the preliminary investigation is concluded with the finding  
 31 that there is no probable cause to proceed further and with no  
 32 disciplinary action taken or charges filed, a statement to that  
 33 effect signed by the responsible investigating official shall be  
 34 attached to the complaint, and the complaint and all such  
 35 materials shall be open thereafter to inspection pursuant to s.  
 36 119.07(1). If the preliminary investigation is concluded with  
 37 the finding that there is probable cause to proceed further or  
 38 with disciplinary action taken or charges filed, the complaint  
 39 and all such materials shall be open thereafter to inspection  
 40 pursuant to s. 119.07(1). If the preliminary investigation  
 41 ceases to be active, the complaint and all such materials shall  
 42 be open thereafter to inspection pursuant to s. 119.07(1). For  
 43 the purpose of this subsection, a preliminary investigation  
 44 shall be considered active as long as it is continuing with a  
 45 reasonable, good faith anticipation that an administrative  
 46 finding will be made in the foreseeable future. An investigation  
 47 shall be presumed to be inactive if no finding relating to  
 48 probable cause is made within 60 days after the complaint is  
 49 made.

50 2. An employee evaluation prepared pursuant to s. 1012.33,  
 51 s. 1012.34, or s. 1012.56 or rules adopted by the State Board of  
 52 Education or district school board under the authority of those  
 53 sections shall be confidential and exempt from the provisions of  
 54 s. 119.07(1) until the end of the school year immediately  
 55 following the school year in which the evaluation was made. No  
 56 evaluation prepared before July 1, 1983, shall be made public

57 pursuant to this section.

58 3.a.(I) Student learning growth data held by the  
 59 department or a school district for use in an evaluation of an  
 60 educator pursuant to s. 1012.34, that is educator-specific and  
 61 personally identifies an educator, is confidential and exempt  
 62 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
 63 until the completion of the third school year following the  
 64 school year during which the evaluation was completed.

65 (II) For purposes of this paragraph, the term "educator"  
 66 means instructional personnel and school administrators.

67 (III) This exemption applies to student learning growth  
 68 data made confidential and exempt under sub-sub-subparagraph (I)  
 69 held by the department or a school district before, on, or after  
 70 the effective date of this exemption.

71 b. Notwithstanding the exemption in sub-sub-subparagraph  
 72 a.(I), the department or a school district may disclose student  
 73 learning growth data made confidential and exempt under sub-sub-  
 74 subparagraph a.(I) under any of the following circumstances:

75 I. The disclosure is expressly required by federal or  
 76 state law or a court order.

77 II. The disclosure is to another governmental entity and  
 78 the disclosure is necessary for the entity to perform its  
 79 required duties and responsibilities.

80 III. The educator consents in writing to the disclosure of  
 81 his or her student learning growth data and the release of the  
 82 data would not otherwise violate state or federal law or a court  
 83 order.

84 IV. The disclosure is to an organization conducting

85 research or other studies for, or on behalf of, the department  
 86 or school district.

87 c. This subparagraph is subject to the Open Government  
 88 Sunset Review Act in accordance with s. 119.15 and shall stand  
 89 repealed on October 2, 2018, unless reviewed and saved from  
 90 repeal through reenactment by the Legislature.

91 ~~4.3.~~ No material derogatory to an employee shall be open  
 92 to inspection until 10 days after the employee has been notified  
 93 pursuant to paragraph (2)(c).

94 ~~5.4.~~ The payroll deduction records of an employee shall be  
 95 confidential and exempt from the provisions of s. 119.07(1).

96 ~~6.5.~~ Employee medical records, including psychiatric and  
 97 psychological records, shall be confidential and exempt from the  
 98 provisions of s. 119.07(1); however, at any hearing relative to  
 99 the competency or performance of an employee, the administrative  
 100 law judge, hearing officer, or panel shall have access to such  
 101 records.

102 Section 2. The Legislature finds that it is a public  
 103 necessity that student learning growth data held by the  
 104 Department of Education or a school district for use in an  
 105 evaluation of an educator pursuant to s. 1012.34, Florida  
 106 Statutes, that is educator-specific and personally identifies an  
 107 educator, is confidential and exempt from s. 119.07(1), Florida  
 108 Statutes, and s. 24(a), Article I of the State Constitution  
 109 until the completion of the third school year following the  
 110 school year during which the evaluation was completed. The  
 111 duration of the exemption from public records requirements is  
 112 limited because learning growth data is compiled annually and,

PCB EDC 13-01

Original

2013

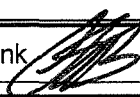

113 as available, aggregated annually over multiple years. This  
114 limited period of confidentiality is critical because it allows  
115 time for improved performance on the part of the affected  
116 educator before student performance data is released. In  
117 addition, this period of confidentiality allows school districts  
118 to more effectively and efficiently administer the required  
119 evaluation program and adjust interim training based on student  
120 data. Early release of growth data interferes with the ongoing  
121 process of improving instruction because it allows isolated  
122 information to unduly represent an educator's performance and  
123 could create unwarranted damage to the good name or reputation  
124 of such an educator if data were released prematurely. In  
125 addition, even though the data does not contain student names,  
126 early release of growth data can lead to identification of the  
127 class of students whose performance data is being utilized. This  
128 exemption is in conformance with and affirms the holding of the  
129 Second Judicial Circuit Court in *Morris Publishing Group, LLC*  
130 *d/b/a/ The Florida Times-Union v. Florida Department of*  
131 *Education and Florida Education Association, No. 2013-CA-357*  
132 *(Fla. 2d Cir. Ct. Mar. 11, 2013).* This exemption codifies the  
133 holding of the court, provides clarity regarding the timely  
134 release of confidential and exempt information, and establishes  
135 specific exceptions to the exemption.

136 Section 3. This act shall take effect October 1, 2013.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB EDC 13-01 Public Records/Student Learning Growth Data  
**SPONSOR(S):** Education Committee  
**TIED BILLS:** IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Education Committee		Brink 	Mizereck 

### SUMMARY ANALYSIS

Performance evaluations of instructional personnel and school administrators of Florida's public school system are confidential and exempt from public records requirements. This exemption expires at the end of the school year following the school year in which the evaluation was made. However, a recent lawsuit filed against the Florida Department of Education (DOE) challenged whether a certain component used in instructional personnel and school administrator evaluations, student learning growth data, is subject to the same public records exemption.

The bill creates a specific exemption from public records requirements for student learning growth data held by the DOE or a school district for use in the evaluation of an educator that personally identifies a specific educator. The bill also limits the duration of the exemption to the completion of the third school year following the school year during which the evaluation was completed. This codifies the court's ruling in the lawsuit that Value Added Model (VAM) reports containing student learning growth data constitute evaluations and are confidential and exempt from disclosure.

The bill provides for repeal of the exemption on October 2, 2018, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

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

The bill provides an effective date of October 1, 2013.

**Article I, s. 24(c) of the State Constitution, requires a two-thirds vote of the members present and voting for final passage of a newly created public record or public meeting exemption. The bill expands current public record exemptions; thus, it requires a two-thirds vote for final passage.**

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### Public Records Law

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

Public policy regarding access to government records is addressed further in the Florida Statutes,<sup>2</sup> which guarantees every person a right to inspect and copy any state, county, or municipal record. Furthermore, the Open Government Sunset Review Act<sup>3</sup> provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

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

##### Public School Personnel Evaluations

All instructional personnel and school administrators employed by Florida's public school districts must undergo an annual performance evaluation based on sound educational principles and contemporary research in effective educational practices.<sup>4</sup> The evaluation criteria for instructional personnel include student performance, instructional practice, and professional and job responsibilities.<sup>5</sup> Likewise, the evaluation criteria for school administrators includes student performance and professional and job responsibilities. In addition, instructional leadership practices are also included in school administrator evaluations.<sup>6</sup>

At least 50 percent of an instructional personnel or school administrator's evaluation must be based upon data and indicators of student learning growth as demonstrated by annual statewide or school district assessments.<sup>7</sup> Student learning growth is measured under a formula approved by the

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

<sup>2</sup> Section 119.07(1), F.S.

<sup>3</sup> Section 119.15, F.S.

<sup>4</sup> Section 1012.34(3)(a), F.S. Newly hired classroom teachers are evaluated twice in their first year of teaching in a school district.

<sup>5</sup> Section 1012.34(3)(a)1., 2., and 4., F.S. School administrator evaluation criteria includes instructional leadership. Section 1012.34(3)(a)3., F.S.

<sup>6</sup> Section 1012.34(3)(a)3., F.S.

<sup>7</sup> Section 1012.34(3)(a)1., F.S.

Commissioner of Education (commissioner) and as adopted in rule by the State Board of Education (SBE).<sup>8</sup> The formula is known as the “value added model” (VAM).<sup>9</sup>

The student learning growth data calculated under the VAM is used, in part, to designate instructional personnel and school administrators as “highly effective,” “effective,” “needs improvement” (for instructional personnel in the first three years of employment who need improvement, “developing”), or “unsatisfactory.” Instructional personnel and school administrators whose students’ learning growth data exceeds the predicted learning growth are eligible to be rated “highly effective” or “effective” in their summative evaluation rating. If the student learning growth data is sufficiently low, the instructional personnel or school administrator must be rated as “unsatisfactory.”<sup>10</sup> This student learning growth portion of the instructional personnel or school administrator evaluation must include learning growth data for students assigned to the teacher or school, respectively, over the course of at least three years.<sup>11</sup> If less than three years of data are available for the instructional personnel or school administrator, the years for which data are available must be used and the percentage of the evaluation based on student learning growth may be reduced to not less than 40 percent.<sup>12</sup>

Current law provides that instructional personnel and school administrator evaluations are confidential and exempt from public records requirements until the end of the school year immediately following the school year in which the evaluation was made.<sup>13</sup>

On March 11, 2013, the Second Judicial Circuit Court found that “VAM student data reports are themselves employee evaluations ‘prepared pursuant to . . . s. 1012.34’ and, therefore, are confidential and exempt from public disclosure until the end of the school year immediately following the school year in which the evaluation was made.”<sup>14</sup> Further, the court explained that, because the DOE uses an average of three years of VAM data when determining whether an instructional personnel or school administrator may be rated “highly effective” or “effective” or must be rated as “unsatisfactory,” the three-year aggregate VAM report likewise is an exempt evaluation and is confidential until the end of the school year after the school year in which the three-year aggregate report is used.<sup>15</sup> The court provided the following example:

Assuming the evaluation took place when the changes to section 1012.34, Florida Statutes, became effective, teachers should have been evaluated at the end of the 2011-2012 school year. The three-year aggregate report would have included the following years of data: 2009-2010, 2010-2011, 2011-2012. This three-year aggregate report will be exempt from disclosure until the end of the 2012-2013 school year. In addition, at the end of the 2012-2013 school year, the individual VAM report for the 2009-2010 school year also will no longer be exempt. However, the individual VAM reports for the 2010-2011 and 2011-2012 school years shall remain exempt because they will be part of the three-year aggregate VAM report used for the 2012-2013 school year evaluations.<sup>16</sup>

According to the court’s order, “the three-year aggregate report will be available for release at the end of the school year immediately following the school year in which the evaluation was made. At that

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<sup>8</sup> Section 1012.34(8), F.S.

<sup>9</sup> See Department of Education, Proposed Rule 6A-5.0411.

<sup>10</sup> Section 1012.34(8), F.S.

<sup>11</sup> Section 1012.34(3)(a)1.a., F.S.

<sup>12</sup> Section 1012.34(3)(a)1.a. and c., F.S.

<sup>13</sup> Section 1012.31(3)(a)2., F.S.

<sup>14</sup> Final Order in *Morris Publishing Group, LLC, d/b/a The Florida Times-Union v. Florida Dep’t of Ed.*, Case No.: 2013-CA-307 (quoting s. 1012.31(3)(a)2., F.S.).

<sup>15</sup> See *Id.*

<sup>16</sup> *Id.*

same time, the earliest year of the three years in the aggregate report will also be available for release.”<sup>17</sup>

### **Effect of Proposed Changes**

The bill codifies the court’s decision holding that VAM student data reports constitute confidential employee evaluations. Specifically, the bill provides that student learning growth data held by the DOE or a school district for use in an evaluation, that is educator-specific and personally identifies an educator,<sup>18</sup> is confidential and exempt from public records requirements. In conformity with the court’s decision, the bill limits the duration of the exemption to the completion of the third school year following the school year during which the evaluation was completed.

The bill specifies certain instances in which the public records exemption does not apply to the student learning growth data. The exemption does not apply when:

- The disclosure is expressly required by federal or state law or a court order;
- The disclosure is to another governmental entity and the disclosure is necessary for the entity to perform its required duties and responsibilities;
- The instructional personnel or school administrator consents in writing to the disclosure of his or her student learning growth data and the release of the data would not otherwise violate state or federal law or a court order; or
- The disclosure is to an organization conducting research or other studies for, or on behalf of, the DOE or school district.

The bill provides that the exemption is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature. The bill also provides a statement of public necessity, which in part finds that the confidentiality allows school districts to more effectively and efficiently administer the required evaluation program and adjust interim training based on student data. The statement also warns that early release of growth data interferes with the ongoing process of improving instruction because it allows isolated information to unduly represent an educator’s performance and could create unwarranted damage to the good name or reputation of such an educator if data were released prematurely.

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

Section 1. Amends s. 1012.31, F.S.; creating a public records exemption for personally identifying, educator-specific, student learning growth data held by the Department of Education or a school district.

Section 2. Provides a statement of public necessity.

Section 3. Provides an effective date of October 1, 2013.

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

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

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

None.

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<sup>17</sup> *Id.*

<sup>18</sup> The bill defines the term “educator” to include instructional personnel and school administrators.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

Vote Requirement

Article I, s. 24(c) of the State Constitution, requires a two-thirds vote of the members present and voting for final passage of a newly created public record or public meetings exemption. The bill creates a public meetings exemption; thus, it requires a two-thirds vote for final passage.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution, requires a public necessity statement for a newly created or expanded public record or public meetings exemption. The bill creates a public records exemption; thus, it includes a public necessity statement.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires a newly created public record or public meetings exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill provides that student growth data held by the DOE or a school district that personally identifies specific educators is exempt from public records requirements. Further, the bill provides several instances in which the data may be disclosed. It also limits the duration of the exemption to three years after the school year during which the data was compiled. Accordingly, there are no anticipated constitutional issues relating to the breadth of the exemption provided in the bill.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.



BILL

ORIGINAL

YEAR

1 A bill to be entitled  
 2 An act relating to early learning; creating s.  
 3 1001.213, F.S.; creating the Office of Early Learning  
 4 in the Department of Education and providing duties  
 5 thereof; amending s. 1002.51, F.S.; conforming a  
 6 cross-reference; amending s. 1002.53, F.S.; clarifying  
 7 Voluntary Prekindergarten Education Program student  
 8 enrollment provisions; amending s. 1002.55, F.S.;  
 9 revising requirements for private prekindergarten  
 10 providers and instructors; requiring State Board of  
 11 Education rules; providing duties of the Office of  
 12 Early Learning; amending s. 1002.57, F.S.; requiring  
 13 the office to adopt standards for a prekindergarten  
 14 director credential; amending s. 1002.59, F.S.;  
 15 requiring the office to adopt standards for training  
 16 courses on child performance standards; amending s.  
 17 1002.61, F.S.; providing a requirement for a public  
 18 school delivering a summer prekindergarten program;  
 19 amending s. 1002.63, F.S.; providing a requirement for  
 20 a public school delivering a school-year  
 21 prekindergarten program; requiring the state board to  
 22 adopt rules; amending s. 1002.66, F.S.; deleting  
 23 obsolete provisions; amending s. 1002.67, F.S.;  
 24 requiring the office to adopt performance standards  
 25 for students in the Voluntary Prekindergarten  
 26 Education Program and approve curricula; revising  
 27 provisions relating to removal of provider  
 28 eligibility, submission of an improvement plan, and



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29 required corrective actions; amending s. 1002.69,  
 30 F.S.; providing duties of the office relating to  
 31 statewide kindergarten screening, kindergarten  
 32 readiness rates, and good cause exemptions for  
 33 providers; amending s. 1002.71, F.S.; revising  
 34 provisions relating to payment of funds to providers;  
 35 amending s. 1002.72, F.S.; providing for the release  
 36 of Voluntary Prekindergarten Education Program student  
 37 records for the purpose of investigations; amending s.  
 38 1002.75, F.S.; revising duties of the office for  
 39 administering the Voluntary Prekindergarten Education  
 40 Program; amending s. 1002.77, F.S.; revising  
 41 provisions relating to the Florida Early Learning  
 42 Advisory Council; amending s. 1002.79, F.S.; deleting  
 43 certain state board rulemaking authority for the  
 44 Voluntary Prekindergarten Education Program; creating  
 45 part VI of ch. 1002, F.S., consisting of ss. 1002.81-  
 46 1002.98, relating to school readiness; providing  
 47 definitions; providing powers and duties of the Office  
 48 of Early Learning; providing for early learning  
 49 coalitions; providing early learning coalition powers  
 50 and duties for the school readiness program; providing  
 51 requirements for early learning coalition plans;  
 52 providing school readiness program requirements;  
 53 providing school readiness program student eligibility  
 54 and enrollment requirements; providing school  
 55 readiness provider standards and eligibility to  
 56 deliver the school readiness program; providing school

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57 | readiness program funding; providing for investigation  
 58 | of fraud or overpayment and penalties therefor;  
 59 | providing for child care and early childhood resource  
 60 | and referral; providing for school readiness  
 61 | transportation services; providing for the Child Care  
 62 | Executive Partnership Program; providing for the  
 63 | Teacher Education and Compensation Helps scholarship  
 64 | program; providing for Early Head Start collaboration  
 65 | grants; providing requirements relating to infants and  
 66 | toddlers in state-funded education and care programs;  
 67 | providing for the confidentiality of records of  
 68 | children in school readiness programs; amending s.  
 69 | 11.45, F.S.; conforming a cross-reference; amending s.  
 70 | 20.15, F.S.; conforming provisions; amending s.  
 71 | 196.198, F.S.; revising provisions relating to  
 72 | educational property tax exemption; amending s.  
 73 | 216.136, F.S.; conforming a cross-reference; amending  
 74 | s. 402.281, F.S.; revising requirements relating to  
 75 | receipt of a Gold Seal Quality Care designation;  
 76 | amending ss. 402.302, 445.023, 490.014, and 491.014,  
 77 | F.S.; conforming cross-references; amending s.  
 78 | 1001.11, F.S.; providing a duty of the Commissioner of  
 79 | Education relating to early learning programs;  
 80 | repealing s. 411.01, F.S., relating to school  
 81 | readiness programs and early learning coalitions;  
 82 | repealing s. 411.0101, F.S., relating to child care  
 83 | and early childhood resource and referral; repealing  
 84 | s. 11.01013, F.S., relating to the prevailing market

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85 rate schedule; repealing s. 411.01014, F.S., relating  
 86 to school readiness transportation services; repealing  
 87 s. 411.01015, F.S., relating to consultation to child  
 88 care centers and family day care homes; repealing s.  
 89 411.0102, F.S., relating to the Child Care Executive  
 90 Partnership Act; repealing s. 411.0103, F.S., relating  
 91 to the Teacher Education and Compensation Helps  
 92 scholarship program.; repealing s. 411.0104, relating  
 93 to Early Head Start collaboration grants; repealing s.  
 94 411.0105, F.S., relating to the Early Learning  
 95 Opportunities Act and Even Start Family Literacy  
 96 Programs; repealing s. 411.0106, F.S., relating to  
 97 infants and toddlers in state-funded education and  
 98 care programs; repealing s. 411.011, F.S., relating to  
 99 records of children in school readiness programs;  
 100 authorizing specified positions for the Office of  
 101 Early Learning; requiring the office to develop a  
 102 reorganization plan for the office and submit a report  
 103 to the Governor and Legislature; providing an  
 104 effective date.

