

Education Committee

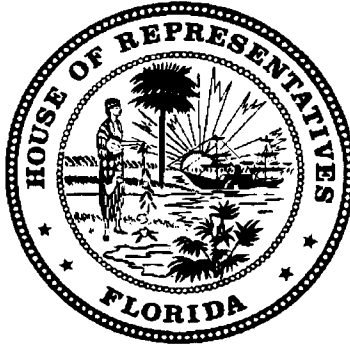
**Thursday, March 6, 2014
9:30 a.m. – 11:30 a.m.**

102 HOB

Meeting Packet

**Will Weatherford
Speaker**

**H. Marlene O'Toole
Chair**



AGENDA

Education Committee
Thursday, March 6, 2014
9:30 a.m. – 11:30 a.m.

102 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Consideration of the following bill(s):
 - CS/HB 173 Juvenile Justice Education Programs
by Choice & Innovation Subcommittee, Adkins
 - CS/HB 195 Education Data Privacy
by Choice & Innovation Subcommittee, Raburn
 - CS/HB 313 Single-Gender Public School Programs
by Choice & Innovation Subcommittee, Diaz, M.
 - HB 7029 Code of Student Conduct
by K-12 Subcommittee, Baxley
 - HB 7031 Education by K-12 Subcommittee, Adkins
- IV. Workshop on accountability system
- V. Closing Remarks and Adjournment

1 A bill to be entitled
 2 An act relating to juvenile justice education
 3 programs; amending s. 985.622, F.S.; revising
 4 requirements for the multiagency education plan for
 5 students in juvenile justice education programs,
 6 including virtual education as an option; amending s.
 7 985.632, F.S.; requiring the Department of Juvenile
 8 Justice to provide cost and effectiveness information
 9 for program and program activities to the Legislature
 10 and the public; deleting legislative intent language;
 11 requiring implementation of an accountability system
 12 to ensure client needs are met; requiring the
 13 department and Department of Education to submit an
 14 annual report that includes data on program costs and
 15 effectiveness and student achievement and
 16 recommendations for elimination or modification of
 17 programs; amending s. 1001.31, F.S.; authorizing
 18 instructional personnel at all juvenile justice
 19 facilities to access specific student records at the
 20 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; requiring the Department of Education
 59 to establish by rule objective and measurable student
 60 performance measures and program performance ratings;
 61 providing requirements for such ratings; requiring a
 62 comprehensive accountability and program improvement
 63 process; providing requirements for such a process;
 64 deleting provisions for minimum thresholds for the
 65 standards and key indicators for education programs in
 66 juvenile justice facilities; deleting a requirement
 67 for an annual report; requiring data collection;
 68 deleting provisions concerning the Arthur Dozier
 69 School for Boys; requiring rulemaking; amending s.
 70 1001.42, F.S.; revising terminology; revising a cross-
 71 reference; providing an effective date.

72

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

74

75 Section 1. Section 985.622, Florida Statutes, is amended
 76 to read:

77 985.622 Multiagency plan for career ~~vocational~~ education.-

78 (1) The Department of Juvenile Justice and the Department

79 of Education shall, in consultation with the statewide Workforce
 80 Development Youth Council, school districts, providers, and
 81 others, jointly develop a multiagency plan for career ~~vocational~~
 82 education that establishes the curriculum, goals, and outcome
 83 measures for career ~~vocational~~ programs in juvenile justice
 84 education programs ~~commitment facilities~~. The plan must be
 85 reviewed annually, revised as appropriate, and include:

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

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

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

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

95 (2) The plan must define career ~~vocational~~ programming
 96 that is appropriate based upon:

97 (a) The age and assessed educational abilities and goals
 98 of the student ~~youth~~ to be served; and

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

102 (3) The plan must include a definition of career
 103 ~~vocational~~ programming that includes the following
 104 classifications of juvenile justice education programs

105 ~~commitment facilities~~ that will offer career vocational
 106 programming by one of the following types:

107 (a) Type 1 A.—Programs that teach personal accountability
 108 skills and behaviors that are appropriate for students youth in
 109 all age groups and ability levels and that lead to work habits
 110 that help maintain employment and living standards.

111 (b) Type 2 B.—Programs that include Type 1 A program
 112 content and an orientation to the broad scope of career choices,
 113 based upon personal abilities, aptitudes, and interests.
 114 Exploring and gaining knowledge of occupation options and the
 115 level of effort required to achieve them are essential
 116 prerequisites to skill training.

117 (c) Type 3 C.—Programs that include Type 1 A program
 118 content and the career education vocational competencies or the
 119 prerequisites needed for entry into a specific occupation.

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

130 (5) The plan must also evaluate the effect of students'

131 | mobility between juvenile justice education programs and school
 132 | districts on the students' educational outcomes and whether the
 133 | continuity of the students' education can be better addressed
 134 | through virtual education.

135 | ~~(6)~~~~(5)~~ The Department of Juvenile Justice and the
 136 | Department of Education shall each align its respective agency
 137 | policies, practices, technical manuals, contracts, quality-
 138 | assurance standards, performance-based-budgeting measures, and
 139 | outcome measures with the plan in juvenile justice education
 140 | programs ~~commitment facilities~~ by July 31, 2015 ~~2001~~. Each
 141 | agency shall provide a report on the implementation of this
 142 | section to the Governor, the President of the Senate, and the
 143 | Speaker of the House of Representatives by August 31, 2015 ~~2001~~.

144 | ~~(7)~~~~(6)~~ All provider contracts executed by the Department
 145 | of Juvenile Justice or the school districts after January 1,
 146 | 2015 ~~2002~~, must be aligned with the plan.

147 | ~~(8)~~~~(7)~~ The planning and execution of quality assurance
 148 | reviews conducted by the Department of Education or the
 149 | Department of Juvenile Justice after August 1, 2015 ~~2002~~, must
 150 | be aligned with the plan.

151 | ~~(9)~~~~(8)~~ Outcome measures reported by the Department of
 152 | Juvenile Justice and the Department of Education for students
 153 | ~~youth~~ released on or after January 1, 2016 ~~2002~~, should include
 154 | outcome measures that conform to the plan.

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

157 | 985.632 Quality assurance and cost-effectiveness.—
 158 | (1) The department shall:
 159 | (a) Provide cost and effectiveness information on programs
 160 | and program activities in order to compare, improve, or
 161 | eliminate a program or program activity if necessary.
 162 | (b) Provide program and program activity cost and
 163 | effectiveness data to the Legislature in order for resources to
 164 | be allocated for achieving desired performance outcomes.
 165 | (c) Provide information to the public concerning program
 166 | and program activity cost and effectiveness.
 167 | (d) Implement a system of accountability in order to
 168 | provide the best and most appropriate programs and activities to
 169 | meet client needs.
 170 | (e) Continue to improve service delivery. ~~It is the intent~~
 171 | ~~of the Legislature that the department:~~
 172 | ~~(a) Ensure that information be provided to decisionmakers~~
 173 | ~~in a timely manner so that resources are allocated to programs~~
 174 | ~~of the department which achieve desired performance levels.~~
 175 | ~~(b) Provide information about the cost of such programs~~
 176 | ~~and their differential effectiveness so that the quality of such~~
 177 | ~~programs can be compared and improvements made continually.~~
 178 | ~~(c) Provide information to aid in developing related~~
 179 | ~~policy issues and concerns.~~
 180 | ~~(d) Provide information to the public about the~~
 181 | ~~effectiveness of such programs in meeting established goals and~~
 182 | ~~objectives.~~

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

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

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

188 (3) By March 1st of each year, the department, in
 189 consultation with the Department of Education, shall publish a
 190 report on program costs and effectiveness. The report shall
 191 include uniform cost data for each program operated by the
 192 department or by providers under contract with the department.
 193 The Department of Education shall provide the cost data on each
 194 education program operated by a school district or a provider
 195 under contract with a school district. Cost data shall be
 196 formatted and presented in a manner approved by the Legislature.
 197 The report shall also include data on student learning gains, as
 198 provided by the Department of Education, for all juvenile
 199 justice education programs as required under s. 1003.52(3)(b),
 200 information required under ss. 1003.52(17) and (21), the cost-
 201 effectiveness of each program offered, and recommendations for
 202 modification or elimination of programs or program activities
 203 ~~The department shall annually collect and report cost data for~~
 204 ~~every program operated or contracted by the department. The cost~~
 205 ~~data shall conform to a format approved by the department and~~
 206 ~~the Legislature. Uniform cost data shall be reported and~~
 207 ~~collected for state-operated and contracted programs so that~~
 208 ~~comparisons can be made among programs. The department shall~~

209 ~~ensure that there is accurate cost accounting for state-operated~~
 210 ~~services including market-equivalent rent and other shared cost.~~
 211 ~~The cost of the educational program provided to a residential~~
 212 ~~facility shall be reported and included in the cost of a~~
 213 ~~program. The department shall submit an annual cost report to~~
 214 ~~the President of the Senate, the Speaker of the House of~~
 215 ~~Representatives, the Minority Leader of each house of the~~
 216 ~~Legislature, the appropriate substantive and fiscal committees~~
 217 ~~of each house of the Legislature, and the Governor, no later~~
 218 ~~than December 1 of each year. Cost-benefit analysis for~~
 219 ~~educational programs will be developed and implemented in~~
 220 ~~collaboration with and in cooperation with the Department of~~
 221 ~~Education, local providers, and local school districts. Cost~~
 222 ~~data for the report shall include data collected by the~~
 223 ~~Department of Education for the purposes of preparing the annual~~
 224 ~~report required by s. 1003.52(19).~~

225 Section 3. Section 1001.31, Florida Statutes, is amended
 226 to read:

227 1001.31 Scope of district system.—A district school system
 228 shall include all public schools, classes, and courses of
 229 instruction and all services and activities directly related to
 230 education in that district which are under the direction of the
 231 district school officials. A district school system may also
 232 include alternative site schools for disruptive or violent
 233 students ~~youth~~. Such schools for disruptive or violent students
 234 ~~youth~~ may be funded by each district or provided through

235 cooperative programs administered by a consortium of school
 236 districts, private providers, state and local law enforcement
 237 agencies, and the Department of Juvenile Justice. Pursuant to
 238 cooperative agreement, a district school system shall provide
 239 instructional personnel at juvenile justice facilities ~~of 50 or~~
 240 ~~more beds or slots~~ with access to the district school system
 241 database for the purpose of accessing student academic,
 242 immunization, and registration records for students assigned to
 243 the programs. Such access shall be in the same manner as
 244 provided to other schools in the district.

245 Section 4. Section 1003.51, Florida Statutes, is amended
 246 to read:

247 1003.51 Other public educational services.—

248 (1) The general control of other public educational
 249 services shall be vested in the State Board of Education except
 250 as provided in this section ~~herein~~. The State Board of Education
 251 shall, at the request of the Department of Children and Families
 252 ~~Family Services~~ and the Department of Juvenile Justice, advise
 253 as to standards and requirements relating to education to be met
 254 in all state schools or institutions under their control which
 255 provide educational programs. The Department of Education shall
 256 provide supervisory services for the educational programs of all
 257 such schools or institutions. The direct control of any of these
 258 services provided as part of the district program of education
 259 shall rest with the district school board. These services shall
 260 be supported out of state, district, federal, or other ~~lawful~~

261 funds, depending on the requirements of the services being
 262 supported.

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

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

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

278 (c) Academic expectations.

279 (d) Career and technical expectations.

280 (e) Education transition planning and services.

281 (f) ~~(d)~~ Service delivery options available to district
 282 school boards, including direct service and contracting.

283 (g) ~~(e)~~ Assessment procedures, which:

284 1. For prevention, day treatment, and residential
 285 programs, include appropriate academic and career assessments
 286 administered at program entry and exit that are selected by the

287 Department of Education in partnership with representatives from
 288 the Department of Juvenile Justice, district school boards, and
 289 education providers. Assessments must be completed within the
 290 first 10 school days after a student's entry into the program.

291 2. Provide for determination of the areas of academic need
 292 and strategies for appropriate intervention and instruction for
 293 each student in a detention facility within 5 school days after
 294 the student's entry into the program and administer a research-
 295 based assessment that will assist the student in determining his
 296 or her educational and career options and goals within 22 school
 297 days after the student's entry into the program ~~Require district~~
 298 ~~school boards to be responsible for ensuring the completion of~~
 299 ~~the assessment process.~~

300 3. ~~Require assessments for students in detention who will~~
 301 ~~move on to commitment facilities, to be designed to create the~~
 302 ~~foundation for developing the student's education program in the~~
 303 ~~assigned commitment facility.~~

304 4. ~~Require assessments of students sent directly to~~
 305 ~~commitment facilities to be completed within the first 10 school~~
 306 ~~days of the student's commitment.~~

307
 308 The results of these assessments, together with a portfolio
 309 depicting the student's academic and career accomplishments,
 310 shall be included in the discharge packet ~~package~~ assembled for
 311 each student ~~youth~~.

312 (h) ~~(f)~~ Recommended instructional programs, including, but

313 | not limited to, secondary education, high school equivalency
 314 | examination preparation, postsecondary education, career
 315 | training, and job preparation.

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

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

335 | ~~(k)(i)~~ Transition services, including the roles and
 336 | responsibilities of appropriate personnel in the juvenile
 337 | justice education program, the school district where the student
 338 | will reenter ~~districts~~, provider organizations, and the

339 Department of Juvenile Justice.

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

343 (m)~~(k)~~ The requirement that each district school board
 344 maintain an academic transcript for each student enrolled in a
 345 juvenile justice education program facility that delineates each
 346 course completed by the student as provided by the State Course
 347 Code Directory.

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

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

353 (p)~~(n)~~ Performance expectations for providers and district
 354 school boards, including student performance measures by type of
 355 program, education program performance ratings, school
 356 improvement, and corrective action plans for low-performing
 357 programs ~~the provision of a progress monitoring plan as required~~
 358 ~~in s. 1008.25.~~

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

361 (r)~~(p)~~ A series of graduated sanctions for district school
 362 boards whose educational programs in Department of Juvenile
 363 Justice programs ~~facilities~~ are considered to be unsatisfactory
 364 and for instances in which district school boards fail to meet

365 standards prescribed by law, rule, or State Board of Education
 366 policy. These sanctions shall include the option of requiring a
 367 district school board to contract with a provider or another
 368 district school board if the educational program at the
 369 Department of Juvenile Justice program is performing below
 370 minimum standards ~~facility has failed a quality assurance review~~
 371 and, after 6 months, is still performing below minimum
 372 standards.

373 (s) Curriculum, guidance counseling, transition, and
 374 education services expectations, including curriculum
 375 flexibility for detention centers operated by the Department of
 376 Juvenile Justice.

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

378 (3) The Department of Education in partnership with the
 379 Department of Juvenile Justice, the district school boards, and
 380 providers shall:

381 (a) Develop and implement requirements for contracts and
 382 cooperative agreements regarding ~~Maintain model contracts for~~
 383 the delivery of appropriate education services to students youth
 384 in Department of Juvenile Justice programs ~~to be used for the~~
 385 ~~development of future contracts.~~ The minimum contract
 386 requirements shall include, but are not limited to, payment
 387 structure and amounts; access to district services; contract
 388 management provisions; data reporting requirements, including
 389 reporting of full-time equivalent student membership;
 390 administration of federal programs such as Title I, exceptional

391 student education, and the Carl D. Perkins Career and Technical
 392 Education Act of 2006; and ~~model contracts shall reflect the~~
 393 policy and standards included in subsection (2). ~~The Department~~
 394 ~~of Education shall ensure that appropriate district school board~~
 395 ~~personnel are trained and held accountable for the management~~
 396 ~~and monitoring of contracts for education programs for youth in~~
 397 ~~juvenile justice residential and nonresidential facilities.~~

398 (b) Develop and implement ~~Maintain model~~ procedures for
 399 transitioning students ~~youth~~ into and out of Department of
 400 Juvenile Justice education programs. These procedures shall
 401 reflect the policy and standards adopted pursuant to subsection
 402 (2).

403 (c) Maintain standardized required content of education
 404 records to be included as part of a student's ~~youth's~~ commitment
 405 record and procedures for securing the student's records. ~~The~~
 406 education records ~~These requirements shall reflect the policy~~
 407 ~~and standards adopted pursuant to subsection (2) and shall~~
 408 include, but not be limited to, the following:

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

410 2. A copy of the student's individualized progress
 411 monitoring plan.

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

413 ~~4.2.~~ Data on student performance on assessments taken
 414 according to s. 1008.22.

415 ~~5.3.~~ A copy of the student's permanent cumulative record.

416 ~~6.4.~~ A copy of the student's academic transcript.

417 ~~7.5.~~ A portfolio reflecting the student's youth's academic
 418 and career and technical accomplishments, when age appropriate,
 419 while in the Department of Juvenile Justice program.

420 (d) ~~Establish Maintain model procedures for securing the~~
 421 ~~education record and~~ the roles and responsibilities of the
 422 juvenile probation officer and others involved in the withdrawal
 423 of the student from school and assignment to a juvenile justice
 424 education program ~~commitment or detention facility.~~ District
 425 school boards shall respond to requests for student education
 426 records received from another district school board or a
 427 juvenile justice facility within 5 working days after receiving
 428 the request.

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

431 (a) Notify students in juvenile justice education programs
 432 ~~residential or nonresidential facilities~~ who attain the age of
 433 16 years of the ~~provisions of~~ law regarding compulsory school
 434 attendance and make available the option of enrolling in a
 435 program to attain a Florida high school diploma by taking the
 436 high school equivalency examination before General Educational
 437 ~~Development test prior to~~ release from the program facility. ~~The~~
 438 Department of Education shall assist juvenile justice education
 439 programs with becoming high school equivalency examination
 440 centers ~~District school boards or Florida College System~~
 441 ~~institutions, or both, shall waive GED testing fees for youth in~~
 442 ~~Department of Juvenile Justice residential programs and shall,~~

443 ~~upon request, designate schools operating for the purpose of~~
 444 ~~providing educational services to youth in Department of~~
 445 ~~Juvenile Justice programs as GED testing centers, subject to GED~~
 446 ~~testing center requirements. The administrative fees for the~~
 447 ~~General Educational Development test required by the Department~~
 448 ~~of Education are the responsibility of district school boards~~
 449 ~~and may be required of providers by contractual agreement.~~

450 (b) Respond to requests for student education records
 451 received from another district school board or a juvenile
 452 justice education program within 5 working days after receiving
 453 the request.

454 (c) Provide access to courses offered pursuant to ss.
 455 1002.37, 1002.45, and 1003.498. School districts and providers
 456 may enter into cooperative agreements for the provision of
 457 curriculum associated with courses offered pursuant to s.
 458 1003.498 to enable providers to offer such courses.

459 (d) Complete the assessment process required by subsection
 460 (2).

461 (e) Monitor compliance with contracts for education
 462 programs for students in juvenile justice prevention, day
 463 treatment, residential, and detention programs.

464 (5) The Department of Education shall establish and
 465 operate, either directly or indirectly through a contract, a
 466 mechanism to provide accountability measures that annually
 467 assesses and evaluates all juvenile justice education programs
 468 using student performance data and program performance ratings

469 ~~by type of program quality assurance reviews of all juvenile~~
 470 ~~justice education programs~~ and shall provide technical
 471 assistance and related research to district school boards and
 472 juvenile justice education providers ~~on how to establish,~~
 473 ~~develop, and operate educational programs that exceed the~~
 474 ~~minimum quality assurance standards.~~ The Department of
 475 Education, with input from the Department of Juvenile Justice,
 476 school districts, and education providers shall develop annual
 477 recommendations for system and school improvement.

478 Section 5. Section 1003.52, Florida Statutes, is amended
 479 to read:

480 1003.52 Educational services in Department of Juvenile
 481 Justice programs.—

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

495 activities:

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

501 (b) Collecting information on the academic, career
 502 education, and transition performance of students in juvenile
 503 justice programs and reporting on the results.

504 (c) Developing academic and career education protocols
 505 that provide guidance to district school boards and juvenile
 506 justice education providers in all aspects of education
 507 programming, including records transfer and transition.

508 (d) Implementing a joint accountability, program
 509 performance, and program improvement process ~~Prescribing the~~
 510 ~~roles of program personnel and interdepartmental district school~~
 511 ~~board or provider collaboration strategies.~~

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

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

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

536 (a) The district school board shall make provisions for
 537 each student to participate in basic, career education, and
 538 exceptional student programs as appropriate. Students served in
 539 Department of Juvenile Justice programs shall have access to the
 540 appropriate courses and instruction to prepare them for the high
 541 school equivalency examination ~~GED test~~. Students participating
 542 in high school equivalency examination ~~GED~~ preparation programs
 543 shall be funded at the basic program cost factor for Department
 544 of Juvenile Justice programs in the Florida Education Finance
 545 Program. Each program shall be conducted according to applicable
 546 law providing for the operation of public schools and rules of

547 the State Board of Education. School districts shall provide the
 548 high school equivalency examination ~~GED~~ exit option for all
 549 juvenile justice programs.

550 (b) ~~By October 1, 2004,~~ The Department of Education, with
 551 the assistance of the school districts and juvenile justice
 552 education providers, shall select a common student assessment
 553 instrument and protocol for measuring student learning gains and
 554 student progression while a student is in a juvenile justice
 555 education program. The Department of Education and Department of
 556 Juvenile Justice shall jointly review the effectiveness of this
 557 assessment and implement changes as necessary. ~~The assessment~~
 558 ~~instrument and protocol must be implemented in all juvenile~~
 559 ~~justice education programs in this state by January 1, 2005.~~

560 (4) Educational services shall be provided at times of the
 561 day most appropriate for the juvenile justice program. School
 562 programming in juvenile justice detention, prevention, day
 563 treatment, and residential commitment, ~~and rehabilitation~~
 564 programs shall be made available by the local school district
 565 during the juvenile justice school year, as provided ~~defined~~ in
 566 s. 1003.01(11). In addition, students in juvenile justice
 567 education programs shall have access to courses offered pursuant
 568 to ss. 1002.37, 1002.45, and 1003.498 ~~Florida Virtual School~~
 569 ~~courses.~~ The Department of Education and the school districts
 570 shall adopt policies necessary to provide ~~ensure~~ such access.

571 (5) The educational program shall provide instruction
 572 based on each student's individualized transition plan, assessed

573 educational needs, and the education programs available in the
 574 school district in which the student will return. Depending on
 575 the student's needs, educational programming may consist of
 576 remedial courses, ~~consist of appropriate basic~~ academic courses
 577 required for grade advancement, career education courses, high
 578 school equivalency examination preparation, or exceptional
 579 student education curricula and related services which support
 580 the ~~transition treatment~~ goals and reentry and which may lead to
 581 completion of the requirements for receipt of a high school
 582 diploma or its equivalent. Prevention and day treatment juvenile
 583 justice education programs, at a minimum, shall provide career
 584 readiness and exploration opportunities as well as truancy and
 585 dropout prevention intervention services. Residential juvenile
 586 justice education programs with a contracted minimum length of
 587 stay of 9 months shall provide career education courses that
 588 lead to preapprentice certifications, industry certifications,
 589 occupational completion points, or work-related certifications.
 590 Residential programs with contracted lengths of stay of less
 591 than 9 months may provide career education courses that lead to
 592 preapprentice certifications, industry certifications,
 593 occupational completion points, or work-related certifications.
 594 If the duration of a program is less than 40 days, the
 595 educational component may be limited to tutorial remediation
 596 activities, ~~and~~ career employability skills instruction,
 597 education counseling, and transition services that prepare
 598 students for a return to school, the community, and their home

599 settings based on the students' needs.

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

615 (7) An individualized ~~A~~ progress monitoring plan shall be
 616 developed for all students not classified as exceptional
 617 education students upon entry in a juvenile justice education
 618 program and upon reentry in the school district ~~who score below~~
 619 ~~the level specified in district school board policy in reading,~~
 620 ~~writing, and mathematics or below the level specified by the~~
 621 ~~Commissioner of Education on statewide assessments as required~~
 622 ~~by s. 1008.25.~~ These plans shall address academic, literacy, and
 623 career and technical ~~life~~ skills and shall include provisions
 624 for intensive remedial instruction in the areas of weakness.

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

633 (9) ~~Each The Department of Education shall ensure that all~~
 634 district school board shall boards make provisions for high
 635 school level students youth to earn credits toward high school
 636 graduation while in residential and nonresidential juvenile
 637 justice programs facilities. Provisions must be made for the
 638 transfer of credits and partial credits earned.

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

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

651 placement in the program. The transition plan must include, at a
 652 minimum:

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

655 2. Services to be provided during the program stay and
 656 services to be implemented upon release, including, but not
 657 limited to, continuing education in secondary school, career and
 658 technical programs, postsecondary education, or employment,
 659 based on the student's needs.

660 3. Specific monitoring responsibilities to determine
 661 whether the individualized transition plan is being implemented
 662 and the student is provided access to support services that will
 663 sustain the student's success by individuals who are responsible
 664 for the reintegration and coordination of these activities.

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

677 (c) The Department of Education and the Department of
 678 Juvenile Justice shall provide oversight and guidance to school
 679 districts, education providers, and reentry personnel on how to
 680 implement effective educational transition planning and
 681 services.

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

703 ~~board in consultation with the director of the juvenile justice~~
 704 ~~facility. Educational programs in~~ Juvenile justice education
 705 programs facilities shall have access to the substitute teacher
 706 pool used ~~utilized~~ by the district school board.

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

716 (13)~~(12)~~(a) Funding for eligible students enrolled in
 717 juvenile justice education programs shall be provided through
 718 the Florida Education Finance Program as provided in s. 1011.62
 719 and the General Appropriations Act. Funding shall include, at a
 720 minimum:

721 1. Weighted program funding or the basic amount for
 722 current operation multiplied by the district cost differential
 723 as provided in s. 1011.62(1)(s) and (2);

724 2. The supplemental allocation for juvenile justice
 725 education as provided in s. 1011.62(10);

726 3. A proportionate share of the district's exceptional
 727 student education guaranteed allocation, the supplemental
 728 academic instruction allocation, and the instructional materials

729 allocation;

730 4. An amount equivalent to the proportionate share of the
 731 state average potential discretionary local effort for
 732 operations, which shall be determined as follows:

733 a. If the district levies the maximum discretionary local
 734 effort and the district's discretionary local effort per FTE is
 735 less than the state average potential discretionary local effort
 736 per FTE, the proportionate share shall include both the
 737 discretionary local effort and the compression supplement per
 738 FTE. If the district's discretionary local effort per FTE is
 739 greater than the state average per FTE, the proportionate share
 740 shall be equal to the state average; or

741 b. If the district does not levy the maximum discretionary
 742 local effort and the district's actual discretionary local
 743 effort per FTE is less than the state average potential
 744 discretionary local effort per FTE, the proportionate share
 745 shall be equal to the district's actual discretionary local
 746 effort per FTE. If the district's actual discretionary local
 747 effort per FTE is greater than the state average per FTE, the
 748 proportionate share shall be equal to the state average
 749 potential local effort per FTE; and

750 5. A proportionate share of the district's proration to
 751 funds available, if necessary.

752 (b) Juvenile justice education ~~educational~~ programs to
 753 receive the appropriate FEFP funding for Department of Juvenile
 754 Justice programs shall include those operated through a contract

755 with the Department of Juvenile Justice ~~and which are under~~
 756 ~~purview of the Department of Juvenile Justice quality assurance~~
 757 ~~standards for education.~~

758 (c) Consistent with the rules of the State Board of
 759 Education, district school boards are required to request an
 760 alternative FTE survey for Department of Juvenile Justice
 761 programs experiencing fluctuations in student enrollment.

762 (d) FTE count periods shall be prescribed in rules of the
 763 State Board of Education and shall be the same for programs of
 764 the Department of Juvenile Justice as for other public school
 765 programs. The summer school period for students in Department of
 766 Juvenile Justice programs shall begin on the day immediately
 767 following the end of the regular school year and end on the day
 768 immediately preceding the subsequent regular school year.
 769 Students shall be funded for no more than 25 hours per week of
 770 direct instruction.

771 (e) Each juvenile justice education program must receive
 772 all federal funds for which the program is eligible.