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

108 Section 1. Section 1001.213, Florida Statutes, is created  
 109 to read:

110 1001.213 Office of Early Learning.—There is created in the  
 111 Department of Education the Office of Early Learning which shall  
 112 be administered by an Executive Director. The office shall be

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113 fully accountable to the Commissioner of Education and shall:

114 (1) Exercise independently all powers, duties, and  
 115 functions prescribed by law and shall not be construed as part  
 116 of the K-20 education system.

117 (2) Adopt rules for the operation and establishment of  
 118 school readiness and voluntary prekindergarten education  
 119 programs. The office shall submit the rules to the State Board  
 120 of Education for approval or disapproval. If the state board  
 121 does not act on a rule within 60 days after receiving it, the  
 122 rule shall be filed immediately with the Department of State.

123 (3) Administer the school readiness program at the state  
 124 level and guide early learning coalitions to provide school  
 125 readiness services that support the efforts of parents to work  
 126 and be financially self-sufficient and to enhance the quality of  
 127 child care programs in the state.

128 (4) Administer the operational requirements of the  
 129 Voluntary Prekindergarten Education Program at the state level.

130 Section 2. Subsection (4) of section 1002.51, Florida  
 131 Statutes, is amended to read:

132 1002.51 Definitions.—As used in this part, the term:

133 (4) "Early learning coalition" or "coalition" means an  
 134 early learning coalition created under s. 1002.83 ~~411.01~~.

135 Section 3. Paragraph (a) of subsection (4) and paragraph  
 136 (b) of subsection (6) of section 1002.53, Florida Statutes, is  
 137 amended to read:

138 1002.53 Voluntary Prekindergarten Education Program;  
 139 eligibility and enrollment.—

140 (4) (a) Each parent enrolling a child in the Voluntary

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141 Prekindergarten Education Program must complete and submit an  
 142 application to the early learning coalition through the single  
 143 point of entry established under s. 1002.82 ~~411.01~~.

144 (6)(b) A parent may enroll his or her child with any  
 145 public school within the school district which is eligible to  
 146 deliver the Voluntary Prekindergarten Education Program under  
 147 this part, subject to available space. Each school district may  
 148 limit the number of students admitted by any public school for  
 149 enrollment in the school-year program; however, the school  
 150 district must provide for the admission of every eligible child  
 151 within the district whose parent enrolls the child in a summer  
 152 prekindergarten program delivered by a public school under s.  
 153 1002.61.

154 Section 4. Subsection (3) of section 1002.55, Florida  
 155 Statutes, is amended to read:

156 1002.55 School-year prekindergarten program delivered by  
 157 private prekindergarten providers.—

158 (3) To be eligible to deliver the prekindergarten program,  
 159 a private prekindergarten provider must meet each of the  
 160 following requirements:

161 (a) The private prekindergarten provider must be a child  
 162 care facility licensed under s. 402.305, family day care home  
 163 licensed under s. 402.313, large family child care home licensed  
 164 under s. 402.3131, nonpublic school exempt from licensure under  
 165 s. 402.3025(2), or faith-based child care provider exempt from  
 166 licensure under s. 402.316.

167 (b) The private prekindergarten provider must:

168 1. Be accredited by an accrediting association that is a

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169 member of the National Council for Private School Accreditation,  
 170 or the Florida Association of Academic Nonpublic Schools, or be  
 171 accredited by the Southern Association of Colleges and Schools,  
 172 or Western Association of Colleges and Schools, or North Central  
 173 Association of Colleges and Schools, or Middle States  
 174 Association of Colleges and Schools, or New England Association  
 175 of Colleges and Schools; and have written accreditation  
 176 standards that meet or exceed the state's licensing requirements  
 177 under s. 402.305, s. 402.313, or s. 402.3131 and require at  
 178 least one onsite visit to the provider or school before  
 179 accreditation is granted;

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

182 3. Be licensed under s. 402.305, s. 402.313, or s.  
 183 402.3131 and demonstrate, before delivering the Voluntary  
 184 Prekindergarten Education Program, as verified by the early  
 185 learning coalition, that the provider meets each of the  
 186 requirements of the program under this part, including, but not  
 187 limited to, the requirements for credentials and background  
 188 screenings of prekindergarten instructors under paragraphs (c)  
 189 and (d), minimum and maximum class sizes under paragraph (f),  
 190 prekindergarten director credentials under paragraph (g), and a  
 191 developmentally appropriate curriculum under s. 1002.67(2)(b);  
 192 or

193 4. Maintain liability insurance coverage and the necessary  
 194 business requirements to legally operate a business in the  
 195 state, including any required worker's compensation insurance  
 196 under chapter 440 and any required unemployment compensation

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197 insurance under chapter 443.

198 (c) The private prekindergarten provider must have, for  
 199 each prekindergarten class of 11 children or fewer, at least one  
 200 prekindergarten instructor who meets each of the following  
 201 requirements:

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

204 a. A child development associate credential issued by the  
 205 National Credentialing Program of the Council for Professional  
 206 Recognition; or

207 b. A credential approved by the Department of Children and  
 208 Family Services as being equivalent to or greater than the  
 209 credential described in sub-subparagraph a.

210  
 211 The Department of Children and Family Services may adopt rules  
 212 under ss. 120.536(1) and 120.54 which provide criteria and  
 213 procedures for approving equivalent credentials under sub-  
 214 subparagraph b.

215 2. The prekindergarten instructor must successfully  
 216 complete an emergent literacy training course and a training  
 217 course on the student performance standards approved by the  
 218 office ~~department~~ as meeting or exceeding the minimum standards  
 219 adopted under s. 1002.59. The requirement for completion of the  
 220 standards course shall take effect July 1, 2014, and the course  
 221 shall be available online. ~~This subparagraph does not apply to a~~  
 222 ~~prekindergarten instructor who successfully completes approved~~  
 223 ~~training in early literacy and language development under s.~~  
 224 ~~402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5) before the~~

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225 ~~establishment of one or more emergent literacy training courses~~  
 226 ~~under s. 1002.59 or April 1, 2005, whichever occurs later.~~

227 (d) Each prekindergarten instructor employed by the  
 228 private prekindergarten provider must be of good moral  
 229 character, must be screened using the level 2 screening  
 230 standards in s. 435.04 before employment and rescreened at least  
 231 once every 5 years, must be denied employment or terminated if  
 232 required under s. 435.06, and must not be ineligible to teach in  
 233 a public school because his or her educator certificate is  
 234 suspended or revoked.

235 (e) A private prekindergarten provider may assign a  
 236 substitute instructor to temporarily replace a credentialed  
 237 instructor if the credentialed instructor assigned to a  
 238 prekindergarten class is absent, as long as the substitute  
 239 instructor is of good moral character and has been screened  
 240 before employment in accordance with level 2 background  
 241 screening requirements in chapter 435. The State Board of  
 242 Education ~~Office of Early Learning~~ shall adopt rules to  
 243 implement this paragraph which shall include required  
 244 qualifications of substitute instructors and the circumstances  
 245 and time limits for which a private prekindergarten provider may  
 246 assign a substitute instructor.

247 (f) Each of the private prekindergarten provider's  
 248 prekindergarten classes must be composed of at least 4 students  
 249 but may not exceed 20 students. In order to protect the health  
 250 and safety of students, each private prekindergarten provider  
 251 must also provide appropriate adult supervision for students at  
 252 all times and, for each prekindergarten class composed of 12 or



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253 more students, must have, in addition to a prekindergarten  
 254 instructor who meets the requirements of paragraph (c), at least  
 255 one adult prekindergarten instructor who is not required to meet  
 256 those requirements but who must meet each requirement of  
 257 paragraph (d). This paragraph does not supersede any requirement  
 258 imposed on a provider under ss. 402.301-402.319.

259 (g) ~~Before the beginning of the 2006-2007 school year,~~ The  
 260 private prekindergarten provider must have a prekindergarten  
 261 director who has a prekindergarten director credential that is  
 262 approved by the office ~~department~~ as meeting or exceeding the  
 263 minimum standards adopted under s. 1002.57. Successful  
 264 completion of a child care facility director credential under s.  
 265 402.305(2)(f) before the establishment of the prekindergarten  
 266 director credential under s. 1002.57 or July 1, 2006, whichever  
 267 occurs later, satisfies the requirement for a prekindergarten  
 268 director credential under this paragraph.

269 (h) The private prekindergarten provider must register  
 270 with the early learning coalition on forms prescribed by the  
 271 Office of Early Learning.

272 (i) The private prekindergarten provider must execute the  
 273 statewide provider contract prescribed under s. 1002.75, except  
 274 that an individual who owns or operates multiple private  
 275 prekindergarten providers within a coalition's service area may  
 276 execute a single agreement with the coalition on behalf of each  
 277 provider.

278 (j)~~(i)~~ The private prekindergarten provider must deliver  
 279 the Voluntary Prekindergarten Education Program in accordance  
 280 with this part.

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281 Section 5. Subsection (1) of section 1002.57, Florida  
 282 Statutes, is amended to read:

283 1002.57 Prekindergarten director credential.—

284 (1) ~~By July 1, 2006,~~ The office, in consultation with the  
 285 Department of Children and Families, ~~department~~ shall adopt  
 286 minimum standards for a credential for prekindergarten directors  
 287 of private prekindergarten providers delivering the Voluntary  
 288 Prekindergarten Education Program. The credential must encompass  
 289 requirements for education and onsite experience.

290 Section 6. Section 1002.59, Florida Statutes, is amended  
 291 to read:

292 1002.59 Emergent literacy and performance standards  
 293 training courses.—

294 (1) ~~By April 1, 2005,~~ The office ~~department~~ shall adopt  
 295 minimum standards for one or more training courses in emergent  
 296 literacy for prekindergarten instructors. Each course must  
 297 comprise 5 clock hours and provide instruction in strategies and  
 298 techniques to address the age-appropriate progress of  
 299 prekindergarten students in developing emergent literacy skills,  
 300 including oral communication, knowledge of print and letters,  
 301 phonemic and phonological awareness, and vocabulary and  
 302 comprehension development. Each course must also provide  
 303 resources containing strategies that allow students with  
 304 disabilities and other special needs to derive maximum benefit  
 305 from the Voluntary Prekindergarten Education Program. Successful  
 306 completion of an emergent literacy training course approved  
 307 under this section satisfies requirements for approved training  
 308 in early literacy and language development under ss.

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309 402.305(2)(d)5., 402.313(6), and 402.3131(5).

310 (2) The office shall adopt minimum standards for one or  
 311 more training courses on the student performance standards  
 312 adopted under s. 1002.67(1). Each course must comprise at least  
 313 3 clock hours, provide instruction in strategies and techniques  
 314 to address age-appropriate progress of each child in attaining  
 315 the standards, and be available online.

316 Section 7. Subsections (3), (4), and (8) of section  
 317 1002.61, Florida Statutes, are amended to read:

318 1002.61 Summer prekindergarten program delivered by public  
 319 schools and private prekindergarten providers.—

320 (3)(a) Each district school board shall determine which  
 321 public schools in the school district are eligible to deliver  
 322 the summer prekindergarten program. The school district shall  
 323 use educational facilities available in the public schools  
 324 during the summer term for the summer prekindergarten program.

325 (b) Each public school delivering the summer  
 326 prekindergarten program must execute the statewide provider  
 327 contract prescribed under s. 1002.75, except that the school  
 328 district may execute a single agreement with the early learning  
 329 coalition on behalf of all district schools.

330 (c)~~(b)~~ Except as provided in this section, to be eligible  
 331 to deliver the summer prekindergarten program, a private  
 332 prekindergarten provider must meet each requirement in s.  
 333 1002.55.

334 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4),  
 335 each public school and private prekindergarten provider must  
 336 have, for each prekindergarten class, at least one

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337 prekindergarten instructor who~~+~~  
 338 ~~(a)~~ is a certified teacher~~+~~ or  
 339 ~~(b)~~ holds one of the educational credentials specified in  
 340 s. 1002.55(4)(a) or (b). As used in this subsection, the term  
 341 "certified teacher" means a teacher holding a valid Florida  
 342 educator certificate under s. 1012.56 who has the qualifications  
 343 required by the district school board to instruct students in  
 344 the summer prekindergarten program. In selecting instructional  
 345 staff for the summer prekindergarten program, each school  
 346 district shall give priority to teachers who have experience or  
 347 coursework in early childhood education.

348 (8) Each public school delivering the summer  
 349 prekindergarten program must also~~+~~

350 ~~(a)~~ register with the early learning coalition on forms  
 351 prescribed by the Office of Early Learning~~+~~ and

352 ~~(b)~~ deliver the Voluntary Prekindergarten Education  
 353 Program in accordance with this part.

354 Section 8. Subsections (3), (6), and (8) of section  
 355 1002.63, Florida Statutes, are amended to read:

356 1002.63 School-year prekindergarten program delivered by  
 357 public schools.—

358 (3) (a) The district school board of each school district  
 359 shall determine which public schools in the district may deliver  
 360 the prekindergarten program during the school year.

361 (b) Each public school delivering the school-year  
 362 prekindergarten program must execute the statewide provider  
 363 contract prescribed under s. 1002.75, except that the school  
 364 district may execute a single agreement with the early learning

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365 coalition on behalf of all district schools.

366 (6) A public school prekindergarten provider may assign a  
 367 substitute instructor to temporarily replace a credentialed  
 368 instructor if the credentialed instructor assigned to a  
 369 prekindergarten class is absent, as long as the substitute  
 370 instructor is of good moral character and has been screened  
 371 before employment in accordance with level 2 background  
 372 screening requirements in chapter 435. This subsection does not  
 373 supersede employment requirements for instructional personnel in  
 374 public schools which are more stringent than the requirements of  
 375 this subsection. The State Board of Education ~~Office of Early~~  
 376 ~~Learning~~ shall adopt rules to implement this subsection which  
 377 shall include required qualifications of substitute instructors  
 378 and the circumstances and time limits for which a public school  
 379 prekindergarten provider may assign a substitute instructor.

380 (8) Each public school delivering the school-year  
 381 prekindergarten program must+

382 ~~(a)~~ register with the early learning coalition on forms  
 383 prescribed by the Office of Early Learning+ and

384 ~~(b)~~ deliver the Voluntary Prekindergarten Education  
 385 Program in accordance with this part.

386 Section 9. Subsection (1) of section 1002.66, Florida  
 387 Statutes, is amended to read:

388 1002.66 Specialized instructional services for children  
 389 with disabilities.-

390 (1) ~~Beginning with the 2012-2013 school year,~~ A child who  
 391 has a disability and enrolls with the early learning coalition  
 392 under s. 1002.53(3)(d) is eligible for specialized instructional

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393 services if:

394 (a) The child is eligible for the Voluntary  
 395 Prekindergarten Education Program under s. 1002.53; and

396 (b) A current individual educational plan has been  
 397 developed for the child by the local school board in accordance  
 398 with rules of the State Board of Education.

399 Section 10. Subsection (1), paragraph (c) of subsection  
 400 (2), and subsection (4) of section 1002.67, Florida Statutes,  
 401 are amended to read:

402 1002.67 Performance standards; curricula and  
 403 accountability.—

404 (1)(a) The office ~~department~~ shall develop and adopt  
 405 performance standards for students in the Voluntary  
 406 Prekindergarten Education Program. The performance standards  
 407 must address the age-appropriate progress of students in the  
 408 development of:

409 1. The capabilities, capacities, and skills required under  
 410 s. 1(b), Art. IX of the State Constitution; and

411 2. Emergent literacy skills, including oral communication,  
 412 knowledge of print and letters, phonemic and phonological  
 413 awareness, and vocabulary and comprehension development.

414  
 415 By October 1, 2013, the office shall examine the existing  
 416 student performance standards in the area of mathematical  
 417 thinking and develop a plan to make appropriate professional  
 418 development and training courses available to Voluntary  
 419 Prekindergarten Education Program instructors.

420 (b) The office ~~State Board of Education~~ shall periodically

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421 review and revise the performance standards for the statewide  
 422 kindergarten screening administered under s. 1002.69 and align  
 423 the standards to the standards established by the state board  
 424 for student performance on the statewide assessments  
 425 administered pursuant to s. 1008.22.

426 (2)

427 (c) The office ~~department~~ shall review and approve  
 428 curricula for use by private prekindergarten providers and  
 429 public schools that are placed on probation under paragraph  
 430 (4)(c). The office ~~department~~ shall maintain a list of the  
 431 curricula approved under this paragraph. Each approved  
 432 curriculum must meet the requirements of paragraph (b).

433 (4)(a) Each early learning coalition shall verify that  
 434 each private prekindergarten provider delivering the Voluntary  
 435 Prekindergarten Education Program within the coalition's county  
 436 or multicounty region complies with this part. Each district  
 437 school board shall verify that each public school delivering the  
 438 program within the school district complies with this part.

439 (b) If a private prekindergarten provider or public school  
 440 fails or refuses to comply with this part, or if a provider or  
 441 school engages in misconduct, the office ~~of Early Learning~~ shall  
 442 require the early learning coalition to remove the provider, and  
 443 ~~the Department of Education shall~~ require the school district to  
 444 remove the school from eligibility to deliver the Voluntary  
 445 Prekindergarten Education Program and receive state funds under  
 446 this part for a period of 5 years.

447 (c) ~~1-~~ If the kindergarten readiness rate of a private  
 448 prekindergarten provider or public school falls below the

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449 minimum rate adopted by the office ~~State Board of Education~~ as  
 450 satisfactory under s. 1002.69(6), the early learning coalition  
 451 or school district, as applicable, shall require the provider or  
 452 school to submit an improvement plan for approval by the  
 453 coalition or school district, as applicable, and to implement  
 454 the plan.

455 ~~2. If a private prekindergarten provider or public school~~  
 456 ~~fails to meet the minimum rate adopted by the State Board of~~  
 457 ~~Education as satisfactory under s. 1002.69(6), the early~~  
 458 ~~learning coalition or school district, as applicable, shall~~  
 459 place the provider or school on probation, and must require the  
 460 provider or school to take certain corrective actions, including  
 461 the use of a curriculum approved by the office ~~department~~ under  
 462 paragraph (2)(c) or a staff development plan to strengthen  
 463 instruction in language development and phonological awareness  
 464 approved by the office ~~department~~.

465 ~~2.3.~~ A private prekindergarten provider or public school  
 466 that is placed on probation must continue the corrective actions  
 467 required under subparagraph 1. 2., including the use of a  
 468 curriculum or a staff development plan to strengthen instruction  
 469 in language development and phonological awareness approved by  
 470 the office ~~department~~, until the provider or school meets the  
 471 minimum rate adopted by the State Board of Education as  
 472 satisfactory under s. 1002.69(6). Failure to implement an  
 473 approved improvement plan or staff development plan shall result  
 474 in the termination of the provider's contract to deliver the  
 475 Voluntary Prekindergarten Education Program for a period of 5  
 476 years.



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477            3.4. If a private prekindergarten provider or public  
 478 school remains on probation for 2 consecutive years and fails to  
 479 meet the minimum rate adopted by the office ~~State Board of~~  
 480 ~~Education~~ as satisfactory under s. 1002.69(6) and is not granted  
 481 a good cause exemption by the office ~~department~~ pursuant to s.  
 482 1002.69(7), the office ~~of Early Learning~~ shall require the early  
 483 learning coalition or ~~the Department of Education~~ shall require  
 484 the school district to remove, as applicable, the provider or  
 485 school from eligibility to deliver the Voluntary Prekindergarten  
 486 Education Program and receive state funds for the program for a  
 487 period of 5 years.

488            (d) Each early learning coalition and, the office ~~of Early~~  
 489 ~~Learning~~, and the ~~department~~ shall coordinate with the Child  
 490 Care Services Program Office of the Department of Children and  
 491 Family Services to minimize interagency duplication of  
 492 activities for monitoring private prekindergarten providers for  
 493 compliance with requirements of the Voluntary Prekindergarten  
 494 Education Program under this part, the school readiness programs  
 495 under s. 1002.86 ~~411.01~~, and the licensing of providers under  
 496 ss. 402.301-402.319.

497            Section 11. Subsections (2), (5), (6), and (7) of section  
 498 1002.69, Florida Statutes, are amended to read:

499            1002.69 Statewide kindergarten screening; kindergarten  
 500 readiness rates; state-approved prekindergarten enrollment  
 501 screening; good cause exemption.-

502            (2) The statewide kindergarten screening shall provide  
 503 objective data concerning each student's readiness for  
 504 kindergarten and progress in attaining the performance standards

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505 adopted by the office ~~department~~ under s. 1002.67(1).

506 (5) The office ~~State Board of Education~~ shall adopt  
 507 procedures ~~for the department~~ to annually calculate each private  
 508 prekindergarten provider's and public school's kindergarten  
 509 readiness rate, which must be expressed as the percentage of the  
 510 provider's or school's students who are assessed as ready for  
 511 kindergarten. The methodology for calculating each provider's  
 512 kindergarten readiness rate must include student learning gains  
 513 when available and the percentage of students who meet all state  
 514 readiness measures. The rates must not include students who are  
 515 not administered the statewide kindergarten screening. The state  
 516 board shall determine learning gains using a value-added measure  
 517 based on growth demonstrated by the results of the pre- and  
 518 post-assessment from at least 2 successive years of  
 519 administration of the pre- and post-assessment.

520 (6) The office ~~State Board of Education~~ shall periodically  
 521 adopt a minimum kindergarten readiness rate that, if achieved by  
 522 a private prekindergarten provider or public school, would  
 523 demonstrate the provider's or school's satisfactory delivery of  
 524 the Voluntary Prekindergarten Education Program.

525 (7)(a) Notwithstanding s. 1002.67(4)(c)3. ~~1002.67(4)(e)4.~~,  
 526 the office ~~State Board of Education~~, upon the request of a  
 527 private prekindergarten provider or public school that remains  
 528 on probation for 2 consecutive years or more and subsequently  
 529 fails to meet the minimum rate adopted under subsection (6) and  
 530 for good cause shown, may grant to the provider or school an  
 531 exemption from being determined ineligible to deliver the  
 532 Voluntary Prekindergarten Education Program and receive state

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533 funds for the program. Such exemption is valid for 1 year and,  
 534 upon the request of the private prekindergarten provider or  
 535 public school and for good cause shown, may be renewed.

536 (b) A private prekindergarten provider's or public  
 537 school's request for a good cause exemption, or renewal of such  
 538 an exemption, must be submitted to the office ~~state board~~ in the  
 539 manner and within the timeframes prescribed by the office ~~state~~  
 540 ~~board~~ and must include the following:

541 1. Submission of data by the private prekindergarten  
 542 provider or public school which documents the achievement and  
 543 progress of the children served as measured by the state-  
 544 approved prekindergarten enrollment screening and the  
 545 standardized postassessment approved by the office ~~department~~  
 546 pursuant to subparagraph (c)1.

547 2. Submission and review of data available from the  
 548 respective early learning coalition or district school board,  
 549 the Department of Children and Family Services, local licensing  
 550 authority, or an accrediting association, as applicable,  
 551 relating to the private prekindergarten provider's or public  
 552 school's compliance with state and local health and safety  
 553 standards.

554 3. Submission and review of data available to the office  
 555 ~~department~~ on the performance of the children served and the  
 556 calculation of the private prekindergarten provider's or public  
 557 school's kindergarten readiness rate.

558 (c) The office ~~State Board of Education~~ shall adopt  
 559 criteria for granting good cause exemptions. Such criteria shall  
 560 include, but are not limited to:

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561 | 1. Learning gains of children served in the Voluntary  
 562 | Prekindergarten Education Program by the private prekindergarten  
 563 | provider or public school.

564 | 2. Verification that local and state health and safety  
 565 | requirements are met.

566 | (d) A good cause exemption may not be granted to any  
 567 | private prekindergarten provider that has any class I violations  
 568 | or two or more class II violations within the 2 years preceding  
 569 | the provider's or school's request for the exemption. For  
 570 | purposes of this paragraph, class I and class II violations have  
 571 | the same meaning as provided in s. 402.281(4).

572 | (e) A private prekindergarten provider or public school  
 573 | granted a good cause exemption shall continue to implement its  
 574 | improvement plan and continue the corrective actions required  
 575 | under s. 1002.67(4)(c)1. ~~1002.67(4)(c)2.~~, including the use of a  
 576 | curriculum approved by the office ~~department~~, until the provider  
 577 | or school meets the minimum rate adopted under subsection (6).

578 | ~~The State Board of Education shall notify the Office~~  
 579 | ~~of Early Learning of any good cause exemption granted to a~~  
 580 | ~~private prekindergarten provider under this subsection.~~ If a  
 581 | good cause exemption is granted to a private prekindergarten  
 582 | provider who remains on probation for 2 consecutive years, the  
 583 | ~~office of Early Learning~~ shall notify the early learning  
 584 | coalition of the good cause exemption and direct that the  
 585 | coalition, notwithstanding s. 1002.67(4)(c)3. ~~1002.67(4)(c)4.~~,  
 586 | not remove the provider from eligibility to deliver the  
 587 | Voluntary Prekindergarten Education Program or to receive state  
 588 | funds for the program, if the provider meets all other

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589 applicable requirements of this part.

590 Section 12. Paragraph (d) of subsection (3) and  
 591 subsections (5) and (7) of section 1002.71, Florida Statutes,  
 592 are amended to read:

593 1002.71 Funding; financial and attendance reporting.—  
 594 (3)

595 (d) For programs offered by school districts pursuant to  
 596 s. 1002.61 ~~and beginning with the 2009 summer program~~, each  
 597 district's funding shall be based on a student enrollment that  
 598 is evenly divisible by 12. If the result of dividing a  
 599 district's student enrollment by 12 is not a whole number, the  
 600 district's enrollment calculation shall be adjusted by adding  
 601 the minimum number of students to produce a student enrollment  
 602 calculation that is evenly divisible by 12.

603 (5) (a) Each early learning coalition shall maintain  
 604 through the single point of entry established under s. 1002.82  
 605 ~~411.01~~ a current database of the students enrolled in the  
 606 Voluntary Prekindergarten Education Program for each county  
 607 within the coalition's region.

608 (b) The Office of Early Learning shall adopt procedures  
 609 for the payment of private prekindergarten providers and public  
 610 schools delivering the Voluntary Prekindergarten Education  
 611 Program. The procedures shall provide for the advance payment of  
 612 providers and schools based upon student enrollment in the  
 613 program, the certification of student attendance, and the  
 614 reconciliation of advance payments in accordance with the  
 615 uniform attendance policy adopted under paragraph (6) (d). The  
 616 procedures shall provide for the monthly distribution of funds

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617 by the Office of Early Learning to the early learning coalitions  
 618 for payment by the coalitions to private prekindergarten  
 619 providers and public schools. ~~The department shall transfer to~~  
 620 ~~the Office of Early Learning at least once each quarter the~~  
 621 ~~funds available for payment to private prekindergarten providers~~  
 622 ~~and public schools in accordance with this paragraph from the~~  
 623 ~~funds appropriated for that purpose.~~

624 (7) The Office of Early Learning shall require that  
 625 administrative expenditures be kept to the minimum necessary for  
 626 efficient and effective administration of the Voluntary  
 627 Prekindergarten Education Program. Administrative policies and  
 628 procedures shall be revised, to the maximum extent practicable,  
 629 to incorporate the use of automation and electronic submission  
 630 of forms, including those required for child eligibility and  
 631 enrollment, provider and class registration, and monthly  
 632 certification of attendance for payment. A school district may  
 633 use its automated daily attendance reporting system for the  
 634 purpose of transmitting attendance records to the early learning  
 635 coalition in a mutually agreed-upon format. In addition, actions  
 636 shall be taken to reduce paperwork, eliminate the duplication of  
 637 reports, and eliminate other duplicative activities. ~~Beginning~~  
 638 ~~with the 2011-2012 fiscal year,~~ Each early learning coalition  
 639 may retain and expend no more than 4.0 percent of the funds paid  
 640 by the coalition to private prekindergarten providers and public  
 641 schools under paragraph (5)(b). Funds retained by an early  
 642 learning coalition under this subsection may be used only for  
 643 administering the Voluntary Prekindergarten Education Program  
 644 and may not be used for the school readiness program or other

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645 programs.

646 Section 13. Paragraph (a) of subsection (3) of section  
647 1002.72, Florida Statutes, is amended to read:

648 1002.72 Records of children in the Voluntary  
649 Prekindergarten Education Program.—

650 (3)(a) Confidential and exempt Voluntary Prekindergarten  
651 Education Program records may be released to:

652 1. The United States Secretary of Education, the United  
653 States Secretary of Health and Human Services, and the  
654 Comptroller General of the United States for the purpose of  
655 federal audits or investigations.

656 2. Individuals or organizations conducting studies for  
657 institutions to develop, validate, or administer assessments or  
658 improve instruction.

659 3. Accrediting organizations in order to carry out their  
660 accrediting functions.

661 4. Appropriate parties in connection with an emergency if  
662 the information is necessary to protect the health or safety of  
663 the child or other individuals.

664 5. The Auditor General in connection with his or her  
665 official functions.

666 6. A court of competent jurisdiction in compliance with an  
667 order of that court pursuant to a lawfully issued subpoena.

668 7. Parties to an interagency agreement among early  
669 learning coalitions, local governmental agencies, Voluntary  
670 Prekindergarten Education Program providers, or state agencies  
671 for the purpose of implementing the Voluntary Prekindergarten  
672 Education Program.

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673 Section 14. Subsection (1) and paragraphs (a) and (d) of  
 674 subsection (2) of section 1002.75, Florida Statutes, are amended  
 675 to read:

676 1002.75 Office of Early Learning; powers and duties,  
 677 ~~operational requirements.~~

678 (1) The Office of Early Learning shall adopt by rule a  
 679 standard statewide provider contract to be used with each  
 680 Voluntary Prekindergarten Education Program provider, with  
 681 standardized attachments by provider type. The office shall  
 682 publish a copy of the standard statewide provider contract on  
 683 its website. The standard statewide contract shall include, at a  
 684 minimum, provisions for placing a provider on probation,  
 685 termination for cause, and emergency termination for those  
 686 actions or inactions of a provider that pose an immediate and  
 687 serious danger to the health, safety, or welfare of the  
 688 children, and appropriate due process procedures. During the  
 689 pendency of an appeal of a termination, the provider may not  
 690 continue to offer its services. Any provision imposed upon a  
 691 provider that is inconsistent with, or prohibited by, law is  
 692 void and unenforceable. ~~The Office of Early Learning shall~~  
 693 ~~administer the operational requirements of the Voluntary~~  
 694 ~~Prekindergarten Education Program at the state level.~~

695 (2) The Office of Early Learning shall adopt procedures  
 696 governing the administration of the Voluntary Prekindergarten  
 697 Education Program by the early learning coalitions and school  
 698 districts for:

699 (a) Enrolling children in and determining the eligibility  
 700 of children for the Voluntary Prekindergarten Education Program



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701 under s. 1002.53, which shall include the enrollment of children  
 702 by public schools and private providers that meet specified  
 703 requirements.

704 (d) Determining the eligibility of private prekindergarten  
 705 providers to deliver the program under ss. 1002.55 and 1002.61  
 706 and streamlining the process of provider eligibility whenever  
 707 possible.

708 Section 15. Subsections (1), (2), and (3) of section  
 709 1002.77, Florida Statutes, are amended to read:

710 1002.77 Florida Early Learning Advisory Council.—

711 (1) There is created the Florida Early Learning Advisory  
 712 Council within the Office of Early Learning. The purpose of the  
 713 advisory council is to submit recommendations to the office  
 714 ~~department~~ on the early learning policy of this state, including  
 715 recommendations relating to administration of the Voluntary  
 716 Prekindergarten Education Program under this part and the school  
 717 readiness programs under part VI s. 411.01.

718 (2) The advisory council shall be composed of the  
 719 following members:

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

722 (b) The chair of each early learning coalition or the  
 723 chair's designee.

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

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

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729 The chair of the advisory council appointed by the Governor and  
 730 the members appointed by the presiding officers of the  
 731 Legislature must each have a background in early learning or be  
 732 from the business community.

733 (3) The advisory council shall meet at least quarterly but  
 734 may meet as often as necessary to carry out its duties and  
 735 responsibilities. The advisory council may use any method of  
 736 telecommunication to conduct meetings, including establishing a  
 737 quorum through telecommunications, only if the public is given  
 738 proper notice of a telecommunications meeting and reasonable  
 739 access to observe and, when appropriate, participate.

740 Section 16. Section 1002.79, Florida Statutes, is amended  
 741 to read:

742 1002.79 Rulemaking authority.—

743 ~~(1) The State Board of Education shall adopt rules under~~  
 744 ~~ss. 120.536(1) and 120.54 to administer the provisions of this~~  
 745 ~~part conferring duties upon the department.~~

746 ~~(2) The Office of Early Learning shall adopt rules under~~  
 747 ~~ss. 120.536(1) and 120.54 to administer the provisions of this~~  
 748 ~~part conferring duties upon the office.~~

749 Section 17. Part VI of chapter 1002, Florida Statutes,  
 750 consisting of sections 1002.81 through 1002.98, is created to  
 751 read:

752 PART VI

753 SCHOOL READINESS

754 1002.81 Definitions.—Consistent with the requirements of  
 755 45 C.F.R. parts 98 and 99 and as used in this part, the term:

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

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757 (a) A child from a family under investigation by the  
 758 Department of Children and Families or a designated sheriff's  
 759 office for child abuse, neglect, abandonment, or exploitation.

760 (b) A child who is in a diversion program provided by the  
 761 Department of Children and Families or its contracted provider  
 762 and who is from a family that is actively participating and  
 763 complying in department-prescribed activities, including  
 764 education, health services, or work.

765 (c) A child from a family that is under supervision by the  
 766 Department of Children and Families or a contracted service  
 767 provider for abuse, neglect, abandonment, or exploitation.

768 (d) A child placed in court-ordered, long-term custody or  
 769 under the guardianship of a relative or nonrelative after  
 770 termination of supervision by the Department of Children and  
 771 Families or its contracted provider.

772 (2) "Authorized hours of care" means the hours of care  
 773 that are necessary to provide protection, maintain employment,  
 774 or complete work activities or eligible educational activities,  
 775 including reasonable travel time.

776 (3) "Disenrollment" means the removal either temporary or  
 777 permanent, of a child from participation in the school readiness  
 778 program. Removal of a child from the school readiness program  
 779 may be based on the following events: a reduction in available  
 780 school readiness funding, participant's failure to meet  
 781 eligibility or program participation requirements, fraud, or a  
 782 change in local service priorities or age limits.

783 (4) "Earned income" means gross remuneration derived from  
 784 work, professional service, or self-employment. The term

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785 includes commissions, bonuses, back pay awards, and the cash  
 786 value of all remuneration paid in a medium other than cash.

787 (5) "Economically disadvantaged" means having a family  
 788 income that does not exceed 150 percent of the federal poverty  
 789 level and includes being a child of a working migratory family  
 790 as defined by 34 C.F.R. 200.81(d) or (f) or an agricultural  
 791 worker who is employed by more than one agricultural employer  
 792 during the course of a year, and whose income varies according  
 793 to weather conditions and market stability.

794 (6) "Family income" means the combined gross income,  
 795 whether earned or unearned, that is derived from any source by  
 796 all family or household members who are 18 years of age or older  
 797 who are currently residing together in the same dwelling unit.  
 798 The term does not include income earned by a currently enrolled  
 799 high school student who, since attaining the age of 18 years, or  
 800 a student with a disability who, since attaining the age of 22  
 801 years, has not terminated school enrollment or received a high  
 802 school diploma, high school equivalency diploma, special  
 803 diploma, or certificate of high school completion. The term also  
 804 does not include food stamp benefits or federal housing  
 805 assistance payments issued directly to a landlord or the  
 806 associated utilities expenses.

807 (7) "Family or household members" means spouses, former  
 808 spouses, persons related by blood or marriage, persons who are  
 809 parents of a child in common regardless of whether they have  
 810 been married, and other persons who are currently residing  
 811 together in the same dwelling unit as if a family.

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812           (8) "Full-time care" means at least 6 hours, but not more  
 813 than 11 hours, of child care or early childhood education  
 814 services within a 24-hour period.

815           (9) "Gold Seal premium percentage" means a specified  
 816 percentage that, for a school readiness provider that maintains  
 817 the Gold Seal Quality Care designation under s. 402.281, is  
 818 applied to the provider's adjusted payment rate.