773 (14) ~~(13)~~ Each district school board shall negotiate a
 774 cooperative agreement with the Department of Juvenile Justice on
 775 the delivery of educational services to students ~~youths~~ under
 776 the jurisdiction of the Department of Juvenile Justice. Such
 777 agreement must include, but is not limited to:

778 (a) Roles and responsibilities of each agency, including
 779 the roles and responsibilities of contract providers.

780 (b) Administrative issues including procedures for sharing

781 information.

782 (c) Allocation of resources including maximization of
783 local, state, and federal funding.

784 (d) Procedures for educational evaluation for educational
785 exceptionalities and special needs.

786 (e) Curriculum and delivery of instruction.

787 (f) Classroom management procedures and attendance
788 policies.

789 (g) Procedures for provision of qualified instructional
790 personnel, whether supplied by the district school board or
791 provided under contract by the provider, and for performance of
792 duties while in a juvenile justice setting.

793 (h) Provisions for improving skills in teaching and
794 working with students referred to juvenile justice programs
795 ~~delinquents~~.

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

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

800 (k) Methods and procedures for dispute resolution.

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

803 (m) Strategies for correcting any deficiencies found
804 through the accountability and evaluation system and student
805 performance measures ~~quality assurance process~~.

806 (15)-(14) Nothing in this section or in a cooperative

807 agreement requires ~~shall be construed to require~~ the district
 808 school board to provide more services than can be supported by
 809 the funds generated by students in the juvenile justice
 810 programs.

811 ~~(16)-(15)-(a)~~ The Department of Education, in consultation
 812 with the Department of Juvenile Justice, district school boards,
 813 and providers, shall adopt rules establishing: ~~establish~~

814 (a) Objective and measurable student performance measures
 815 to evaluate a student's educational progress while participating
 816 in a prevention, day treatment, or residential program. The
 817 student performance measures must be based on appropriate
 818 outcomes for all students in juvenile justice education
 819 programs, taking into consideration the student's length of stay
 820 in the program. Performance measures shall include outcomes that
 821 relate to student achievement of career education goals,
 822 acquisition of employability skills, receipt of a high school
 823 diploma, and grade advancement.

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

831 (c) The timeframes, procedures, and resources to be used
 832 to improve a low-rated educational program or to terminate or

833 ~~reassign the program~~ These standards shall rate the district
834 ~~school board's performance both as a provider and contractor.~~
835 ~~The quality assurance rating for the educational component shall~~
836 ~~be disaggregated from the overall quality assurance score and~~
837 ~~reported separately.~~

838 (d) ~~(b)~~ The Department of Education, in partnership with
839 the Department of Juvenile Justice, shall develop a
840 comprehensive accountability and program improvement quality
841 assurance review process. The accountability and program
842 improvement process shall be based on student performance
843 measures by type of program and shall rate education program
844 performance. The accountability system shall identify and
845 recognize high-performing education programs. The Department of
846 Education, in partnership with the Department of Juvenile
847 Justice, shall identify low-performing programs. Low-performing
848 education programs shall receive an onsite program evaluation
849 from the Department of Juvenile Justice. School improvement,
850 technical assistance, or the reassignment of the program shall
851 be based, in part, on the results of the program evaluation.
852 Through a corrective action process, low-performing programs
853 must demonstrate improvement or reassign the program and
854 ~~schedule for the evaluation of the educational component in~~
855 ~~juvenile justice programs. The Department of Juvenile Justice~~
856 ~~quality assurance site visit and the education quality assurance~~
857 ~~site visit shall be conducted during the same visit.~~

858 ~~(c) The Department of Education, in consultation with~~

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

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

875 (17) The department, in collaboration with the Department
 876 of Juvenile Justice, shall monitor and report on the educational
 877 performance of students in commitment, day treatment,
 878 prevention, and detention programs. The report by the Department
 879 of Education must include, at a minimum, the number and
 880 percentage of students who:

881 (a) Return to an alternative school, middle school, or
 882 high school upon release and the attendance rate of such
 883 students before and after participation in juvenile justice
 884 education programs.

- 885 (b) Receive a standard high school diploma or a high
- 886 school equivalency diploma.
- 887 (c) Receive industry certification.
- 888 (d) Receive occupational completion points.
- 889 (e) Enroll in a postsecondary educational institution.
- 890 (f) Complete a juvenile justice education program without
- 891 reoffending.
- 892 (g) Reoffend within 1 year after completion of a day
- 893 treatment or residential commitment program.
- 894 (h) Remain employed 1 year after completion of a day
- 895 treatment or residential commitment program.

896

897 The results of this report shall be included in the report

898 required by s. 985.632.

899 (18)~~(16)~~ The district school board shall not be charged

900 any rent, maintenance, utilities, or overhead on such

901 facilities. Maintenance, repairs, and remodeling of existing

902 facilities shall be provided by the Department of Juvenile

903 Justice.

904 (19)~~(17)~~ When additional facilities are required, the

905 district school board and the Department of Juvenile Justice

906 shall agree on the appropriate site based on the instructional

907 needs of the students. When the most appropriate site for

908 instruction is on district school board property, a special

909 capital outlay request shall be made by the commissioner in

910 accordance with s. 1013.60. When the most appropriate site is on

911 | state property, state capital outlay funds shall be requested by
 912 | the Department of Juvenile Justice provided by s. 216.043 and
 913 | shall be submitted as specified by s. 216.023. Any instructional
 914 | facility to be built on state property shall have educational
 915 | specifications jointly developed by the district school board
 916 | and the Department of Juvenile Justice and approved by the
 917 | Department of Education. The size of space and occupant design
 918 | capacity criteria as provided by State Board of Education rules
 919 | shall be used for remodeling or new construction whether
 920 | facilities are provided on state property or district school
 921 | board property.

922 | ~~(20)~~~~(18)~~ The parent of an exceptional student shall have
 923 | the due process rights provided for in this chapter.

924 | ~~(21)~~~~(19)~~ The Department of Education and the Department of
 925 | Juvenile Justice, after consultation with and assistance from
 926 | local providers and district school boards, shall collect data
 927 | ~~report annually to the Legislature by February 1~~ on the progress
 928 | toward developing effective education ~~educational~~ programs for
 929 | juvenile delinquents, including the amount of funding provided
 930 | by district school boards to juvenile justice programs;; the
 931 | amount retained for administration, including documenting the
 932 | purposes for such expenses;; the status of the development of
 933 | cooperative agreements;; education program performance ~~the~~
 934 | results, including the identification of high and low-performing
 935 | programs and aggregate student performance results; ~~of the~~
 936 | ~~quality assurance reviews including recommendations for system~~

937 | improvement;~~7~~ and information on the identification of, and
 938 | services provided to, exceptional students in juvenile justice
 939 | programs ~~commitment facilities~~ to determine whether these
 940 | students are properly reported for funding and are appropriately
 941 | served.

942 | (22)~~(20)~~ The education ~~educational~~ programs at ~~the Arthur~~
 943 | ~~Dozier School for Boys in Jackson County and the Florida School~~
 944 | for Boys in Okeechobee shall be operated by the Department of
 945 | Education, either directly or through grants or contractual
 946 | agreements with other public or duly accredited education
 947 | agencies approved by the Department of Education.

948 | (23)~~(21)~~ The State Board of Education shall ~~may~~ adopt ~~any~~
 949 | rules necessary to implement ~~the provisions of~~ this section,
 950 | ~~including uniform curriculum, funding, and second chance~~
 951 | ~~schools~~. Such rules must require the minimum amount of paperwork
 952 | and reporting.

953 | (24)~~(22)~~ The Department of Juvenile Justice and the
 954 | Department of Education, in consultation with Workforce Florida,
 955 | Inc., the statewide Workforce Development Youth Council,
 956 | district school boards, Florida College System institutions,
 957 | providers, and others, shall jointly develop a multiagency plan
 958 | for career education which describes the funding, curriculum,
 959 | transfer of credits, goals, and outcome measures for career
 960 | education programming in juvenile commitment facilities,
 961 | pursuant to s. 985.622. The plan must be reviewed annually.

962 | Section 6. Paragraph (b) of subsection (18) of section

963 1001.42, Florida Statutes, is amended to read:

964 1001.42 Powers and duties of district school board.—The
 965 district school board, acting as a board, shall exercise all
 966 powers and perform all duties listed below:

967 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
 968 Maintain a state system of school improvement and education
 969 accountability as provided by statute and State Board of
 970 Education rule. This system of school improvement and education
 971 accountability shall be consistent with, and implemented
 972 through, the district's continuing system of planning and
 973 budgeting required by this section and ss. 1008.385, 1010.01,
 974 and 1011.01. This system of school improvement and education
 975 accountability shall comply with the provisions of ss. 1008.33,
 976 1008.34, 1008.345, and 1008.385 and include the following:

977 (b) Public disclosure.—The district school board shall
 978 provide information regarding the performance of students and
 979 educational programs as required pursuant to ss. 1008.22 and
 980 1008.385 and implement a system of school reports as required by
 981 statute and State Board of Education rule which shall include
 982 schools operating for the purpose of providing educational
 983 services to students ~~youth~~ in Department of Juvenile Justice
 984 programs, and for those schools, report on the elements
 985 specified in s. 1003.52(16) ~~1003.52(19)~~. Annual public
 986 disclosure reports shall be in an easy-to-read report card
 987 format and shall include the school's grade, high school
 988 graduation rate calculated without high school equivalency

CS/HB 173



2014

989 | examinations ~~GED tests~~, disaggregated by student ethnicity, and
990 | performance data as specified in state board rule.

991 | Section 7. This act shall take effect July 1, 2014.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 173 Juvenile Justice Education Programs
SPONSOR(S): Choice & Innovation Subcommittee and Adkins
TIED BILLS: IDEN./SIM. **BILLS:** SB 598

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	11 Y, 0 N, As CS	Thomas	Fudge
2) Appropriations Committee	24 Y, 0 N	Lloyd	Leznoff
3) Education Committee		Thomas 	Mizereck 

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 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 the State Board of Education to adopt rules for student assessment that determine the areas of academic need and strategies for appropriate intervention and instruction for students in detention facilities and requires a research-based assessment be administered that will assist students in determining educational and career options and goals.
- 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 workload related to new or revised reporting requirements can be absorbed with existing resources. The bill codifies what is current practice for DJJ, DOE and school districts. The bill does not appear to have a fiscal impact. (See FISCAL COMMENTS).

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

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

STORAGE NAME: h0173d.EDC.DOCX

DATE: 2/24/2014

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.¹ 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.² During the 2011-12 school year, juvenile justice education programs served more than 32,000 students.³

- **Prevention and Victim Services** - Prevention and Victim Services offers voluntary youth crime prevention programs throughout the state of Florida. The 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.⁴
- **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.⁵
- **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. Juveniles who are adjudicated by the court can be committed to residential programs classified as low, moderate, high or maximum risk.⁶
- **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.⁷

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.⁸ The plan must include:

¹ Florida Department of Juvenile Justice, *available at*, <http://www.djj.state.fl.us/about-us/mission> (last visited Dec. 16, 2013).

² 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.

³ Florida Department of Juvenile Justice, Comprehensive Accountability Report 2011-2012, 2, *available at* <http://www.djj.state.fl.us/research/reports/car>.

⁴ Florida Department of Juvenile Justice, Prevention & Victim Services, *available at* <http://www.djj.state.fl.us/services/prevention> (last visited Dec. 16, 2013).

⁵ Florida Department of Juvenile Justice, <http://www.djj.state.fl.us/Residential/restrictiveness.html> (last visited Dec. 16, 2013).

⁶ 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>.

⁷ Florida Department of Juvenile Justice, *available at*, <http://www.djj.state.fl.us/services/detention> (last visited Dec. 16, 2013).

⁸ 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.⁹
- 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.¹⁰
- 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.¹¹

In October 2010, the Office of Program Policy Analysis and Government Accountability (OPPAGA) issued a report that identified several shortcomings of the plan. 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.¹² 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 those in commitment facilities. The plan must be reviewed annually and revised as appropriate. The plan must also:

- 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 youth in such programs.¹³ 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.¹⁴

⁹ Section 985.622(1)(a)(c), F.S.

¹⁰ Section 985.622(2), F.S.

¹¹ Section 985.622(3), F.S.

¹² 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>

¹³ Section 1003.52, F.S.

¹⁴ Sections 1003.52(1), (3), and (4), F.S.

Educational services consist of basic academic, career, or exceptional curricula that support treatment goals and reentry, and that may lead to the completion of a high school diploma or its equivalent.¹⁵ These services can be provided by the district school board itself or by a private provider through a contract with the district school board.¹⁶ 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.¹⁷

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.¹⁸

Each district school board must negotiate a cooperative agreement with DJJ regarding the delivery of educational programming to youth in the juvenile justice system. 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.¹⁹

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.²⁰

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.

¹⁵ Section 1003.52(5), F.S.

¹⁶ Section 1003.52(11), F.S.

¹⁷ 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 Dec. 16, 2013).

¹⁸ Section 1003.52 (1), F.S.

¹⁹ Section 1003.52(13), F.S.

²⁰ 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.²¹ 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.

²¹ Section 1003.52(19), F.S.
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- 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.²²

In 2010, 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.²³

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.²⁴

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.²⁵ 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.²⁶ These standards must rate the district school boards' performance both as a provider and contractor.²⁷

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

²² Florida Department of Education, *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, Annual Report 2009-2010, at 13 (2011), available at http://www.fldoe.org/ese/pdf/jj_annual.pdf

²³ 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.

²⁴ Section 985.632, F.S.

²⁵ Section 1003.52(15)(a), F.S.

²⁶ 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.

²⁷ Section 1003.52(15)(a), F.S.

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.²⁸ 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. 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.²⁹

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 and coordination of these activities.

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.

²⁸ Section 1003.52(13)(i), F.S.; rule 6A-6.05281, F.A.C.

²⁹ Email, Florida Department of Education, Governmental Relation Office (Dec. 17, 2013).

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.³⁰

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., or 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.

Juvenile Justice Common Student Assessment

Present Situation

DOE with the assistance of school districts, must select a common student assessment instrument and protocol for measuring student learning gains and student progression while a student is in a juvenile justice education program.³¹ The test is administered as a pre-test within 10 school days after a student enters a juvenile justice program and again as a post-test when a student who was in the program for at least 45 school days leaves the program.³² In February, 2012, DOE awarded WIN Learning a contract to administer the Florida Ready to Work assessment as the common assessment for reading and math in DJJ education programs.³³ According to DOE, only students in residential and day treatment programs are administered the common assessment.³⁴

Effect of Proposed Changes

The bill requires SBE to adopt rules for student assessment that determine the areas of academic need and strategies for appropriate intervention and instruction for students in detention facilities within 5 school days after entry; and administer a research-based assessment that will assist students in determining educational and career options and goals within 22 school days of entry. The bill also requires SBE to adopt rules for assessment procedures for prevention programs.

B. SECTION DIRECTORY:

Section 1. Amends s. 985.622, F.S., revising requirements for the multiagency education plan for students in juvenile justice education programs including virtual education as an option.

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

³¹ Section 1003.52(3)(b), F.S.

³² Email, Florida Department of Education, Governmental Relation Office (Dec. 17, 2013).

³³ Email, Florida Department of Education, Bureau of Exceptional Education and Services (Feb. 10, 2012).

³⁴ Email, Florida Department of Education, Governmental Relation Office (Dec. 17, 2013).

an accountability system for all juvenile justice education programs; revising requirements of 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 for 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; 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 provisions for minimum thresholds for the standards and key indicators for educational programs in juvenile justice facilities; 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.

Section 7. Provides an effective date of July 1, 2014.

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. The workload related to new or revised reporting requirements can be absorbed with existing resources. The bill codifies what is current practice for DJJ, DOE and school districts.

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:

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:

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 January 9, 2014, the Choice & Innovation Subcommittee reported HB 173 favorably as a committee substitute. There were two amendments to the bill that:

- Required SBE to adopt rules for student assessment that determine the areas of academic need and strategies for appropriate intervention and instruction for students in detention facilities within 5 school days of entry and required a research-based assessment be administered that will assist students in determining educational and career options and goals within 22 school days of entry.
- Removed a directive to the Division of Law Revision and Information to request a reviser's bill for the 2014 Regular Session. This directive was completed during the 2013 Legislative Session.

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

1 A bill to be entitled
 2 An act relating to education data privacy; amending s.
 3 1002.22, F.S.; providing for annual notice to K-12
 4 students and parents of rights relating to education
 5 records; revising provisions relating to remedy in
 6 circuit court with respect to education records and
 7 reports of students and parents; creating s. 1002.222,
 8 F.S.; providing limitations on the collection of
 9 information and the disclosure of confidential and
 10 exempt student records; defining the term "biometric
 11 information"; authorizing fees; amending s. 1008.386,
 12 F.S.; revising provisions relating to the submission
 13 of student social security numbers and the assignment
 14 of student identification numbers; requiring the
 15 Department of Education to establish a process for
 16 assigning student identification numbers; amending s.
 17 1011.622, F.S.; conforming provisions; providing an
 18 effective date.

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

21
 22 Section 1. Paragraph (e) of subsection (2) and subsection
 23 (4) of section 1002.22, Florida Statutes, are amended to read:
 24 1002.22 Education records and reports of K-12 students;
 25 rights of parents and students; notification; penalty.—

26 (2) RIGHTS OF STUDENTS AND PARENTS.—The rights of students

27 and their parents with respect to education records created,
 28 maintained, or used by public educational institutions and
 29 agencies shall be protected in accordance with the Family
 30 Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g,
 31 the implementing regulations issued pursuant thereto, and this
 32 section. In order to maintain the eligibility of public
 33 educational institutions and agencies to receive federal funds
 34 and participate in federal programs, the State Board of
 35 Education shall comply with the FERPA after the board has
 36 evaluated and determined that the FERPA is consistent with the
 37 following principles:

38 (e) Students and their parents shall receive annual notice
 39 of their rights with respect to education records.

40 (4) PENALTY.—If any official or employee of an institution
 41 refuses to comply with this section, the aggrieved parent or
 42 student has an immediate right to bring an action in circuit
 43 court to enforce his or her rights by injunction. Any aggrieved
 44 parent or student who receives injunctive relief ~~brings such~~
 45 ~~action and whose rights are vindicated~~ may be awarded attorney
 46 ~~attorney's~~ fees and court costs.

47 Section 2. Section 1002.222, Florida Statutes, is created
 48 to read:

49 1002.222 Limitations on collection of information and
 50 disclosure of confidential and exempt student records.—

51 (1) An agency or institution as defined in s. 1002.22(1)
 52 may not:

53 (a) Collect, obtain, or retain information on the
54 political affiliation, voting history, religious affiliation, or
55 biometric information of a student or a parent or sibling of the
56 student. For purposes of this subsection, the term "biometric
57 information" means information collected from the electronic
58 measurement or evaluation of any physical or behavioral
59 characteristics that are attributable to a single person,
60 including fingerprint characteristics, hand characteristics, eye
61 characteristics, vocal characteristics, and any other physical
62 characteristics used for the purpose of electronically
63 identifying that person with a high degree of certainty.
64 Examples of biometric information include, but are not limited
65 to, a fingerprint or hand scan, a retina or iris scan, a voice
66 print, or a facial geometry scan.

67 (b) Provide education records made confidential and exempt
68 by s. 1002.221 or federal law to:

69 1. A person as defined in s. 1.01(3) except when
70 authorized by s. 1002.221 or in response to a lawfully issued
71 subpoena or court order;

72 2. A public body, body politic, or political subdivision
73 as defined in s. 1.01(8) except when authorized by s. 1002.221
74 or in response to a lawfully issued subpoena or court order; or

75 3. An agency of the Federal Government except when
76 authorized by s. 1002.221, required by federal law, or in
77 response to a lawfully issued subpoena or court order.

78 (2) The governing board of an agency or institution may

79 only designate information as directory information in
 80 accordance with 20 U.S.C. s. 1232g and applicable federal
 81 regulations. Such designation must occur at a regularly
 82 scheduled meeting of the governing board. The governing board of
 83 an agency or institution must consider whether designation of
 84 such information would put students at risk of becoming targets
 85 of marketing campaigns, the media, or criminal acts. An agency
 86 or institution may charge fees for copies of designated
 87 directory information as provided in s. 119.07(4).

88 Section 3. Section 1008.386, Florida Statutes, is amended
 89 to read:

90 1008.386 Florida ~~social security numbers used as~~ student
 91 identification numbers.—

92 (1) When a student enrolls in a public school in this
 93 state, the ~~Each~~ district school board shall request that the
 94 ~~each~~ student enrolled in a public school in this state provide
 95 his or her social security number and shall indicate whether the
 96 student identification number assigned to the student is a
 97 social security number. A student satisfies this requirement by
 98 presenting his or her social security card or a copy of the card
 99 to a school enrollment official. ~~Each school district shall use~~
 100 ~~social security numbers as student identification numbers in the~~
 101 ~~management information system maintained by the school district.~~
 102 However, a student is not required to provide his or her social
 103 security number as a condition for enrollment or graduation. A
 104 ~~student satisfies this requirement by presenting to school~~

105 ~~enrollment officials his or her social security card or a copy~~
 106 ~~of the card. The school district shall include the social~~
 107 ~~security number in the student's permanent records and shall~~
 108 ~~indicate if the student identification number is not a social~~
 109 ~~security number.~~ The Commissioner of Education shall assist
 110 ~~provide assistance to school districts with~~ to assure that the
 111 assignment of student identification numbers ~~other than social~~
 112 ~~security numbers is kept to a minimum and~~ to avoid duplication
 113 of any student identification number.

114 (2) The department shall establish a process for assigning
 115 a Florida student identification number to each student in the
 116 state, at which time a school district may not use social
 117 security numbers as student identification numbers in its
 118 management information systems.

119 (3) The State Board of Education may adopt rules to
 120 implement this section.

121 Section 4. Section 1011.622, Florida Statutes, is amended
 122 to read:

123 1011.622 Adjustments for students without a Florida ~~common~~
 124 student identification number identifier. The Florida Education
 125 Finance Program funding calculations, including the calculations
 126 authorized in ss. 1011.62, 1011.67, 1011.68, and 1011.685, shall
 127 include funding for a student only when all of the student's
 128 records are reported to the Department of Education under a
 129 Florida ~~common~~ student identification number identifier. The
 130 State Board of Education may adopt rules pursuant to ss.

CS/HB 195

2014

131 | 120.536(1) and 120.54 to implement this section.

132 | Section 5. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 195 Education Data Privacy
SPONSOR(S): Choice & Innovation Subcommittee, Raburn and others
TIED BILLS: IDEN./SIM. BILLS: CS/SB 188

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	13 Y, 0 N, As CS	Rininger	Fudge
2) Education Appropriations Subcommittee	10 Y, 1 N	Seifert	Heflin
3) Education Committee		Beagle <i>GB</i>	Mizereck <i>RM</i>

SUMMARY ANALYSIS

Currently, student education records are protected by the Family Educational Rights and Privacy Act (FERPA) and state law. However, neither FERPA nor state law specifies which information may or may not be collected.

State law also requires each district school board to request the social security number (SSN) of each enrolled student; however, a student may choose to withhold his or her SSN and school boards are prohibited from requiring students to furnish a SSN as a condition of enrollment or graduation. The student's SSN must be used as his or her student identification number in the school district's management information system and in the student's permanent records.

At the direction of the Governor, the Commissioner of Education conducted a review of the state's student data privacy and security measures. The commissioner recommended several changes to state law regarding education records privacy. This bill codifies the commissioner's recommendations by:

- Clarifying that parents must be notified annually regarding their rights with respect to education records.
- Clarifying that a parent may be awarded attorney's fees and court costs if the parent is granted injunctive relief in an action to enforce his or her rights regarding education records.
- Prohibiting any agency or institution from collecting information regarding political affiliation, voting history, religious affiliation, or biometric information of a student or student's parent or sibling.
- Prohibiting the disclosure of confidential and exempt education records to any person, public body, body politic, or political subdivision unless disclosure is authorized by FERPA or in response to a subpoena or court order. Disclosure to federal government agencies is also prohibited, unless authorized by FERPA, required by federal law, or in response to a subpoena or court order.
- Requiring that governing boards of agencies or institutions may only designate directory information in accordance with FERPA at a regularly scheduled meeting at which time the board must consider any potential risks to student privacy from such designation.

In addition, the bill requires the Florida Department of Education to create a statewide process for assigning students identification numbers that are not SSNs, thereby phasing out the use of SSNs for that purpose.

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

The bill takes effect upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Education Records Privacy

Present Situation

Federal Law

The Family Educational Rights and Privacy Act¹ (FERPA) is a federal law that grants parents the right to inspect, review, and challenge the content of their child's education records and, subject to certain exceptions, control the disclosure of education records or personally identifiable information² contained in the records.³ When a student turns 18 years of age, or enters a postsecondary institution at any age, the rights under FERPA transfer from the parents to the student (eligible student).⁴

Educational agencies and institutions⁵ must comply with FERPA as a condition to receiving federal education funds.⁶ An educational agency or institution that receives federal education funds must annually notify parents and eligible students of their rights under FERPA.⁷

Among other things, FERPA requires educational agencies and institutions to obtain written consent from a parent or eligible student before disclosing education records or personally identifiable information contained therein.⁸ The written consent must be signed and dated and must specify the records that may be disclosed; state the purpose of the disclosure; and identify the party or class of parties to whom the disclosure may be made.⁹

There are several exceptions to the "prior consent" requirement which authorize disclosure of education records or personally identifiable information. Generally, these exceptions address specific situations in which disclosure without consent is necessary for the efficient operation of the school or school district; to comply with court orders and federal audit and grant reporting requests; and to protect the health, safety, and welfare of students. These exceptions include disclosure:

- To the parent of a student who is not an eligible student or to an eligible student if he or she is not claimed as a dependent on his or her parent's income taxes.¹⁰

¹ 20 U.S.C. s. 1232g and 34 C.F.R. part 99.

² FERPA defines "personally identifiable information" to include, without limitation, the names of the student and his or her parents or other family members; the address of the student or student's family; the student's social security number, student number, biometric record, or other personal identifier; indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; and other information that could reasonably identify a student. 34 C.F.R. s. 99.3 (definition of "personally identifiable information").

³ 20 U.S.C. s. 1232g(a) and (b); 34 C.F.R. part 99. In cases of divorced, separated, or never-married parents, each parent is presumed to have rights under FERPA unless a state statute, court order, or other legally binding document provides to the contrary. 34 C.F.R. s. 99.4.

⁴ 20 U.S.C. s. 1232g(d); 34 C.F.R. ss. 99.3 (definition of "eligible student") and 99.5(a).

⁵ FERPA defines "educational agency or institution" to mean any public or private agency or institution that receives federal education funding. 20 U.S.C. s. 1232g(a)(3). This includes educational institutions that provide instruction or educational services and educational agencies that are authorized to control and direct postsecondary institutions or public elementary or secondary schools, i.e., state and local educational agencies. 34 C.F.R. s. 99.1.

⁶ 20 U.S.C. s. 1232g(a) and (b); 34 C.F.R. s. 99.1.

⁷ 20 U.S.C. s. 1232g(e); 34 C.F.R. s. 99.7(a).

⁸ 20 U.S.C. s. 1232g(b)(1); 34 C.F.R. ss. 99.30-99.39. Florida's policy for the disclosure of education records is similar to the relevant FERPA provisions. See rule 6A-1.0955(6)(f) and (g), F.A.C.

⁹ 34 C.F.R. s. 99.30.

¹⁰ 20 U.S.C. s. 1232g(b)(1)(H); 34 C.F.R. s. 99.31(a)(8) and (12); see 26 U.S.C. s. 152 (Internal Revenue Code definition of dependent child).