819           (10) "In loco parentis" means acting as a child's  
 820 temporary guardian.

821           (11) "Market rate" means the price that a child care or  
 822 early childhood education provider charges for full-time or  
 823 part-time daily, weekly, or monthly child care or early  
 824 childhood education services.

825           (12) "Office" means the Office of Early Learning of the  
 826 Department of Education.

827           (13) "Part-time care" means less than 6 hours of child  
 828 care or early childhood education services within a 24-hour  
 829 period.

830           (14) "Prevailing market rate" means the biannually  
 831 determined average of the market rate by program care level and  
 832 provider type in a predetermined geographic market.

833           (15) "Single point of entry" means an integrated  
 834 information system that allows a parent to enroll his or her  
 835 child in the school readiness program at various locations  
 836 throughout a county, that may allow a parent to enroll his or  
 837 her child by telephone or through an website, and that uses a  
 838 uniform waiting list to track eligible children waiting for  
 839 enrollment in the school readiness program.

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840           (16) "Unearned income" means income other than earned  
 841 income. The term includes, but is not limited to:  
 842           (a) Documented alimony and child support received.  
 843           (b) Social security benefits.  
 844           (c) Supplemental security income benefits.  
 845           (d) Workers' compensation benefits.  
 846           (e) Unemployment compensation benefits.  
 847           (f) Veterans' benefits.  
 848           (g) Retirement benefits.  
 849           (h) Temporary cash assistance under chapter 414.  
 850           (i) Military housing assistance under the federal Family  
 851 Subsistence Supplemental Allowance Program.  
 852           (17) "Working family" means:  
 853           (a) A single-parent family in which the parent with whom  
 854 the child resides is employed or engaged in eligible work or  
 855 education activities for at least 20 hours per week;  
 856           (b) A two-parent family in which both parents with whom  
 857 the child resides are employed or engaged in eligible work  
 858 activity for a combined total of at least 55 hours per week of  
 859 which 50 hours per week must be eligible core work activities;  
 860 or  
 861           (c) A two-parent family in which one of the parents with  
 862 whom the child resides is exempt from work requirements due to  
 863 age or disability, as determined and documented by a physician  
 864 licensed under chapter 458 or chapter 459, and one parent is  
 865 engaged in eligible work activity at least 30 hours per week of  
 866 which 20 hours per week are eligible core work activities, as  
 867 prescribed by rules of the office.

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868 1002.82 Office of Early Learning; powers and duties.-

869 (1) For purposes of administration of the Child Care and  
 870 Development Fund, pursuant to 45 C.F.R. parts 98 and 99, the  
 871 Department of Education is designated as the lead agency and  
 872 must comply with lead agency responsibilities pursuant to  
 873 federal law.

874 (2) The Office of Early Learning shall:

875 (a) Focus on improving the educational quality of all  
 876 providers participating in the school readiness programs.

877 (b) Preserve parental choice by permitting parents to  
 878 choose from a variety of child care categories, including:  
 879 center-based care; group home child care; family child care; and  
 880 in-home child care. Care and curriculum by a sectarian provider  
 881 may not be limited or excluded in any of these categories.

882 (c) Be responsible for the prudent use of all public and  
 883 private funds in accordance with all legal and contractual  
 884 requirements, safeguarding the effective use of federal, state,  
 885 and local resources to achieve the highest practicable level of  
 886 school readiness for the children described in s. 1002.87,  
 887 including:

888 1. The adoption of a uniform chart of accounts for  
 889 budgeting and financial reporting purposes that provides  
 890 standardized definitions for expenditures and reporting,  
 891 consistent with the requirements of 45 C.F.R. part 98 and s.  
 892 1002.89 for each of the following categories of expenditure:

893 a. Direct services to children.

894 b. Administrative costs.

895 c. Quality activities.

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896 d. Nondirect services.  
 897 2. Coordination with other state and federal agencies to  
 898 perform data matches on children participating in school  
 899 readiness programs and their families in order to verify the  
 900 children's eligibility pursuant to s. 1002.87.  
 901 (d) Establish procedures for the annual calculation of the  
 902 prevailing market rate.  
 903 (e) Review each early learning coalition's school  
 904 readiness plans every 2 years and provide final approval of the  
 905 plan and any amendments submitted.  
 906 (f) Establish a unified approach to the state's efforts to  
 907 coordinate a comprehensive early learning program. In support of  
 908 this effort, the office:  
 909 1. Shall adopt specific program support services that  
 910 address the state's school readiness programs, including:  
 911 a. Statewide data information program requirements that  
 912 include:  
 913 (I) Eligibility requirements.  
 914 (II) Financial reports.  
 915 (III) Program accountability measures.  
 916 (IV) Child progress reports.  
 917 b. Child care resource and referral services.  
 918 c. A single point of entry and uniform waiting list.  
 919 2. May provide technical assistance and guidance on  
 920 additional support services to compliment the school readiness  
 921 programs, including:  
 922 a. Rating and improvement systems.  
 923 b. Warm-Line services.



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924 c. Anti-fraud plans.  
 925 c. Child performance standards.  
 926 d. Child screening and assessments.  
 927 e. Training and support for parental involvement in  
 928 children's early education.  
 929 f. Family literacy activities and services.  
 930 (g) Provide technical assistance to early learning  
 931 coalitions.  
 932 (h) In cooperation with the early learning coalitions,  
 933 coordinate with the Child Care Services Program Office of the  
 934 Department of Children and Families to avoid duplicating  
 935 interagency activities, health and safety monitoring, and  
 936 acquiring and composing data pertaining to child care training  
 937 and credentialing.  
 938 (i) Develop and adopt a health and safety checklist to be  
 939 completed by licensed-exempt providers.  
 940 (j) Develop and adopt performance standards and benchmarks  
 941 that address the age-appropriate progress of children in the  
 942 development of school readiness skills. The performance  
 943 standards for children from birth to 4 years of age in school  
 944 readiness programs must be aligned with the performance  
 945 standards adopted for children in the Voluntary Prekindergarten  
 946 Education Program.  
 947 (k) Select assessments that are valid, reliable, and  
 948 developmentally appropriate for use as pre-assessment and post-  
 949 assessment for the age ranges specified in the coalition plans.  
 950 The assessments must be designed to measure progress in the  
 951 domains of the performance standards adopted pursuant to

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952 paragraph (j) and administered by qualified individuals,  
 953 consistent with the publisher's instructions.

954 (l) Adopt a list of approved curricula that meet the  
 955 performance standards for school readiness programs and  
 956 establish a process for the review and approval of a provider's  
 957 curriculum that meets the performance standards.

958 (m) Adopt by rule a standard statewide provider contract  
 959 to be used with each school readiness provider, with  
 960 standardized attachments by provider type. The office shall  
 961 publish a copy of the standard statewide provider contract on  
 962 its website. The standard statewide contract shall include, at a  
 963 minimum, provisions for placing a provider on probation,  
 964 termination for cause, and emergency termination for those  
 965 actions or inactions of a provider that pose an immediate and  
 966 serious danger to the health, safety, or welfare of the  
 967 children, and appropriate due process procedures. During the  
 968 pendency of an appeal of a termination, the provider may not  
 969 continue to offer its services. Any provision imposed upon a  
 970 provider that is inconsistent with, or prohibited by, law is  
 971 void and unenforceable.

972 (n) Establish a single statewide information system that  
 973 each coalition must use for the purposes of managing the single  
 974 point of entry, tracking children's progress, coordinating  
 975 services among stakeholders, determining eligibility, tracking  
 976 child attendance, and streamlining administrative processes for  
 977 providers and early learning coalitions.

978 (o) Adopt by rule standardized procedures for coalitions  
 979 to use when monitoring the compliance of school readiness

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980 providers with the terms of the standard statewide provider  
 981 contract.

982 (p) Monitor and evaluate the performance of each early  
 983 learning coalition in administering the school readiness  
 984 program, ensuring proper payments for school readiness services,  
 985 implementing the coalition's school readiness plan, and  
 986 administering the Voluntary Prekindergarten Education Program.  
 987 These monitoring and performance evaluations must include, at a  
 988 minimum, onsite monitoring of each coalition's finances,  
 989 management, operations, and programs.

990 (q) Work in conjunction with the Bureau of Federal  
 991 Education Programs within the Department of Education to  
 992 coordinate readiness and voluntary prekindergarten services to  
 993 the populations served by the bureau.

994 (r) Contingent upon specific appropriations, administer a  
 995 statewide toll-free Warm-Line to provide assistance and  
 996 consultation to child care centers and family day care homes  
 997 regarding health, developmental, disability, and special needs  
 998 issues of the children they are serving, particularly children  
 999 with disabilities and other special needs. The office shall:

1000 1. Annually inform child care centers and family day care  
 1001 homes of the availability of this service through the child care  
 1002 resource and referral network under s. 1002.92.

1003 2. Contingent upon specific appropriations, expand or  
 1004 contract for the expansion of the Warm-Line to maintain at least  
 1005 one Warm-Line in each early learning coalition service area.

1006 (s) Administer the operational requirements of the  
 1007 Voluntary Prekindergarten Education Program at the state level.

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1008           (3) If the office determines during the review of school  
 1009 readiness plans, or through monitoring and performance  
 1010 evaluations conducted under s. 1002.85, that an early learning  
 1011 coalition has not substantially implemented its plan, has not  
 1012 substantially met the performance standards and outcome measures  
 1013 adopted by the office, or has not effectively administered the  
 1014 school readiness program or Voluntary Prekindergarten Education  
 1015 Program, the office may temporarily contract with a qualified  
 1016 entity to continue school readiness and prekindergarten services  
 1017 in the coalition's county or multicounty region until the office  
 1018 reestablishes the coalition and a new school readiness plan is  
 1019 approved in accordance with the rules adopted by the State Board  
 1020 of Education.

1021           (4) The office may request the Governor to apply for a  
 1022 waiver to allow a coalition to administer the Head Start Program  
 1023 to accomplish the purposes of the school readiness program.

1024           (5) By January 1 of each year, the office shall annually  
 1025 publish on its website a report of its activities conducted  
 1026 under this section. The report must include a summary of the  
 1027 coalitions' annual reports, a statewide summary, and the  
 1028 following:

1029           (a) An analysis of early learning activities throughout  
 1030 the state, including the school readiness program and the  
 1031 Voluntary Prekindergarten Education Program.

1032           1. The total and average number of children served in the  
 1033 school readiness program, enumerated by age, eligibility  
 1034 priority category, and coalition, and the total number of  
 1035 children served in the Voluntary Prekindergarten Education

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1036 Program.  
 1037 2. A summary of expenditures by coalition, by fund source,  
 1038 including a breakdown by coalition of the percentage of  
 1039 expenditures for administrative activities, quality activities,  
 1040 nondirect services, and direct services for children.  
 1041 3. A description of the office's and each coalition's  
 1042 expenditures by fund source for the quality activities described  
 1043 in s. 1002.89(6)(b).  
 1044 4. A summary of annual findings and collections related to  
 1045 provider fraud and parent fraud.  
 1046 5. Coalition scorecard performance data to measure the  
 1047 success of the coalitions in implementing the early learning  
 1048 programs.  
 1049 6. The total number of children disenrolled statewide and  
 1050 the reason for disenrollment.  
 1051 7. The total number of providers by provider type.  
 1052 8. The total number of provider contracts revoked and the  
 1053 reasons for revocation.  
 1054 (b) A summary of the activities and detailed expenditures  
 1055 related to the Child Care Executive Partnership Program.  
 1056 (6) Administrative staff shall be kept to the minimum  
 1057 necessary to administer the duties of the office.  
 1058 (7)(a) Parental choice of child care providers shall be  
 1059 established, to the maximum extent practicable, in accordance  
 1060 with 45 C.F.R. s. 98.30.  
 1061 (b) As used in this subsection, the term "payment  
 1062 certificate" means a child care certificate as defined in 45  
 1063 C.F.R. s. 98.2.

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1064        (c) The school readiness program shall, in accordance with  
 1065 45 C.F.R. s. 98.30, provide parental choice through a payment  
 1066 certificate that provides, to the maximum extent possible,  
 1067 flexibility in the school readiness program and payment  
 1068 arrangements. The payment certificate must bear the names of the  
 1069 beneficiary and the program provider and, when redeemed, must  
 1070 bear the signatures of both the beneficiary and an authorized  
 1071 representative of the provider.

1072        (d) If it is determined that a provider has given any cash  
 1073 to the beneficiary in return for receiving a payment  
 1074 certificate, the early learning coalition or its fiscal agent  
 1075 shall refer the matter to the Department of Financial Services  
 1076 pursuant to s. 414.411 for investigation.

1077        (8) Participation in the school readiness program does not  
 1078 expand the regulatory authority of the state, its officers, or  
 1079 any early learning coalition to impose any additional regulation  
 1080 on providers beyond those necessary to enforce the requirements  
 1081 set forth in this part.

1082        1002.83 Early learning coalitions.-

1083        (1) Thirty-one or fewer early learning coalitions are  
 1084 established and shall maintain direct enhancement services at  
 1085 the local level and provide access to such services in all 67  
 1086 counties. Two or more early learning coalitions may join for  
 1087 purposes of planning and implementing a school readiness program  
 1088 and voluntary prekindergarten program.

1089        (2) Each early learning coalition shall be composed of at  
 1090 least 15 members but not more than 30 members.

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1091           (3) The Governor shall appoint the chair and two other  
 1092 members of each early learning coalition, who must each meet the  
 1093 same qualifications as private sector business members appointed  
 1094 by the coalition under subsection (5).

1095           (4) Each early learning coalition must include the  
 1096 following member positions; however, in a multicounty coalition,  
 1097 each ex officio member position may be filled by multiple  
 1098 nonvoting members but no more than one voting member shall be  
 1099 seated per member position. If an early learning coalition has  
 1100 more than one member representing the same entity, only one of  
 1101 such members may serve as a voting member:

1102           (a) A Department of Children and Families circuit  
 1103 administrator or his or her designee who is authorized to make  
 1104 decisions on behalf of the department.

1105           (b) A district superintendent of schools or his or her  
 1106 designee who is authorized to make decisions on behalf of the  
 1107 district.

1108           (c) A regional workforce board executive director or his  
 1109 or her designee.

1110           (d) A county health department director or his or her  
 1111 designee.

1112           (e) A children's services council or juvenile welfare  
 1113 board chair or executive director, if applicable.

1114           (f) An agency head of a local licensing agency as defined  
 1115 in s. 402.302, where applicable.

1116           (g) A president of a Florida College System institution or  
 1117 his or her designee.

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1118        (h) One member appointed by a board of county  
 1119 commissioners or the governing board of a municipality.  
 1120        (i) A Head Start director.  
 1121        (j) A representative of private for-profit child care  
 1122 providers, including private for-profit family day care homes.  
 1123        (k) A representative of faith-based child care providers.  
 1124        (l) A representative of programs for children with  
 1125 disabilities under the federal Individuals with Disabilities  
 1126 Education Act.  
 1127        (5) Including the members appointed by the Governor under  
 1128 subsection (3), more than one-third of the members of each early  
 1129 learning coalition must be private sector business members,  
 1130 either for-profit or non-profit, who do not have, and none of  
 1131 whose relatives as defined in s. 112.3143 has, a substantial  
 1132 financial interest in the design or delivery of the Voluntary  
 1133 Prekindergarten Education Program created under part V of this  
 1134 chapter or the coalition's school readiness program. To meet  
 1135 this requirement an early learning coalition must appoint  
 1136 additional members. The office shall establish criteria for  
 1137 appointing private sector business members. These criteria must  
 1138 include standards for determining whether a member or relative  
 1139 has a substantial financial interest in the design or delivery  
 1140 of the Voluntary Prekindergarten Education Program or the  
 1141 coalition's school readiness program.  
 1142        (6) A majority of the voting membership of an early  
 1143 learning coalition constitutes a quorum required to conduct the  
 1144 business of the coalition. An early learning coalition may use  
 1145 any method of telecommunications to conduct meetings, including



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1146 establishing a quorum through telecommunications, provided that  
 1147 the public is given proper notice of a telecommunications  
 1148 meeting and reasonable access to observe and, when appropriate,  
 1149 participate.

1150 (7) A voting member of an early learning coalition may not  
 1151 appoint a designee to act in his or her place, except as  
 1152 otherwise provided in this subsection. A voting member may send  
 1153 a representative to coalition meetings but that representative  
 1154 does not have voting privileges. When a district administrator  
 1155 for the Department of Children and Families appoints a designee  
 1156 to an early learning coalition, the designee is the voting  
 1157 member of the coalition, and any individual attending in the  
 1158 designee's place, including the district administrator, does not  
 1159 have voting privileges.

1160 (8) Each member of an early learning coalition is subject  
 1161 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.  
 1162 112.3143(3)(a), each voting member is a local public officer who  
 1163 must abstain from voting when a voting conflict exists.

1164 (9) For purposes of tort liability, each member or  
 1165 employee of an early learning coalition shall be governed by s.  
 1166 768.28.

1167 (10) An early learning coalition serving a multicounty  
 1168 region must include representation from each county.

1169 (11) Each early learning coalition shall establish terms  
 1170 for all appointed members of the coalition. The terms must be  
 1171 staggered and must be a uniform length that does not exceed 4  
 1172 years per term. Coalition chairs shall be appointed for 4 years  
 1173 in conjunction with their membership on the Early Learning

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1174 Advisory Council pursuant to s. 20.052. Appointed members may  
 1175 serve a maximum of two consecutive terms. When a vacancy occurs  
 1176 in an appointed position, the coalition must advertise the  
 1177 vacancy.

1178 (12) State, federal, and local maintenance-of-effort and  
 1179 matching funds provided to the early learning coalitions may not  
 1180 be used directly or indirectly to pay for meals, food, or  
 1181 beverages for coalition members, coalition employees, or for  
 1182 subcontractor employees. Preapproved, reasonable, and necessary  
 1183 per diem allowances and travel expenses may be reimbursed. Such  
 1184 reimbursement shall be at the standard travel reimbursement  
 1185 rates established in s. 112.061 and must comply with applicable  
 1186 federal and state requirements.

1187 1002.84 Early learning coalitions; school readiness powers  
 1188 and duties.—Each early learning coalition shall:

1189 (1) Administer and implement a local comprehensive program  
 1190 of school readiness services in accordance with this part and  
 1191 the rules adopted by the office, which enhance the cognitive,  
 1192 social, and physical development of children to achieve the  
 1193 performance standards.

1194 (2) Establish a uniform waiting list to track eligible  
 1195 children waiting for enrollment in the school readiness program  
 1196 in accordance with rules adopted by the office.

1197 (3) Establish a resource and referral network operating  
 1198 under 1002.92 to assist parents in making an informed choice and  
 1199 provide maximum parental choice of providers, and to provide  
 1200 information on available community resources.

1201 (4) Establish a regional Warm-Line as directed by the

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1202 office pursuant to s. 1002.82(2)(r). Regional Warm-Line staff  
 1203 shall provide onsite technical assistance, when requested, to  
 1204 assist child care centers and family day care homes with  
 1205 inquiries relating to the strategies, curriculum, and  
 1206 environmental adaptations the child care centers and family day  
 1207 care homes may need as they serve children with disabilities and  
 1208 other special needs.

1209 (5) Establish an age-appropriate screening, for children  
 1210 ages birth through 5 years, of each child's development and an  
 1211 appropriate referral process for children with identified  
 1212 delays. Such screening shall not be a requirement of entry into  
 1213 school readiness programs and shall be only given with parental  
 1214 consent.

1215 (6) Implement an age-appropriate pre-assessment and post-  
 1216 assessment of children if specified in the coalition's plan.

1217 (7) Determine child eligibility pursuant to s. 1002.87 and  
 1218 provider eligibility pursuant to s. 1002.88. At a minimum, child  
 1219 eligibility must be redetermined annually. Redetermination must  
 1220 also be conducted biannually for an additional 50 percent of a  
 1221 coalition's enrollment through a statistically valid random  
 1222 sampling. A coalition must document the reason why a child is no  
 1223 longer eligible for the school readiness program according to  
 1224 the standard codes prescribed by the office.

1225 (8) Establish a parent sliding fee scale that requires a  
 1226 parent copayment to participate in the school readiness program.  
 1227 Providers are required to collect the parent's copayment. A  
 1228 coalition may, on a case-by-case basis, waive the copayment for  
 1229 an at-risk child or temporarily waive the copayment for a child

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1230 whose family experiences a natural disaster or emergency  
 1231 situation such as a household fire or burglary, or while the  
 1232 parent is participating in parenting classes. A parent may not  
 1233 transfer school readiness services to another school readiness  
 1234 provider until the parent has submitted documentation from the  
 1235 current school readiness provider to the early learning  
 1236 coalition stating that the parent has satisfactorily fulfilled  
 1237 the copayment obligation.

1238 (9) Establish proper maintenance of records related to  
 1239 eligibility and enrollment files, provider payments, coalition  
 1240 staff background screenings, and other documents required for  
 1241 the implementation of the school readiness program.

1242 (10) Establish a records retention requirement for sign-in  
 1243 and sign-out records that is consistent with state and federal  
 1244 law. Attendance records shall not be altered or amended after  
 1245 December 31 of the subsequent year.

1246 (11) Follow the requirements established by the Chief  
 1247 Financial Officer for the recording of property and for the  
 1248 periodic review of property for inventory purposes.

1249 (12) Comply with federal procurement requirements and the  
 1250 procurement requirements of ss. 215.971, 287.057 and 287.058,  
 1251 except that an early learning coalition is not required to  
 1252 competitively procure direct services for school readiness and  
 1253 Voluntary Prekindergarten Education Program providers.

1254 (13) Establish proper information technology security  
 1255 controls, including, but not limited to, periodically reviewing  
 1256 the appropriateness of access privileges assigned to users of  
 1257 certain systems; monitoring system hardware performance and

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1258 capacity-related issues; and ensuring appropriate backup  
 1259 procedures and disaster recovery plans are in place.

1260 (14) Develop written policies, procedures, and standards  
 1261 for monitoring vendor contracts, including, but not limited to,  
 1262 provisions specifying the particular procedures that may be used  
 1263 to evaluate contractor performance and the documentation that is  
 1264 to be maintained to serve as a record of contractor performance.  
 1265 This subsection does not apply to contracts with school  
 1266 readiness providers.

1267 (15) Monitor school readiness providers on an annual  
 1268 basis, or in response to a parental complaint, to determine that  
 1269 the standards prescribed in ss. 1002.86 and 1002.88 are met  
 1270 using a standard monitoring tool adopted by the office.  
 1271 Providers determined to be high-risk by the coalition, as  
 1272 demonstrated by substantial findings of violations of federal  
 1273 law or the general or local laws of the state, shall be  
 1274 monitored more frequently. Providers with 3 consecutive years of  
 1275 compliance may be monitored biennially.

1276 (16) Adopt a payment schedule that encompasses all  
 1277 programs funded under this part. The payment schedule must take  
 1278 into consideration the prevailing market rate, include the  
 1279 projected number of children to be served, and be submitted for  
 1280 approval by the office. Informal child care arrangements shall  
 1281 be reimbursed at not more than 50 percent of the rate adopted  
 1282 for a family day care home.

1283 (17) Implement an anti-fraud plan addressing the  
 1284 detection, reporting, and prevention of overpayments, abuse, and  
 1285 fraud relating to the provision of and payment for school

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1286 readiness and Voluntary Prekindergarten Education Program  
 1287 services and submit the plan to the office for approval, as  
 1288 required by s. 1002.91.  
 1289 (18) By October 1 of each year, submit an annual report to  
 1290 the office. The report shall conform to the format adopted by  
 1291 the office and must include:  
 1292 (a) Segregation of school readiness funds, Voluntary  
 1293 Prekindergarten Education Program funds, and Child Care  
 1294 Executive Partnership Program funds.  
 1295 (b) Details of expenditures by fund source, including  
 1296 total expenditures for administrative activities, quality  
 1297 activities, nondirect services, and direct services for  
 1298 children.  
 1299 (c) The total number of coalition staff and the related  
 1300 expenditures for salaries and benefits. For any subcontracts,  
 1301 the total number of contracted staff and the related  
 1302 expenditures for salaries and benefits must be included.  
 1303 (d) The number of children served in the school readiness  
 1304 program, by provider type, enumerated by age and eligibility  
 1305 priority category, reported as the number of children served  
 1306 during the first week of every month, the average full-time  
 1307 equivalent child participation throughout the month, and the  
 1308 number of children served during the month.  
 1309 (e) The total number of children disenrolled during the  
 1310 year and the reasons for disenrollment.  
 1311 (f) The total number of providers by provider type.  
 1312 (g) A listing of any school readiness provider, by type,  
 1313 whose eligibility to deliver the school readiness program is

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1314 revoked, including a brief description of the state or federal  
 1315 violation that resulted in the revocation.

1316 (h) An evaluation of its direct enhancement services.

1317 (i) The total number of children served n each provider  
 1318 facility.

1319 (19) Maintain its administrative staff at the minimum  
 1320 necessary to administer the duties of the early learning  
 1321 coalition.

1322 (20) To increase transparency and accountability, comply  
 1323 with the requirements of this section before contracting with a  
 1324 member of the coalition or a relative, as defined in s.  
 1325 112.3143(1)(b), of a coalition member or of an employee of the  
 1326 coalition. Such contracts may not be executed without the  
 1327 approval of the office. Such contracts, as well as documentation  
 1328 demonstrating adherence to this section by the office, must be  
 1329 approved by a two-thirds vote of the coalition, a quorum having  
 1330 been established; all conflicts of interest must be disclosed  
 1331 before the vote; and any member who may benefit from the  
 1332 contract, or whose relative may benefit from the contract, must  
 1333 abstain from the vote. A contract under \$25,000 between an early  
 1334 learning coalition and a member of that coalition or between a  
 1335 relative, as defined in s. 112.3143(1)(b), of a coalition member  
 1336 or of an employee of the coalition is not required to have the  
 1337 prior approval of the office but must be approved by a two-  
 1338 thirds vote of the coalition, a quorum having been established,  
 1339 and must be reported to the office within 30 days after  
 1340 approval. If a contract cannot be approved by the office, a  
 1341 review of the decision to disapprove the contract may be

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1342 requested by the early learning coalition or other parties to  
 1343 the disapproved contract.

1344 1002.85 Coalition plans; scorecard.-

1345 (1) The office shall adopt rules prescribing the  
 1346 standardized format and required content of school readiness  
 1347 plans as necessary for a coalition or other qualified entity to  
 1348 administer the school readiness program as provided in this  
 1349 part.

1350 (2) Each early learning coalition must biennially submit a  
 1351 school readiness plan to the office before the expenditure of  
 1352 funds. A coalition may not implement its school readiness plan  
 1353 until it receives approval from the office. A coalition may not  
 1354 implement any revision to its school readiness plan until the  
 1355 coalition submits the revised plan to and receives approval from  
 1356 the office. If the office rejects a plan or revision, the  
 1357 coalition must continue to operate under its previously approved  
 1358 plan. The plan must include, but is not limited to:

1359 (a) The coalition's operations, including its membership  
 1360 and business organization, and the coalition's articles of  
 1361 incorporation and bylaws if the coalition is organized as a  
 1362 corporation. If the coalition is not organized as a corporation  
 1363 or other business entity, the plan must include the contract  
 1364 with a fiscal agent.

1365 (b) The minimum number of children to be served by care  
 1366 level.

1367 (c) The coalition's procedures for implementing the  
 1368 requirements of this part, including:

1369 1. Single point of entry.



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- 1370 |        2. Uniform waiting list.
- 1371 |        4. Eligibility and enrollment processes.
- 1372 |        5. Parent access and choice.
- 1373 |        6. Sliding fee scale and policies on applying the waiver or
- 1374 | reduction of fees in accordance with 1002.84(8).
- 1375 |        7. Use of pre-assessments and post-assessments, if
- 1376 | applicable.
- 1377 |        8. Payment rate.
- 1378 |        (d) A detailed description of the coalition's quality
- 1379 | activities and services, including:
- 1380 |        1. Resource and referral and school-age child care.
- 1381 |        2. Infant and toddler early learning.
- 1382 |        3. Inclusive early learning programs.
- 1383 |        (e) A detailed budget that outlines estimated expenditures
- 1384 | for state, federal, and local maintenance-of-effort and matching
- 1385 | funds at the lowest level of detail available by other-cost-
- 1386 | accumulator code number; all estimated sources of revenue with
- 1387 | identifiable descriptions; a listing of full-time equivalent
- 1388 | positions; contracted subcontractor costs with related annual
- 1389 | compensation amount or hourly rate of compensation; and a
- 1390 | capital improvements plan outlining existing fixed capital
- 1391 | outlay projects and proposed capital outlay projects that will
- 1392 | begin during the budget year.
- 1393 |        (f) A detailed accounting, in the format prescribed by the
- 1394 | office, of all revenues and expenditures during the previous
- 1395 | state fiscal year. Revenue sources should be identifiable and
- 1396 | expenditures should be reported by three categories: state and
- 1397 | federal funds, local maintenance-of-effort and matching funds,

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1398 and Child Care Executive Partnership Program funds.  
 1399 (g) Updated policies and procedures, including those  
 1400 governing procurement, maintenance of tangible personal  
 1401 property, maintenance of records, information technology  
 1402 security, and disbursement controls.  
 1403 (h) A description of the procedures for monitoring school  
 1404 readiness providers on an annual basis or, in response to a  
 1405 parental complaint, to determine that the standards prescribed  
 1406 in ss. 1002.86 and 1002.88 are met using a standard monitoring  
 1407 tool adopted by the office. Providers determined to be high risk  
 1408 by the coalition as demonstrated by substantial findings of  
 1409 violations of law shall be monitored more frequently.  
 1410 (i) Documentation that the coalition has solicited and  
 1411 considered comments regarding the proposed school readiness plan  
 1412 from the local community.  
 1413 (3) The coalition may periodically amend its plan as  
 1414 necessary. An amended plan must be submitted to and approved by  
 1415 the office before any expenditures are incurred on the new  
 1416 activities proposed in the amendment.  
 1417 (4) The office shall publish a copy of the standardized  
 1418 format and required content of school readiness plans on its  
 1419 website.  
 1420 (5) The office shall establish a scorecard to measure  
 1421 coalition performance in delivering early learning programs.  
 1422 Measures shall include, but are not limited to, measures related  
 1423 to progress towards reducing the number of children on the  
 1424 waitlist, the percentage of children served by the program as  
 1425 compared to the number of administrative staff and overhead, the

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1426 percentage of children served compared to total number of  
 1427 children under the age of 5 years below 150 percent of the  
 1428 federal poverty line, provider payment processes, fraud  
 1429 intervention, child attendance and stability, use of child care  
 1430 resource and referral, and kindergarten readiness outcomes for  
 1431 children in the Voluntary Prekindergarten Education Program or  
 1432 the school readiness program upon entry into kindergarten. The  
 1433 office shall request input from the coalitions and school  
 1434 readiness providers before finalizing the scorecard format and  
 1435 measures to be used. The scorecard shall be implemented  
 1436 beginning July 1, 2014, and results of the scorecard must be  
 1437 included in the annual report under s. 1002.82.

1438 1002.86 School readiness program; program requirements.-

1439 (1) The school readiness program must meet the following  
 1440 requirements:

1441 (a) Maximize parental choice through a variety of  
 1442 providers, including private and faith-based providers; be  
 1443 developmentally appropriate, research-based, involve the parent  
 1444 as a child's first teacher, serve as a preventive measure for  
 1445 children at risk of future school failure; and enhance the  
 1446 school readiness of eligible children. Each school readiness  
 1447 program shall assist parents to prepare at-risk children for  
 1448 school, including health screening and referral, and an  
 1449 appropriate educational program.

1450 (b) Enhance the age-appropriate progress of each child in  
 1451 attaining the performance standards adopted by the office.

1452 (c) Operate on a full-time and part-time basis and provide  
 1453 extended-day and extended-year services to the maximum extent

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1454 possible without compromising the quality of the program to meet  
 1455 the needs of parents who work.

1456 (d) Utilize a coordinated professional development system  
 1457 that supports the achievement and maintenance of core  
 1458 competencies by school readiness teachers in helping children  
 1459 attain the performance standards adopted by the office.

1460 (e) Implement minimum standards for child discipline  
 1461 practices that are age-appropriate. Such standards must provide  
 1462 that children not be subjected to discipline that is severe,  
 1463 humiliating, or frightening or discipline that is associated  
 1464 with food, rest, or toileting. Spanking or any other form of  
 1465 physical punishment is prohibited.

1466 (f) Provide expanded access to community services and  
 1467 resources for families to help achieve economic self-  
 1468 sufficiency.

1469 (2) The school readiness program shall be a  
 1470 developmentally appropriate education component for the state's  
 1471 eligible population described in s. 1002.87 but shall not be  
 1472 construed as part of the K-20 education system.

1473 (3) Persons with an early childhood teaching certificate  
 1474 may provide support and supervision to other staff in the school  
 1475 readiness program.

1476 (4) Each school district shall make a list of all  
 1477 individuals currently eligible to act as a substitute teacher  
 1478 within the school district, pursuant to the rules adopted by the  
 1479 school district pursuant to s. 1012.35, available to an early  
 1480 learning coalition serving students within the school district.  
 1481 Child care facilities as defined in s. 402.302 may employ

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1482 individuals listed as substitute instructors for the purpose of  
 1483 offering the school readiness program, the Voluntary  
 1484 Prekindergarten Education Program, and all other legally  
 1485 operating child care programs.

1486 (5) Section 125.901(2)(a)3. does not apply to school  
 1487 readiness programs. The office may apply to the Governor and  
 1488 Cabinet for a waiver of, and the Governor and Cabinet may waive,  
 1489 any of the provisions of ss. 411.223 and 1003.54 if the waiver  
 1490 is necessary for implementation of school readiness programs.

1491 1002.87 School readiness program; eligibility and  
 1492 enrollment.-

1493 (1) Effective August 1, 2013, or upon reevaluation of  
 1494 eligibility for children currently served, whichever is later,  
 1495 each early learning coalition shall give priority for  
 1496 participation in the school readiness program as follows:

1497 (a) Priority shall be given first to a child younger than  
 1498 13 years of age from a working family that includes a parent who  
 1499 is receiving temporary cash assistance under chapter 414 and  
 1500 subject to the federal work requirements or a parent who  
 1501 transitions for the work program into employment as described in  
 1502 s. 445.032.

1503 (b) Priority shall be given next to an at-risk child  
 1504 younger than 9 years of age.

1505 (c) Priority shall be given next to a child from birth to  
 1506 the beginning of the school year for which the child is eligible  
 1507 for admission to kindergarten in a public school under s.  
 1508 1003.21(1)(a)2., from a working family that is economically  
 1509 disadvantaged. However, the child ceases to be eligible if his

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1510 or her family income exceeds 200 percent of the federal poverty  
 1511 level.

1512 (d) Priority shall be given next to an at-risk child who  
 1513 is at least 9 years of age but younger than 13 years of age. An  
 1514 at-risk child whose sibling is enrolled in the school readiness  
 1515 program within an eligibility priority category listed in  
 1516 paragraphs (a)-(c) shall be given priority over other children  
 1517 who are eligible under this paragraph.

1518 (e) Priority shall be given next to a child who has  
 1519 special needs, has been determined eligible as a student with a  
 1520 disability, has a current individual education plan with a  
 1521 Florida school district, and is not younger than 3 years of age.  
 1522 A special needs child eligible under this paragraph remains  
 1523 eligible until the child is eligible for admission to  
 1524 kindergarten in a public school under s. 1003.21(1)(a)2.

1525 (f) Priority shall be given next to a child who is younger  
 1526 than 13 years of age from a working family that is economically  
 1527 disadvantaged. A child who is eligible under this paragraph  
 1528 whose sibling is enrolled in the school readiness program under  
 1529 paragraph (c) shall be given priority over other children who  
 1530 are eligible who are eligible under this paragraph.

1531 (g) Notwithstanding paragraphs (a)-(d), priority shall be  
 1532 given last to a child who otherwise meets one of the eligibility  
 1533 criteria in paragraphs (a)-(d) but who is also enrolled  
 1534 concurrently in the federal Head Start Program and the Voluntary  
 1535 Prekindergarten Education Program.

1536 (2) A school readiness provider may be paid only for  
 1537 authorized hours of care provided for a child in the school

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1538 readiness program. A child enrolled in the Voluntary  
 1539 Prekindergarten Education Program may receive care from the  
 1540 school readiness program if the child is eligible according to  
 1541 the eligibility priorities in this section.

1542 (3) Contingent upon the availability of funds, a coalition  
 1543 shall enroll eligible children, including those from its waiting  
 1544 list, according to the eligibility priorities in this section.

1545 (4) The parent of a child enrolled in the school readiness  
 1546 program must notify the coalition or its designee within 10 days  
 1547 after any change in employment, income, or family size. Upon  
 1548 notification by the parent, the child's eligibility must be  
 1549 reevaluated.

1550 (5) A child whose eligibility priority category requires  
 1551 the child to be from a working family ceases to be eligible for  
 1552 the school readiness program if a parent with whom the child  
 1553 resides does not reestablish employment within 60 days after  
 1554 becoming unemployed.

1555 (6) Eligibility for each child must be reevaluated  
 1556 annually. Upon reevaluation, a child may not continue to receive  
 1557 school readiness services if he or she has ceased to be eligible  
 1558 under this section.