- To other school officials, including teachers, within the agency or institution.¹¹
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is related to the student's enrollment or transfer.¹²
- To authorized representatives of the U.S. Comptroller General, U.S. Attorney General, U.S. Secretary of Education, or state and local educational authorities for purposes related to audits, evaluations, or enforcement of federal legal requirements.¹³
- In connection with an application for student financial aid to determine eligibility, amount, and terms and conditions for such aid.¹⁴
- Authorized by a state statute concerning the juvenile justice system to enable specified state and local officials to effectively serve a juvenile prior to adjudication.¹⁵
- To organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction.¹⁶
- To accrediting organizations to carry out their accrediting functions.¹⁷
- To comply with a judicial order or lawfully issued subpoena.¹⁸
- In connection with a health or safety emergency and disclosure is necessary to protect the health or safety of the student or others.¹⁹
- Of directory information.²⁰
- To the victim of an alleged perpetrator of a violent crime or non-forcible sex offense²¹ which is limited to the final results of a disciplinary proceeding conducted on the matter by a postsecondary institution, regardless of outcome.²²
- In connection with a disciplinary proceeding conducted by a postsecondary institution regarding an alleged crime of violence or non-forcible sex offense perpetrated by a student in which the student is determined to have violated the institution's rules or policies.²³
- To a parent of a student at a postsecondary institution regarding the student's violation of any Federal, State, or local law or institutional rule or policy governing the use or possession of

¹¹ 20 U.S.C. s. 1232g(b)(1)(A); 34 C.F.R. s. 99.31(a)(1). Disclosure to outside contractors, consultants, and others is permitted if they perform a function typically served by employees; are directly controlled by the educational agency or institution; are permitted access only to records in which they have a legitimate educational interest; and are required to comply with FERPA requirements for redisclosure of education records. *Id.*

¹² 20 U.S.C. s. 1232g(b)(1)(B); 34 C.F.R. s. 99.31(a)(2).

¹³ 20 U.S.C. s. 1232g(b)(1)(C) and (3); 34 C.F.R. s. 99.31(a)(3). Authority to conduct an audit, evaluation, or enforcement action must be established under other federal, state, or local authority and controls must be in place to prevent disclosure to unauthorized persons. 34 C.F.R. s. 99.35(a)(2) and (b).

¹⁴ 20 U.S.C. s. 1232g(b)(1)(D); 34 C.F.R. s. 99.31(a)(4).

¹⁵ 20 U.S.C. s. 1232g(b)(1)(E); 34 C.F.R. ss. 99.31(a)(5) and 99.38.

¹⁶ 20 U.S.C. s. 1232g(b)(1)(F); 34 C.F.R. s. 99.31(a)(6)(i). Disclosure is only permitted if the educational agency or institution and organization conducting the study enter into a written agreement which specifies the purpose, scope and duration of the study; prohibits personal identification of parents and students to third parties; and requires the destruction of personally identifiable information of parents and students upon completion of the study. 34 C.F.R. s. 99.31(a)(6)(iii).

¹⁷ 20 U.S.C. s. 1232g(b)(1)(G); 34 C.F.R. s. 99.31(a)(7).

¹⁸ 20 U.S.C. s. 1232g(b)(1)(J); 34 C.F.R. s. 99.31(a)(9). The educational agency or institution must make a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action. Notification is not required if the disclosure is in compliance with an ex parte court order obtained by the United States Attorney concerning investigations or prosecutions of terrorism or with a federal grand jury or other law enforcement subpoena in which the court or issuing agency has ordered that information in the subpoena not be disclosed. *Id.*

¹⁹ 20 U.S.C. s. 1232g(b)(1)(I); 34 C.F.R. ss. 99.31(a)(10) and 99.36(a).

²⁰ 20 U.S.C. s. 1232g(a)(5); 34 C.F.R. s. 99.31(a)(11).

²¹ For purposes of FERPA, an "alleged perpetrator" means another student at the postsecondary institution. Crimes of violence include arson, assault, burglary, criminal homicide, destruction of property, vandalism, kidnapping, robbery, and forcible sex offenses. Non-forcible sex offenses include acts committed by a student which constitute statutory rape or incest. 34 C.F.R. s. 99.39.

²² 20 U.S.C. s. 1232g(b)(6)(A); 34 C.F.R. s. 99.31(a)(13).

²³ 20 U.S.C. s. 1232g(b)(6)(B); 34 C.F.R. s. 99.31(a)(14). The institution may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student. This provision pertains only to disciplinary proceedings concluded on or after Oct. 7, 1998. *Id.*

alcohol or controlled substances if the student is under 21 years of age and the institution determines that the student committed the violation.²⁴

- Regarding sex offenders and other individuals who are required to register with law enforcement under federal law.²⁵

In addition, an educational agency or institution or recipient of education records may release education records without prior consent if all personally identifiable information is removed from the records and the agency, institution, or party reasonably determines that the student's identity cannot be ascertained from the records.²⁶

One of the most frequently used exceptions concerns "directory information." FERPA defines directory information as "the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student."²⁷ An educational agency or institution must give public notice regarding the types of personally identifiable information that the agency or institution has designated as directory information and allow a reasonable opportunity for parents or eligible students to object to such release.²⁸

State Law

Florida law regarding education records privacy establishes a public records exemption for records held by Florida educational agencies and institutions²⁹ and requires that such records be protected in accordance with FERPA. In order to maintain the eligibility of public educational institutions and agencies for federal funding, the law directs the State Board of Education to comply with FERPA after evaluating and determining that FERPA is consistent with the following principles:

- Students and their parents shall have the right to access their education records, including the right to inspect and review those records.
- Students and their parents shall have the right to waive their access to their education records in certain circumstances.
- Students and their parents shall have the right to challenge the content of education records in order to ensure that the records are not inaccurate, misleading, or otherwise a violation of privacy or other rights.
- Students and their parents shall have the right of privacy with respect to such records and reports.
- Students and their parents shall receive notice of their rights with respect to education records.³⁰

The state board must also monitor changes to FERPA and advise the Legislature of any changes necessitating amendments to state law.³¹

²⁴ 20 U.S.C. s. 1232g(i); 34 C.F.R. s. 99.31(a)(15).

²⁵ 20 U.S.C. s. 1232g(b)(7)(A); 34 C.F.R. s. 99.31(a)(16); *see* 42 U.S.C. s. 14071 (federal requirements for sexual offender registration).

²⁶ 34 C.F.R. s. 99.31(b)(1).

²⁷ 34 C.F.R. s. 99.3 (definition of "directory information").

²⁸ 20 U.S.C. s. 1232g(a)(5), 34 CFR 99.37. *See e.g.* U.S. Department of Education, *Model Notice for Directory Information*, <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/mndirectoryinfo.html> (last visited Jan. 25, 2014).

²⁹ Florida's education records privacy law defines "agency" to mean any board, agency, or other entity that provides administrative control or direction of or performs services for public elementary or secondary schools, centers, or other institutions. Section 1002.22(1)(a), F.S. "Institution" means any public elementary, middle or high school; center; or institution; and the Florida School for the Deaf and the Blind and Florida Virtual School. Section 1002.22(2)(b), F.S.

³⁰ Section 1002.22(2), F.S.

³¹ Section 1002.22 (3), F.S.

State law allows a student or parent who has his or her rights under FERPA vindicated in court to collect attorney fees and court costs, but does not specify what constitutes such a “vindication of rights.” The law is silent regarding the collection of information regarding political affiliation, voting history, religious affiliation, and biometric information. Release of directory information must be consistent with FERPA.³²

Commissioner Review and Legislative Recommendations

On September 23, 2013, after receiving feedback from stakeholders during the Governor’s Education Summit, the Governor issued an Executive Order which, among other things, directed the Commissioner of Education to make improvements to state policies regarding student data privacy and security. The order directed the commissioner to:

- Conduct a student data security review;
- Issue policies, including internal protocols and operating procedures, for the Florida Department of Education (DOE), school districts, and any assessment provider or other entity with access to student data, in order to protect student information and prevent its misuse;
- Ensure that protections are in place to prevent the release of student education records without the written consent of the student or parent, except as specifically provided by Florida law; and
- Make recommendations by December 31, 2013, for rule changes or legislation needed to protect student privacy.³³

Accordingly, DOE reviewed its compliance with state and federal education records privacy laws and its internal protocols and procedures governing information security. DOE also commissioned SecureWorks to conduct an independent assessment of DOE’s information security protocols and procedures. The Auditor General is independently auditing DOE’s compliance with state laws and rules related to information security.³⁴ Among other things, DOE’s report on these activities indicates that:

- Individual, personally identifiable student information collected and maintained by the department may only be accessed by authorized individuals as prescribed by FERPA.
- Access to the student databases themselves is restricted to properly authorized individuals or school districts by user ID and password.
- Data security requirements are incorporated into the procurement process for information technology services to ensure that contracts and agreements require outside contractors to protect the privacy of student information.³⁵
- Based upon the results of SecureWorks’ assessment, DOE will consider, among other things, establishing an information systems steering committee to develop and oversee its information security policies and take measures to review and modify various information security policies, as needed.³⁶

DOE’s report includes data security recommendations for both the department and school districts. The Auditor General’s audit has not been completed; however, DOE indicates its willingness to consider any improvements suggested by the auditors.³⁷

In addition, the commissioner recommended several changes to state law regarding education records privacy, including:

³² See s. 1002.22, F.S.

³³ Fla. Exec. Order No. 13-276 (Sept. 23, 2013).

³⁴ Florida Department of Education, *Student Data Privacy Recommendations*, at 5-9 (Dec. 2013).

³⁵ *Id.* at 5.

³⁶ *Id.* at 11-13.

³⁷ *Id.* at 9.

- Clarifying that students and parents must be notified annually regarding their rights with respect to education records.
- Clarifying that a parent or student may be awarded attorney fees and court costs if the parent or student is granted injunctive relief in an action to enforce his or her rights regarding education records.
- Prohibiting any educational agency or institution from collecting, obtaining, or retaining information on the political affiliation, voting history, religious affiliation, or biometric information of a student or student's parent or sibling.
- Prohibiting the disclosure of confidential and exempt education records to any person, public body, body politic, political subdivision, or any agency of the federal government, except when authorized or required by law or in response to a subpoena or court order.
- Requiring that governing boards of agencies or institutions may only designate directory information in accordance with FERPA at a regularly scheduled meeting after considering whether such disclosure risks violating student privacy.³⁸

Effect of Proposed Changes

The bill codifies the commissioner's legislative recommendations regarding student data privacy and security to clarify and strengthen several aspects of state law. By specifying that students and parents must be notified annually about their rights regarding education records, the bill aligns state law with FERPA's annual notice requirement. Provisions specifying that attorney's fees and court costs may be awarded to a student or parent who receives "injunctive relief" more clearly indicate what constitutes a vindication of rights meriting such an award.

The bill prohibits any educational agency or institution from collecting, obtaining, or retaining information on the political affiliation, voting history, religious affiliation, or biometric information of a student, a student's parent, or a student's sibling. The bill defines biometric information as information collected from the electronic measurement or evaluation of any physical or behavioral characteristics that may be personally identifiable, including characteristics of fingerprints, hands, eyes, and the voice. The bill would, therefore, not allow agencies or institutions to use fingerprint scans, hand scans, retina or iris scans, face geometry scans, or voice prints. These provisions provide specific protection from the collection of sensitive information that has little, if any, bearing on a student's education.

The bill also prohibits disclosure of confidential and exempt education records to any person, public body, body politic, or political subdivision unless disclosure is authorized by FERPA or in response to a subpoena or court order. Disclosure to federal government agencies is also prohibited, unless authorized by FERPA, required by federal law, or in response to a subpoena or court order. These provisions provide clear guidance as to whom and when information may be disclosed.

Under FERPA, directory information is one of several exceptions to the "prior consent" requirement for disclosing education records or personally identifiable information. The bill provides additional protections regarding the disclosure of directory information by requiring the governing board of an educational agency or institution, when designating student information as directory information, to do so at a regularly scheduled public meeting. The governing board must consider whether designating the information as directory information will put students at risk of being targeted by marketing campaigns, the media, or criminals.

Student Identification Numbers

Present Situation

Florida law requires each district school board to request the social security number (SSN) of each student; however, a student may choose to withhold his or her SSN and school boards may not require

³⁸ *Id.*

students to provide a SSN as a condition of enrollment or graduation. Each school district must use the student's SSN as his or her student identification number in its management information system and in the student's permanent records. The school district must also indicate when the student identification number is not the student's SSN.³⁹

Florida law states the Legislature's acknowledgment that SSNs were originally intended to be used only in the administration of the federal Social Security System. Recognizing this intent, the law expresses the Legislature's intent to maintain a balanced public policy by monitoring agency use and limiting the collection of SSNs, unless the:

- Purpose of the collection is stated in writing; and
- Collection is specifically authorized by law or is imperative for the performance of the agency's duties and responsibilities as prescribed by law.⁴⁰

A 2010 report by the Office of the Inspector General of the United States questioned widespread use of SSNs as primary student identification numbers, given the increasing threat of identity theft. Furthermore, the report determined that unnecessary or redundant collection of SSNs is a significant vulnerability to student privacy. The report recommended that states and K-12 schools nationwide take measures to limit the use of SSNs as primary student identifiers.⁴¹

DOE has also recognized that using the SSN as a student identifier increases opportunities for a student's information to be misused or stolen. Consequently, DOE is implementing changes to statewide data collection practices which will deemphasize the use of SSNs as student identifiers. School districts will continue to collect each student's SSN for enrollment purposes and for initial entry into the state data system; however, once entered into the system, each student will be assigned a primary identification number that is not the SSN. This unique number will then be used to identify the student for record keeping and data collection purposes, thereby decreasing the likelihood that a student's identity can be linked to his or her SSN.

Effect of Bill

The bill requires a school district to request a student's SSN *upon initial enrollment* in a Florida public school. It also requires DOE to create a statewide process for assigning student identification numbers that are not SSNs. Once the process is implemented, school districts will be prohibited from using SSNs in their management information systems. These changes decrease the likelihood of duplicative requests for student SSNs, thereby increasing the security and confidentiality of student SSNs.

B. SECTION DIRECTORY:

Section 1. Amends s. 1002.22, F.S., relating to Education records and reports of K-12 students.

Section 2. Creates s. 1002.222, F.S., relating to K-12 education records.

Section 3. Amends s. 1008.386, F.S., relating to Social security numbers used as student identification numbers.

Section 4. Amends s. 1011.622, F.S., relating to Adjustments for students without a common student identifier.

Section 5. Provides that the bill takes effect upon becoming law.

³⁹ Section 1008.386, F.S.

⁴⁰ Section 119.071(5)(a)1. and 2., F.S.

⁴¹ U.S. Office of the Inspector General, *Kindergarten Through 12th Grade Schools' Collection and Use of Social Security Numbers* Report No. A-08-10-11057, at 2, 4, and 6 (July 22, 2010), available at <http://oig.ssa.gov/sites/default/files/audit/full/pdf/A-08-10-11057.pdf>.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill requires school districts to annually notify parents and students about their rights regarding their school records. Districts currently provide annual notification to parents about a variety of issues and this requirement can be included using existing resources.

The bill requires the Department of Education to establish a process for assigning a unique student identification number to each student in the state. The department is currently establishing the process using a mixture of recurring state and federal funds thus this requirement can be completed using existing resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill gives DOE the authority to adopt rules to create a process for assigning a unique student identification number to each student in the state.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On February 4, 2014, the Choice & Innovation Subcommittee adopted a proposed committee substitute (PCS) and reported HB 195 favorably as a committee substitute. The original bill was limited in scope to the collection of student biometric information. It required school districts that collect student biometric information to formulate policies governing the collection of such information and specified requirements regarding records confidentiality, maintenance, and security; conditions on disclosure; parental notice; and criminal penalties for unauthorized use.

Unlike the bill, the PCS codifies the Commissioner of Education's legislative recommendations regarding educational records privacy and data security. The PCS expands the application of the bill to include "agencies", i.e., any board, agency, or other entity that provides administrative control or direction of or performs services for public elementary or secondary schools, centers, or other institutions and "institutions", i.e., any public elementary, middle, or high school; center; or institution; and the Florida School for the Deaf and the Blind and Florida Virtual School. Rather than requiring school districts to formulate policies regarding collection of student biometric information, the PCS flatly prohibits agencies and institutions from collecting the biometric information, political affiliation, voting history, or religious affiliation of a student or student's parent or sibling. Additionally, the PCS:

- Clarifies that parents must be notified annually regarding their rights with respect to education records.
- Clarifies that a parent may be awarded attorney's fees and court costs if the parent is granted injunctive relief in an action to enforce his or her rights regarding education records.
- Prohibits the disclosure of confidential and exempt education records to any person, public body, body politic, or political subdivision unless disclosure is authorized by FERPA or in response to a subpoena or court order. Disclosure to federal government agencies is also prohibited, unless authorized by FERPA, required by federal law, or in response to a subpoena or court order.
- Requires that governing boards of agencies or institutions may only designate directory information in accordance with FERPA at a regularly scheduled meeting at which time the board must consider any potential risks to student privacy from such designation.
- Requires DOE to create a statewide process for assigning students identification numbers that are not SSNs, thereby phasing out the use of SSNs for that purpose.

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

1 A bill to be entitled
 2 An act relating to single-gender public school
 3 programs; amending s. 1002.311, F.S.; providing
 4 requirements for a district school board when
 5 establishing a gender-specific elementary, middle, or
 6 high school; requiring school administrative and
 7 instructional personnel to participate in professional
 8 development; providing accountability requirements;
 9 providing an effective date.

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

Section 1. Subsection (2) of section 1002.311, Florida Statutes, is amended to read:

1002.311 Single-gender programs authorized.—

(2) A district school board that establishes a single-gender class, extracurricular activity, or school:

(a) May not require participation by any student. The district school board must ensure that participation in the single-gender class, extracurricular activity, or school is voluntary.

(b) Must evaluate each single-gender class, extracurricular activity, or school in the school district at least once every 2 years in order to ensure that it is in compliance with this section and 34 C.F.R. s. 106.34.

(c) Must comply with the following requirements when

27 establishing a gender-specific elementary, middle, or high
 28 school:

29 1. Separate into grade-level boys-only classes and girls-
 30 only classes during instruction in core courses.

31 2. Open enrollment to all students within the school
 32 district.

33 3. Require the school's administrative and instructional
 34 personnel to participate in professional development that
 35 includes scheduling and instructional strategies.

36 4. Provide to the department a comparison of the academic
 37 performance of students in the gender-specific elementary,
 38 middle, or high school with the academic performance of students
 39 in other public elementary, middle, or high schools, as
 40 appropriate, in the school district.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 313 Single-Gender Public School Programs
SPONSOR(S): Choice & Innovation Subcommittee, Diaz, Jr. and others
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	13 Y, 0 N, As CS	Rininger	Fudge
2) Education Appropriations Subcommittee	12 Y, 0 N	Seifert	Heflin
3) Education Committee		Beagle <i>GB</i>	Mizereck <i>ML</i>

SUMMARY ANALYSIS

The No Child Left Behind Act of 2001 (NCLB) states that federal funds may be provided to local educational agencies (LEA) for the purpose of implementing innovative assistance programs, which may include single-gender schools and classrooms. In May of 2002, the U.S. Department of Education (USDOE) announced its intent to adopt revised Title IX regulations to provide flexibility to LEAs seeking to establish single-gender schools and classrooms. The 2006 regulations establish separate standards for single-gender classes, including extracurricular activities, and schools.

Single-gender classrooms and schools are permitted under Florida law. The bill requires district school boards establishing single-gender schools to:

- Separate students into single-gender classes for instruction in core courses.
- Open enrollment to all students within the district.
- Require administrators and teachers to participate in professional development that includes scheduling and instructional strategies.
- Compare the academic performance of students in gender-specific schools with the academic performance of students in other public schools in the school district.

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

The bill takes effect July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Federal Law: The No Child Left Behind Act of 2001 (NCLB) states that federal funds may be provided to local educational agencies (LEA) for the purpose of implementing innovative assistance programs, which may include single-gender schools and classrooms.¹ At the time of NCLB's passage, these provisions were in conflict with regulations implementing Title IX of the Education Amendments of 1972 (Title IX).² Title IX prohibits gender-based discrimination by educational institutions that receive federal funding.³ Thus, in May of 2002, the U.S. Department of Education (USDOE) announced its intent to adopt revised Title IX regulations to provide flexibility to LEAs seeking to establish single-gender schools and classrooms.⁴ These regulations became effective in November of 2006.⁵

The 2006 regulations establish separate standards for single-gender classes, including extracurricular activities,⁶ and schools. In general, both single-gender classes and schools must be nonvocational⁷ in nature and may only serve elementary or secondary students.⁸ Additionally for single-gender classes, the regulations require that:

- The LEA's purpose in establishing a single-gender classroom be substantially related to achieving one of two important governmental objectives: (a) to improve student achievement as part of a policy of providing diverse learning opportunities; or (b) to meet the specific learning needs of students.
- The LEA implements single-gender classrooms in an evenhanded manner.
- Enrollment be voluntary.
- Single-gender classrooms be evaluated every two years. The LEA must demonstrate that it is adhering to the important governmental objectives for which its single-gender classrooms were established to serve. It must also demonstrate that its program continues to operate free from overly-broad gender stereotypes.⁹

A LEA choosing to offer a single-gender class: (a) must provide all other students, including members of the other gender, a coeducational option that is of substantially equal quality;¹⁰ and (b) may also be required to offer a substantially equal single-gender option to members of the other gender.¹¹ A LEA

¹ 20 U.S.C.A. § 7215(a)(23).

² See 34 C.F.R. 106.34(b)-(f) and 34 C.F.R. 106.35(both amended in 2006).

³ 20 U.S.C.A. § 1681. (Title IX also prohibits gender-based discrimination pertaining to participation in extracurricular activities).

⁴ Federal Register, Vol. 67, No. 89 (May 8, 2002) available at <http://www.ed.gov/legislation/FedRegister/proprule/2002-2/050802a.html>.

⁵ Federal Register, Vol. 71, No. 206 (October 24, 2006) available at <http://www.ed.gov/legislation/FedRegister/finrule/2006-4/102506a.pdf>.

⁶ The regulation does not define the terms "class" or "extracurricular activity," but it does specify that the terms do not include interscholastic, club, or intramural athletics. 34 C.F.R. 106.34(5).

⁷ The regulation does not define the term "nonvocational," but definitions for the regulation provide that an, "institution of vocational education" means, "a school or institution (except an institution of professional or graduate or undergraduate higher education) which has as its primary purpose preparation of students to pursue a technical, skilled, or semiskilled occupation or trade, or to pursue study in a technical field, whether or not the school or institution offers certificates, diplomas, or degrees and whether or not it offers fulltime study." 34 CFR 106.2(o).

⁸ 34 C.F.R. s. 106.34.

⁹ 34 C.F.R. s. 106.34(b).

¹⁰ 34 C.F.R. s. 106.34(b)(1)(iv).

¹¹ 34 C.F.R. s. 106.34(b)(2).

choosing to offer a single-gender school must provide students of the other gender a substantially equal single-gender school or coeducational school.¹²

The U.S. Department of Education commissioned a review of literature on single-sex education published in 2005. The subsequent report identified a need for professional development for teachers to be equipped to meet the gender specific needs of boys and girls. Teachers were also found to have recognized the need for such training.¹³

State Law: Single-gender classrooms and schools are permitted under Florida law. Participation in single-gender schools, classes, and extracurricular activities must be voluntary. At least every two years, the school district must evaluate each single-gender school, class, and extracurricular activity to ensure compliance with federal regulations.¹⁴

There are 54 single-gender schools in 33 school districts in Florida. A variety of school models employ single-gender classes, e.g., alternative schools, charter schools, virtual schools, and traditional public schools.¹⁵

Effect of Proposed Changes

The bill creates additional requirements for gender-specific schools. Enrollment must be open to all students within the school district, and core courses must be separated into boys-only and girls-only classes. Additionally, administrators and teachers will be required to undergo professional development in scheduling and instructional strategies. School districts must also provide the Florida Department of Education with a comparison of the academic performance of students in gender-specific schools with the academic performance of students in other public schools.

B. SECTION DIRECTORY:

Section 1. Amends s. 1002.311, F.S., relating to single-gender programs.

Section 2. Provides that the bill takes effect upon becoming law.

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.

¹² 34 C.F.R. s. 106.34(c)(1).

¹³ RMC Research Corporation, *Early Implementation of Public Single-Sex Schools: Perceptions and Characteristics* (2008), available at <http://www2.ed.gov/rschstat/eval/other/single-sex/characteristics/characteristics.pdf>.

¹⁴ Section 1002.311, F.S.

¹⁵ Email, Florida Department of Education, Legislative Affairs Director, (Jan. 17, 2014).

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The law requires each school district to develop a professional development system for school administrators and instructional personnel.¹⁶ Funding for professional development is annually appropriated by the Legislature through the Florida Education Finance Program (FEFP). Each school district has full discretion to determine the professional development needs of the district and how much of its FEFP allocation to spend on professional development.¹⁷ If a school district chooses to establish a single-gender school, there is currently no additional funding consideration included in the House budget for costs associated with rezoning, staffing, teacher professional development, etc.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 4, 2014, the Choice & Innovation Subcommittee adopted a proposed committee substitute (PCS) and reported HB 313 favorably as a committee substitute. The PCS removed bill provisions:

- Proposing a Gender-Specific School pilot project limited to school districts with more than 100,000 K-12 students.
- Requiring the Department of Education (DOE) to approve five pilot districts to establish at least one gender-specific elementary school.
- Requiring DOE to formulate a list of professional development providers.
- Requiring pilot districts to select professional development providers for instructional personnel and school administrators in gender-specific schools from the list.
- Addressing funding for the pilot.
- Requiring the Office of Program Policy Analysis and Government Accountability (OPPAGA) to submit a report to the Governor and presiding officers of each house of the Legislature comparing the performance of students in pilot gender-specific schools with students in other district elementary schools.

¹⁶ Section 1012.98(4)(b), F.S.

¹⁷ Section 1011.62, F.S.; Specific Appropriation 87, s. 2, ch. 2013-40, L.O.F.

Unlike the original bill, the PCS's requirements regarding gender-specific schools are applicable statewide and to all K-12 grade levels. Similar to the original bill, the PCS required that gender specific schools be open to all students in the district, students be separated by gender in core courses, and instructional personnel and school administrators in gender-specific schools participate in professional development. Each district school board operating a gender-specific school must submit a report to DOE comparing student performance in its gender-specific schools with that of students in other district schools.

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

1 A bill to be entitled
 2 An act relating to the code of student conduct;
 3 amending s. 1006.07, F.S.; providing that simulating a
 4 firearm or weapon while playing or wearing certain
 5 clothing or accessories is not grounds for
 6 disciplinary action or referral to the criminal
 7 justice or juvenile justice system; providing actions
 8 that constitute simulating a firearm or weapon while
 9 playing; providing criteria for determining whether
 10 certain student conduct warrants disciplinary action;
 11 providing criteria for determining appropriate
 12 consequences for such conduct; providing an effective
 13 date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Paragraph (g) of subsection (2) of section
 18 1006.07, Florida Statutes, is amended to read:

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

25 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
 26 conduct for elementary schools and a code of student conduct for

27 middle and high schools and distribute the appropriate code to
 28 all teachers, school personnel, students, and parents, at the
 29 beginning of every school year. Each code shall be organized and
 30 written in language that is understandable to students and
 31 parents and shall be discussed at the beginning of every school
 32 year in student classes, school advisory council meetings, and
 33 parent and teacher association or organization meetings. Each
 34 code shall be based on the rules governing student conduct and
 35 discipline adopted by the district school board and shall be
 36 made available in the student handbook or similar publication.
 37 Each code shall include, but is not limited to:

38 (g) Notice that the possession of a firearm or weapon as
 39 defined in chapter 790 by any student while the student is on
 40 school property or in attendance at a school function is grounds
 41 for disciplinary action and may also result in criminal
 42 prosecution. Simulating a firearm or weapon while playing or
 43 wearing clothing or accessories that depict a firearm or weapon
 44 or express an opinion regarding a right guaranteed by the Second
 45 Amendment to the United States Constitution is not grounds for
 46 disciplinary action or referral to the criminal justice or
 47 juvenile justice system under this section or s. 1006.13.
 48 Simulating a firearm or weapon while playing includes, but is
 49 not limited to:

- 50 1. Brandishing a partially consumed pastry or other food
- 51 item to simulate a firearm or weapon.
- 52 2. Possessing a toy firearm or weapon that is 2 inches or

53 less in overall length.