1559 (7) If a coalition disenrolls children from the school  
 1560 readiness program, the coalition must disenroll the children in  
 1561 reverse order of the eligibility priorities listed in subsection  
 1562 (1) beginning with children from families with the highest  
 1563 family incomes. A notice of disenrollment must be sent to the  
 1564 parent and school readiness provider at least 2 weeks before  
 1565 disenrollment to provide adequate time for the parent to arrange

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1566 alternative care for the child. However, an at-risk child may  
 1567 not be disenrolled from the program without the written approval  
 1568 of the Family Safety Program Office of the Department of  
 1569 Children and Families or the community-based lead agency.

1570 (8) If a child is absent from the program for 5  
 1571 consecutive days without parental notification to the program of  
 1572 such absence, the school readiness provider shall report the  
 1573 absence to the early learning coalition for a determination of  
 1574 the need for continued care.

1575 (9) Notwithstanding s. 39.604, a school readiness  
 1576 provider, regardless of whether the provider is licensed, shall  
 1577 comply with the reporting requirements of the Rilya Wilson Act  
 1578 for each at-risk child under the age of school entry who is  
 1579 enrolled in the school readiness program.

1580 1002.88 School readiness provider standards; eligibility  
 1581 to deliver the school readiness program.-

1582 (1) To be eligible to deliver the school readiness  
 1583 program, a school readiness provider must:

1584 (a) Be a child care facility licensed under s. 402.305, a  
 1585 family day care home licensed or registered under s. 402.313, a  
 1586 large family child care home licensed under s. 402.3131, a  
 1587 public school or nonpublic school exempt from licensure under s.  
 1588 402.3025, a faith-based child care provider exempt from  
 1589 licensure under s. 402.316, a before-school or after-school  
 1590 program described in s. 402.305(1)(c), or an informal child care  
 1591 provider to the extent authorized in the state's Child Care and  
 1592 Development Fund Plan as approved by the United States  
 1593 Department of Health and Human Services pursuant to 45 C.F.R. s.



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1594 98.18.

1595 (b) Enhance the age-appropriate progress of each child in  
 1596 attaining the child development standards adopted by the office.

1597 (c) Provide basic health and safety of its premises and  
 1598 facilities and compliance with requirements for age-appropriate  
 1599 immunizations of children enrolled in the school readiness  
 1600 program. For a child care facility, a large family child care  
 1601 home, or a licensed family day care home, compliance with s.  
 1602 402.305, s. 402.3131, or s. 402.313 satisfies this requirement.  
 1603 For a public or nonpublic school, compliance with s. 402.3025 or  
 1604 s. 1003.22 satisfies this requirement. A faith-based child care  
 1605 provider, an informal child care provider, or a nonpublic  
 1606 school, exempt from licensure under ss. 402.316 or 402.3025,  
 1607 shall annually complete the health and safety checklist adopted  
 1608 by the office, post the checklist prominently on its premises in  
 1609 plain site for visitors and parents, and submit it annually to  
 1610 its local early learning coalition.

1611 (d) Provide an appropriate staff-to-children ratio,  
 1612 pursuant to s. 402.305(4) or s. 402.302(8) or (11), as  
 1613 applicable, and as verified pursuant to s. 402.311.

1614 (e) Provide a healthy and safe environment pursuant to s.  
 1615 402.305(5), (6), and (7), as applicable, and as verified  
 1616 pursuant to s. 402.311.

1617 (f) Implement one of the curriculum approved by the office  
 1618 that meets the child development standards.

1619 (g) Implement a character development program to develop  
 1620 basic values.

1621 (h) Collaborate with the respective early learning

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1622 coalition, if requested, to complete initial screening for each  
 1623 child, aged 6 weeks to kindergarten eligibility, within 45 days  
 1624 after the child's first or subsequent enrollment, to identify a  
 1625 child who may need individualized supports.

1626 (i) Provide that the minimum standards associated with  
 1627 child discipline under s. 1002.86(1)(e) are met.

1628 (j) Obtain and keep on file the child's immunizations,  
 1629 physical development, and other health requirements as  
 1630 necessary, including appropriate vision and hearing screening  
 1631 and examination, within 30 days after enrollment.

1632 (k) Implement before-school or after-school programs that  
 1633 meet or exceed the requirements of s. 402.305(5), (6), and (7).

1634 (l) For a provider that is not an informal provider,  
 1635 maintain general liability insurance and provide the coalition  
 1636 written evidence of general liability insurance coverage,  
 1637 including coverage of transportation of children if school  
 1638 readiness children are transported by the provider. A provider  
 1639 must obtain and retain an insurance policy that provides a  
 1640 minimum of \$100,000 of coverage per occurrence and a minimum of  
 1641 \$300,000 general aggregate coverage. A provider must add the  
 1642 coalition as a named certificateholder and as an additional  
 1643 insured. A provider must provide the coalition with a minimum of  
 1644 10 calendar days advance written notice of cancellation of or  
 1645 changes to coverage. The general liability insurance required by  
 1646 this paragraph must remain in full force and effect for the  
 1647 entire period of the provider contract with the coalition.

1648 (m) For a provider that is an informal provider, comply  
 1649 with the provisions of paragraph (l) or maintain homeowner's

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1650 liability insurance and, if applicable, a business rider. If an  
 1651 informal provider chooses to maintain a homeowner's policy, the  
 1652 provider must obtain and retain a homeowner's insurance policy  
 1653 that provides a minimum of \$100,000 of coverage per occurrence  
 1654 and a minimum of \$300,000 general aggregate coverage. An  
 1655 informal provider must add the coalition as a named  
 1656 certificateholder and as an additional insured. An informal  
 1657 provider must provide the coalition with a minimum of 10  
 1658 calendar days advance written notice of cancellation of or  
 1659 changes to coverage. The general liability insurance required by  
 1660 this paragraph must remain in full force and effect for the  
 1661 entire period of the provider's contract with the coalition.

1662 (n) Obtain and maintain any required workers' compensation  
 1663 insurance under chapter 440 and any required unemployment  
 1664 compensation insurance under chapter 443.

1665 (o) Notwithstanding paragraph (l), for a provider that is  
 1666 a state agency or a subdivision thereof, as defined in s.  
 1667 768.28(2), agree to notify the coalition of any additional  
 1668 liability coverage maintained by the provider in addition to  
 1669 that otherwise established under s. 768.28. The provider shall  
 1670 indemnify the coalition to the extent permitted by s. 768.28.

1671 (p) Execute the standard statewide provider contract  
 1672 adopted by the office.

1673 (2) If a school readiness provider fails or refuses to  
 1674 comply with this part or any contractual obligation of the  
 1675 statewide provider contract under s. 1002.82(2)(m), the  
 1676 coalition may revoke the provider's eligibility to deliver the  
 1677 school readiness program or receive state or federal funds under

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1678 this chapter for a period of 5 years.

1679 (3) The office and the coalitions may not:

1680 (a) Impose any requirement on a child care provider or  
 1681 early childhood education provider that does not deliver  
 1682 services under the school readiness program or receive state or  
 1683 federal funds under this chapter; or

1684 (b) Impose any requirement on a school readiness provider  
 1685 that exceeds the authority provided under this part or rules  
 1686 adopted pursuant to this part.

1687 1002.89 School readiness program; funding.—

1688 (1) Funding for the school readiness program shall be  
 1689 allocated among the early learning coalitions in accordance with  
 1690 this section and the General Appropriations Act.

1691 (2) The office shall administer school readiness funds and  
 1692 prepare and submit a unified budget request for the school  
 1693 readiness program in accordance with chapter 216.

1694 (3) All instructions to early learning coalitions for  
 1695 administering this section shall emanate from the office in  
 1696 accordance with the policies of the Legislature.

1697 (4) All cost savings and all revenues received through a  
 1698 mandatory sliding fee scale shall be used to increase the number  
 1699 of children served.

1700 (5) All state, federal, and required local maintenance-of-  
 1701 effort or matching funds provided to an early learning coalition  
 1702 for purposes of this section shall be used for implementation of  
 1703 its approved school readiness plan, including the hiring of  
 1704 staff to effectively operate the coalition's school readiness  
 1705 program.

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1706 (6) Costs shall be kept to the minimum necessary for the  
 1707 efficient and effective administration of the school readiness  
 1708 program with the highest priority of expenditure being direct  
 1709 services for eligible children. However, no more than 5 percent  
 1710 of the funds described in subsection (5) may be used for  
 1711 administrative costs and, except as otherwise specified in the  
 1712 General Appropriations Act, no more than 18 percent of the funds  
 1713 described in subsection (5) may be used for any combination of  
 1714 administrative costs, quality activities, and nondirect services  
 1715 as follows:

1716 (a) Administrative costs as described in 45 C.F.R. s.  
 1717 98.52, which shall include monitoring providers using the  
 1718 standard methodology adopted under s. 1002.82 to improve  
 1719 compliance with state and federal regulations and law pursuant  
 1720 to the requirements of the statewide provider contract adopted  
 1721 under s. 1002.82(2)(m).

1722 (b) Activities to improve the quality of child care as  
 1723 described in 45 C.F.R. s. 98.51, which shall be limited to the  
 1724 following:

1725 1. Developing, establishing, expanding, operating, and  
 1726 coordinating resource and referral programs specifically related  
 1727 to the provision of comprehensive consumer education to parents  
 1728 and the public regarding participation in the school readiness  
 1729 program and parental choice.

1730 2. Awarding grants to school readiness providers to assist  
 1731 them in meeting applicable state requirements for child care  
 1732 performance standards, implementing developmentally appropriate  
 1733 curricula and related classroom resources that support

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1734 curricula, providing literacy supports, and providing  
 1735 professional development. Any grants awarded pursuant to this  
 1736 subparagraph shall comply with the requirements of ss. 215.971  
 1737 and 287.058.

1738 3. Providing training and technical assistance for school  
 1739 readiness providers, staff, and parents on child performance  
 1740 standards, child screenings, child assessments, developmentally  
 1741 appropriate curricula, character development, teacher-child  
 1742 interactions, age-appropriate discipline practices, health and  
 1743 safety, nutrition, first aid, the recognition of communicable  
 1744 diseases, and child abuse detection and prevention.

1745 4. Providing from among the funds provided for the  
 1746 activities described in subparagraphs 1.-3., adequate funding  
 1747 for infants and toddlers as necessary to meet federal  
 1748 requirements related to expenditures for quality activities for  
 1749 infant and toddler care.

1750 5. Improving the monitoring of compliance with, and  
 1751 enforcement of, applicable state and local requirements as  
 1752 described in and limited by 45 CFR s. 98.40 and 98.41.

1753 6. Responding to Warm-Line requests by providers and  
 1754 parents related to school readiness children, including  
 1755 providing developmental and health screenings to school  
 1756 readiness children.

1757 (c) Nondirect services as described in applicable Office  
 1758 of Management and Budget instructions are those services not  
 1759 defined as administrative, direct, or quality services that are  
 1760 required to administer the school readiness program. Such  
 1761 services include, but are not limited to:

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1762 1. Assisting families to complete the required application  
 1763 and eligibility documentation.

1764 2. Determining child and family eligibility.

1765 3. Recruiting eligible child care providers.

1766 4. Processing and tracking attendance records.

1767 5. Developing and maintaining a statewide child care  
 1768 information system.

1769 6. Monitoring participating child care providers using the  
 1770 standard methodology adopted under s. 1002.82.

1771  
 1772 As used in this paragraph, the term "nondirect services" does  
 1773 not include payments to school readiness providers for direct  
 1774 services provided to children who are eligible under s. 1002.87,  
 1775 administrative costs as described in paragraph (a), or quality  
 1776 activities as described in paragraph (b).

1777 (7) State funds appropriated for the school readiness  
 1778 program may not be expended for the purchase or improvement of  
 1779 land, for the purchase, construction, or permanent improvement  
 1780 of any building or facility, or for the purchase of buses.  
 1781 However, funds may be expended for minor remodeling and  
 1782 upgrading child care facilities to ensure that providers meet  
 1783 state and local child care standards, including applicable  
 1784 health and safety requirements.

1785 1002.91 Investigations of fraud or overpayment;  
 1786 penalties.-

1787 (1) As used in this subsection, the term "fraud" means an  
 1788 intentional deception, omission, or misrepresentation made by a  
 1789 person with knowledge that the deception, omission, or

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1790 misrepresentation may result in unauthorized benefit to that  
 1791 person or another person, or any aiding and abetting of the  
 1792 commission of such an act. The term includes any act that  
 1793 constitutes fraud under applicable federal or state law.

1794 (2) To recover state, federal, and local matching funds,  
 1795 the office shall investigate early learning coalitions,  
 1796 recipients, and providers of the school readiness program and  
 1797 the Voluntary Prekindergarten Education Program to determine  
 1798 possible fraud or overpayment. If by its own inquiries, or as a  
 1799 result of a complaint, the office has reason to believe that a  
 1800 person ,coalition, or provider has engaged in, or is engaging  
 1801 in, a fraudulent act, it shall investigate and determine whether  
 1802 any overpayment has occurred due to the fraudulent act. During  
 1803 the investigation, the office may examine all records, including  
 1804 electronic benefits transfer records, and make inquiry of all  
 1805 persons who may have knowledge as to any irregularity incidental  
 1806 to the disbursement of public moneys or other items or benefits  
 1807 authorizations to recipients.

1808 (3) Based on the results of the investigation, the office  
 1809 may, in its discretion, refer the investigation to the  
 1810 Department of Financial Services for criminal investigation or  
 1811 refer the matter to the applicable coalition. Any suspected  
 1812 criminal violation identified by the office must be referred to  
 1813 the Department of Financial Services for criminal investigation.

1814 (4) An early learning coalition may suspend or terminate a  
 1815 provider from participation in the school readiness program or  
 1816 Voluntary Prekindergarten Education program when it has  
 1817 reasonable cause to believe that the provider has committed



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1818 fraud. The office shall adopt by rule appropriate due process  
 1819 procedures that the early learning coalition shall apply in  
 1820 suspending or terminating any provider, including the suspension  
 1821 or termination of payment. If suspended, the provider shall  
 1822 remain suspended until the completion of any investigation by  
 1823 the office, the Department of Financial Services, or any other  
 1824 state or federal agency, and any subsequent prosecution or other  
 1825 legal proceeding.

1826 (5) If a school readiness provider, after investigation  
 1827 and adjudication by a court of competent jurisdiction, is  
 1828 convicted under s. 414.39, the coalition shall permanently  
 1829 refrain from contracting with, or using the services of, that  
 1830 provider. In addition, the coalition shall permanently refrain  
 1831 from contracting with, or using the services of, any provider  
 1832 that shares an officer or director with a provider that is  
 1833 convicted under s. 414.39.

1834 (6) If the investigation is not confidential or otherwise  
 1835 exempt from disclosure by law, the results of the investigation  
 1836 may be reported by the office to the appropriate legislative  
 1837 committees, the Department of Children and Families, and such  
 1838 other persons as the office deems appropriate.

1839 (7) The early learning coalition may not contract with a  
 1840 provider who is on the United States Department of Agriculture  
 1841 National Disqualified List. In addition, the coalition may not  
 1842 contract with any provider that shares an officer or director  
 1843 with a provider that is on the United States Department of  
 1844 Agriculture National Disqualified List.

1845 (8) Each early learning coalition shall adopt an anti-

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1846 fraud plan addressing the detection and prevention of  
 1847 overpayments, abuse, and fraud relating to the provision of and  
 1848 payment for school readiness and Voluntary Prekindergarten  
 1849 Education Program services and submit the plan to the office for  
 1850 approval. The office shall adopt rules establishing criteria for  
 1851 the anti-fraud plan, including appropriate due process  
 1852 provisions. The anti-fraud plan must include, at a minimum:  
 1853 (a) A written description or chart outlining the  
 1854 organizational structure of the plan's personnel who are  
 1855 responsible for the investigation and reporting of possible  
 1856 overpayment, abuse, or fraud.  
 1857 (b) A description of the plan's procedures for detecting  
 1858 and investigating possible acts of fraud, abuse, or overpayment.  
 1859 (c) A description of the plan's procedures for the  
 1860 mandatory reporting of possible overpayment, abuse, or fraud to  
 1861 the Office of Inspector General within the office.  
 1862 (d) A description of the plan's program and procedures for  
 1863 educating and training personnel on how to detect and prevent  
 1864 fraud, abuse, and overpayment.  
 1865 (e) A description of the plan's procedures, including the  
 1866 appropriate due process provisions adopted by the office for  
 1867 suspending or terminating from the school readiness program or  
 1868 the Voluntary Prekindergarten Education program a recipient or  
 1869 provider who the early learning coalition believes has committed  
 1870 fraud.  
 1871 (9) A person who commits an act of fraud as defined in  
 1872 this section is subject to the penalties provided in s.  
 1873 414.39(5) (a) and (b).

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1874 1002.92 Child care and early childhood resource and  
 1875 referral.-

1876 (1) As a part of the school readiness program, the office  
 1877 shall establish a statewide child care resource and referral  
 1878 network that is unbiased and provides referrals to families for  
 1879 child care and information on available community resources.  
 1880 Preference shall be given to using early learning coalitions as  
 1881 the child care resource and referral agencies. If an early  
 1882 learning coalition cannot comply with the requirements to offer  
 1883 the resource information component or does not want to offer  
 1884 that service, the early learning coalition shall select the  
 1885 resource and referral agency for its county or multicounty  
 1886 region based upon the procurement requirements of s.  
 1887 1002.84(12).

1888 (2) At least one child care resource and referral agency  
 1889 must be established in each early learning coalition's county or  
 1890 multicounty region. The office shall adopt rules regarding  
 1891 accessibility of child care resource and referral services  
 1892 offered through child care resource and referral agencies in  
 1893 each county or multicounty region which include, at a minimum,  
 1894 required hours of operation, methods by which parents may  
 1895 request services, and child care resource and referral staff  
 1896 training requirements.

1897 (3) Child care resource and referral agencies shall  
 1898 provide the following services:

1899 (a) Identification of existing public and private child  
 1900 care and early childhood education services, including child  
 1901 care services by public and private employers, and the

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1902 development of a resource file of those services through the  
 1903 single statewide information system developed by the office  
 1904 under s. 1002.82(2)(n). These services may include family day  
 1905 care, public and private child care programs, the Voluntary  
 1906 Prekindergarten Education Program, Head Start, the school  
 1907 readiness program, special education programs for  
 1908 prekindergarten children with disabilities, services for  
 1909 children with developmental disabilities, full-time and part-  
 1910 time programs, before-school and after-school programs, vacation  
 1911 care programs, parent education, the temporary cash assistance  
 1912 program, and related family support services. The resource file  
 1913 shall include, but not be limited to:

- 1914 1. Type of program.
- 1915 2. Hours of service.
- 1916 3. Ages of children served.
- 1917 4. Number of children served.
- 1918 5. Program information.
- 1919 6. Fees and eligibility for services.
- 1920 7. Availability of transportation.