54 3. Possessing a toy firearm or weapon made of plastic
 55 snap-together building blocks.

56 4. Using a finger or hand to simulate a firearm or weapon.

57 5. Vocalizing an imaginary firearm or weapon.

58 6. Drawing a picture, or possessing an image, of a firearm
 59 or weapon.

60 7. Using a pencil, pen, or other writing or drawing
 61 utensil to simulate a firearm or weapon.

62

63 However, a student may be subject to disciplinary action if
 64 simulating a firearm or weapon while playing substantially
 65 disrupts student learning, causes bodily harm to another person,
 66 or places another person in reasonable fear of bodily harm. The
 67 severity of consequences imposed upon a student, including
 68 referral to the criminal justice or juvenile justice system,
 69 must be proportionate to the severity of the infraction and
 70 consistent with district school board policies for similar
 71 infractions. If a student is disciplined for such conduct, the
 72 school principal or his or her designee must call the student's
 73 parent. Disciplinary action resulting from a student's clothing
 74 or accessories shall be determined pursuant to paragraph (d)
 75 unless the wearing of the clothing or accessory causes a
 76 substantial disruption to student learning, in which case the
 77 infraction may be addressed in a manner that is consistent with
 78 district school board policies for similar infractions. This

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2014

79 | paragraph does not prohibit a public school from adopting a
80 | school uniform policy.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7029 PCB KTS 14-02 Code of Student Conduct
SPONSOR(S): K-12 Subcommittee and Baxley
TIED BILLS: **IDEN./SIM. BILLS:** SB 1060

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-12 Subcommittee	13 Y, 0 N	Beagle	Ahearn
1) Education Committee		Beagle <i>GB</i>	Mizereck <i>YM</i>

SUMMARY ANALYSIS

Florida law requires each district school board to adopt a code of student conduct that includes consistent policies and specific grounds for disciplinary action, including in-school suspension, out-of-school suspension, and expulsion. Among other things, each school board must adopt a policy of zero tolerance for crime and victimization, which, among other things, requires that students found in possession of a firearm or weapon at school, at school functions, or on school transportation be expelled for a minimum of one year and referred to the criminal justice or juvenile justice system. Notice of the board's zero tolerance policy must be included in the student code of conduct. Additionally, the code must include standards for appropriate dress and boards must follow statutorily prescribed interventions when addressing dress code violations.

In recent years, news reports from across the country describe several incidents in which penalties applied to actual student firearm and weapon possession, such as suspension or expulsion, were imposed on students for simulating a firearm or weapon while playing or wearing clothing or accessories depicting firearms or support for firearms rights. A number of these incidents involved children under the age of 10 years old.

The bill clarifies that students should not be disciplined for simulating a firearm or weapon while playing or wearing clothing or accessories which depict a firearm or weapon or an opinion regarding Second Amendment rights. The bill defines simulating a firearm or weapon while playing to include:

- Brandishing a partially consumed pastry or other food item to simulate a firearm or weapon;
- Possessing a toy firearm or weapon which is two inches or less in overall length;
- Possessing a toy firearm or weapon made of plastic snap-together building blocks;
- Using a finger or hand to simulate a firearm or weapon;
- Vocalizing an imaginary firearm or weapon;
- Drawing a picture of, or possessing an image of, a firearm or weapon; or
- Using a pencil, pen, or other writing or drawing utensil to simulate a firearm or weapon.

The bill preserves school board authority to discipline students when simulating a firearm or weapon substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm. Consequences imposed upon a student must be proportionate to the severity of the infraction and consistent with school board policies for similar infractions.

Disciplinary actions involving student clothing or accessories must be addressed pursuant to the statutorily prescribed interventions for dress code violations, unless the wearing of the clothing item or accessory causes a substantial disruption to student learning. In such cases, the infraction may be addressed in a manner that is consistent with school board policies for similar infractions.

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

The bill takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Gun- and Weapon-Free Schools

Generally speaking, the disciplinary policies of public schools nationwide include measures for deterring student firearm and weapon possession in schools by imposing consistent and firm consequences for such behavior.¹ In recent years, news reports from across the country indicate several incidents in which penalties applied to actual student firearm and weapon possession, such as suspension or expulsion, were imposed on students for simulating a firearm or weapon while playing or wearing clothing or accessories depicting firearms or support for firearms rights. A number of these incidents involved children under the age of 10 years old.² Examples of these incidents include students who:

- Chewed a breakfast pastry into the shape of a gun;³
- Possessed a miniature gun keychain;⁴
- Possessed a tiny Lego action figure gun or built a gun with Lego blocks;⁵
- Used a finger as an imaginary gun and vocalized the sound of a gun;⁶
- Drew a picture of a gun or a person holding a gun;⁷ and
- Wore a National Rifle Association T-shirt to school.⁸

These incidents have fueled concerns regarding how best to balance the difficult job of maintaining an orderly and safe school environment with the need to exercise discretion when addressing student misconduct.⁹

¹ National Association of School Psychologists, *Zero Tolerance and Alternative Strategies: A Fact Sheet for Educators and Policy Makers*, <http://www.nasponline.org/resources/factsheets/ztf/fs.aspx> (last visited Nov. 13, 2013).

² See, e.g., Aronson, Gavin. "Blam! These Tykes Got Busted for "Guns" Made of Legos, Pop-Tarts, and Paper," Mother Jones, (March 8, 2013), <http://www.motherjones.com/politics/2013/03/zero-tolerance-guns-schools-newtown>.

³ See, e.g., St. George, Donna. "Boy Suspended for Chewing Breakfast Pastry into a Gun Shape Will Get Hearing" (Sept. 13, 2013), http://articles.washingtonpost.com/2013-09-13/local/42025625_1_hearing-examiner-pastry-school-officials.

⁴ See, e.g., NBC 10, Cranston, RI, *7th Grader Suspended for Having Gun Keychain* (Sept. 27, 2013), <http://www.turnto10.com/story/23551467/7th-grader-suspended-for-having-gun-keychain>.

⁵ See, e.g., ABC 40, Springfield, MA, *Toy Gun Causes Disturbance on Palmer Elementary School Bus* (May 24th, 2013), <http://www.wggb.com/2013/05/24/toy-gun-causes-disturbance-on-palmer-elementary-school-bus/>; see, e.g., Starnes, Todd. "Child Faces Suspension for Making Lego Gun," Fox News (Jan. 29, 2013), <http://radio.foxnews.com/toddstarnes/top-stories/child-faces-suspension-for-making-lego-gun.html>.

⁶ See, e.g., Fox News, *Florida Boy, 8, Suspended From School After Using Finger As Imaginary Gun* (Oct. 2, 2013), <http://www.foxnews.com/us/2013/10/02/florida-boy-8-suspended-from-school-after-using-finger-as-pretend-gun/>. This student's suspension was reversed by the school board. WKMG Local 6, Orlando, FL, *Pretend Gun Suspension Reversed*, (Oct. 15, 2013), <http://www.clickorlando.com/news/pretend-gun-suspension-reversed/-/1637132/22456002/-/4tba6y/-/index.html>.

⁷ See, e.g., Owens, Eric. "Principal Threatens to Expel Third Grader Over These Awesome Drawings," The Daily Caller (Nov. 4, 2013), <http://dailycaller.com/2013/11/04/principal-threatens-to-expel-third-grader-over-these-awesome-drawings/>; see, e.g., CBS News, *13-Year-Old Suspended For Doodling Gun* (Feb. 11, 2009), http://www.cbsnews.com/2100-201_162-3197492.html; see, e.g., Fox News, *Second Grade Student Suspended for Drawing Stick Figure Firing Gun* (Oct. 21, 2007), <http://www.foxnews.com/story/2007/10/21/second-grade-student-suspended-for-drawing-stick-figure-firing-gun/>.

⁸ See, e.g., Ramsey, Pam. "Student Charged After Refusing To Remove NRA Shirt," Huffington Post (April 21, 2013), http://www.huffingtonpost.com/2013/04/21/student-nra-shirt_n_3128715.html.

⁹ See, e.g., Aronson Gavin. "Blam! These Tykes Got Busted for "Guns" Made of Legos, Pop-Tarts, and Paper," Mother Jones, (March 8, 2013), <http://www.motherjones.com/politics/2013/03/zero-tolerance-guns-schools-newtown>; see, e.g., Dunn, Joshua. "The Prohibition of Childhood," National Review (Oct. 28, 2013).

Zero Tolerance Policies

The federal Gun-Free Schools Act¹⁰ requires states receiving federal funds under the No Child Left Behind Act of 2001¹¹ to have in effect a state law requiring local education agencies (LEA)¹² to expel a student from school for a minimum of one year and refer him or her to the criminal justice or juvenile justice system if the LEA determines that the student brought a firearm to a school, or possessed a firearm at a school, under its jurisdiction.¹³ Among other things, the state law must allow the chief administering officer of the LEA to modify the expulsion requirement for a student on a case-by-case basis.¹⁴ A LEA, at its discretion, may provide educational services to an expelled student in an alternative educational setting.¹⁵

In compliance with the Gun Free Schools Act, Florida law requires each district school board to adopt a policy of zero tolerance for crime and victimization, which, among other things, requires that students found in possession of a firearm at school, at school functions, or on school transportation be expelled for a minimum of one year and referred to the criminal justice or juvenile justice system. Florida's zero tolerance law also applies to a student in possession of a weapon at school, at a school function, or on school transportation and threats or false reports regarding explosives, bombs, weapons of mass destruction, and destructive devices involving school or school personnel's property, school transportation, or school sponsored activities.¹⁶

Florida law defines the terms "firearm" and "weapon" as follows:

- "Firearm" means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" does not include an antique firearm unless the antique firearm is used in the commission of a crime.¹⁷
- "Weapon" means "any dirk, knife, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife."¹⁸

School boards must adhere to these definitions when determining punishments for school-related firearms and weapons infractions.¹⁹

School boards have discretion to provide continuing educational services to an expelled student in an alternative educational setting. A district school superintendent may consider the one-year expulsion

¹⁰ Pub. L. No. 103-382, 108 Stat. 3518 (Oct. 20, 1994). States were required to comply with the Gun Free Schools Act by October 20, 1995. *Id.* The Florida Legislature enacted legislation in the 1995 General Session pursuant to the Act. Section 66, ch. 95-267, L.O.F., codified at s. 230.23(6)(d)10., F.S. (1995), now codified at ss. 1006.07 and 1006.13, F.S.

¹¹ Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002).

¹² Federal law broadly defines the term LEA to include state boards of education, state departments of education, local school boards, cities, counties, political subdivisions, public postsecondary institutions, or any other public entities that a state's law authorizes to administer public elementary and secondary schools. Each state determines which entities will serve as LEAs. *See, e.g.*, 34 C.F.R. s. 77.1.

¹³ 20 U.S.C. s. 7151(b)(1) and (h)(1).

¹⁴ 20 U.S.C. s. 7151(b)(1).

¹⁵ 20 U.S.C. s. 7151(b)(2).

¹⁶ Section 1006.13(3), F.S.; *see s.* 790.162 and 790.163, F.S. (relating to threats and false reports).

¹⁷ Section 790.001(6), F.S. The Gun-Free Schools Act applies only to firearms possession by students at school. In contrast, Florida's zero tolerance statute addresses both firearms and weapons possession. *See* 20 U.S.C. s. 7151(b)(3). The federal definition of "firearm" is similar to Florida's. *See* 18 U.S.C. s. 921(a).

¹⁸ Section 790.001(13), F.S.

¹⁹ Sections 1006.07(2)(g) and 1006.13(3), F.S.

requirement on a case-by-case basis and request that the school board modify the requirement by assigning the student to a disciplinary program or second chance school if it determines such modification is in the best interest of the student and the school system.²⁰

Florida law states that the purpose of zero tolerance policies is to protect students and staff from serious threats to school safety and the policies should not be applied to petty acts of misconduct and misdemeanors, including, but not limited to, minor fights or disturbances.²¹ Among other things, each district school board's zero tolerance policy must define acts that pose a serious threat to school safety and petty acts of misconduct.²²

The Florida Department of Education's policy statement on zero tolerance policies provides that it "is incumbent upon districts to use discretion and take a "common sense" approach to school discipline. District administrators must investigate and take into consideration mitigating circumstances (on a case-by-case basis) when determining appropriate disciplinary responses to student misconduct."²³

Student Codes of Conduct

Each district school board must adopt a code of student conduct that includes consistent policies and specific grounds for disciplinary action, including in-school suspension, out-of-school suspension, expulsion, disciplinary actions for possession or use of alcohol on school property or while attending a school function, or for the illegal use, sale, or possession of controlled substances.²⁴ Among other things, the code must include notice of disciplinary policies regarding student firearm and weapon possession.²⁵

Student codes of conduct must also include an explanation of student responsibilities regarding appropriate dress, respect for self and others, and the role that appropriate dress and respect for self and others has on an orderly learning environment. The law prescribes an escalating series of interventions which school boards must apply when addressing dress code violations:

- For a first offense, a student must be given a verbal warning and the school principal must call the student's parent or guardian.
- For a second offense, the student is ineligible to participate in any extracurricular activity for a period of time not to exceed five days and the school principal must meet with the student's parent or guardian.
- For a third or subsequent offense, a student must receive an in-school suspension for a period not to exceed three days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days, and the school principal must call the student's parent or guardian and send the parent or guardian a written letter regarding the student's in-school suspension and ineligibility to participate in extracurricular activities.²⁶

Student codes of conduct must be distributed to teachers, school personnel, students, and parents at the beginning of each school year.²⁷

²⁰ Section 1006.13(3), F.S. (flush-left provision at end of subsection).

²¹ Section 1006.13(1), F.S.

²² Section 1006.13(2)(b) and (c), F.S.

²³ Florida Department of Education, *Florida Department of Education's Position on Zero Tolerance* (2009), available at http://www.fdoe.org/safeschools/pdf/FDOE_Position_On_Zero_Tolerance.pdf.

²⁴ Section 1006.07(2)(a)-(b), F.S.

²⁵ Section 1006.07(2)(g), (l), and (m), F.S.

²⁶ Section 1006.07(2)(d), F.S.

²⁷ Section 1006.07(2), F.S.

Effect of Proposed Changes

The bill clarifies that public school students should not be disciplined for simulating a firearm or weapon while playing or wearing clothing or accessories which depict a firearm or weapon or express an opinion regarding Second Amendment²⁸ rights. The bill defines simulating a firearm or weapon while playing to include, without limitation:

- Brandishing a partially consumed pastry or other food item to simulate a firearm or weapon;
- Possessing a toy firearm or weapon which is two inches or less in overall length;
- Possessing a toy firearm or weapon made of plastic snap-together building blocks;
- Using a finger or hand to simulate a firearm or weapon;
- Vocalizing an imaginary firearm or weapon;
- Drawing a picture of, or possessing an image of, a firearm or weapon; or
- Using a pencil, pen, or other writing or drawing utensil to simulate a firearm or weapon.

The bill preserves district school board authority to discipline students when simulating a firearm or weapon substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm. In such cases, the severity of any consequences imposed upon a student must be proportionate to the severity of the infraction and consistent with school board policies for similar infractions. If a student is disciplined for such conduct, the school principal or his or her designee must call the student's parent. This allows school officials to address conduct that is truly disruptive or dangerous, while protecting students from being disciplined for otherwise innocuous acts.

Disciplinary actions involving student clothing or accessories must be addressed pursuant to the statutorily prescribed interventions for dress code violations, unless the wearing of the clothing item or accessory causes a substantial disruption to student learning. In such cases, the infraction may be addressed in a manner that is consistent with district school board policies for similar infractions. This provision of the bill may not be construed to prohibit a public school from adopting a school uniform policy.

B. SECTION DIRECTORY:

Section 1. Amends s. 1006.07, F.S.; relating to district school board duties relating to student discipline and school safety; clarifies that play involving simulated firearm or weapon use or wearing clothing or accessories depicting firearms or weapons images or messages are not actionable under certain district school board disciplinary policies; defines simulating a weapon while playing; provides criteria for determining whether certain conduct warrants disciplinary action.

Section 2. Provides that the bill takes effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

²⁸ The Second Amendment of the U.S. Constitution states that "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." U.S. Const., Amend. 2.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide new rule-making authority to district school boards; however, some boards may need to revise disciplinary policies and student codes of conduct to comply with the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to education; amending s. 11.45, F.S.;
 3 requiring the Auditor General to notify the
 4 Legislative Auditing Committee if a district school
 5 board fails to take corrective action subsequent to an
 6 audit; amending s. 120.74, F.S.; exempting educational
 7 units from rule review and reporting requirements;
 8 amending s. 120.81, F.S.; conforming cross-references;
 9 amending s. 409.1451; conforming cross-references;
 10 repealing ss. 411.226, 411.227, and 411.228, F.S.,
 11 relating to the Learning Gateway program; amending s.
 12 496.404, F.S.; conforming cross-references; amending
 13 s. 775.215 F.S.; conforming cross-references; amending
 14 s. 984.151, F.S.; authorizing a district school
 15 superintendent's designee to submit a truancy
 16 petition; repealing s. 1000.01(5), F.S., relating to
 17 obsolete education governance transfers; amending s.
 18 1000.21, F.S.; revising the definition of the term
 19 "Next Generation Sunshine State Standards"; repealing
 20 ss. 1000.33 and 1000.37, F.S., relating to the
 21 distribution of copies of educational compacts to
 22 other states; amending s. 1001.10, F.S.; deleting and
 23 revising certain duties of the Commissioner of
 24 Education relating to educational plans and programs;
 25 repealing s. 1001.25, F.S., relating to educational
 26 television; amending s. 1001.26, F.S.; revising
 27 Department of Education duties relating to the public

28 | broadcasting program system; prohibiting the use of
 29 | educational television stations for the advancement of
 30 | political candidates; providing penalties; repealing
 31 | ss. 1001.47(7) and 1001.50(6), F.S., relating to
 32 | obsolete district school superintendent salary
 33 | provisions; repealing s. 1001.62, F.S., relating to
 34 | obsolete provisions for the transfer of benefits
 35 | arising under local or special acts; repealing s.
 36 | 1001.73(3), F.S., relating to the abolished Board of
 37 | Regents as trustee; amending s. 1002.20, F.S.;
 38 | correcting cross-references and conforming provisions;
 39 | amending s. 1002.31, F.S.; revising provisions
 40 | relating to school district controlled open enrollment
 41 | plans; amending s. 1002.3105, F.S.; conforming
 42 | provisions; amending s. 1002.321, F.S.; conforming
 43 | provisions; amending s. 1002.33, F.S.; deleting
 44 | required training before charter school application;
 45 | conforming cross-references and provisions; amending
 46 | s. 1002.34, F.S.; conforming cross-references;
 47 | revising provisions relating to department assistance
 48 | to charter technical career centers; amending s.
 49 | 1002.345, F.S.; revising provisions relating to
 50 | expedited review of deteriorating financial conditions
 51 | for a charter school or charter technical career
 52 | center; deleting an annual reporting requirement;
 53 | amending s. 1002.39, F.S.; deleting obsolete
 54 | provisions relating to eligibility for a John M. McKay

55 Scholarship; amending s. 1002.41, F.S.; correcting
 56 cross-references; repealing s. 1002.415, F.S.,
 57 relating to the K-8 Virtual School Program; amending
 58 s. 1002.45, F.S.; conforming cross-references;
 59 amending s. 1002.455, F.S.; conforming provisions;
 60 repealing s. 1002.65, F.S., relating to aspirational
 61 goals for credentials of prekindergarten instructors;
 62 amending s. 1003.01, F.S.; conforming cross-
 63 references; amending s. 1003.02, F.S.; requiring
 64 instructional materials to be consistent with course
 65 descriptions; amending a. 1003.03, F.S.; conforming
 66 cross-references; amending s. 1003.41, F.S.; deleting
 67 an obsolete cost analysis requirement relating to a
 68 separate financial literacy course; amending s.
 69 1003.4156, F.S.; revising course and assessment
 70 requirements for middle grades students for promotion
 71 to high school; providing an exemption for transfer
 72 students from certain course grade and assessment
 73 requirements; repealing s. 1003.428, F.S., relating to
 74 obsolete requirements for high school graduation;
 75 amending s. 1003.4281, F.S.; conforming cross-
 76 references; amending s. 1003.4282, F.S.; revising
 77 course and assessment requirements for the award of a
 78 standard high school diploma; providing requirements
 79 for a student in an adult general education program to
 80 be awarded a standard high school diploma; revising
 81 requirements for award of a certificate of completion;

82 providing an exemption for transfer students from
 83 certain course grade and assessment requirements;
 84 providing specificity regarding course and assessment
 85 requirements for graduation for certain cohorts of
 86 high school students transitioning to new graduation
 87 requirements; providing for future repeal of
 88 transition requirements; amending s. 1003.4285, F.S.;
 89 revising requirements for standard high school diploma
 90 designations; amending s. 1003.438, F.S.; conforming
 91 cross-references; repealing s. 1003.451(5), F.S.,
 92 relating to State Board of Education rulemaking;
 93 amending s. 1003.49, F.S.; conforming cross-
 94 references; amending s. 1003.493, F.S.; conforming a
 95 cross-reference; amending s. 1003.4935, F.S.;
 96 conforming a cross-reference; amending s. 1003.57,
 97 F.S., relating to exceptional student instruction;
 98 amending s. 1003.621, F.S.; revising audit criteria
 99 for academically high-performing school districts;
 100 repealing s. 1004.02(4), F.S., relating to the
 101 definition of the term "adult high school credit
 102 program"; amending s. 1004.0961, F.S.; providing for
 103 Board of Governors regulations; repealing s.
 104 1004.3825, F.S., relating to authorization for a
 105 medical degree program; repealing s. 1004.387, F.S.,
 106 relating to authorization for a pharmacy degree
 107 program; repealing s. 1004.445(2), F.S., relating to
 108 the board of directors of the Johnnie B. Byrd, Sr.,

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109 Alzheimer's Center and Research Institute; repealing
 110 s. 1004.75, F.S., relating to training school
 111 consolidation pilot projects; amending s. 1004.935,
 112 F.S.; conforming cross-references; repealing s.
 113 1006.141, F.S., relating to a statewide school safety
 114 hotline; amending s. 1006.147, F.S.; deleting obsolete
 115 provisions relating to school district bullying and
 116 harassment policies; repealing s. 1006.148(2), F.S.,
 117 relating to a department-developed model dating
 118 violence and abuse policy; amending s. 1006.15, F.S.;
 119 conforming cross-references; amending s. 1006.28,
 120 F.S.; conforming provisions relating to instructional
 121 materials; amending s. 1006.31, F.S.; conforming
 122 provisions relating to duties of an instructional
 123 materials reviewer; amending s. 1006.34, F.S.;
 124 revising provisions relating to standards used in the
 125 selection of instructional materials; amending s.
 126 1006.40, F.S.; revising provisions relating to
 127 district school board purchase of instructional
 128 materials; amending s. 1006.42, F.S.; conforming
 129 provisions relating to the responsibility of parents
 130 for instructional materials; amending s. 1007.02,
 131 F.S.; deleting a popular name and providing
 132 applicability for the term "student with a
 133 disability"; amending s. 1007.2615, F.S.; deleting
 134 obsolete provisions relating to an American Sign
 135 Language task force; amending s. 1007.263, F.S.;

136 conforming cross-references; amending ss. 1007.264 and
 137 1007.265, F.S.; conforming provisions; amending s.
 138 1007.271, F.S.; correcting cross-references; amending
 139 s. 1008.22, F.S.; conforming and revising provisions
 140 relating to the implementation of statewide,
 141 standardized comprehensive assessments, end-of-course
 142 assessments, and waivers for students with
 143 disabilities; requiring the commissioner to publish an
 144 implementation schedule for transition to new
 145 assessments; conforming provisions relating to
 146 concordant scores and comparative scores for
 147 assessments; amending s. 1008.25, F.S.; conforming
 148 assessment provisions for student progression;
 149 amending s. 1008.33, F.S.; deleting obsolete
 150 provisions relating to implementation of certain
 151 school turnaround options; repealing s. 1008.331,
 152 F.S., relating to supplemental educational services in
 153 Title I schools; amending s. 1008.3415, F.S.;

154 correcting a cross-reference; repealing s. 1008.35,
 155 F.S., relating to best financial management practices
 156 for school districts; amending s. 1009.22, F.S.;

157 deleting obsolete provisions relating to workforce
 158 education postsecondary student fees; amending s.
 159 1009.40, F.S.; conforming cross-references; amending
 160 s. 1009.531, F.S.; conforming cross-references;
 161 amending s. 1009.532, F.S.; correcting cross-
 162 references; amending s. 1009.536, F.S.; correcting

163 cross-references; repealing s. 1009.56, F.S., relating
 164 to the Seminole and Miccosukee Indian Scholarship
 165 Program; repealing s. 1009.69, F.S., relating to the
 166 Virgil Hawkins Fellows Assistance Program; amending s.
 167 1009.91, F.S.; conforming a cross-reference; amending
 168 s. 1009.94, F.S.; conforming a cross-reference;
 169 repealing part V of chapter 1009, F.S., relating to
 170 the Florida Higher Education Loan Authority; repealing
 171 s. 1011.71(3)(b) and (c), F.S., relating to expired
 172 authorization for certain millage levy; repealing s.
 173 1011.76(4), F.S., relating to best financial
 174 management practices review under the Small School
 175 District Stabilization Program; amending s. 1011.80,
 176 F.S.; correcting a cross-reference; amending s.
 177 1012.05, F.S.; deleting department and commissioner
 178 duties relating to teacher recruitment and retention;
 179 amending s. 1012.22, F.S.; conforming provisions;
 180 repealing s. 1012.33(9), F.S., relating to obsolete
 181 provisions for payment of professional service
 182 contracts; amending s. 1012.34, F.S.; correcting
 183 cross-references relating to measuring student
 184 performance in personnel evaluations; amending s.
 185 1012.44, F.S.; deleting obsolete provisions; amending
 186 s. 1012.561, F.S.; deleting an obsolete provision;
 187 repealing s. 1012.595, F.S., relating to an obsolete
 188 saving clause for educator certificates; amending s.
 189 1012.885, F.S.; deleting certain provisions relating

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190 to remuneration of Florida College System institution
 191 presidents; amending s. 1012.975, F.S.; deleting
 192 certain provisions relating to remuneration of state
 193 university presidents; amending s. 1012.98, F.S.;
 194 requiring continuing education training for
 195 kindergarten teachers; amending s. 1013.35, F.S.;
 196 revising audit requirements for school district
 197 educational planning and construction activities;
 198 amending s. 1013.47, F.S.; deleting provisions
 199 relating to payment of wages of certain persons
 200 employed by contractors; repealing s. 1013.49, F.S.,
 201 relating to toxic substances in educational
 202 facilities; repealing s. 1013.512, F.S., relating to
 203 the Land Acquisition and Facilities Advisory Board;
 204 repealing s. 1013.54, F.S., relating to the
 205 cooperative development and use of satellite
 206 educational facilities; repealing s. 20 of chapter
 207 2010-24, Laws of Florida, relating to Department of
 208 Revenue authorization to adopt emergency rules;
 209 providing an effective date.

210

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

212

213 Section 1. Paragraph (j) of subsection (7) of section
 214 11.45, Florida Statutes, is amended to read:

215 11.45 Definitions; duties; authorities; reports; rules.—

216 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

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217 (j) The Auditor General shall notify the Legislative
 218 Auditing Committee of any financial or operational audit report
 219 prepared pursuant to this section which indicates that a
 220 district school board, state university, or Florida College
 221 System institution has failed to take full corrective action in
 222 response to a recommendation that was included in the two
 223 preceding financial or operational audit reports.

224 1. The committee may direct the district school board or
 225 the governing body of the state university or Florida College
 226 System institution to provide a written statement to the
 227 committee explaining why full corrective action has not been
 228 taken or, if the governing body intends to take full corrective
 229 action, describing the corrective action to be taken and when it
 230 will occur.

231 2. If the committee determines that the written statement
 232 is not sufficient, the committee may require the chair of the
 233 district school board or the chair of the governing body of the
 234 state university or Florida College System institution, or the
 235 chair's designee, to appear before the committee.

236 3. If the committee determines that the district school
 237 board, state university, or Florida College System institution
 238 has failed to take full corrective action for which there is no
 239 justifiable reason or has failed to comply with committee
 240 requests made pursuant to this section, the committee shall
 241 refer the matter to the State Board of Education or the Board of
 242 Governors, as appropriate, to proceed in accordance with s.
 243 1008.32 or s. 1008.322, respectively.

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244 Section 2. Subsection (5) is added to section 120.74,
 245 Florida Statutes, to read:

246 120.74 Agency review, revision, and report.—

247 (5) An educational unit as defined in s. 120.52(6) is
 248 exempt from this section.

249 Section 3. Paragraph (c) of subsection (1) of section
 250 120.81, Florida Statutes, is amended to read:

251 120.81 Exceptions and special requirements; general
 252 areas.—

253 (1) EDUCATIONAL UNITS.—

254 (c) Notwithstanding s. 120.52(16), any tests, test scoring
 255 criteria, or testing procedures relating to student assessment
 256 which are developed or administered by the Department of
 257 Education pursuant to s. 1003.4282 ~~1003.428~~, ~~s. 1003.429~~, s.
 258 1003.438, s. 1008.22, or s. 1008.25, or any other statewide
 259 educational tests required by law, are not rules.

260 Section 4. Paragraph (a) of subsection (2) of section
 261 409.1451, Florida Statutes, is amended to read:

262 409.1451 The Road-to-Independence Program.—

263 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

264 (a) A young adult is eligible for services and support
 265 under this subsection if he or she:

266 1. Was living in licensed care on his or her 18th birthday
 267 or is currently living in licensed care; or was at least 16
 268 years of age and was adopted from foster care or placed with a
 269 court-approved dependency guardian after spending at least 6
 270 months in licensed care within the 12 months immediately

271 preceding such placement or adoption;

272 2. Spent at least 6 months in licensed care before
273 reaching his or her 18th birthday;

274 3. Earned a standard high school diploma pursuant to s.
275 1002.3105(5), s. 1003.4281, or s. 1003.4282, or its equivalent
276 pursuant to ~~s. 1003.428, s. 1003.4281, s. 1003.429,~~ s. 1003.435,
277 or a special diploma pursuant to s. 1003.438;

278 4. Has been admitted for enrollment as a full-time student
279 or its equivalent in an eligible postsecondary educational
280 institution as provided in s. 1009.533. For purposes of this
281 section, the term "full-time" means 9 credit hours or the
282 vocational school equivalent. A student may enroll part-time if
283 he or she has a recognized disability or is faced with another
284 challenge or circumstance that would prevent full-time
285 attendance. A student needing to enroll part-time for any reason
286 other than having a recognized disability must get approval from
287 his or her academic advisor;

288 5. Has reached 18 years of age but is not yet 23 years of
289 age;

290 6. Has applied, with assistance from the young adult's
291 caregiver and the community-based lead agency, for any other
292 grants and scholarships for which he or she may qualify;

293 7. Submitted a Free Application for Federal Student Aid
294 which is complete and error free; and

295 8. Signed an agreement to allow the department and the
296 community-based care lead agency access to school records.

297 Section 5. Section 411.226, Florida Statutes, is repealed.

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298 Section 6. Section 411.227, Florida Statutes, is repealed.

299 Section 7. Section 411.228, Florida Statutes, is repealed.

300 Section 8. Subsection (8) of section 496.404, Florida
 301 Statutes, is amended to read:

302 496.404 Definitions.—As used in ss. 496.401-496.424:

303 (8) "Educational institutions" means those institutions
 304 and organizations described in s. 212.08(7)(cc)8.a. The term
 305 includes private nonprofit organizations, the purpose of which
 306 is to raise funds for schools teaching grades kindergarten
 307 through grade 12, colleges, and universities, including a ~~any~~
 308 nonprofit newspaper of free or paid circulation primarily on
 309 university or college campuses which holds a current exemption
 310 from federal income tax under s. 501(c)(3) of the Internal
 311 Revenue Code, an ~~any~~ educational television network or system
 312 established pursuant to ~~s. 1001.25 or s. 1001.26~~, and a ~~any~~
 313 nonprofit television or radio station that is a part of such
 314 network or system and that holds a current exemption from
 315 federal income tax under s. 501(c)(3) of the Internal Revenue
 316 Code. The term also includes a nonprofit educational cable
 317 consortium that holds a current exemption from federal income
 318 tax under s. 501(c)(3) of the Internal Revenue Code, whose
 319 primary purpose is the delivery of educational and instructional
 320 cable television programming and whose members are composed
 321 exclusively of educational organizations that hold a valid
 322 consumer certificate of exemption and that are either an
 323 educational institution as defined in this subsection or
 324 qualified as a nonprofit organization pursuant to s. 501(c)(3)

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325 of the Internal Revenue Code.

326 Section 9. Paragraph (d) of subsection (1) of section
327 775.215, Florida Statutes, is amended to read:

328 775.215 Residency restriction for persons convicted of
329 certain sex offenses.—

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

331 (d) "School" has the same meaning as provided in s.
332 1003.01 and includes a private school as defined in s. 1002.01,
333 a voluntary prekindergarten education program as described in s.
334 1002.53(3), a public school as described in s. 402.3025(1), the
335 Florida School for the Deaf and the Blind, and the Florida
336 Virtual School ~~as~~ established under s. 1002.37, ~~and a K-8~~
337 ~~Virtual School as established under s. 1002.415,~~ but does not
338 include facilities dedicated exclusively to the education of
339 adults.

340 Section 10. Subsection (1) of section 984.151, Florida
341 Statutes, is amended to read:

342 984.151 Truancy petition; prosecution; disposition.—

343 (1) If the school determines that a student subject to
344 compulsory school attendance has had at least five unexcused
345 absences, or absences for which the reasons are unknown, within
346 a calendar month or 10 unexcused absences, or absences for which
347 the reasons are unknown, within a 90-calendar-day period
348 pursuant to s. 1003.26(1)(b), or has had more than 15 unexcused
349 absences in a 90-calendar-day period, the superintendent of
350 schools or his or her designee may file a truancy petition.

351 Section 11. Subsection (5) of section 1000.01, Florida

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352 Statutes, is repealed.

353 Section 12. Subsection (7) of section 1000.21, Florida
354 Statutes, is amended to read:

355 1000.21 Systemwide definitions.—As used in the Florida K-
356 20 Education Code:

357 (7) "Next Generation Sunshine State Standards" means the
358 state's public K-12 curricular standards, ~~including common core~~
359 ~~standards in English Language Arts and mathematics,~~ adopted
360 under s. 1003.41.

361 Section 13. Section 1000.33, Florida Statutes, is
362 repealed.

363 Section 14. Section 1000.37, Florida Statutes, is
364 repealed.

365 Section 15. Paragraphs (h) and (l) of subsection (6) of
366 section 1001.10, Florida Statutes, are amended to read:

367 1001.10 Commissioner of Education; general powers and
368 duties.—

369 (6) Additionally, the commissioner has the following
370 general powers and duties:

371 ~~(h) To develop and implement a plan for cooperating with~~
372 ~~the Federal Government in carrying out any or all phases of the~~
373 ~~educational program and to recommend policies for administering~~
374 ~~funds that are appropriated by Congress and apportioned to the~~
375 ~~state for any or all educational purposes. The Commissioner of~~
376 ~~Education shall submit to the Legislature the proposed state~~
377 ~~plan for the reauthorization of the No Child Left Behind Act~~
378 ~~before the proposed plan is submitted to federal agencies. The~~

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379 ~~President of the Senate and the Speaker of the House of~~
 380 ~~Representatives shall appoint members of the appropriate~~
 381 ~~education and appropriations committees to serve as a select~~
 382 ~~committee to review the proposed plan.~~

383 (k)~~(l)~~ To prepare, publish, and disseminate ~~maintain a~~
 384 ~~Citizen Information Center responsible for the preparation,~~
 385 ~~publication, and dissemination of~~ user-friendly materials
 386 relating to the state's education system, including the state's
 387 K-12 scholarship programs and the Voluntary Prekindergarten
 388 Education Program.

389 Section 16. Section 1001.25, Florida Statutes, is
 390 repealed.

391 Section 17. Section 1001.26, Florida Statutes, is amended
 392 to read:

393 1001.26 Public broadcasting program system.—

394 (1) There is created a public broadcasting program system
 395 for the state. The department shall provide funds, as
 396 specifically appropriated in the General Appropriations Act, to
 397 educational television stations qualified by the Corporation for
 398 Public Broadcasting that are part of the public broadcasting
 399 program system ~~administer this program system pursuant to rules~~
 400 ~~adopted by the State Board of Education. This program system~~
 401 ~~must complement and share resources with the instructional~~
 402 ~~programming service of the Department of Education and~~
 403 ~~educational UHF, VHF, EBS, and FM stations in the state. The~~
 404 program system must include:

405 (a) Support for existing Corporation for Public

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406 Broadcasting qualified program system educational television
 407 stations ~~and new stations meeting Corporation for Public~~
 408 ~~Broadcasting qualifications and providing a first service to an~~
 409 ~~audience that does not currently receive a broadcast signal or~~
 410 ~~providing a significant new program service as defined by rule~~
 411 ~~by the State Board of Education.~~

412 (b) Maintenance of quality broadcast capability for
 413 educational stations that are part of the program system.

414 (c) Interconnection of all educational stations that are
 415 part of the program system for simultaneous broadcast and of
 416 such stations with all universities and other institutions as
 417 necessary for sharing of resources and delivery of programming.

418 (d) Establishment and maintenance of a capability for
 419 statewide program distribution with facilities and staff,
 420 provided such facilities and staff complement and strengthen
 421 existing ~~or future~~ educational television stations ~~in accordance~~
 422 ~~with paragraph (a) and s. 1001.25(2)(c).~~

423 (e) Provision of both statewide programming funds and
 424 station programming support for educational television to meet
 425 statewide priorities. Priorities for station programming need
 426 not be the same as priorities for programming to be used
 427 statewide. Station programming may include, but shall not be
 428 limited to, citizens' participation programs, music and fine
 429 arts programs, coverage of public hearings and governmental
 430 meetings, equal air time for political candidates, and other
 431 public interest programming.

432 (2) ~~(a)~~ The Department of Education ~~is responsible for~~

433 ~~implementing the provisions of this section pursuant to s.~~
 434 ~~282.702 and~~ may employ personnel, acquire equipment and
 435 facilities, and perform all duties necessary for carrying out
 436 the purposes and objectives of this section.

437 ~~(b) The department shall provide through educational~~
 438 ~~television and other electronic media a means of extending~~
 439 ~~educational services to all the state system of public~~
 440 ~~education. The department shall recommend to the State Board of~~
 441 ~~Education rules necessary to provide such services.~~

442 ~~(c) The department is authorized to provide equipment,~~
 443 ~~funds, and other services to extend and update both the existing~~
 444 ~~and the proposed educational television systems of tax-supported~~
 445 ~~and nonprofit, corporate-owned facilities. All stations funded~~
 446 ~~must be qualified by the Corporation for Public Broadcasting.~~
 447 ~~New stations eligible for funding shall provide a first service~~
 448 ~~to an audience that is not currently receiving a broadcast~~
 449 ~~signal or provide a significant new program service as defined~~
 450 ~~by State Board of Education rules. Funds appropriated to the~~
 451 ~~department for educational television may be used by the~~
 452 ~~department for educational television only.~~

453 (3)(a) The facilities, plant, or personnel of an
 454 educational television station that is supported in whole or in
 455 part by state funds may not be used directly or indirectly for
 456 the promotion, advertisement, or advancement of a political
 457 candidate for a municipal, county, legislative, congressional,
 458 or state office. However, fair, open, and free discussion
 459 between political candidates for municipal, county, legislative,

460 congressional, or state office may be permitted in order to help
 461 materially reduce the excessive cost of campaigns and to ensure
 462 that the state's citizens are fully informed about issues and
 463 candidates in campaigns. This paragraph applies to the advocacy
 464 for, or opposition to, a specific existing or proposed program
 465 of governmental action, which includes, but is not limited to,
 466 constitutional amendments, tax referenda, and bond issues. This
 467 paragraph shall be implemented in accordance with rules of the
 468 State Board of Education.

469 (b) A violation of a prohibition contained in this
 470 subsection is a misdemeanor of the second degree, punishable as
 471 provided in s. 775.082 or s. 775.083.

472 Section 18. Subsection (7) of section 1001.47, Florida
 473 Statutes, is repealed.

474 Section 19. Subsection (6) of section 1001.50, Florida
 475 Statutes, is repealed.

476 Section 20. Section 1001.62, Florida Statutes, is
 477 repealed.

478 Section 21. Subsection (3) of section 1001.73, Florida
 479 Statutes, is repealed.

480 Section 22. Subsections (8), (16), and (21) of section
 481 1002.20, Florida Statutes, are amended to read:

482 1002.20 K-12 student and parent rights.—Parents of public
 483 school students must receive accurate and timely information
 484 regarding their child's academic progress and must be informed
 485 of ways they can help their child to succeed in school. K-12
 486 students and their parents are afforded numerous statutory

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487 rights including, but not limited to, the following:

488 (8) STUDENTS WITH DISABILITIES.—Parents of public school
 489 students with disabilities and parents of public school students
 490 in residential care facilities are entitled to notice and due
 491 process in accordance with the provisions of ss. 1003.57 and
 492 1003.58. Public school students with disabilities must be
 493 provided the opportunity to meet the graduation requirements for
 494 a standard high school diploma as set forth in s. 1003.4282 in
 495 accordance with the provisions of ss. 1003.57 and 1008.22 ~~s.~~
 496 ~~1003.428(3)~~. Pursuant to s. 1003.438, certain public school
 497 students with disabilities may be awarded a special diploma upon
 498 high school graduation.

499 (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT RATING
 500 REPORTS.—Parents of public school students are entitled to an
 501 easy-to-read report card about the school's grade designation
 502 or, if applicable under s. 1008.341, the school's improvement
 503 rating, and the school's ~~school~~ accountability report, including
 504 the school financial report as required under s. 1010.215, ~~and~~
 505 ~~school improvement rating of their child's school in accordance~~
 506 ~~with the provisions of ss. 1008.22, 1003.02(3), and 1010.215(5).~~

507 (21) PARENTAL INPUT AND MEETINGS.—

508 (a) Meetings with school district personnel.—Parents of
 509 public school students may be accompanied by another adult of
 510 their choice at a ~~any~~ meeting with school district personnel.
 511 School district personnel may not object to the attendance of
 512 such adult or discourage or attempt to discourage, through an
 513 any action, statement, or other means, the parents of students

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514 with disabilities from inviting another person of their choice
 515 to attend a ~~any~~ meeting. Such prohibited actions include, but
 516 are not limited to, attempted or actual coercion or harassment
 517 of parents or students or retaliation or threats of consequences
 518 to parents or students.

519 1. Such meetings include, but are not limited to, meetings
 520 related to: the eligibility for exceptional student education or
 521 related services; the development of an individual family
 522 support plan (IFSP); the development of an individual education
 523 plan (IEP); the development of a 504 accommodation plan issued
 524 under s. 504 of the Rehabilitation Act of 1973; the transition
 525 of a student from early intervention services to other services;
 526 the development of postsecondary goals for a student with a
 527 disability and the transition services needed to reach those
 528 goals; and other issues that may affect the ~~a student's~~
 529 educational environment, discipline, or placement of a student
 530 with a disability.

531 2. The parents and school district personnel attending the
 532 meeting shall sign a document at the meeting's conclusion which
 533 states whether any school district personnel have prohibited,
 534 discouraged, or attempted to discourage the parents from
 535 inviting a person of their choice to the meeting.

536 ~~(b) School district best financial management practice~~
 537 ~~reviews. Public school students and their parents may provide~~
 538 ~~input regarding their concerns about the operations and~~
 539 ~~management of the school district both during and after the~~
 540 ~~conduct of a school district best financial management practices~~

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541 ~~review, in accordance with the provisions of s. 1008.35.~~

542 (b) ~~(e)~~ District school board educational facilities
 543 programs.—Parents of public school students and other members of
 544 the public have the right to receive proper public notice and
 545 opportunity for public comment regarding the district school
 546 board's educational facilities work program, in accordance with
 547 the provisions of s. 1013.35.

548 Section 23. Subsections (2) through (8) of section
 549 1002.31, Florida Statutes, are amended to read:

550 1002.31 Controlled open enrollment; public school parental
 551 choice.—

552 (2) Each district school board may offer controlled open
 553 enrollment within the public schools which is. ~~The controlled~~
 554 ~~open enrollment program shall be offered~~ in addition to the
 555 existing choice programs such as virtual instruction programs,
 556 magnet schools, alternative schools, special programs, advanced
 557 placement, and dual enrollment.

558 (3) Each district school board offering controlled open
 559 enrollment shall adopt by rule and post on its website ~~develop~~ a
 560 controlled open enrollment plan which must: ~~describes the~~
 561 ~~implementation of subsection (2).~~

562 (a) ~~(4)~~ ~~School districts shall~~ Adhere to federal
 563 desegregation requirements. ~~No controlled open enrollment plan~~
 564 ~~that conflicts with federal desegregation orders shall be~~
 565 ~~implemented.~~

566 ~~(5)~~ ~~Each school district shall develop a system of~~
 567 ~~priorities for its plan that includes consideration of the~~

568 following:

569 (b)(a) Include an application process required to
 570 participate in ~~the~~ controlled open enrollment ~~program.~~

571 ~~(b)~~ ~~A process~~ that allows parents to declare school
 572 preferences, including.

573 ~~(c)~~ ~~A process that encourages~~ placement of siblings within
 574 the same school.

575 (c)(d) Provide a lottery procedure ~~used by the school~~
 576 ~~district~~ to determine student assignment and establish.

577 ~~(e)~~ an appeals process for hardship cases.

578 (d) Afford parents of students in multiple session schools
 579 preferred access to controlled open enrollment.

580 (e)(f) ~~The procedures to~~ Maintain socioeconomic,
 581 demographic, and racial balance.

582 (f)(g) Address the availability of transportation.

583 ~~(h)~~ ~~A process that promotes strong parental involvement,~~
 584 ~~including the designation of a parent liaison.~~

585 ~~(i)~~ ~~A strategy that establishes a clearinghouse of~~
 586 ~~information designed to assist parents in making informed~~
 587 ~~choices.~~

588 ~~(6)~~ ~~Plans shall be submitted to the Commissioner of~~
 589 ~~Education. The Commissioner of Education shall develop an annual~~
 590 ~~report on the status of school choice and deliver the report to~~
 591 ~~the Governor, the President of the Senate, and the Speaker of~~
 592 ~~the House of Representatives at least 90 days prior to the~~
 593 ~~convening of the regular session of the Legislature.~~

594 ~~(7)~~ ~~Notwithstanding any provision of this section, a~~

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595 ~~school district with schools operating on both multiple session~~
 596 ~~schedules and single session schedules shall afford parents of~~
 597 ~~students in multiple session schools preferred access to the~~
 598 ~~controlled open enrollment program of the school district.~~

599 (4)(8) In accordance with the reporting requirements of s.
 600 1011.62, each district school board shall annually report the
 601 number of students ~~applying for and~~ attending the various types
 602 of public schools of choice in the district, including schools
 603 such as virtual instruction programs, magnet schools, and public
 604 charter schools, according to rules adopted by the State Board
 605 of Education.

606 Section 24. Subsection (5) of section 1002.3105, Florida
 607 Statutes, is amended to read:

608 1002.3105 Academically Challenging Curriculum to Enhance
 609 Learning (ACCEL) options.—

610 (5) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—A student who
 611 meets the applicable grade 9 cohort graduation requirements of
 612 s. 1003.4282(3)(a)-(e) or s. 1003.4282(10)(a)1.-5., (b)1.-5.,
 613 (c)1.-5., or (d)1.-5., earns three credits in electives, and
 614 earns a cumulative grade point average (GPA) of 2.0 on a 4.0
 615 scale shall be awarded a standard high school diploma in a form
 616 prescribed by the State Board of Education.

617 Section 25. Subsection (3) of section 1002.321, Florida
 618 Statutes, is amended to read:

619 1002.321 Digital learning.—

620 (3) DIGITAL PREPARATION.—As required under s. 1003.4282, a
 621 ~~Each~~ student entering grade 9 in the 2011-2012 school year and

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622 thereafter who seeks a high school diploma must take graduate
 623 ~~from high school having taken~~ at least one online course, ~~as~~
 624 ~~provided in s. 1003.428.~~

625 Section 26. Paragraph (a) of subsection (6), paragraph (a)
 626 of subsection (7), paragraphs (b) and (c) of subsection (15),
 627 and subsection (25) of section 1002.33, Florida Statutes, are
 628 amended to read:

629 1002.33 Charter schools.—

630 (6) APPLICATION PROCESS AND REVIEW.—Charter school
 631 applications are subject to the following requirements:

632 (a) A person or entity wishing to open a charter school
 633 shall prepare and submit an application on a model application
 634 form prepared by the Department of Education which:

635 1. Demonstrates how the school will use the guiding
 636 principles and meet the statutorily defined purpose of a charter
 637 school.

638 2. Provides a detailed curriculum plan that illustrates
 639 how students will be provided services to attain the Sunshine
 640 State Standards.

641 3. Contains goals and objectives for improving student
 642 learning and measuring that improvement. These goals and
 643 objectives must indicate how much academic improvement students
 644 are expected to show each year, how success will be evaluated,
 645 and the specific results to be attained through instruction.

646 4. Describes the reading curriculum and differentiated
 647 strategies that will be used for students reading at grade level
 648 or higher and a separate curriculum and strategies for students

649 who are reading below grade level. A sponsor shall deny a
 650 charter if the school does not propose a reading curriculum that
 651 is consistent with effective teaching strategies that are
 652 grounded in scientifically based reading research.

653 5. Contains an annual financial plan for each year
 654 requested by the charter for operation of the school for up to 5
 655 years. This plan must contain anticipated fund balances based on
 656 revenue projections, a spending plan based on projected revenues
 657 and expenses, and a description of controls that will safeguard
 658 finances and projected enrollment trends.

659 6. Contains Documents that the applicant has participated
 660 ~~in the training required in subparagraph (f)2. A sponsor may~~
 661 ~~require an applicant to provide~~ additional information a sponsor
 662 may require, which shall be attached as an addendum to the
 663 charter school application described in this paragraph.

664 7. For the establishment of a virtual charter school,
 665 documents that the applicant has contracted with a provider of
 666 virtual instruction services pursuant to s. 1002.45(1)(d).

667 (7) CHARTER.—The major issues involving the operation of a
 668 charter school shall be considered in advance and written into
 669 the charter. The charter shall be signed by the governing board
 670 of the charter school and the sponsor, following a public
 671 hearing to ensure community input.

672 (a) The charter shall address and criteria for approval of
 673 the charter shall be based on:

674 1. The school's mission, the students to be served, and
 675 the ages and grades to be included.

676 2. The focus of the curriculum, the instructional methods
 677 to be used, any distinctive instructional techniques to be
 678 employed, and identification and acquisition of appropriate
 679 technologies needed to improve educational and administrative
 680 performance which include a means for promoting safe, ethical,
 681 and appropriate uses of technology which comply with legal and
 682 professional standards.

683 a. The charter shall ensure that reading is a primary
 684 focus of the curriculum and that resources are provided to
 685 identify and provide specialized instruction for students who
 686 are reading below grade level. The curriculum and instructional
 687 strategies for reading must be consistent with the Next
 688 Generation Sunshine State Standards and grounded in
 689 scientifically based reading research.

690 b. In order to provide students with access to diverse
 691 instructional delivery models, to facilitate the integration of
 692 technology within traditional classroom instruction, and to
 693 provide students with the skills they need to compete in the
 694 21st century economy, the Legislature encourages instructional
 695 methods for blended learning courses consisting of both
 696 traditional classroom and online instructional techniques.
 697 Charter schools may implement blended learning courses which
 698 combine traditional classroom instruction and virtual
 699 instruction. Students in a blended learning course must be full-
 700 time students of the charter school and receive the online
 701 instruction in a classroom setting at the charter school.
 702 Instructional personnel certified pursuant to s. 1012.55 who

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703 provide virtual instruction for blended learning courses may be
 704 employees of the charter school or may be under contract to
 705 provide instructional services to charter school students. At a
 706 minimum, such instructional personnel must hold an active state
 707 or school district adjunct certification under s. 1012.57 for
 708 the subject area of the blended learning course. The funding and
 709 performance accountability requirements for blended learning
 710 courses are the same as those for traditional courses.

711 3. The current incoming baseline standard of student
 712 academic achievement, the outcomes to be achieved, and the
 713 method of measurement that will be used. The criteria listed in
 714 this subparagraph shall include a detailed description of:

715 a. How the baseline student academic achievement levels
 716 and prior rates of academic progress will be established.

717 b. How these baseline rates will be compared to rates of
 718 academic progress achieved by these same students while
 719 attending the charter school.

720 c. To the extent possible, how these rates of progress
 721 will be evaluated and compared with rates of progress of other
 722 closely comparable student populations.

723

724 The district school board is required to provide academic
 725 student performance data to charter schools for each of their
 726 students coming from the district school system, as well as
 727 rates of academic progress of comparable student populations in
 728 the district school system.

729 4. The methods used to identify the educational strengths

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730 and needs of students and how well educational goals and
 731 performance standards are met by students attending the charter
 732 school. The methods shall provide a means for the charter school
 733 to ensure accountability to its constituents by analyzing
 734 student performance data and by evaluating the effectiveness and
 735 efficiency of its major educational programs. Students in
 736 charter schools shall, at a minimum, participate in the
 737 statewide assessment program created under s. 1008.22.

738 5. In secondary charter schools, a method for determining
 739 that a student has satisfied the requirements for graduation in
 740 s. 1002.3105(5), s. 1003.4281, ~~1003.428~~ or s. 1003.4282.

741 6. A method for resolving conflicts between the governing
 742 board of the charter school and the sponsor.

743 7. The admissions procedures and dismissal procedures,
 744 including the school's code of student conduct.

745 8. The ways by which the school will achieve a
 746 racial/ethnic balance reflective of the community it serves or
 747 within the racial/ethnic range of other public schools in the
 748 same school district.

749 9. The financial and administrative management of the
 750 school, including a reasonable demonstration of the professional
 751 experience or competence of those individuals or organizations
 752 applying to operate the charter school or those hired or
 753 retained to perform such professional services and the
 754 description of clearly delineated responsibilities and the
 755 policies and practices needed to effectively manage the charter
 756 school. A description of internal audit procedures and

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757 establishment of controls to ensure that financial resources are
 758 properly managed must be included. Both public sector and
 759 private sector professional experience shall be equally valid in
 760 such a consideration.

761 10. The asset and liability projections required in the
 762 application which are incorporated into the charter and shall be
 763 compared with information provided in the annual report of the
 764 charter school.

765 11. A description of procedures that identify various
 766 risks and provide for a comprehensive approach to reduce the
 767 impact of losses; plans to ensure the safety and security of
 768 students and staff; plans to identify, minimize, and protect
 769 others from violent or disruptive student behavior; and the
 770 manner in which the school will be insured, including whether or
 771 not the school will be required to have liability insurance,
 772 and, if so, the terms and conditions thereof and the amounts of
 773 coverage.

774 12. The term of the charter which shall provide for
 775 cancellation of the charter if insufficient progress has been
 776 made in attaining the student achievement objectives of the
 777 charter and if it is not likely that such objectives can be
 778 achieved before expiration of the charter. The initial term of a
 779 charter shall be for 4 or 5 years. In order to facilitate access
 780 to long-term financial resources for charter school
 781 construction, charter schools that are operated by a
 782 municipality or other public entity as provided by law are
 783 eligible for up to a 15-year charter, subject to approval by the

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784 district school board. A charter lab school is eligible for a
 785 charter for a term of up to 15 years. In addition, to facilitate
 786 access to long-term financial resources for charter school
 787 construction, charter schools that are operated by a private,
 788 not-for-profit, s. 501(c)(3) status corporation are eligible for
 789 up to a 15-year charter, subject to approval by the district
 790 school board. Such long-term charters remain subject to annual
 791 review and may be terminated during the term of the charter, but
 792 only according to the provisions set forth in subsection (8).