1921 (b) Establishment of a referral process that responds to  
 1922 parental need for information and that is provided with full  
 1923 recognition of the confidentiality rights of parents. The  
 1924 resource and referral network shall make referrals to legally  
 1925 operating child care facilities. Referrals may not be made to a  
 1926 child care facility that is operating illegally.

1927 (c) Maintenance of ongoing documentation of requests for  
 1928 service tabulated through the internal referral process through  
 1929 the single statewide information system. The following

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1930 documentation of requests for service shall be maintained by the  
 1931 child care resource and referral network:

1932 1. Number of calls and contacts to the child care resource  
 1933 information and referral network component by type of service  
 1934 requested.

1935 2. Ages of children for whom service was requested.

1936 3. Time category of child care requests for each child.

1937 4. Special time category, such as nights, weekends, and  
 1938 swing shift.

1939 5. Reason that the child care is needed.

1940 6. Name of the employer and primary focus of the business  
 1941 for an employer based child care program.

1942 (d) Provision of technical assistance to existing and  
 1943 potential providers of child care services. This assistance may  
 1944 include:

1945 1. Information on initiating new child care services,  
 1946 zoning, and program and budget development and assistance in  
 1947 finding such information from other sources.

1948 2. Information and resources which help existing child  
 1949 care services providers to maximize their ability to serve  
 1950 children and parents in their community.

1951 3. Information and incentives that may help existing or  
 1952 planned child care services offered by public or private  
 1953 employers seeking to maximize their ability to serve the  
 1954 children of their working parent employees in their community,  
 1955 through contractual or other funding arrangements with  
 1956 businesses.

1957 (e) Assistance to families and employers in applying for

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1958 various sources of subsidy including, but not limited to, the  
 1959 Voluntary Prekindergarten Education Program, the school  
 1960 readiness program, Head Start, Project Independence, private  
 1961 scholarships, and the federal child and dependent care tax  
 1962 credit.

1963 (f) Assistance to families to negotiate discounts or other  
 1964 special arrangements with child care providers.

1965 (g) Assistance to families in identifying summer  
 1966 recreation camp and summer day camp programs to help families  
 1967 make informed choice. Contingent upon specific appropriation, a  
 1968 checklist of important health and safety qualities that parents  
 1969 can use to choose their summer camp programs shall be developed  
 1970 and distributed in a manner that will reach parents interested  
 1971 in such programs for their children.

1972 (h) Assistance to families for accessing local community  
 1973 resources.

1974 (4) A child care facility licensed under s. 402.305 and  
 1975 licensed and registered family day care homes must provide the  
 1976 statewide child care and resource and referral network with the  
 1977 following information annually:

1978 (a) Type of program.

1979 (b) Hours of service.

1980 (c) Ages of children served.

1981 (d) Fees and eligibility for services.

1982 1002.93 School readiness transportation services.-

1983 (1) The office may authorize an early learning coalition  
 1984 to establish school readiness transportation services for  
 1985 children at risk of abuse or neglect who are participating in

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1986 the school readiness program, pursuant to chapter 427. The early  
 1987 learning coalitions may contract for the provision of  
 1988 transportation services as required by this section.

1989 (2) The transportation servicers may only provide  
 1990 transportation to each child participating in the school  
 1991 readiness program to the extent that such transportation is  
 1992 necessary to provide child care opportunities that otherwise  
 1993 would not be available to a child whose home is more than a  
 1994 reasonable walking distance from the nearest child care facility  
 1995 or family day care home.

1996 1002.94 Child Care Executive Partnership Act.-

1997 (1) This section may be cited as the "Child Care Executive  
 1998 Partnership Act."

1999 (2) There is created a body politic and corporate known as  
 2000 the Child Care Executive Partnership which shall establish and  
 2001 govern the Child Care Executive Partnership Program. The purpose  
 2002 of the Child Care Executive Partnership Program is to use state  
 2003 and federal funds as incentives for matching local funds derived  
 2004 from local governments, employers, charitable foundations, and  
 2005 other sources so that Florida communities may create local  
 2006 flexible partnerships with employers. The Child Care Executive  
 2007 Partnership Program funds shall be used at the discretion of  
 2008 local communities to meet the needs of working parents. A child  
 2009 care purchasing pool shall be developed with the state, federal,  
 2010 and local funds to provide subsidies to low-income working  
 2011 parents whose family income does not exceed the allowable income  
 2012 for any federally subsidized child care program with a dollar-  
 2013 for-dollar match from employers, local government, and other

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2014 matching contributions. The funds used from the child care  
 2015 purchasing pool must be used to supplement or extend the use of  
 2016 existing public or private funds for slots.

2017 (3) The Child Care Executive Partnership, staffed by the  
 2018 office, shall consist of a representative of the Executive  
 2019 Office of the Governor and nine members of the corporate or  
 2020 child care community, appointed by the Governor.

2021 (a) Members shall serve for a period of 4 years, except  
 2022 that the representative of the Executive Office of the Governor  
 2023 shall serve at the pleasure of the Governor.

2024 (b) The Child Care Executive Partnership shall be chaired  
 2025 by a member chosen by a majority vote and shall meet at least  
 2026 quarterly and at other times upon the call of the chair. The  
 2027 Child Care Executive Partnership may use any method of  
 2028 telecommunications to conduct meetings, including establishing a  
 2029 quorum through telecommunications, only if the public is given  
 2030 proper notice of a telecommunications meeting and reasonable  
 2031 access to observe and, when appropriate, participate.

2032 (c) Members shall serve without compensation, but may be  
 2033 reimbursed for per diem and travel expenses in accordance with  
 2034 s. 112.061.

2035 (d) The Child Care Executive Partnership shall have all  
 2036 the powers and authority, not explicitly prohibited by law,  
 2037 necessary to carry out and effectuate the purposes of this  
 2038 section, as well as the functions, duties, and responsibilities  
 2039 of the partnership, including, but not limited to, the  
 2040 following:

2041 1. Assisting in the formulation and coordination of the



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- 2042 state's child care policy.
- 2043 2. Adopting an official seal.
- 2044 3. Soliciting, accepting, receiving, investing, and
- 2045 expending funds from public or private sources.
- 2046 4. Contracting with public or private entities as
- 2047 necessary.
- 2048 5. Approving an annual budget.
- 2049 6. Providing a report to the Governor, the Speaker of the
- 2050 House of Representatives, and the President of the Senate, on or
- 2051 before December 1 of each year.

2052

2053 Notwithstanding this subsection, the corporate body politic

2054 previously established by prior law is the corporate body

2055 politic for purposes of this section and shall continue in

2056 existence. All member terms of the existing corporate body

2057 politic expire as of June 30 and new members shall be appointed

2058 beginning July 1 in accordance with this subsection.

2059 (4) (a) The Legislature shall annually determine the amount

2060 of state or federal low-income child care moneys which shall be

2061 used to create Child Care Executive Partnership Program child

2062 care purchasing pools in counties chosen by the Child Care

2063 Executive Partnership provided that at least two of the counties

2064 have populations of no more than 300,000. The Legislature shall

2065 annually review the effectiveness of the child care purchasing

2066 pool program and reevaluate the percentage of additional state

2067 or federal funds, if any, which can be used for the program's

2068 expansion.

2069 (b) To ensure a seamless service delivery and ease of

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2070 access for families, the office shall administer the child care  
 2071 purchasing pool funds.

2072 (c) The office, in conjunction with the Child Care  
 2073 Executive Partnership, shall develop procedures for disbursement  
 2074 of funds through the child care purchasing pools. In order to be  
 2075 considered for funding, an early learning coalition or the  
 2076 office must commit to:

2077 1. Matching the state purchasing pool funds on a dollar-  
 2078 for-dollar basis.

2079 2. Expending only those public funds that are matched by  
 2080 employers, local government, and other matching contributors who  
 2081 contribute to the purchasing pool. Parents shall also pay a fee,  
 2082 which may not be less than the amount identified in the early  
 2083 learning coalition's school readiness program sliding fee scale.

2084 (d) Each early learning coalition shall establish a  
 2085 community child care task force for each child care purchasing  
 2086 pool. The task force must be composed of employers, parents,  
 2087 private child care providers, and one representative from the  
 2088 local children's services council, if one exists in the area of  
 2089 the purchasing pool. The early learning coalition is expected to  
 2090 recruit the task force members from existing child care  
 2091 councils, commissions, or task forces already operating in the  
 2092 area of a purchasing pool. A majority of the task force shall  
 2093 consist of employers.

2094 (e) Each participating early learning coalition shall  
 2095 develop a plan for the use of child care purchasing pool funds.  
 2096 The plan must show how many children will be served by the  
 2097 purchasing pool, how many will be new to receiving child care

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2098 services, and how the early learning coalition intends to  
 2099 attract new employers and their employees to the program.

2100 (5) The office may adopt any rules necessary for the  
 2101 implementation and administration of this section.

2102 1002.95 Teacher Education and Compensation Helps (TEACH)  
 2103 scholarship program.—

2104 (1) The office may contract for the administration of the  
 2105 Teacher Education and Compensation Helps (TEACH) scholarship  
 2106 program, which provides educational scholarships to caregivers  
 2107 and administrators of early childhood programs, family day care  
 2108 homes, and large family child care homes. The goal of the  
 2109 program is to increase the education and training for  
 2110 caregivers, increase the compensation for child caregivers who  
 2111 complete the program requirements, and reduce the rate of  
 2112 participant turnover in the field of early childhood education.

2113 (2) The office shall adopt rules as necessary to  
 2114 administer this section.

2115 1002.96 Early Head Start collaboration grants.—

2116 (1) Contingent upon specific appropriation, the office  
 2117 shall establish a program to award collaboration grants to  
 2118 assist local agencies in securing Early Head Start programs  
 2119 through Early Head Start program federal grants. The  
 2120 collaboration grants shall provide the required matching funds  
 2121 for public and private nonprofit agencies that have been  
 2122 approved for Early Head Start program federal grants.

2123 (2) Public and private nonprofit agencies providing Early  
 2124 Head Start programs applying for collaborative grants must:

2125 (a) Meet the requirements in the Head Start program

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2126 performance standards and other applicable rules and  
 2127 regulations.  
 2128 (b) Collaborate with other service providers at the local  
 2129 level.  
 2130 (c) Provide a comprehensive array of health, nutritional,  
 2131 and other services to the program's pregnant women and very  
 2132 young children, and their families.  
 2133 (3) The office may adopt rules as necessary for the award  
 2134 of collaboration grants to competing agencies and the  
 2135 administration of the collaboration grants program under this  
 2136 section.  
 2137 1002.97 Infants and toddlers in state-funded education and  
 2138 care programs; brain development activities.—Each state-funded  
 2139 education and care program for children from birth to 5 years of  
 2140 age must provide activities to foster brain development in  
 2141 infants and toddlers. A program must provide an environment that  
 2142 helps children attain the performance standards adopted by the  
 2143 office under s. 1002.82(2)(j) and must be rich in language and  
 2144 music and filled with objects of various colors, shapes,  
 2145 textures, and sizes to stimulate visual, tactile, auditory, and  
 2146 linguistic senses in the children and must include music and at  
 2147 least 30 minutes of reading to the children each day. A program  
 2148 may be offered through an existing early childhood program such  
 2149 as Healthy Start, the Title I program, the school readiness  
 2150 program, the Head Start program, or a private child care  
 2151 program. A program must provide information to families to make  
 2152 them aware of training for the infants' and toddlers' parents in  
 2153 their area. Family day care centers are encouraged, but not

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2154 required, to comply with this section.

2155 1002.98 Records of children in the school readiness  
 2156 programs.—

2157 (1) The individual records of children enrolled in school  
 2158 readiness programs provided under this part, held by an early  
 2159 learning coalition or the office, are confidential and exempt  
 2160 from s. 119.07(1) and s. 24(a), Art. I of the State  
 2161 Constitution. For purposes of this section, records include  
 2162 assessment data, health data, records of teacher observations,  
 2163 and personal identifying information.

2164 (2) A parent has the right to inspect and review the  
 2165 individual school readiness program record of his or her child  
 2166 and to obtain a copy of the record.

2167 (3) School readiness records may be released to:

2168 (a) The United States Secretary of Education, the United  
 2169 States Secretary of Health and Human Services, and the  
 2170 Comptroller General of the United States for the purpose of  
 2171 federal audits and investigations.

2172 (b) Individuals or organizations conducting studies for  
 2173 institutions to develop, validate, or administer assessments or  
 2174 improve instruction.

2175 (c) Accrediting organizations in order to carry out their  
 2176 accrediting functions.

2177 (d) Appropriate parties in connection with an emergency if  
 2178 the information is necessary to protect the health or safety of  
 2179 the child enrollee or other individuals.

2180 (e) The Office of Program Policy and Government  
 2181 Accountability and the Auditor General in connection with their

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2182 official functions.  
 2183 (f) A court of competent jurisdiction in compliance with  
 2184 an order of that court in accordance with a lawfully issued  
 2185 subpoena.  
 2186 (g) Parties to an interagency agreement among early  
 2187 learning coalitions, local governmental agencies, providers of  
 2188 school readiness programs, state agencies, and the office for  
 2189 the purpose of implementing the school readiness program.  
 2190  
 2191 Agencies, organizations, or individuals that receive school  
 2192 readiness records in order to carry out their official functions  
 2193 must protect the data in a manner that does not permit the  
 2194 personal identification of a child enrolled in a school  
 2195 readiness program and his or her parent by persons other than  
 2196 those authorized to receive the records.  
 2197 Section 18. Paragraph (p) of subsection (3) of section  
 2198 11.45, Florida Statutes, is amended to read:  
 2199 11.45 Definitions; duties; authorities; reports; rules.—  
 2200 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The  
 2201 Auditor General may, pursuant to his or her own authority, or at  
 2202 the direction of the Legislative Auditing Committee, conduct  
 2203 audits or other engagements as determined appropriate by the  
 2204 Auditor General of:  
 2205 (p) The school readiness program system, including the  
 2206 early learning coalitions, created under s. 1002.83 ~~411.01~~.  
 2207 Section 19. Paragraph (h) of subsection (3) of section  
 2208 20.15, Florida Statutes, is amended to read:  
 2209 20.15 Department of Education.—There is created a

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2210 Department of Education.

2211 (3) DIVISIONS.—The following divisions of the Department  
2212 of Education are established:

2213 ~~(h) The Office of Early Learning, which shall administer~~  
2214 ~~the school readiness system in accordance with s. 411.01 and the~~  
2215 ~~operational requirements of the Voluntary Prekindergarten~~  
2216 ~~Education Program in accordance with part V of chapter 1002. The~~  
2217 ~~office is a separate budget entity and is not subject to~~  
2218 ~~control, supervision, or direction by the Department of~~  
2219 ~~Education or the State Board of Education in any manner~~  
2220 ~~including, but not limited to, personnel, purchasing,~~  
2221 ~~transactions involving personal property, and budgetary matters.~~  
2222 ~~The office director shall be appointed by the Governor and~~  
2223 ~~confirmed by the Senate, shall serve at the pleasure of the~~  
2224 ~~Governor, and shall be the agency head of the office for all~~  
2225 ~~purposes. The office shall enter into a service agreement with~~  
2226 ~~the department for professional, technological, and~~  
2227 ~~administrative support services. The office shall be subject to~~  
2228 ~~review and oversight by the Chief Inspector General or his or~~  
2229 ~~her designee.~~

2230 Section 20. Section 196.198, Florida Statutes, is amended  
2231 to read:

2232 196.198 Educational property exemption.—Educational  
2233 institutions within this state and their property used by them  
2234 or by any other exempt entity or educational institution  
2235 exclusively for educational purposes shall be exempt from  
2236 taxation. Sheltered workshops providing rehabilitation and  
2237 retraining of disabled individuals and exempted by a certificate

BILL ORIGINAL YEAR

2238 under s. (d) of the federal Fair Labor Standards Act of 1938, as  
 2239 amended, are declared wholly educational in purpose and shall be  
 2240 exempted from certification, accreditation, and membership  
 2241 requirements set forth in s. 196.012. Those portions of property  
 2242 of college fraternities and sororities certified by the  
 2243 president of the college or university to the appropriate  
 2244 property appraiser as being essential to the educational process  
 2245 shall be exempt from ad valorem taxation. The use of property by  
 2246 public fairs and expositions chartered by chapter 616 is  
 2247 presumed to be an educational use of such property and shall be  
 2248 exempt from ad valorem taxation to the extent of such use.  
 2249 Property used exclusively for educational purposes shall be  
 2250 deemed owned by an educational institution if the entity owning  
 2251 100 percent of the educational institution is owned by the  
 2252 identical persons who own the property or if the entity owning  
 2253 100 percent of the educational institution and the entity owning  
 2254 the property are owned by identical natural persons. Land,  
 2255 buildings, and other improvements to real property used  
 2256 exclusively for educational purposes shall be deemed owned by an  
 2257 educational institution if the entity owning 100 percent of the  
 2258 land is a nonprofit entity and the land is used, under a ground  
 2259 lease or other contractual arrangement, by an educational  
 2260 institution that owns the buildings and other improvements to  
 2261 the real property, is a nonprofit entity under s. 501(c)(3) of  
 2262 the Internal Revenue Code, and provides education limited to  
 2263 students in prekindergarten through grade 8. If legal title to  
 2264 property is held by a governmental agency that leases the  
 2265 property to a lessee, the property shall be deemed to be owned



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2266 | by the governmental agency and used exclusively for educational  
 2267 | purposes if the governmental agency continues to use such  
 2268 | property exclusively for educational purposes pursuant to a  
 2269 | sublease or other contractual agreement with that lessee. If the  
 2270 | title to land is held by the trustee of an irrevocable inter  
 2271 | vivos trust and if the trust grantor owns 100 percent of the  
 2272 | entity that owns an educational institution that is using the  
 2273 | land exclusively for educational purposes, the land is deemed to  
 2274 | be property owned by the educational institution for purposes of  
 2275 | this exemption. Property owned by an educational institution  
 2276 | shall be deemed to be used for an educational purpose if the  
 2277 | institution has taken affirmative steps to prepare the property  
 2278 | for educational use. Affirmative steps means environmental or  
 2279 | land use permitting activities, creation of architectural plans  
 2280 | or schematic drawings, land clearing or site preparation,  
 2281 | construction or renovation activities, or other similar  
 2282 | activities that demonstrate commitment of the property to an  
 2283 | educational use.

2284 |       Section 21. Paragraph (a) of subsection (8) of section  
 2285 | 216.136, Florida Statutes, is amended to read:

2286 |       216.136 Consensus estimating conferences; duties and  
 2287 | principals.—

2288 |       (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

2289 |       (a) The Early Learning Programs Estimating Conference  
 2290 | shall develop estimates and forecasts of the unduplicated count  
 2291 | of children eligible for school readiness programs in accordance  
 2292 | with the standards of eligibility established in s. 1002.87  
 2293 | ~~411.01(6)~~, and of children eligible for the Voluntary

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2294 Prekindergarten Education Program in accordance with s.  
 2295 1002.53(2), as the conference determines are needed to support  
 2296 the state planning, budgeting, and appropriations processes.