793 13. The facilities to be used and their location. The
 794 sponsor may not require a charter school to have a certificate
 795 of occupancy or a temporary certificate of occupancy for such a
 796 facility earlier than 15 calendar days before the first day of
 797 school.

798 14. The qualifications to be required of the teachers and
 799 the potential strategies used to recruit, hire, train, and
 800 retain qualified staff to achieve best value.

801 15. The governance structure of the school, including the
 802 status of the charter school as a public or private employer as
 803 required in paragraph (12)(i).

804 16. A timetable for implementing the charter which
 805 addresses the implementation of each element thereof and the
 806 date by which the charter shall be awarded in order to meet this
 807 timetable.

808 17. In the case of an existing public school that is being
 809 converted to charter status, alternative arrangements for
 810 current students who choose not to attend the charter school and

811 for current teachers who choose not to teach in the charter
 812 school after conversion in accordance with the existing
 813 collective bargaining agreement or district school board rule in
 814 the absence of a collective bargaining agreement. However,
 815 alternative arrangements shall not be required for current
 816 teachers who choose not to teach in a charter lab school, except
 817 as authorized by the employment policies of the state university
 818 which grants the charter to the lab school.

819 18. Full disclosure of the identity of all relatives
 820 employed by the charter school who are related to the charter
 821 school owner, president, chairperson of the governing board of
 822 directors, superintendent, governing board member, principal,
 823 assistant principal, or any other person employed by the charter
 824 school who has equivalent decisionmaking authority. For the
 825 purpose of this subparagraph, the term "relative" means father,
 826 mother, son, daughter, brother, sister, uncle, aunt, first
 827 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
 828 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
 829 stepfather, stepmother, stepson, stepdaughter, stepbrother,
 830 stepsister, half brother, or half sister.

831 19. Implementation of the activities authorized under s.
 832 1002.331 by the charter school when it satisfies the eligibility
 833 requirements for a high-performing charter school. A high-
 834 performing charter school shall notify its sponsor in writing by
 835 March 1 if it intends to increase enrollment or expand grade
 836 levels the following school year. The written notice shall
 837 specify the amount of the enrollment increase and the grade

838 levels that will be added, as applicable.

839 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
840 A-MUNICIPALITY.-

841 (b) A charter school-in-the-workplace may be established
842 when a business partner provides the school facility to be used;
843 enrolls students based upon a random lottery that involves all
844 of the children of employees of that business or corporation who
845 are seeking enrollment, as provided for in subsection (10); and
846 enrolls students according to the racial/ethnic balance
847 provisions described in subparagraph (7)(a)8. ~~Any portion of a~~
848 ~~facility used for a public charter school shall be exempt from~~
849 ~~ad valorem taxes, as provided for in s. 1013.54, for the~~
850 ~~duration of its use as a public school.~~

851 (c) A charter school-in-a-municipality designation may be
852 granted to a municipality that possesses a charter; enrolls
853 students based upon a random lottery that involves all of the
854 children of the residents of that municipality who are seeking
855 enrollment, as provided for in subsection (10); and enrolls
856 students according to the racial/ethnic balance provisions
857 described in subparagraph (7)(a)8. When a municipality has
858 submitted charter applications for the establishment of a
859 charter school feeder pattern, consisting of elementary, middle,
860 and senior high schools, and each individual charter application
861 is approved by the district school board, such schools shall
862 then be designated as one charter school for all purposes listed
863 pursuant to this section. ~~Any portion of the land and facility~~
864 ~~used for a public charter school shall be exempt from ad valorem~~

865 ~~taxes, as provided for in s. 1013.54, for the duration of its~~
 866 ~~use as a public school.~~

867 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
 868 SCHOOL SYSTEMS.—A charter school system's governing board ~~system~~
 869 shall be designated a local educational agency for the purpose
 870 of receiving federal funds, the same as though the charter
 871 school system were a school district, if the governing board of
 872 the charter school system has adopted and filed a resolution
 873 with its sponsoring district school board and the Department of
 874 Education in which the governing board of the charter school
 875 system accepts the full responsibility for all local education
 876 agency requirements and the charter school system meets all of
 877 the following:

- 878 (a) Includes both conversion charter schools and
- 879 nonconversion charter schools;
- 880 (b) Has all schools located in the same county;
- 881 (c) Has a total enrollment exceeding the total enrollment
- 882 of at least one school district in the state;
- 883 (d) Has the same governing board; and
- 884 (e) Does not contract with a for-profit service provider
- 885 for management of school operations.

886
 887 Such designation does not apply to other provisions unless
 888 specifically provided in law.

889 Section 27. Paragraph (g) of subsection (4) and paragraph
 890 (d) of subsection (6) of section 1002.34, Florida Statutes, are
 891 amended to read:

892 1002.34 Charter technical career centers.—
 893 (4) CHARTER.—A sponsor may designate centers as provided
 894 in this section. An application to establish a center may be
 895 submitted by a sponsor or another organization that is
 896 determined, by rule of the State Board of Education, to be
 897 appropriate. However, an independent school is not eligible for
 898 status as a center. The charter must be signed by the governing
 899 body of the center and the sponsor and must be approved by the
 900 district school board and Florida College System institution
 901 board of trustees in whose geographic region the facility is
 902 located. If a charter technical career center is established by
 903 the conversion to charter status of a public technical center
 904 formerly governed by a district school board, the charter status
 905 of that center takes precedence in any question of governance.
 906 The governance of the center or of any program within the center
 907 remains with its board of directors unless the board agrees to a
 908 change in governance or its charter is revoked as provided in
 909 subsection (15). Such a conversion charter technical career
 910 center is not affected by a change in the governance of public
 911 technical centers or of programs within other centers that are
 912 or have been governed by district school boards. A charter
 913 technical career center, or any program within such a center,
 914 that was governed by a district school board and transferred to
 915 a Florida College System institution prior to the effective date
 916 of this act is not affected by this provision. An applicant who
 917 wishes to establish a center must submit to the district school
 918 board or Florida College System institution board of trustees,

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919 or a consortium of one or more of each, an application on a form
 920 developed by the Department of Education which includes:

921 (g) A method for determining whether a student has
 922 satisfied the requirements for graduation specified in s.
 923 1002.3105(5), s. 1003.4281, or s. 1003.4282 ~~1003.428 or s.~~
 924 ~~1003.429~~ and for completion of a postsecondary certificate or
 925 degree.

926
 927 Students at a center must meet the same testing and academic
 928 performance standards as those established by law and rule for
 929 students at public schools and public technical centers. The
 930 students must also meet any additional assessment indicators
 931 that are included within the charter approved by the district
 932 school board or Florida College System institution board of
 933 trustees.

934 (6) SPONSOR.—A district school board or Florida College
 935 System institution board of trustees or a consortium of one or
 936 more of each may sponsor a center in the county in which the
 937 board has jurisdiction.

938 (d)1. The Department of Education shall offer or arrange
 939 for training and technical assistance to centers which must
 940 include applicants in developing and amending business plans,
 941 and estimating and accounting for costs and income, complying
 942 with state and federal grant and student performance
 943 accountability reporting requirements, implementing good
 944 business practices. ~~This assistance shall address estimating~~
 945 ~~startup costs, projecting enrollment, and identifying the types~~

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946 ~~and amounts of state and federal financial aid assistance the~~
 947 ~~center may be eligible to receive. The training shall include~~
 948 ~~instruction in accurate financial planning and good business~~
 949 ~~practices.~~

950 2. An applicant must participate in the training provided
 951 by the department after approval of its ~~of Education before~~
 952 filing an application but at least 30 days before the first day
 953 of classes at the center. The department ~~of Education~~ may
 954 provide technical assistance to an applicant upon written
 955 request.

956 Section 28. Paragraphs (a) and (b) of subsection (1) and
 957 subsection (3) of section 1002.345, Florida Statutes, are
 958 amended to read:

959 1002.345 Determination of deteriorating financial
 960 conditions and financial emergencies for charter schools and
 961 charter technical career centers.—This section applies to
 962 charter schools operating pursuant to s. 1002.33 and to charter
 963 technical career centers operating pursuant to s. 1002.34.

964 (1) EXPEDITED REVIEW; REQUIREMENTS.—

965 (a) A charter school or a charter technical career center
 966 is subject to an expedited review by the sponsor if one of the
 967 following occurs:

968 1. Failure to provide for an audit required by s. 218.39.

969 2. Failure to comply with reporting requirements pursuant
 970 to s. 1002.33(9) or s. 1002.34(11)(f) or (14).

971 3. A deteriorating financial condition identified through
 972 an annual audit pursuant to s. 218.39(5), or ~~or~~ a monthly financial

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973 statement pursuant to s. 1002.33(9)(g) or s. 1002.34(11)(f), or
 974 a quarterly financial statement pursuant to s. 1002.331(2)(c).
 975 "Deteriorating financial condition" means a circumstance that
 976 significantly impairs the ability of a charter school or a
 977 charter technical career center to generate enough revenues to
 978 meet its expenditures without causing the occurrence of a
 979 condition described in s. 218.503(1).

980 4. Notification pursuant to s. 218.503(2) that one or more
 981 of the conditions specified in s. 218.503(1) have occurred or
 982 will occur if action is not taken to assist the charter school
 983 or charter technical career center.

984 (b) A sponsor shall notify the governing board and the
 985 Commissioner of Education within 7 business days after one or
 986 more of the conditions specified in paragraph (a) occur.

987 ~~(3) REPORT. The Commissioner of Education shall annually~~
 988 ~~report to the State Board of Education each charter school and~~
 989 ~~charter technical career center that is subject to a financial~~
 990 ~~recovery plan or a corrective action plan under this section.~~

991 Section 29. Paragraph (a) of subsection (2) of section
 992 1002.39, Florida Statutes, is amended to read:

993 1002.39 The John M. McKay Scholarships for Students with
 994 Disabilities Program.—There is established a program that is
 995 separate and distinct from the Opportunity Scholarship Program
 996 and is named the John M. McKay Scholarships for Students with
 997 Disabilities Program.

998 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a
 999 student with a disability may request and receive from the state

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1000 a John M. McKay Scholarship for the child to enroll in and
 1001 attend a private school in accordance with this section if:
 1002 (a) The student has:
 1003 1. Received specialized instructional services under the
 1004 Voluntary Prekindergarten Education Program pursuant to s.
 1005 1002.66 during the previous school year and the student has a
 1006 current individual educational plan developed by the local
 1007 school board in accordance with rules of the State Board of
 1008 Education for the John M. McKay Scholarships for Students with
 1009 Disabilities Program or a 504 accommodation plan has been issued
 1010 under s. 504 of the Rehabilitation Act of 1973; or
 1011 2. Spent the prior school year in attendance at a Florida
 1012 public school or the Florida School for the Deaf and the Blind.
 1013 For purposes of this subparagraph, prior school year in
 1014 attendance means that the student was enrolled and reported by:
 1015 a. A school district for funding during the preceding
 1016 October and February Florida Education Finance Program surveys
 1017 in kindergarten through grade 12, which includes time spent in a
 1018 Department of Juvenile Justice commitment program if funded
 1019 under the Florida Education Finance Program;
 1020 b. The Florida School for the Deaf and the Blind during
 1021 the preceding October and February student membership surveys in
 1022 kindergarten through grade 12; or
 1023 c. A school district for funding during the preceding
 1024 October and February Florida Education Finance Program surveys,
 1025 was at least 4 years of age when so enrolled and reported, and
 1026 was eligible for services under s. 1003.21(1)(e) ~~+~~ ~~or~~

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1027 ~~3. Been enrolled and reported by a school district for~~
 1028 ~~funding, during the October and February Florida Education~~
 1029 ~~Finance Program surveys, in any of the 5 years prior to the~~
 1030 ~~2010-2011 fiscal year; has a current individualized educational~~
 1031 ~~plan developed by the district school board in accordance with~~
 1032 ~~rules of the State Board of Education for the John M. McKay~~
 1033 ~~Scholarship Program no later than June 30, 2011; and receives a~~
 1034 ~~first-time John M. McKay scholarship for the 2011-2012 school~~
 1035 ~~year. Upon request of the parent, the local school district~~
 1036 ~~shall complete a matrix of services as required in subparagraph~~
 1037 ~~(5)(b)1. for a student requesting a current individualized~~
 1038 ~~educational plan in accordance with the provisions of this~~
 1039 ~~subparagraph.~~

1040
 1041 However, a dependent child of a member of the United States
 1042 Armed Forces who transfers to a school in this state from out of
 1043 state or from a foreign country due to a parent's permanent
 1044 change of station orders is exempt from this paragraph but must
 1045 meet all other eligibility requirements to participate in the
 1046 program.

1047 Section 30. Subsection (5) of section 1002.41, Florida
 1048 Statutes, is amended to read:

1049 1002.41 Home education programs.—

1050 (5) Home education students may participate in the Bright
 1051 Futures Scholarship Program in accordance with the provisions of
 1052 ss. 1009.53-1009.538 ~~1009.53-1009.539~~.

1053 Section 31. Section 1002.415, Florida Statutes, is

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1054 repealed.

1055 Section 32. Paragraph (b) of subsection (4) and subsection
1056 (10) of section 1002.45, Florida Statutes, are amended to read:

1057 1002.45 Virtual instruction programs.—

1058 (4) CONTRACT REQUIREMENTS.—Each contract with an approved
1059 provider must at minimum:

1060 (b) Provide a method for determining that a student has
1061 satisfied the requirements for graduation in s. 1002.3105(5), s.
1062 1003.4281, ~~1003.428~~ or s. 1003.4282 if the contract is for the
1063 provision of a full-time virtual instruction program to students
1064 in grades 9 through 12.

1065 (10) MARKETING.—Each school district shall provide
1066 information to parents and students about the ~~parent's and~~
1067 student's right to participate in a virtual instruction program
1068 under this section and in courses offered by the Florida Virtual
1069 School under s. 1002.37.

1070 Section 33. Paragraph (c) of subsection (2) of section
1071 1002.455, Florida Statutes, is amended to read:

1072 1002.455 Student eligibility for K-12 virtual
1073 instruction.—

1074 (2) A student is eligible to participate in virtual
1075 instruction if:

1076 (c) The student was enrolled during the prior school year
1077 in a virtual instruction program under s. 1002.45, ~~the K-8~~
1078 ~~Virtual School Program under s. 1002.415,~~ or a full-time Florida
1079 Virtual School program under s. 1002.37(8)(a);

1080 Section 34. Section 1002.65, Florida Statutes, is

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1081 repealed.

1082 Section 35. Subsection (14) of section 1003.01, Florida
1083 Statutes, is amended to read:

1084 1003.01 Definitions.—As used in this chapter, the term:

1085 (14) "Core-curricula courses" means:

1086 (a) Courses in language arts/reading, mathematics, social
1087 studies, and science in prekindergarten through grade 3,
1088 excluding ~~any~~ extracurricular courses pursuant to subsection
1089 (15);

1090 (b) Courses in grades 4 through 8 in subjects that are
1091 measured by state assessment at any grade level and courses
1092 required for middle school promotion, excluding ~~any~~
1093 extracurricular courses pursuant to subsection (15);

1094 (c) Courses in grades 9 through 12 in subjects that are
1095 measured by state assessment at any grade level and courses that
1096 are specifically identified by name in statute as required for
1097 high school graduation and that are not measured by state
1098 assessment, excluding ~~any~~ extracurricular courses pursuant to
1099 subsection (15);

1100 (d) Exceptional student education courses; and

1101 (e) English for Speakers of Other Languages courses.

1102

1103 The term is limited in meaning and used for the sole purpose of
1104 designating classes that are subject to the maximum class size
1105 requirements established in s. 1, Art. IX of the State
1106 Constitution. This term does not include courses offered under
1107 ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, ~~1002.415,~~

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1108 | 1002.45, and 1003.499.

1109 | Section 36. Paragraph (d) of subsection (1) of section
1110 | 1003.02, Florida Statutes, is amended to read:

1111 | 1003.02 District school board operation and control of
1112 | public K-12 education within the school district.—As provided in
1113 | part II of chapter 1001, district school boards are
1114 | constitutionally and statutorily charged with the operation and
1115 | control of public K-12 education within their school district.
1116 | The district school boards must establish, organize, and operate
1117 | their public K-12 schools and educational programs, employees,
1118 | and facilities. Their responsibilities include staff
1119 | development, public K-12 school student education including
1120 | education for exceptional students and students in juvenile
1121 | justice programs, special programs, adult education programs,
1122 | and career education programs. Additionally, district school
1123 | boards must:

1124 | (1) Provide for the proper accounting for all students of
1125 | school age, for the attendance and control of students at
1126 | school, and for proper attention to health, safety, and other
1127 | matters relating to the welfare of students in the following
1128 | fields:

1129 | (d) Courses of study and instructional materials.—

1130 | 1. Provide adequate instructional materials for all
1131 | students as follows and in accordance with the requirements of
1132 | chapter 1006, in the core courses of mathematics, language arts,
1133 | social studies, science, reading, and literature, except for
1134 | instruction for which the school advisory council approves the

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1135 use of a program that does not include a textbook as a major
1136 tool of instruction.

1137 2. Adopt courses of study for use in the schools of the
1138 district.

1139 3. Provide for proper requisitioning, distribution,
1140 accounting, storage, care, and use of all instructional
1141 materials as may be needed, and ensure that instructional
1142 materials used in the district are consistent with the district
1143 goals and objectives and the course descriptions ~~curriculum~~
1144 ~~frameworks~~ approved by the State Board of Education, as well as
1145 with the state and school district performance standards
1146 required by law and state board rule.

1147 Section 37. Paragraph (c) of subsection (3) and subsection
1148 (6) of section 1003.03, Florida Statutes, are amended to read:

1149 1003.03 Maximum class size.—

1150 (3) IMPLEMENTATION OPTIONS.—District school boards must
1151 consider, but are not limited to, implementing the following
1152 items in order to meet the constitutional class size maximums
1153 described in subsection (1):

1154 (c)1. Repeal district school board policies that require
1155 students to earn more than the 24 credits ~~required under s.~~
1156 ~~1003.428~~ to graduate from high school.

1157 2. Implement the early graduation options ~~option~~ provided
1158 in ss. 1002.3105(5) and s. 1003.4281.

1159 (6) COURSES FOR COMPLIANCE.—Consistent with s. the
1160 ~~provisions in ss. 1003.01(14) and 1003.428~~, the Department of
1161 Education shall identify from the Course Code Directory the

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1162 core-curricula courses for the purpose of satisfying the maximum
 1163 class size requirement in this section. The department may adopt
 1164 rules to implement this subsection, if necessary.

1165 Section 38. Subsection (3) of section 1003.41, Florida
 1166 Statutes, is amended to read:

1167 1003.41 Next Generation Sunshine State Standards.—

1168 (3) The Commissioner of Education, as needed, shall
 1169 develop and submit proposed revisions to the standards for
 1170 review and comment by Florida educators, school administrators,
 1171 representatives of the Florida College System institutions and
 1172 state universities who have expertise in the content knowledge
 1173 and skills necessary to prepare a student for postsecondary
 1174 education and careers, business and industry leaders, and the
 1175 public. The commissioner, after considering reviews and
 1176 comments, shall submit the proposed revisions to the State Board
 1177 of Education for adoption. ~~In addition, the commissioner shall~~
 1178 ~~prepare an analysis of the costs associated with implementing a~~
 1179 ~~separate, one-half credit course in financial literacy,~~
 1180 ~~including estimated costs for instructional personnel, training,~~
 1181 ~~and the development or purchase of instructional materials. The~~
 1182 ~~commissioner shall work with one or more nonprofit organizations~~
 1183 ~~with proven expertise in the area of personal finance, consider~~
 1184 ~~free resources that can be utilized for instructional materials,~~
 1185 ~~and provide data on the implementation of such a course in other~~
 1186 ~~states. The commissioner shall provide the cost analysis to the~~
 1187 ~~President of the Senate and the Speaker of the House of~~
 1188 ~~Representatives by October 1, 2013.~~

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1189 Section 39. Paragraphs (b) and (c) of subsection (1) and
 1190 subsections (2) and (3) of section 1003.4156, Florida Statutes,
 1191 are amended to read:

1192 1003.4156 General requirements for middle grades
 1193 promotion.—

1194 (1) In order for a student to be promoted to high school
 1195 from a school that includes middle grades 6, 7, and 8, the
 1196 student must successfully complete the following courses:

1197 (b) Three middle grades or higher courses in mathematics.
 1198 Each school that includes middle grades must offer at least one
 1199 high school level mathematics course for which students may earn
 1200 high school credit. Successful completion of a high school level
 1201 Algebra I or Geometry course is not contingent upon the
 1202 student's performance on the statewide, standardized end-of-
 1203 course (EOC) assessment ~~or, upon transition to common core~~
 1204 ~~assessments, the common core Algebra I or geometry assessments~~
 1205 ~~required under s. 1008.22. However, beginning with the 2011-2012~~
 1206 ~~school year,~~ To earn high school credit for Algebra I, a middle
 1207 grades student must take the statewide, standardized Algebra I
 1208 EOC assessment and pass the course, and in addition, beginning
 1209 with the 2013-2014 school year and thereafter, a student's
 1210 performance on the Algebra I EOC assessment constitutes 30
 1211 percent of the student's final course grade. ~~pass the Algebra I~~
 1212 ~~statewide, standardized assessment, and beginning with the 2012-~~
 1213 ~~2013 school year,~~ To earn high school credit for a Geometry
 1214 course, a middle grades student must take the statewide,
 1215 standardized Geometry EOC assessment, which constitutes 30

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1216 percent of the student's final course grade, and earn a passing
 1217 grade in the course.

1218 (c) Three middle grades or higher courses in social
 1219 studies. Beginning with students entering grade 6 in the 2012-
 1220 2013 school year, one of these courses must be at least a one-
 1221 semester civics education course that includes the roles and
 1222 responsibilities of federal, state, and local governments; the
 1223 structures and functions of the legislative, executive, and
 1224 judicial branches of government; and the meaning and
 1225 significance of historic documents, such as the Articles of
 1226 Confederation, the Declaration of Independence, and the
 1227 Constitution of the United States. Beginning with the 2013-2014
 1228 school year, each student's performance on the statewide,
 1229 standardized EOC assessment in civics education required under
 1230 s. 1008.22 constitutes 30 percent of the student's final course
 1231 grade. A middle grades student who transfers into the state's
 1232 public school system from out of country, out of state, a
 1233 private school, or a home education program after the beginning
 1234 of the second term of grade 8 is not required to meet the civics
 1235 education requirement for promotion from the middle grades if
 1236 the student's transcript documents passage of three courses in
 1237 social studies or two year-long courses in social studies that
 1238 include coverage of civics education.

1239
 1240 Each school must inform parents about the course curriculum and
 1241 activities. Each student shall complete a personal education
 1242 plan that must be signed by the student and the student's

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1243 parent. The Department of Education shall develop course
 1244 frameworks and professional development materials for the career
 1245 and education planning course. The course may be implemented as
 1246 a stand-alone course or integrated into another course or
 1247 courses. The Commissioner of Education shall collect
 1248 longitudinal high school course enrollment data by student
 1249 ethnicity in order to analyze course-taking patterns.

1250 (2) If a middle grades student scores Level 1 or Level 2
 1251 on the statewide, standardized FCAT Reading assessment or, when
 1252 ~~implemented, the state transitions to common core assessments on~~
 1253 the English Language Arts (ELA) assessment ~~assessments required~~
 1254 ~~under s. 1008.22,~~ the following year the student must enroll in
 1255 and complete a remedial course or a content area course in which
 1256 remediation strategies are incorporated into course content
 1257 delivery. The department shall provide guidance on appropriate
 1258 strategies for diagnosing and meeting the varying instructional
 1259 needs of students performing below grade level.

1260 (3) If a middle grades student scores Level 1 or Level 2
 1261 on the statewide, standardized FCAT Mathematics assessment ~~or,~~
 1262 ~~when the state transitions to common core assessments, on the~~
 1263 ~~mathematics common core assessments required under s. 1008.22,~~
 1264 the following year the student must receive remediation, which
 1265 may be integrated into the student's required mathematics
 1266 courses.

1267 Section 40. Section 1003.428, Florida Statutes, is
 1268 repealed.

1269 Section 41. Subsection (1) of section 1003.4281, Florida

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1270 Statutes, is amended to read:

1271 1003.4281 Early high school graduation.—

1272 (1) The purpose of this section is to provide a student
 1273 the option of early graduation and receipt of a standard high
 1274 school diploma if the student earns 24 credits and meets the
 1275 graduation requirements set forth in ~~s. 1003.428~~ or s.
 1276 1003.4282, ~~as applicable~~. For purposes of this section, the term
 1277 "early graduation" means graduation from high school in less
 1278 than 8 semesters or the equivalent.

1279 Section 42. Paragraphs (a), (b), (c), and (f) of
 1280 subsection (3), subsections (4), (5), (7), and (8), and
 1281 paragraphs (a) and (c) of subsection (9) of section 1003.4282,
 1282 Florida Statutes, are amended, subsection (10) is renumbered as
 1283 subsection (11), and a new subsection (10) is added to that
 1284 section, to read:

1285 1003.4282 Requirements for a standard high school
 1286 diploma.—

1287 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT
 1288 REQUIREMENTS.—

1289 (a) Four credits in English Language Arts (ELA).—The four
 1290 credits must be in ELA I, II, III, and IV. A student must pass
 1291 the statewide, standardized 10th grade 10 FCAT Reading
 1292 assessment or, when implemented, the until the state transitions
 1293 to a common core 10th grade 10 ELA assessment, or earn a
 1294 concordant score, after which time a student must pass the ELA
 1295 assessment in order to earn a standard high school diploma.

1296 (b) Four credits in mathematics.—A student must earn one

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1297 credit in Algebra I and one credit in Geometry. A student's
 1298 performance on the statewide, standardized Algebra I end-of-
 1299 course (EOC) assessment ~~or common core assessment, as~~
 1300 ~~applicable,~~ constitutes 30 percent of the student's final course
 1301 grade. A student must pass the statewide, standardized Algebra I
 1302 EOC assessment, or earn a comparative score, ~~until the state~~
 1303 ~~transitions to a common core Algebra I assessment after which~~
 1304 ~~time a student must pass the common core assessment~~ in order to
 1305 earn a standard high school diploma. A student's performance on
 1306 the statewide, standardized Geometry EOC assessment ~~or common~~
 1307 ~~core assessment, as applicable,~~ constitutes 30 percent of the
 1308 student's final course grade. ~~If~~ When the state administers a
 1309 statewide, standardized ~~common core~~ Algebra II assessment, a
 1310 student selecting Algebra II must take the assessment, and the
 1311 student's performance on the assessment constitutes 30 percent
 1312 of the student's final course grade. A student who earns an
 1313 industry certification for which there is a statewide college
 1314 credit articulation agreement approved by the State Board of
 1315 Education may substitute the certification for one mathematics
 1316 credit. Substitution may occur for up to two mathematics
 1317 credits, except for Algebra I and Geometry. ~~Industry~~
 1318 ~~certification courses that lead to college credit may substitute~~
 1319 ~~for up to two math credits.~~

1320 (c) Three credits in science.—Two of the three required
 1321 credits must have a laboratory component. A student must earn
 1322 one credit in Biology I and two credits in equally rigorous
 1323 courses. The statewide, standardized Biology I EOC assessment

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1324 | constitutes 30 percent of the student's final course grade. A
 1325 | student who earns an industry certification for which there is a
 1326 | statewide college credit articulation agreement approved by the
 1327 | State Board of Education may substitute the certification for
 1328 | one science credit, except for Biology I. ~~Industry certification~~
 1329 | ~~courses that lead to college credit may substitute for up to one~~
 1330 | ~~science credit.~~

1331 | (f) One credit in physical education.—Physical education
 1332 | must include the integration of health. Participation in an
 1333 | interscholastic sport at the junior varsity or varsity level for
 1334 | two full seasons shall satisfy the one-credit requirement in
 1335 | physical education if the student passes a competency test on
 1336 | personal fitness with a score of "C" or better. The competency
 1337 | test on personal fitness developed by the Department of
 1338 | Education must be used. A district school board may not require
 1339 | that the one credit in physical education be taken during the
 1340 | 9th grade year. Completion of one semester with a grade of "C"
 1341 | or better in a marching band class, in a physical activity class
 1342 | that requires participation in marching band activities as an
 1343 | extracurricular activity, or in a dance class shall satisfy one-
 1344 | half credit in physical education or one-half credit in
 1345 | performing arts. This credit may not be used to satisfy the
 1346 | personal fitness requirement or the requirement for adaptive
 1347 | physical education under an individual education plan (IEP) or
 1348 | 504 plan. Completion of 2 years in a Reserve Officer Training
 1349 | Corps (R.O.T.C.) class, a significant component of which is
 1350 | drills, shall satisfy the one-credit requirement in physical

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1351 education and the one-credit requirement in performing arts.
 1352 This credit may not be used to satisfy the personal fitness
 1353 requirement or the requirement for adaptive physical education
 1354 under an IEP or 504 plan. ~~This requirement is subject to all of~~
 1355 ~~the provisions in s. 1003.428(2)(a)6.~~

1356 (4) ONLINE COURSE REQUIREMENT. ~~Excluding a driver~~
 1357 ~~education course,~~ At least one course within the 24 credits
 1358 required under this section must be completed through online
 1359 learning. Beginning with students entering grade 9 in the 2013-
 1360 2014 school year, the required online course may not be a driver
 1361 education course. A school district may not require a student to
 1362 take the online course outside the school day or in addition to
 1363 a student's courses for a given semester. An online course taken
 1364 in grade 6, grade 7, or grade 8 fulfills this requirement. This
 1365 requirement is met through an online course offered by the
 1366 Florida Virtual School, a virtual education provider approved by
 1367 the State Board of Education, a high school, or an online dual
 1368 enrollment course. A student who is enrolled in a full-time or
 1369 part-time virtual instruction program under s. 1002.45 meets
 1370 this requirement. This requirement does not apply to a student
 1371 who has an individual education plan under s. 1003.57 which
 1372 indicates that an online course would be inappropriate or to an
 1373 out-of-state transfer student who is enrolled in a Florida high
 1374 school and has 1 academic year or less remaining in high school.

1375 (5) REMEDIATION FOR HIGH SCHOOL STUDENTS.-

1376 (a) Each year a student scores Level 1 or Level 2 on the
 1377 statewide, standardized ~~9th~~ grade 9 or ~~10th~~ grade 10 FCAT

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1378 Reading assessment or, when implemented, the 9th grade 9, ~~10th~~
 1379 grade 10, or ~~11th grade 11~~ ELA assessment ~~common core English~~
 1380 ~~Language Arts (ELA) assessments~~, the student must be enrolled in
 1381 and complete an intensive remedial course the following year or
 1382 be placed in a content area course that includes remediation of
 1383 skills not acquired by the student.

1384 (b) Each year a student scores Level 1 or Level 2 on the
 1385 statewide, standardized Algebra I EOC assessment, ~~or upon~~
 1386 ~~transition to the common core Algebra I assessment~~, the student
 1387 must be enrolled in and complete an intensive remedial course
 1388 the following year or be placed in a content area course that
 1389 includes remediation of skills not acquired by the student.

1390 (7) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—

1391 (a) A student who earns a cumulative grade point average
 1392 (GPA) of 2.0 on a 4.0 scale and meets the requirements of this
 1393 section or s. 1002.3105(5) shall be awarded a standard high
 1394 school diploma in a form prescribed by the State Board of
 1395 Education.

1396 (b) An adult student in an adult general education program
 1397 as provided under s. 1004.93 shall be awarded a standard high
 1398 school diploma if the student meets the requirements of this
 1399 section or s. 1002.3105(5), except that:

1400 1. One elective credit may be substituted for the one-
 1401 credit requirement in fine or performing arts, speech and
 1402 debate, or practical arts.

1403 2. The requirement that two of the science credits include
 1404 a laboratory component may be waived by the district school

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1405 board.

1406 3. The one credit in physical education may be substituted
 1407 with an elective credit. Notwithstanding any other law to the
 1408 contrary, all students enrolled in high school as of the 2012-
 1409 2013 school year who earned a passing grade in Biology I or
 1410 geometry before the 2013-2014 school year shall be awarded a
 1411 credit in that course if the student passed the course. The
 1412 student's performance on the EOC assessment is not required to
 1413 constitute 30 percent of the student's final course grade.

1414 (c) A student who earns fails to earn the required 24
 1415 credits, or the required 18 credits under s. 1002.3105(5), but
 1416 fails to pass the assessments required under s. 1008.22(3) or
 1417 achieve a 2.0 GPA shall be awarded a certificate of completion
 1418 in a form prescribed by the State Board of Education. However, a
 1419 student who is otherwise entitled to a certificate of completion
 1420 may elect to remain in high school either as a full-time student
 1421 or a part-time student for up to 1 additional year and receive
 1422 special instruction designed to remedy his or her identified
 1423 deficiencies.

1424 (8) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS.—Beginning
 1425 with the 2012-2013 school year, if a student transfers to a
 1426 Florida public high school from out of country, out of state, a
 1427 private school, or a home education program and the student's
 1428 transcript shows a ~~mathematics~~ credit in Algebra I ~~a course that~~
 1429 ~~requires passage of a statewide, standardized assessment in~~
 1430 ~~order to earn a standard high school diploma,~~ the student must
 1431 pass the statewide, standardized Algebra I EOC assessment in

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1432 order to earn a standard high school diploma unless the student
 1433 earned a comparative score ~~pursuant to s. 1008.22~~, passed a
 1434 statewide assessment in Algebra I ~~that subject~~ administered by
 1435 the transferring entity, or passed the statewide mathematics
 1436 assessment the transferring entity uses to satisfy the
 1437 requirements of the Elementary and Secondary Education Act, 20
 1438 U.S.C. s. 6301. If a student's transcript shows a credit in high
 1439 school reading or English Language Arts II or III, in order to
 1440 earn a standard high school diploma, the student must take and
 1441 pass the statewide, standardized grade 10 ~~FCAT~~ Reading
 1442 assessment or, when implemented, the grade 10 ELA assessment, or
 1443 earn a concordant score ~~on the SAT or ACT as specified by state~~
 1444 ~~board rule or, when the state transitions to common core English~~
 1445 ~~Language Arts assessments, earn a passing score on the English~~
 1446 ~~Language Arts assessment as required under this section. If a~~
 1447 transfer student's transcript shows a final course grade and
 1448 course credit in Algebra I, Geometry, Biology I, or United
 1449 States History, the transferring course final grade and credit
 1450 shall be honored without the student taking the requisite
 1451 statewide, standardized EOC assessment and without the
 1452 assessment results constituting 30 percent of the student's
 1453 final course grade.

1454 (9) CAREER EDUCATION COURSES THAT SATISFY HIGH SCHOOL
 1455 CREDIT REQUIREMENTS.—

1456 (a) Participation in career education courses engages
 1457 students in their high school education, increases academic
 1458 achievement, enhances employability, and increases postsecondary

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1459 success. By July 1, 2014, the department shall develop, for
 1460 approval by the State Board of Education, multiple, additional
 1461 career education courses or a series of courses that meet the
 1462 requirements set forth in s. 1003.493(2), (4), and (5) and this
 1463 subsection and allow students to earn credit in both the career
 1464 education course and courses required for high school graduation
 1465 under this section and s. ~~ss. 1003.428~~ and 1003.4281.

1466 1. The state board must determine if sufficient academic
 1467 standards are covered to warrant the award of academic credit.

1468 2. Career education courses must include workforce and
 1469 digital literacy skills and the integration of required course
 1470 content with practical applications and designated rigorous
 1471 coursework that results in one or more industry certifications
 1472 or clearly articulated credit or advanced standing in a 2-year
 1473 or 4-year certificate or degree program, which may include high
 1474 school junior and senior year work-related internships or
 1475 apprenticeships. The department shall negotiate state licenses
 1476 for material and testing for industry certifications. The
 1477 instructional methodology used in these courses must be
 1478 comprised of authentic projects, problems, and activities for
 1479 contextually learning the academics.

1480 (c) Regional consortium service organizations established
 1481 pursuant to s. 1001.451 shall work with school districts, local
 1482 workforce boards, postsecondary institutions, and local business
 1483 and industry leaders to create career education courses that
 1484 meet the requirements set forth in s. 1003.493(2), (4), and (5)
 1485 and this subsection that students can take to earn required high

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1486 school course credits. The regional consortium shall submit
 1487 course recommendations to the department, on behalf of the
 1488 consortium member districts, for state board approval. A strong
 1489 emphasis should be placed on online coursework, digital
 1490 literacy, and workforce literacy as defined in s. 1004.02(26)
 1491 ~~1004.02(27)~~. For purposes of providing students the opportunity
 1492 to earn industry certifications, consortiums must secure the
 1493 necessary site licenses and testing contracts for use by member
 1494 districts.

1495 (10) COHORT TRANSITION TO NEW GRADUATION REQUIREMENTS.—The
 1496 requirements of this section, in addition to applying to
 1497 students entering grade 9 in the 2013-2014 school year and
 1498 thereafter, shall also apply to students entering grade 9 before
 1499 the 2013-2014 school year, except as otherwise provided in this
 1500 subsection.

1501 (a) A student entering grade 9 before the 2010-2011 school
 1502 year must earn:

1503 1. Four credits in English/ELA. A student must pass the
 1504 statewide, standardized grade 10 Reading assessment, or earn a
 1505 concordant score, in order to graduate with a standard high
 1506 school diploma.

1507 2. Four credits in mathematics, which must include Algebra
 1508 I. A student must pass grade 10 FCAT Mathematics, or earn a
 1509 concordant score, in order to graduate with a standard high
 1510 school diploma. A student who takes Algebra I or Geometry after
 1511 the 2010-2011 school year must take the statewide, standardized
 1512 EOC assessment for the course but is not required to pass the

1513 assessment in order to earn course credit. A student's
 1514 performance on the Algebra I or Geometry EOC assessment is not
 1515 required to constitute 30 percent of the student's final course
 1516 grade. A student who earns an industry certification for which
 1517 there is a statewide college credit articulation agreement
 1518 approved by the State Board of Education may substitute the
 1519 certification for one mathematics credit. Substitution may occur
 1520 for up to two mathematics credits, except for Algebra I.

1521 3. Three credits in science, two of which must have a
 1522 laboratory component. A student who takes Biology I after the
 1523 2010-2011 school year must take the statewide, standardized
 1524 Biology I EOC assessment but is not required to pass the
 1525 assessment in order to earn course credit. A student's
 1526 performance on the assessment is not required to constitute 30
 1527 percent of the student's final course grade. A student who earns
 1528 an industry certification for which there is a statewide college
 1529 credit articulation agreement approved by the State Board of
 1530 Education may substitute the certification for one science
 1531 credit.

1532 4. Three credits in social studies of which one credit in
 1533 World History, one credit in United States History, one-half
 1534 credit in United States Government, and one-half credit in
 1535 economics is required. A student who takes United States History
 1536 after the 2011-2012 school year must take the statewide,
 1537 standardized United States History EOC assessment but the
 1538 student's performance on the assessment is not required to
 1539 constitute 30 percent of the student's final course grade.

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- 1540 5. One credit in fine or performing arts, speech and
 1541 debate, or practical arts as provided in paragraph (3)(e).
- 1542 6. One credit in physical education as provided in
 1543 paragraph (3)(f).
- 1544 7. Eight credits in electives.
- 1545 (b) A student entering grade 9 in the 2010-2011 school
 1546 year must earn:
- 1547 1. Four credits in English/ELA. A student must pass the
 1548 statewide, standardized grade 10 Reading assessment, or earn a
 1549 concordant score, in order to graduate with a standard high
 1550 school diploma.
- 1551 2. Four credits in mathematics, which must include Algebra
 1552 I and Geometry. The statewide, standardized Algebra I EOC
 1553 assessment constitutes 30 percent of the student's final course
 1554 grade. A student who takes Algebra I or Geometry after the 2010-
 1555 2011 school year must take the statewide, standardized EOC
 1556 assessment for the course but is not required to pass the
 1557 assessment in order to earn course credit. A student's
 1558 performance on the Geometry EOC assessment is not required to
 1559 constitute 30 percent of the student's final course grade. A
 1560 student who earns an industry certification for which there is a
 1561 statewide college credit articulation agreement approved by the
 1562 State Board of Education may substitute the certification for
 1563 one mathematics credit. Substitution may occur for up to two
 1564 mathematics credits, except for Algebra I and Geometry.
- 1565 3. Three credits in science, two of which must have a
 1566 laboratory component. A student who takes Biology I after the

1567 2010-2011 school year must take the statewide, standardized
 1568 Biology I EOC assessment but is not required to pass the
 1569 assessment in order to earn course credit. A student's
 1570 performance on the assessment is not required to constitute 30
 1571 percent of the student's final course grade. A student who earns
 1572 an industry certification for which there is a statewide college
 1573 credit articulation agreement approved by the State Board of
 1574 Education may substitute the certification for one science
 1575 credit, except for Biology I.

1576 4. Three credits in social studies of which one credit in
 1577 World History, one credit in United States History, one-half
 1578 credit in United States Government, and one-half credit in
 1579 economics is required. A student who takes United States History
 1580 after the 2011-2012 school year must take the statewide,
 1581 standardized United States History EOC assessment but the
 1582 student's performance on the assessment is not required to
 1583 constitute 30 percent of the student's final course grade.

1584 5. One credit in fine or performing arts, speech and
 1585 debate, or practical arts as provided in paragraph (3)(e).

1586 6. One credit in physical education as provided in
 1587 paragraph (3)(f).

1588 7. Eight credits in electives.

1589 (c) A student entering grade 9 in the 2011-2012 school
 1590 year must earn:

1591 1. Four credits in English/ELA. A student must pass the
 1592 statewide, standardized grade 10 Reading assessment, or earn a
 1593 concordant score, in order to graduate with a standard high

1594 school diploma.

1595 2. Four credits in mathematics, which must include Algebra
 1596 I and Geometry. A student who takes Algebra I after the 2010-
 1597 2011 school year must pass the statewide, standardized Algebra I
 1598 EOC assessment, or earn a comparative score, in order to earn a
 1599 standard high school diploma. A student who takes Algebra I or
 1600 Geometry after the 2010-2011 school year must take the
 1601 statewide, standardized EOC assessment but is not required to
 1602 pass the Algebra I or Geometry EOC assessment in order to earn
 1603 course credit. A student's performance on the Algebra I or
 1604 Geometry EOC assessment is not required to constitute 30 percent
 1605 of the student's final course grade. A student who earns an
 1606 industry certification for which there is a statewide college
 1607 credit articulation agreement approved by the State Board of
 1608 Education may substitute the certification for one mathematics
 1609 credit. Substitution may occur for up to two mathematics
 1610 credits, except for Algebra I and Geometry.

1611 3. Three credits in science, two of which must have a
 1612 laboratory component. One of the science credits must be Biology
 1613 I. A student who takes Biology I after the 2010-2011 school year
 1614 must take the statewide, standardized Biology I EOC assessment
 1615 but is not required to pass the assessment in order to earn
 1616 course credit. A student's performance on the assessment is not
 1617 required to constitute 30 percent of the student's final course
 1618 grade. A student who earns an industry certification for which
 1619 there is a statewide college credit articulation agreement
 1620 approved by the State Board of Education may substitute the

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1621 certification for one science credit, except for Biology I.
 1622 4. Three credits in social studies of which one credit in
 1623 World History, one credit in United States History, one-half
 1624 credit in United States Government, and one-half credit in
 1625 economics is required. A student who takes United States History
 1626 after the 2011-2012 school year student must take the statewide,
 1627 standardized United States History EOC assessment but the
 1628 student's performance on the assessment is not required to
 1629 constitute 30 percent of the student's final course grade.
 1630 5. One credit in fine or performing arts, speech and
 1631 debate, or practical arts as provided in paragraph (3)(e).
 1632 6. One credit in physical education as provided in
 1633 paragraph (3)(f).
 1634 7. Eight credits in electives.
 1635 8. One online course as provided in subsection (4).
 1636 (d) A student entering grade 9 in the 2012-2013 school
 1637 year must earn:
 1638 1. Four credits in English/ELA. A student must pass the
 1639 statewide, standardized grade 10 Reading assessment, or earn a
 1640 concordant score, in order to graduate with a standard high
 1641 school diploma.
 1642 2. Four credits in mathematics, which must include Algebra
 1643 I and Geometry. A student who takes Algebra I after the 2010-
 1644 2011 school year must pass the statewide, standardized Algebra I
 1645 EOC assessment, or earn a comparative score, in order to earn a
 1646 standard high school diploma. A student who takes Geometry after
 1647 the 2010-2011 school year must take the statewide, standardized

1648 Geometry EOC assessment. A student is not required to pass the
 1649 statewide, standardized EOC assessment in Algebra I or Geometry
 1650 in order to earn course credit. A student's performance on the
 1651 Algebra I or Geometry EOC assessment is not required to
 1652 constitute 30 percent of the student's final course grade. A
 1653 student who earns an industry certification for which there is a
 1654 statewide college credit articulation agreement approved by the
 1655 State Board of Education may substitute the certification for
 1656 one mathematics credit. Substitution may occur for up to two
 1657 mathematics credits, except for Algebra I and Geometry.

1658 3. Three credits in science, two of which must have a
 1659 laboratory component. One of the science credits must be Biology
 1660 I. A student who takes Biology I after the 2010-2011 school year
 1661 must take the statewide, standardized Biology I EOC assessment
 1662 but is not required to pass the assessment to earn course
 1663 credit. A student's performance on the assessment is not
 1664 required to constitute 30 percent of the student's final course
 1665 grade. A student who earns an industry certification for which
 1666 there is a statewide college credit articulation agreement
 1667 approved by the State Board of Education may substitute the
 1668 certification for one science credit, except for Biology I.

1669 4. Three credits in social studies of which one credit in
 1670 World History, one credit in United States History, one-half
 1671 credit in United States Government, and one-half credit in
 1672 economics is required. The statewide, standardized United States
 1673 History EOC assessment constitutes 30 percent of the student's
 1674 final course grade.

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1675 5. One credit in fine or performing arts, speech and
 1676 debate, or practical arts as provided in paragraph (3)(e).
 1677 6. One credit in physical education as provided in
 1678 paragraph (3)(f).
 1679 7. Eight credits in electives.
 1680 8. One online course as provided in subsection (4).
 1681 (e) Policy adopted in rule by the district school board
 1682 may require for any cohort of students that performance on a
 1683 statewide, standardized EOC assessment constitute 30 percent of
 1684 a student's final course grade.
 1685 (f) This subsection is repealed July 1, 2020.
 1686 Section 43. Subsection (1) of section 1003.4285, Florida
 1687 Statutes, is amended to read:
 1688 1003.4285 Standard high school diploma designations.—
 1689 (1) Each standard high school diploma shall include, as
 1690 applicable, the following designations if the student meets the
 1691 criteria set forth for the designation:
 1692 (a) Scholar designation.—In addition to the requirements
 1693 of s. ss. 1003.428 and 1003.4282, as applicable, in order to
 1694 earn the Scholar designation, a student must satisfy the
 1695 following requirements:
 1696 1. English Language Arts (ELA).—When implemented ~~the state~~
 1697 ~~transitions to common core assessments,~~ pass the statewide,
 1698 standardized 11th grade 11 ELA ~~common core~~ assessment.
 1699 2. Mathematics.—Earn one credit in Algebra II and one
 1700 credit in statistics or an equally rigorous course. When
 1701 implemented ~~the state transitions to common core assessments,~~

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1702 students must pass the statewide, standardized Algebra II ~~common~~
 1703 ~~core~~ assessment. Beginning with students entering grade 9 in the
 1704 2014-2015 school year, a student must also pass the statewide,
 1705 standardized Geometry end-of-course (EOC) assessment.

1706 3. Science.—Pass the statewide, standardized Biology I EOC
 1707 ~~end-of-course~~ assessment and earn one credit in chemistry or
 1708 physics and one credit in a course equally rigorous to chemistry
 1709 or physics. However, a student enrolled in an Advanced Placement
 1710 (AP), International Baccalaureate (IB), or Advanced
 1711 International Certificate of Education (AICE) Biology course who
 1712 takes the respective AP, IB, or AICE Biology assessment and
 1713 earns the minimum score necessary to earn college credit as
 1714 identified pursuant to s. 1007.27(2) meets the requirement of
 1715 this subparagraph without having to take the statewide,
 1716 standardized Biology I EOC assessment.

1717 4. Social studies.—Pass the statewide, standardized United
 1718 States History EOC ~~end-of-course~~ assessment. However, a student
 1719 enrolled in an AP, IB, or AICE course that includes United
 1720 States History topics who takes the respective AP, IB, or AICE
 1721 assessment and earns the minimum score necessary to earn college
 1722 credit as identified pursuant to s. 1007.27(2) meets the
 1723 requirement of this subparagraph without having to take the
 1724 statewide, standardized United States History EOC assessment.

1725 5. Foreign language.—Earn two credits in the same foreign
 1726 language.

1727 6. Electives.—Earn at least one credit in an Advanced
 1728 Placement, an International Baccalaureate, an Advanced

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1729 International Certificate of Education, or a dual enrollment
1730 course.

1731 (b) Merit designation.—In addition to the requirements of
1732 ~~s. ss. 1003.428~~ and 1003.4282, ~~as applicable,~~ in order to earn
1733 the Merit designation, a student must attain one or more
1734 industry certifications from the list established under s.
1735 1003.492.

1736 Section 44. Section 1003.438, Florida Statutes, is amended
1737 to read:

1738 1003.438 Special high school graduation requirements for
1739 certain exceptional students.—A student who has been identified,
1740 in accordance with rules established by the State Board of
1741 Education, as a student with disabilities who has an
1742 intellectual disability; an autism spectrum disorder; a language
1743 impairment; an orthopedic impairment; an other health
1744 impairment; a traumatic brain injury; an emotional or behavioral
1745 disability; a specific learning disability, including, but not
1746 limited to, dyslexia, dyscalculia, or developmental aphasia; or
1747 students who are deaf or hard of hearing or dual sensory
1748 impaired shall not be required to meet all requirements of s.
1749 1002.3105(5), s. 1003.4281, ~~1003.428~~ or s. 1003.4282 and shall,
1750 upon meeting all applicable requirements prescribed by the
1751 district school board pursuant to s. 1008.25, be awarded a
1752 special diploma in a form prescribed by the commissioner;
1753 however, such special graduation requirements prescribed by the
1754 district school board must include minimum graduation
1755 requirements as prescribed by the commissioner. Any such student

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1756 who meets all special requirements of the district school board,
 1757 but is unable to meet the appropriate special state minimum
 1758 requirements, shall be awarded a special certificate of
 1759 completion in a form prescribed by the commissioner. However,
 1760 this section does not limit or restrict the right of an
 1761 exceptional student solely to a special diploma or special
 1762 certificate of completion. Any such student shall, upon proper
 1763 request, be afforded the opportunity to fully meet all
 1764 requirements of s. 1002.3105(5), s. 1003.4281, ~~1003.428~~ or s.
 1765 1003.4282 through the standard procedures established therein
 1766 and thereby to qualify for a standard diploma upon graduation.

1767 Section 45. Subsection (5) of section 1003.451, Florida
 1768 Statutes, is repealed.

1769 Section 46. Subsection (1) of section 1003.49, Florida
 1770 Statutes, is amended to read:

1771 1003.49 Graduation and promotion requirements for publicly
 1772 operated schools.-

1773 (1) Each state or local public agency, including the
 1774 Department of Children and Family Services, the Department of
 1775 Corrections, the boards of trustees of universities and Florida
 1776 College System institutions, and the Board of Trustees of the
 1777 Florida School for the Deaf and the Blind, which agency is
 1778 authorized to operate educational programs for students at any
 1779 level of grades kindergarten through 12, shall be subject to all
 1780 applicable requirements of ss. 1002.3105(5), 1003.4281,
 1781 1003.4282 ~~1003.428~~, ~~1003.429~~, 1008.23, and 1008.25. Within the
 1782 content of these cited statutes each such state or local public

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1783 agency or entity shall be considered a "district school board."

1784 Section 47. Paragraph (e) of subsection (4) of section
1785 1003.493, Florida Statutes, is amended to read:

1786 1003.493 Career and professional academies and career-
1787 themed courses.—

1788 (4) Each career and professional academy and secondary
1789 school providing a career-themed course must:

1790 (e) Deliver academic content through instruction relevant
1791 to the career, including intensive reading and mathematics
1792 intervention required by s. 1003.4282 ~~1003.428~~, with an emphasis
1793 on strengthening reading for information skills.

1794 Section 48. Paragraph (c) of subsection (2) of section
1795 1003.4935, Florida Statutes, is amended to read:

1796 1003.4935 Middle grades career and professional academy
1797 courses and career-themed courses.—

1798 (2) Each middle grades career and professional academy or
1799 career-themed course must be aligned with at least one high
1800 school career and professional academy or career-themed course
1801 offered in the district and maintain partnerships with local
1802 business and industry and economic development boards. Middle
1803 grades career and professional academies and career-themed
1804 courses must:

1805 (c) Integrate career and professional academy or career-
1806 themed course content with intensive reading, English Language
1807 Arts, and mathematics pursuant to s. ~~ss. 1003.428~~ and 1003.4282;

1808 Section 49. Paragraph (a) of subsection (1) of section
1809 1003.57, Florida Statutes, is amended to read:

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1810 1003.57 Exceptional students instruction.—

1811 (1)(a) For purposes of providing exceptional student
 1812 instruction under this section:

1813 1. A school district shall use the following terms to
 1814 describe the instructional setting for a student with a
 1815 disability, 6 through 21 years of age, who is not educated in a
 1816 setting accessible to all children who are together at all
 1817 times:

1818 a. "Exceptional student education center" or "special day
 1819 school" means a separate public school to which nondisabled
 1820 peers do not have access.

1821 b. "Other separate environment" means a separate private
 1822 school, residential facility, or hospital or homebound program.

1823 c. "Regular class" means a class in which a student spends
 1824 80 percent or more of the school week with nondisabled peers.

1825 d. "Resource room" means a classroom in which a student
 1826 spends between 40 percent to 80 percent of the school week with
 1827 nondisabled peers.

1828 e. "Separate class" means a class in which a student
 1829 spends less than 40 percent of the school week with nondisabled
 1830 peers.

1831 2. A school district shall use the term "inclusion" to
 1832 mean that a student is receiving education in a general
 1833 education regular class setting, reflecting natural proportions
 1834 and age-appropriate heterogeneous groups in core academic and
 1835 elective or special areas within the school community; a student
 1836 with a disability is a valued member of the classroom and school

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1837 community; the teachers and administrators support universal
 1838 education and have knowledge and support available to enable
 1839 them to effectively teach all children; and a teacher ~~student~~ is
 1840 provided access to technical assistance in best practices,
 1841 instructional methods, and supports tailored to the student's
 1842 needs based on current research.

1843 Section 50. Paragraph (a) of subsection (1) of section
 1844 1003.621, Florida Statutes, is amended to read:

1845 1003.621 Academically high-performing school districts.—It
 1846 is the intent of the Legislature to recognize and reward school
 1847 districts that demonstrate the ability to consistently maintain
 1848 or improve their high-performing status. The purpose of this
 1849 section is to provide high-performing school districts with
 1850 flexibility in meeting the specific requirements in statute and
 1851 rules of the State Board of Education.

1852 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.—

1853 (a) A school district is an academically high-performing
 1854 school district if it meets the following criteria:

1855 1.a. ~~Beginning with the 2004-2005 school year,~~ Earns a
 1856 grade of "A" under s. 1008.34(7) for 2 consecutive years; and

1857 b. Has no district-operated school that earns a grade of
 1858 "F" under s. 1008.34;

1859 2. Complies with all class size requirements in s. 1, Art.
 1860 IX of the State Constitution and s. 1003.03; and

1861 3. Has no material weaknesses or instances of material
 1862 noncompliance noted in the annual financial audit conducted
 1863 pursuant to s. 11.45 or s. 218.39.