2297 Section 22. Paragraph (b) of subsection (1) and subsection  
 2298 (3) of section 402.281, Florida Statutes, are amended to read:

2299 402.281 Gold Seal Quality Care program.—

2300 (1)

2301 (b) A child care facility, large family child care home,  
 2302 or family day care home that is accredited by an ~~a nationally~~  
 2303 ~~recognized~~ accrediting association approved by the department  
 2304 under subsection (3) and meets all other requirements shall,  
 2305 upon application to the department, receive a separate "Gold  
 2306 Seal Quality Care" designation.

2307 (3)(a) In order to be approved by the department for  
 2308 participation in the Gold Seal Quality Care program, an  
 2309 accrediting association must apply to the department and  
 2310 demonstrate that it:

2311 1. Is a ~~nationally~~ recognized accrediting association.

2312 2. Has accrediting standards that substantially meet or  
 2313 exceed the Gold Seal Quality Care standards adopted by the  
 2314 department under subsection (2).

2315 (b) In approving accrediting associations, the department  
 2316 shall consult with the Department of Education, the Florida Head  
 2317 Start Directors Association, the Florida Association of Child  
 2318 Care Management, the Florida Family Day Care Association, the  
 2319 Florida Children's Forum, the Florida Association for the  
 2320 Education of the Young ~~Early Childhood Association of Florida,~~  
 2321 the Child Development Education Alliance, the Florida

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2322 Association of Academic Nonpublic Schools, the Association of  
 2323 Early Learning Coalitions, providers receiving exemptions under  
 2324 s. 402.316, and parents.

2325 Section 23. Subsection (9) of section 402.302, Florida  
 2326 Statutes, is amended to read:

2327 402.302 Definitions.—As used in this chapter, the term:

2328 (9) "Household children" means children who are related by  
 2329 blood, marriage, or legal adoption to, or who are the legal  
 2330 wards of, the family day care home operator, the large family  
 2331 child care home operator, or an adult household member who  
 2332 permanently or temporarily resides in the home. Supervision of  
 2333 the operator's household children shall be left to the  
 2334 discretion of the operator unless those children receive  
 2335 subsidized child care through the school readiness program  
 2336 pursuant to s. 1002.92 ~~411.0101~~ to be in the home.

2337 Section 24. Paragraph (c) of subsection (1) and subsection  
 2338 (4) of section 445.023, Florida Statutes, are amended to read:

2339 445.023 Program for dependent care for families with  
 2340 children with special needs.—

2341 (1) There is created the program for dependent care for  
 2342 families with children with special needs. This program is  
 2343 intended to provide assistance to families with children who  
 2344 meet the following requirements:

2345 (c) The family meets the income guidelines established  
 2346 under s. 1002.87 ~~411.01(6)~~, notwithstanding any financial  
 2347 eligibility criteria to the contrary in s. 414.075, s. 414.085,  
 2348 or s. 414.095.

2349 (4) In addition to school readiness services provided

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2350 under part VI of chapter 1002 s. ~~411.01~~, dependent care may be  
 2351 provided for children age 13 years and older who are in need of  
 2352 care due to disability and where such care is needed for the  
 2353 parent to accept or continue employment or otherwise participate  
 2354 in work activities. The amount of subsidy shall be consistent  
 2355 with the rates for special needs child care established by the  
 2356 department. Dependent care needed for employment may be provided  
 2357 as transitional services for up to 2 years after eligibility for  
 2358 temporary cash assistance ends.

2359 Section 25. Paragraph (a) of subsection (2) of section  
 2360 490.014, Florida Statutes, is amended to read:

2361 490.014 Exemptions.—

2362 (2) No person shall be required to be licensed or  
 2363 provisionally licensed under this chapter who:

2364 (a) Is a salaried employee of a government agency; a  
 2365 developmental disability facility or program; a mental health,  
 2366 alcohol, or drug abuse facility operating under chapter 393,  
 2367 chapter 394, or chapter 397; the statewide child care resource  
 2368 and referral network operating under s. 1002.92 ~~411.0101~~; a  
 2369 child-placing or child-caring agency licensed pursuant to  
 2370 chapter 409; a domestic violence center certified pursuant to  
 2371 chapter 39; an accredited academic institution; or a research  
 2372 institution, if such employee is performing duties for which he  
 2373 or she was trained and hired solely within the confines of such  
 2374 agency, facility, or institution, so long as the employee is not  
 2375 held out to the public as a psychologist pursuant to s.  
 2376 490.012(1)(a).

2377 Section 26. Paragraph (a) of subsection (4) of section

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2378 491.014, Florida Statutes, is amended to read:

2379 491.014 Exemptions.—

2380 (4) No person shall be required to be licensed,  
 2381 provisionally licensed, registered, or certified under this  
 2382 chapter who:

2383 (a) Is a salaried employee of a government agency; a  
 2384 developmental disability facility or program; a mental health,  
 2385 alcohol, or drug abuse facility operating under chapter 393,  
 2386 chapter 394, or chapter 397; the statewide child care resource  
 2387 and referral network operating under s. 1002.92 ~~411.0101~~; a  
 2388 child-placing or child-caring agency licensed pursuant to  
 2389 chapter 409; a domestic violence center certified pursuant to  
 2390 chapter 39; an accredited academic institution; or a research  
 2391 institution, if such employee is performing duties for which he  
 2392 or she was trained and hired solely within the confines of such  
 2393 agency, facility, or institution, so long as the employee is not  
 2394 held out to the public as a clinical social worker, mental  
 2395 health counselor, or marriage and family therapist.

2396 Section 27. Paragraph (b) of subsection (1) of section  
 2397 1001.11, Florida Statutes, is amended to read:

2398 1001.11 Commissioner of Education; other duties.—

2399 (1) The Commissioner of Education must independently  
 2400 perform the following duties:

2401 (b) Serve as the primary source of information to the  
 2402 Legislature, including the President of the Senate and the  
 2403 Speaker of the House of Representatives, concerning the State  
 2404 Board of Education, ~~and~~ the K-20 education system, and early  
 2405 learning programs.

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2406 Section 28. Section 411.01, Florida Statutes, is repealed.

2407 Section 29. Section 411.0101, Florida Statutes, is  
 2408 repealed.

2409 Section 30. Section 411.01013, Florida Statutes, is  
 2410 repealed.

2411 Section 31. Section 411.01014, Florida Statutes, is  
 2412 repealed.

2413 Section 32. Section 411.01015, Florida Statutes, is  
 2414 repealed.

2415 Section 33. Section 411.0102, Florida Statutes, is  
 2416 repealed.

2417 Section 34. Section 411.0103, Florida Statutes, is  
 2418 repealed.

2419 Section 35. Section 411.0104, Florida Statutes, is  
 2420 repealed.

2421 Section 36. Section 411.0105, Florida Statutes, is  
 2422 repealed.

2423 Section 37. Section 411.0106, Florida Statutes, is  
 2424 repealed.

2425 Section 38. Section 411.011, Florida Statutes, is  
 2426 repealed.

2427 Section 39. In addition to any other senior management and  
 2428 select exempt positions authorized for the Office of Early  
 2429 Learning, a senior management position for a general counsel and  
 2430 a select exempt position for an inspector general are authorized  
 2431 for the office.

2432 Section 40. By October 1, 2013, the Office of Early  
 2433 Learning, in collaboration with the Commissioner of Education,

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2434 | shall develop a reorganization plan for the office. The plan  
 2435 | shall include any changes made prior to July 1, 2013; personnel,  
 2436 | purchasing, and budgetary matters and their alignment with the  
 2437 | duties and responsibilities of the office; a report of all  
 2438 | outstanding contractual obligations; and recommendations for  
 2439 | statutory and budgetary changes. The report shall be provided to  
 2440 | the Governor, the President of the Senate, and the Speaker of  
 2441 | the House of Representatives.

2442 |           Section 41. This act shall take effect July 1, 2013.



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# **Education Committee**

**Thursday, April 4, 2013  
10:30 AM – 1:00 PM**

**AMENDMENT PACKET**

**Will Weatherford  
Speaker**

**H. Marlene O'Toole  
Chair**





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 Committee

2 Representative Fresen offered the following:

3

4 **Amendment**

5 Remove line 83 and insert:

6 surtax must be transferred by the Department of Revenue into a

7



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 Committee  
 2 Representative Fresen offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (9) is added to section 212.055,  
 7 Florida Statutes, to read:

8 212.055 Discretionary sales surtaxes; legislative intent;  
 9 authorization and use of proceeds.—It is the legislative intent  
 10 that any authorization for imposition of a discretionary sales  
 11 surtax shall be published in the Florida Statutes as a  
 12 subsection of this section, irrespective of the duration of the  
 13 levy. Each enactment shall specify the types of counties  
 14 authorized to levy; the rate or rates which may be imposed; the  
 15 maximum length of time the surtax may be imposed, if any; the  
 16 procedure which must be followed to secure voter approval, if  
 17 required; the purpose for which the proceeds may be expended;  
 18 and such other requirements as the Legislature may provide.

19 Taxable transactions and administrative procedures shall be as  
 20 provided in s. 212.054.



Amendment No.2

21       (9) HIGHER EDUCATION SURTAX.- A county as defined in s.  
22 125.011(1) may levy a surtax of up to 0.5 percent for the  
23 benefit of a Florida College System institution and a state  
24 university as defined in s. 1000.21, located in the county,  
25 pursuant to an ordinance that is conditioned to take effect only  
26 upon approval by a majority vote of the electors of the county  
27 voting in a referendum.

28       (a) The ordinance must set forth a plan for using the  
29 surtax proceeds for the benefit of the Florida College System  
30 institution and the state university, by each of the  
31 institutions' boards of trustees. Such plans must provide for  
32 the permissible uses of the surtax proceeds, including, but not  
33 limited to, the maintenance, improvement, and expansion of  
34 academic and workforce training programs; teaching enhancements;  
35 capital expenditures and infrastructure projects; fixed capital  
36 costs associated with the construction, reconstruction,  
37 renovation, maintenance, or improvement of facilities and  
38 campuses that have a useful life expectancy of at least 5 years;  
39 deferred maintenance; land improvement, design, and engineering  
40 costs related thereto; and the expansion and enhancement of  
41 facilities at all institution sites within the county. The  
42 proceeds from the surtax may be used by a state university for  
43 land acquisition for parcels that are contiguous with its  
44 existing main campus. The proceeds of the surtax must be set  
45 aside and invested as permitted by law, with the principal and  
46 income to be used for the purposes listed in this subsection as  
47 administered by the board of trustees.

48       (b) The expense of holding the referendum may not be paid



Amendment No.2

49 with student fees or moneys that the institution receives from  
50 the state, but shall be paid only with funds received from  
51 private sources or with college auxiliary funds. The county must  
52 provide at least 30 days' notice of the election as provided  
53 under s. 100.342.

54 (c) The referendum providing for the imposition of the  
55 surtax shall include a statement that provides a brief and  
56 general description of the purposes for which the proceeds of  
57 the surtax may be used, conform to the requirements of s.  
58 101.161, and be placed on the ballot by the governing body of  
59 the county. The following questions shall be placed on the  
60 ballot:

61  
62 FOR THE. . . .CENTS TAX  
63 AGAINST THE. . . .CENTS TAX  
64

65 (d) Upon approval of the referendum, 90 percent of the  
66 proceeds from the surtax must be transferred by the Department  
67 of Revenue into a Florida Prime account managed by the Florida  
68 State Board of Administration and used only for the operation,  
69 maintenance, and administration of the Florida College System  
70 institution within that county and 10 percent of the proceeds  
71 from the surtax must be transferred by the Department of Revenue  
72 into a Florida Prime account managed by the Florida State Board  
73 of Administration and used only for the operation, maintenance,  
74 land acquisition, and administration of the state university.

75 (e) Upon approval of the referendum, an oversight board  
76 shall be established to review and accept or amend expenditures



Amendment No.2

77 of the proceeds of the surtax and to review the plan prepared by  
78 the boards of trustees pursuant to paragraph (f). Annually, or  
79 as needed, the oversight board shall meet to approve each  
80 proposed spending plan.

81 1. The board shall be composed of seven members who are  
82 residents of the county and appointed as follows:

83 a. One member appointed by the board of directors of the  
84 Chamber of Commerce of the county in which the institutions are  
85 located.

86 b. One member of the board of directors of the chapter of  
87 the United Way in the county in which the institutions are  
88 located appointed by the board of directors of that chapter of  
89 the United Way.

90 c. One member appointed by the board of trustees of the  
91 state university who may not be a member of the board of  
92 trustees of the state university.

93 d. Two members appointed by the board of trustees of the  
94 Florida College System institution who may not be members of the  
95 board of trustees of the Florida College System institution.

96 e. Two members appointed by the chair of the county  
97 legislative delegation.

98 2. Initial appointments to the oversight board shall be  
99 made by the respective entities within 60 days after the passage  
100 of the referendum. Each member shall be appointed for a 5-year  
101 term. A vacancy on the board shall be filled for the unexpired  
102 portion of the term in the same manner as the original  
103 appointment. No member may serve for more than the remaining  
104 portion of a previous member's unexpired term.



Amendment No.2

105       (f) Consistent with the purposes set forth in the plan  
106 included in the ordinance under paragraph (a), the board of  
107 trustees of the Florida College System institution and the board  
108 of trustees of the state university shall annually prepare plans  
109 that specify how each board of trustees intends to allocate and  
110 expend the funds for the institutions' upcoming fiscal year and  
111 submit such plans to the oversight board for approval.

112       (g) The annual apportionment of state funds for the  
113 support of a state university and a Florida College System  
114 institution allocated under general law may not be reduced  
115 because the institutions have received funds pursuant to a sales  
116 surtax levied under this subsection.

117       (h) A surtax imposed under this subsection expires 5 years  
118 after the effective date of the surtax.

119       Section 2. This act shall take effect upon becoming a law.

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

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Remove everything before the enacting clause and insert:  
An act relating to discretionary sales surtaxes; amending s.  
212.055, F.S.; authorizing a county defined in s. 125.011(1),  
F.S., to levy a surtax up to a specified amount for the benefit  
of a Florida College System institution and state university in  
the county pursuant to an ordinance conditioned to take effect  
upon approval in a county referendum; requiring the ordinance to  
include a plan for the use of the proceeds; providing referendum  
requirements and procedures; requiring that the proceeds from



Amendment No.2

133 the surtax be deposited and managed in a specified manner;  
134 establishing an oversight board with specified duties,  
135 responsibilities, and requirements relating to the expenditure  
136 of surtax proceeds; providing for the appointment of members of  
137 the oversight board; requiring that the board of trustees of  
138 each institution receiving surtax proceeds prepare an annual  
139 plan for submission to the oversight board for approval;  
140 providing that state funding may not be reduced because an  
141 institution receives surtax funds; providing for the scheduled  
142 expiration of the surtax; providing an effective date.







Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

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1 Committee/Subcommittee hearing bill: Education Committee  
 2 Representative Grant offered the following:

**Amendment**

5 Remove line 115 and insert:  
 6 the document presented or 1 year, except that a driver license  
 7 or temporary permit issued under subparagraph 9. may be reissued  
 8 upon expiration of each 1-year validity period while the  
 9 determination of the applicant's visa status by the United  
 10 States Department of Homeland Security remains pending.





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COMMITTEE/SUBCOMMITTEE ACTION

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

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1 Committee/Subcommittee hearing bill: Education Committee  
2 Representative Passidomo offered the following:

**Amendment (with title amendment)**

Remove lines 225-226 and insert:

Section 6. Section 1008.333, Florida Statutes, is created  
to read:

1008.333-Resources for Title I Schools

(1) School districts shall allocate an amount equivalent  
to fifteen percent of the Title I, Part A funds from the  
Elementary and Secondary Education Act, for school and district  
level interventions, strategies and support designed to improve  
the performance of Title I schools and to close student  
achievement gaps, including those as described in the school  
improvement plan required by s. 1001.42(18). Each school  
district shall annually submit, as part of its Title I  
Application, a district-level improvement plan that:

(a) Identifies the research based interventions,  
strategies and support that will be used to improve student  
achievement and close student achievement gaps;



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21 (b) Identifies the schools and students targeted for  
22 assistance;

23 (c) Describes the methods by which the impact of these  
24 interventions, strategies and support on improving school  
25 performance and closing student achievement gaps will be  
26 measured; and

27 (d) Describes the process the district will use to  
28 prioritize district level support services to provide effective  
29 and efficient delivery to such schools.

30 (2) A district-level plan may also include tutoring by  
31 private providers. The plan shall:

32 (a) Describe the competitive selection process that will be  
33 used to approve providers, which must include, at a minimum, the  
34 following criteria:

35 1. Alignment of the provider's curricula to the Next  
36 Generation Sunshine State Standards;

37 2. Use of research based instructional methods that are  
38 consistent with the instruction provided by the district; and

39 3. Demonstrated financial stability;

40 (b) Describe the schools and students for which such  
41 tutoring will be available and the notification process that  
42 will be used to notify such parents;

43 (c) Describe the process for discontinuing the use of  
44 providers that fail to meet financial and academic standards  
45 established by the district; and

46 (d) Describe the method for informing parents of their  
47 student's progress;

48 (e) Include a parent complaint resolution process; and



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49 (f) Require that the Board of Directors, the managing  
50 members and, if a sole proprietor, the owner, meet the  
51 background screening requirements of s. 435.04.

52 (3) The department shall review submitted plans for  
53 approval, conditional approval or denial based upon the  
54 requirements of subsections (1)and (2) and to limit the types  
55 and uses of interventions, strategies, and services based, in  
56 part, upon the best practices identified in subsection (4).

57 (4) The department shall analyze the results of each  
58 district-level improvement plan to:

59 (a) Identify the interventions, support and strategies that  
60 reduced student achievement gaps and increased school level  
61 performance; and

62 (b) Disseminate the results of its review to all school  
63 districts.

64 (5) The State Board of Education shall adopt rules pursuant  
65 to ss. 120.536(1) and 120.54 to implement the provisions of this  
66 section.

67 Section 7. Section 1008.331, Florida Statutes, is  
68 repealed.

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**T I T L E   A M E N D M E N T**

Remove line 30 and insert:



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76 data; creating 1008.333, F.S.; requiring school districts to  
77 allocate an amount equivalent to 15% of Title I, Part A funds  
78 for school and district level interventions to improve the  
79 performance of Title I schools; requiring additional information  
80 in a district's Title I application; providing criteria for  
81 private providers; requiring an annual analysis and report by  
82 the Department of Education; providing rulemaking authority;  
83 repealing s. 1008.331, F.S.; amending s. 1008.34, F.S.; revising  
84 provisions

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