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1864
 1865 However, a district in which a district-operated school earns a
 1866 grade of "F" under s. 1008.34 during the 3-year period may not
 1867 continue to be designated as an academically high-performing
 1868 school district during the remainder of that 3-year period. The
 1869 district must meet the criteria in paragraph (a) in order to be
 1870 redesignated as an academically high-performing school district.

1871 Section 51. Subsection (4) of section 1004.02, Florida
 1872 Statutes, is repealed.

1873 Section 52. Section 1004.0961, Florida Statutes, is
 1874 amended to read:

1875 1004.0961 Credit for online courses.—Beginning in the
 1876 2015-2016 school year, the State Board of Education shall adopt
 1877 rules and the Board of Governors shall adopt regulations ~~rules~~
 1878 that enable students to earn academic credit for online courses,
 1879 including massive open online courses, before ~~prior to~~ initial
 1880 enrollment at a postsecondary institution. The rules of the
 1881 State Board of Education and regulations ~~rules~~ of the Board of
 1882 Governors must include procedures for credential evaluation and
 1883 the award of credit, including, but not limited to,
 1884 recommendations for credit by the American Council on Education;
 1885 equivalency and alignment of coursework with appropriate
 1886 courses; course descriptions; type and amount of credit that may
 1887 be awarded; and transfer of credit.

1888 Section 53. Section 1004.3825, Florida Statutes, is
 1889 repealed.

1890 Section 54. Section 1004.387, Florida Statutes, is

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1891 repealed.

1892 Section 55. Subsection (2) of section 1004.445, Florida
 1893 Statutes, is repealed.

1894 Section 56. Section 1004.75, Florida Statutes, is
 1895 repealed.

1896 Section 57. Paragraph (c) of subsection (1) of section
 1897 1004.935, Florida Statutes, is amended to read:

1898 1004.935 Adults with Disabilities Workforce Education
 1899 Pilot Program.—

1900 (1) The Adults with Disabilities Workforce Education Pilot
 1901 Program is established in the Department of Education for 2
 1902 years in Hardee, DeSoto, Manatee, and Sarasota Counties to
 1903 provide the option of receiving a scholarship for instruction at
 1904 private schools for up to 30 students who:

1905 (c) Are receiving instruction from an instructor in a
 1906 private school to meet the high school graduation requirements
 1907 in s. 1002.3105(5) ~~1003.428~~ or s. 1003.4282;

1908
 1909 As used in this section, the term "student with a disability"
 1910 includes a student who is documented as having an intellectual
 1911 disability; a speech impairment; a language impairment; a
 1912 hearing impairment, including deafness; a visual impairment,
 1913 including blindness; a dual sensory impairment; an orthopedic
 1914 impairment; another health impairment; an emotional or
 1915 behavioral disability; a specific learning disability,
 1916 including, but not limited to, dyslexia, dyscalculia, or
 1917 developmental aphasia; a traumatic brain injury; a developmental

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1918 delay; or autism spectrum disorder.

1919 Section 58. Section 1006.141, Florida Statutes, is
 1920 repealed.

1921 Section 59. Subsections (4), (5), and (8) of section
 1922 1006.147, Florida Statutes, are amended to read:

1923 1006.147 Bullying and harassment prohibited.-

1924 (4) ~~By December 1, 2008,~~ Each school district shall adopt
 1925 a policy prohibiting bullying and harassment of a ~~any~~ student or
 1926 employee of a public K-12 educational institution. Each school
 1927 district's policy shall be in substantial conformity with the
 1928 Department of Education's model policy ~~mandated in subsection~~
 1929 ~~(5)~~. The school district bullying and harassment policy shall
 1930 afford all students the same protection regardless of their
 1931 status under the law. The school district may establish separate
 1932 discrimination policies that include categories of students. The
 1933 school district shall involve students, parents, teachers,
 1934 administrators, school staff, school volunteers, community
 1935 representatives, and local law enforcement agencies in the
 1936 process of adopting the policy. The school district policy must
 1937 be implemented in a manner that is ongoing throughout the school
 1938 year and integrated with a school's curriculum, a school's
 1939 discipline policies, and other violence prevention efforts. The
 1940 school district policy must contain, at a minimum, the following
 1941 components:

1942 (a) A statement prohibiting bullying and harassment.

1943 (b) A definition of bullying and a definition of
 1944 harassment that include the definitions listed in this section.

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1945 (c) A description of the type of behavior expected from
 1946 each student and employee of a public K-12 educational
 1947 institution.

1948 (d) The consequences for a student or employee of a public
 1949 K-12 educational institution who commits an act of bullying or
 1950 harassment.

1951 (e) The consequences for a student or employee of a public
 1952 K-12 educational institution who is found to have wrongfully and
 1953 intentionally accused another of an act of bullying or
 1954 harassment.

1955 (f) A procedure for reporting an act of bullying or
 1956 harassment, including provisions that permit a person to
 1957 anonymously report such an act. However, this paragraph does not
 1958 permit formal disciplinary action to be based solely on an
 1959 anonymous report.

1960 (g) A procedure for the prompt investigation of a report
 1961 of bullying or harassment and the persons responsible for the
 1962 investigation. The investigation of a reported act of bullying
 1963 or harassment is deemed to be a school-related activity and
 1964 begins with a report of such an act. Incidents that require a
 1965 reasonable investigation when reported to appropriate school
 1966 authorities shall include alleged incidents of bullying or
 1967 harassment allegedly committed against a child while the child
 1968 is en route to school aboard a school bus or at a school bus
 1969 stop.

1970 (h) A process to investigate whether a reported act of
 1971 bullying or harassment is within the scope of the district

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1972 school system and, if not, a process for referral of such an act
 1973 to the appropriate jurisdiction. Computers without web-filtering
 1974 software or computers with web-filtering software that is
 1975 disabled shall be used when complaints of cyberbullying are
 1976 investigated.

1977 (i) A procedure for providing immediate notification to
 1978 the parents of a victim of bullying or harassment and the
 1979 parents of the perpetrator of an act of bullying or harassment,
 1980 as well as notification to all local agencies where criminal
 1981 charges may be pursued against the perpetrator.

1982 (j) A procedure to refer victims and perpetrators of
 1983 bullying or harassment for counseling.

1984 (k) A procedure for including incidents of bullying or
 1985 harassment in the school's report of data concerning school
 1986 safety and discipline required under s. 1006.09(6). The report
 1987 must include each incident of bullying or harassment and the
 1988 resulting consequences, including discipline and referrals. The
 1989 report must include in a separate section each reported incident
 1990 of bullying or harassment that does not meet the criteria of a
 1991 prohibited act under this section with recommendations regarding
 1992 such incidents. The Department of Education shall aggregate
 1993 information contained in the reports.

1994 (l) A procedure for providing instruction to students,
 1995 parents, teachers, school administrators, counseling staff, and
 1996 school volunteers on identifying, preventing, and responding to
 1997 bullying or harassment, including instruction on recognizing
 1998 behaviors that lead to bullying and harassment and taking

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1999 appropriate preventive action based on those observations.

2000 (m) A procedure for regularly reporting to a victim's
2001 parents the actions taken to protect the victim.

2002 (n) A procedure for publicizing the policy, which must
2003 include its publication in the code of student conduct required
2004 under s. 1006.07(2) and in all employee handbooks.

2005 ~~(5) To assist school districts in developing policies~~
2006 ~~prohibiting bullying and harassment, the Department of Education~~
2007 ~~shall develop a model policy that shall be provided to school~~
2008 ~~districts no later than October 1, 2008.~~

2009 ~~(7)(8) Distribution of safe schools funds to a school~~
2010 ~~district provided in the 2009-2010 General Appropriations Act is~~
2011 ~~contingent upon and payable to the school district upon the~~
2012 ~~Department of Education's approval of the school district's~~
2013 ~~bullying and harassment policy. The department's approval of~~
2014 ~~each school district's bullying and harassment policy shall be~~
2015 ~~granted upon certification by the department that the school~~
2016 ~~district's policy has been submitted to the department and is in~~
2017 ~~substantial conformity with the department's model bullying and~~
2018 ~~harassment policy as mandated in subsection (5).~~ Distribution of
2019 safe schools funds provided to a school district ~~in fiscal year~~
2020 ~~2010-2011 and thereafter~~ shall be contingent upon and payable to
2021 the school district upon the school district's compliance with
2022 all reporting procedures contained in this section.

2023 Section 60. Subsection (2) of section 1006.148, Florida
2024 Statutes, is repealed.

2025 Section 61. Paragraph (a) of subsection (3) of section

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2026 1006.15, Florida Statutes, is amended to read:

2027 1006.15 Student standards for participation in
 2028 interscholastic and intrascholastic extracurricular student
 2029 activities; regulation.—

2030 (3)(a) To be eligible to participate in interscholastic
 2031 extracurricular student activities, a student must:

2032 1. Maintain a grade point average of 2.0 or above on a 4.0
 2033 scale, or its equivalent, in the previous semester or a
 2034 cumulative grade point average of 2.0 or above on a 4.0 scale,
 2035 or its equivalent, in the courses required by s. 1002.3105(5)
 2036 ~~1003.428~~ or s. 1003.4282 ~~1003.429~~.

2037 2. Execute and fulfill the requirements of an academic
 2038 performance contract between the student, the district school
 2039 board, the appropriate governing association, and the student's
 2040 parents, if the student's cumulative grade point average falls
 2041 below 2.0, or its equivalent, on a 4.0 scale in the courses
 2042 required by s. 1002.3105(5) ~~1003.428~~ or s. 1003.4282 ~~1003.429~~.
 2043 At a minimum, the contract must require that the student attend
 2044 summer school, or its graded equivalent, between grades 9 and 10
 2045 or grades 10 and 11, as necessary.

2046 3. Have a cumulative grade point average of 2.0 or above
 2047 on a 4.0 scale, or its equivalent, in the courses required by s.
 2048 1002.3105(5) ~~1003.428~~ or s. 1003.4282 ~~1003.429~~ during his or her
 2049 junior or senior year.

2050 4. Maintain satisfactory conduct, including adherence to
 2051 appropriate dress and other codes of student conduct policies
 2052 described in s. 1006.07(2). If a student is convicted of, or is

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2053 found to have committed, a felony or a delinquent act that would
 2054 have been a felony if committed by an adult, regardless of
 2055 whether adjudication is withheld, the student's participation in
 2056 interscholastic extracurricular activities is contingent upon
 2057 established and published district school board policy.

2058 Section 62. Subsection (1) and paragraph (a) of subsection
 2059 (2) of section 1006.28, Florida Statutes, are amended to read:

2060 1006.28 Duties of district school board, district school
 2061 superintendent; and school principal regarding K-12
 2062 instructional materials.—

2063 (1) DISTRICT SCHOOL BOARD.—The district school board has
 2064 the duty to provide adequate instructional materials for all
 2065 students in accordance with the requirements of this part. The
 2066 term "adequate instructional materials" means a sufficient
 2067 number of student or site licenses or sets of materials that are
 2068 available in bound, unbound, kit, or package form and may
 2069 consist of hardbacked or softbacked textbooks, electronic
 2070 content, consumables, learning laboratories, manipulatives,
 2071 electronic media, and computer courseware or software that serve
 2072 as the basis for instruction for each student in the core
 2073 subject areas ~~courses~~ of mathematics, language arts, social
 2074 studies, science, reading, and literature. The district school
 2075 board has the following specific duties:

2076 (a) Courses of study; adoption.—Adopt courses of study for
 2077 use in the schools of the district.

2078 (b) Instructional materials.—Provide for proper
 2079 requisitioning, distribution, accounting, storage, care, and use

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2080 of all instructional materials and furnish such other
 2081 instructional materials as may be needed. ~~The district school~~
 2082 ~~board shall ensure that~~ Instructional materials used must be in
 2083 ~~the district are~~ consistent with the district goals and
 2084 objectives and the course descriptions established in rule of
 2085 the State Board of Education, as well as with the applicable
 2086 Next Generation Sunshine State and district performance
 2087 Standards provided for in s. 1003.41 ~~1001.03(1)~~.

2088 (c) Other instructional materials.—Provide such other
 2089 teaching accessories and aids as are needed for the school
 2090 district's educational program.

2091 (d) School library media services; establishment and
 2092 maintenance.—Establish and maintain a program of school library
 2093 media services for all public schools in the district, including
 2094 school library media centers, or school library media centers
 2095 open to the public, and, in addition such traveling or
 2096 circulating libraries as may be needed for the proper operation
 2097 of the district school system.

2098 (2) DISTRICT SCHOOL SUPERINTENDENT.—

2099 (a) The district school superintendent has the duty to
 2100 recommend such plans for improving, providing, distributing,
 2101 accounting for, and caring for instructional materials and other
 2102 instructional aids as will result in general improvement of the
 2103 district school system, as prescribed in this part, in
 2104 accordance with adopted district school board rules prescribing
 2105 the duties and responsibilities of the district school
 2106 superintendent regarding the requisition, purchase, receipt,

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2107 storage, distribution, use, conservation, records, and reports
 2108 of, and management practices and property accountability
 2109 concerning, instructional materials, and providing for an
 2110 evaluation of any instructional materials to be requisitioned
 2111 that have not been used previously in the district's schools.
 2112 The district school superintendent must keep adequate records
 2113 and accounts for all financial transactions for funds collected
 2114 pursuant to subsection (3), ~~as a component of the educational~~
 2115 ~~service delivery scope in a school district best financial~~
 2116 ~~management practices review under s. 1008.35.~~

2117 Section 63. Subsection (2) of section 1006.31, Florida
 2118 Statutes, is amended to read:

2119 1006.31 Duties of the Department of Education and school
 2120 district instructional materials reviewer.—The duties of the
 2121 instructional materials reviewer are:

2122 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use evaluate
 2123 ~~carefully all instructional materials submitted, in order to~~
 2124 ~~ascertain which instructional materials, if any, submitted for~~
 2125 ~~consideration implement~~ the selection criteria listed in s.
 2126 1006.34(2)(b) developed by the department and recommend for
 2127 adoption only those instructional materials aligned with the
 2128 Next Generation Sunshine State those curricular objectives
 2129 ~~included within applicable performance Standards provided for in~~
 2130 s. 1003.41 ~~1001.03(1)~~.

2131 (a) When recommending instructional materials for use in
 2132 the schools, each reviewer shall include only instructional
 2133 materials that accurately portray the ethnic, socioeconomic,

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2134 cultural, and racial diversity of our society, including men and
 2135 women in professional, career, and executive roles, and the role
 2136 and contributions of the entrepreneur and labor in the total
 2137 development of this state and the United States.

2138 (b) When recommending instructional materials for use in
 2139 the schools, each reviewer shall include only materials that
 2140 accurately portray, whenever appropriate, humankind's place in
 2141 ecological systems, including the necessity for the protection
 2142 of our environment and conservation of our natural resources and
 2143 the effects on the human system of the use of tobacco, alcohol,
 2144 controlled substances, and other dangerous substances.

2145 (c) When recommending instructional materials for use in
 2146 the schools, each reviewer shall require such materials as he or
 2147 she deems necessary and proper to encourage thrift, fire
 2148 prevention, and humane treatment of people and animals.

2149 (d) When recommending instructional materials for use in
 2150 the schools, each reviewer shall require, when appropriate to
 2151 the comprehension of students, that materials for social
 2152 science, history, or civics classes contain the Declaration of
 2153 Independence and the Constitution of the United States. A
 2154 reviewer may not recommend any instructional materials for use
 2155 in the schools which contain any matter reflecting unfairly upon
 2156 persons because of their race, color, creed, national origin,
 2157 ancestry, gender, or occupation.

2158 (e) Any instructional material recommended by each
 2159 reviewer for use in the schools shall be, to the satisfaction of
 2160 each reviewer, accurate, objective, and current and suited to

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2161 the needs and comprehension of students at their respective
 2162 grade levels. Reviewers shall consider for adoption materials
 2163 developed for academically talented students such as those
 2164 enrolled in advanced placement courses.

2165 Section 64. Paragraph (b) of subsection (2) of section
 2166 1006.34, Florida Statutes, is amended to read:

2167 1006.34 Powers and duties of the commissioner and the
 2168 department in selecting and adopting instructional materials.—

2169 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—

2170 (b) In the selection of instructional materials, library
 2171 media, and other reading material used in the public school
 2172 system, the standards used to determine the propriety of the
 2173 material shall include:

2174 1. The age of the students who normally could be expected
 2175 to have access to the material.

2176 2. The educational purpose to be served by the material.
 2177 ~~In considering instructional materials for classroom use,~~
 2178 Priority shall be given to the selection of materials that align
 2179 with the Next Generation Sunshine State Standards as provided
 2180 for in s. 1003.41 which encompass the state and district school
 2181 ~~board performance standards provided for in s. 1001.03(1) and~~
 2182 ~~which~~ include the instructional objectives contained within the
 2183 curriculum frameworks for career and technical education and
 2184 adult and adult general education adopted ~~approved~~ by rule of
 2185 the State Board of Education under s. 1004.92.

2186 3. The degree to which the material would be supplemented
 2187 and explained by mature classroom instruction as part of a

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2188 normal classroom instructional program.

2189 4. The consideration of the broad racial, ethnic,
 2190 socioeconomic, and cultural diversity of the students of this
 2191 state.

2192
 2193 Any instructional material containing pornography or otherwise
 2194 prohibited by s. 847.012 may not be used or made available
 2195 within any public school.

2196 Section 65. Subsection (2) and paragraph (a) of subsection
 2197 (3) of section 1006.40, Florida Statutes, are amended, and
 2198 subsection (8) is added to that section, to read:

2199 1006.40 Use of instructional materials allocation;
 2200 instructional materials, library books, and reference books;
 2201 repair of books.-

2202 (2) Each district school board must purchase current
 2203 instructional materials to provide each student with a major
 2204 tool of instruction in core courses of the subject areas of
 2205 mathematics, language arts, science, social studies, reading,
 2206 and literature for kindergarten through grade 12. Such purchase
 2207 must be made within the first 3 years after the effective date
 2208 of the adoption cycle unless a district school board or a
 2209 consortium of school districts has implemented an instructional
 2210 materials program pursuant to s. 1006.283. For the 2012-2013
 2211 ~~mathematics adoption, a district using a comprehensive~~
 2212 ~~mathematics instructional materials program adopted in the 2009-~~
 2213 ~~2010 adoption shall be deemed in compliance with this subsection~~
 2214 ~~if it provides each student with such additional state-adopted~~

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2215 ~~materials as may be necessary to align the previously adopted~~
 2216 ~~comprehensive program to common core standards and the other~~
 2217 ~~criteria of the 2012-2013 mathematics adoption.~~

2218 (3) (a) Beginning with ~~By~~ the 2015-2016 fiscal year, each
 2219 district school board shall use at least 50 percent of the
 2220 annual allocation for the purchase of digital or electronic
 2221 instructional materials that align with state standards included
 2222 on the state-adopted list, except as otherwise authorized in
 2223 paragraphs (b) and (c). ~~This section does not apply to a~~
 2224 ~~district school board or a consortium of school districts which~~
 2225 ~~implements an instructional materials program pursuant to s.~~
 2226 ~~1006.283, except that by the 2015-2016 fiscal year, each~~
 2227 ~~district school board shall use at least 50 percent of the~~
 2228 ~~annual allocation for the purchase of digital or electronic~~
 2229 ~~instructional materials that align with state standards.~~

2230 (8) Subsections (3), (4), and (6) do not apply to a
 2231 district school board or a consortium of school districts that
 2232 implements an instructional materials program pursuant to s.
 2233 1006.283 except that, by the 2015-2016 fiscal year, each
 2234 district school board shall use at least 50 percent of the
 2235 annual instructional materials allocation for the purchase of
 2236 digital or electronic instructional materials that align with
 2237 state standards adopted by the State Board of Education pursuant
 2238 to s. 1003.41.

2239 Section 66. Section 1006.42, Florida Statutes, is amended
 2240 to read:

2241 1006.42 Responsibility of students and parents for

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2242 instructional materials.-

2243 ~~(1)~~ All instructional materials purchased under the
 2244 provisions of this part are the property of the district school
 2245 board. When distributed to the students, these instructional
 2246 materials are on loan to the students while they are pursuing
 2247 their courses of study and are to be returned at the direction
 2248 of the school principal or the teacher in charge. Each parent of
 2249 a student to whom or for whom instructional materials have been
 2250 issued, is liable for any loss or destruction of, or unnecessary
 2251 damage to, the instructional materials or for failure of the
 2252 student to return the instructional materials when directed by
 2253 the school principal or the teacher in charge, and shall pay for
 2254 such loss, destruction, or unnecessary damage as provided under
 2255 s. 1006.28(3) ~~by law.~~

2256 ~~(2) Nothing in this part shall be construed to prohibit~~
 2257 ~~parents from exercising their right to purchase instructional~~
 2258 ~~materials from the district school board.~~

2259 Section 67. Section 1007.02, Florida Statutes, is amended
 2260 to read:

2261 1007.02 ~~Access to postsecondary education and meaningful~~
 2262 ~~careers for~~ Students with disabilities; ~~popular name;~~
 2263 definition.-

2264 ~~(1) This section shall be known by the popular name the~~
 2265 ~~"Enhanced New Needed Opportunity for Better Life and Education~~
 2266 ~~for Students with Disabilities (ENNOBLES) Act."~~

2267 ~~(2)~~ For the purposes of this chapter act, the term
 2268 "student with a disability" means a ~~any~~ student who is

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2269 documented as having an intellectual disability; a hearing
 2270 impairment, including deafness; a speech or language impairment;
 2271 a visual impairment, including blindness; an emotional or
 2272 behavioral disability; an orthopedic or other health impairment;
 2273 an autism spectrum disorder; a traumatic brain injury; or a
 2274 specific learning disability, including, but not limited to,
 2275 dyslexia, dyscalculia, or developmental aphasia.

2276 Section 68. Paragraph (a) of subsection (1) and subsection
 2277 (3) of section 1007.2615, Florida Statutes, are amended to read:

2278 1007.2615 American Sign Language; findings; foreign-
 2279 language credits authorized; teacher licensing.—

2280 (1) LEGISLATIVE FINDINGS; PURPOSE.—

2281 (a) The Legislature finds that:

2282 1. American Sign Language (ASL) is a fully developed
 2283 visual-gestural language with distinct grammar, syntax, and
 2284 symbols and is one of hundreds of signed languages of the world.

2285 2. ASL is recognized as the language of the American deaf
 2286 community and is the fourth most commonly used language in the
 2287 United States and Canada.

2288 3. The American deaf community is a group of citizens who
 2289 are members of a unique culture who share ASL as their common
 2290 language.

2291 ~~4. Thirty-three state legislatures have adopted~~
 2292 ~~legislation recognizing ASL as a language that should be taught~~
 2293 ~~in schools.~~

2294 (3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE BOARD OF
 2295 EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE TEACHERS; PLAN

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2296 FOR POSTSECONDARY EDUCATION PROVIDERS.—

2297 ~~(a) The Commissioner of Education shall appoint a seven-~~
 2298 ~~member task force that includes representatives from two state~~
 2299 ~~universities and one private college or university located~~
 2300 ~~within this state which currently offer a 4-year deaf education~~
 2301 ~~or sign language interpretation program as a part of their~~
 2302 ~~respective curricula, two representatives from the Florida~~
 2303 ~~American Sign Language Teachers' Association (FASLTA), and two~~
 2304 ~~representatives from Florida College System institutions located~~
 2305 ~~within this state which have established Interpreter Training~~
 2306 ~~Programs (ITPs). This task force shall develop and submit to the~~
 2307 ~~Commissioner of Education a report that contains the most up-to-~~
 2308 ~~date information about American Sign Language (ASL) and~~
 2309 ~~guidelines for developing and maintaining ASL courses as a part~~
 2310 ~~of the curriculum. This information must be made available to~~
 2311 ~~any administrator of a public or an independent school upon~~
 2312 ~~request of the administrator.~~

2313 ~~(a)(b)~~ (b) By January 1, 2005, The State Board of Education
 2314 shall adopt rules establishing licensing/certification standards
 2315 to be applied to teachers who teach American Sign Language (ASL)
 2316 ~~ASL~~ as part of a school curriculum. ~~In developing the rules, the~~
 2317 ~~state board shall consult with the task force established under~~
 2318 ~~paragraph (a).~~

2319 ~~(b)(e)~~ (e) An ASL teacher must be certified by the Department
 2320 of Education ~~by July 1, 2009.~~

2321 ~~(c)(d)~~ (d) The Commissioner of Education shall work with
 2322 providers of postsecondary education, except for state

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2323 universities, to develop and implement a plan to ensure that
 2324 these institutions in this state will accept secondary school
 2325 credits in ASL as credits in a foreign language and to encourage
 2326 postsecondary institutions to offer ASL courses to students as a
 2327 fulfillment of the requirement for studying a foreign language.

2328 Section 69. Subsection (4) of section 1007.263, Florida
 2329 Statutes, is amended to read:

2330 1007.263 Florida College System institutions; admissions
 2331 of students.—Each Florida College System institution board of
 2332 trustees is authorized to adopt rules governing admissions of
 2333 students subject to this section and rules of the State Board of
 2334 Education. These rules shall include the following:

2335 (4) A student who has been awarded a special diploma under
 2336 ~~as defined in~~ s. 1003.438 or a certificate of completion under
 2337 ~~as defined in~~ s. 1003.4282 ~~1003.428(7)(b)~~ is eligible to enroll
 2338 in certificate career education programs.

2339
 2340 Each board of trustees shall establish policies that notify
 2341 students about developmental education options for improving
 2342 their communication or computation skills that are essential to
 2343 performing college-level work, including tutoring, extended time
 2344 in gateway courses, free online courses, adult basic education,
 2345 adult secondary education, or private provider instruction.

2346 Section 70. Subsection (1) of section 1007.264, Florida
 2347 Statutes, is amended to read:

2348 1007.264 Persons with disabilities; admission to
 2349 postsecondary educational institutions; substitute requirements;

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2350 rules and regulations.—

2351 (1) A ~~Any~~ student with a disability, ~~as defined in s.~~
 2352 ~~1007.02(2)~~, who is otherwise eligible shall be eligible for
 2353 reasonable substitution for any requirement for admission into a
 2354 public postsecondary educational institution where documentation
 2355 can be provided that the person's failure to meet the admission
 2356 requirement is related to the disability.

2357 Section 71. Subsection (1) of section 1007.265, Florida
 2358 Statutes, is amended to read:

2359 1007.265 Persons with disabilities; graduation, study
 2360 program admission, and upper-division entry; substitute
 2361 requirements; rules and regulations.—

2362 (1) A ~~Any~~ student with a disability, ~~as defined in s.~~
 2363 ~~1007.02(2)~~, in a public postsecondary educational institution
 2364 shall be eligible for reasonable substitution for any
 2365 requirement for graduation, for admission into a program of
 2366 study, or for entry into the upper division where documentation
 2367 can be provided that the person's failure to meet the
 2368 requirement is related to the disability and where failure to
 2369 meet the graduation requirement or program admission requirement
 2370 does not constitute a fundamental alteration in the nature of
 2371 the program.

2372 Section 72. Subsections (2) and (9) of section 1007.271,
 2373 Florida Statutes, are amended to read:

2374 1007.271 Dual enrollment programs.—

2375 (2) For the purpose of this section, an eligible secondary
 2376 student is a student who is enrolled in any of grades 6 through

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2377 12 in a Florida public ~~secondary~~ school or in a Florida private
 2378 ~~secondary~~ school that ~~which~~ is in compliance with s. 1002.42(2)
 2379 and provides a secondary curriculum pursuant to ~~s. 1003.428~~ or
 2380 s. 1003.4282. Students who are eligible for dual enrollment
 2381 pursuant to this section may enroll in dual enrollment courses
 2382 conducted during school hours, after school hours, and during
 2383 the summer term. However, if the student is projected to
 2384 graduate from high school before the scheduled completion date
 2385 of a postsecondary course, the student may not register for that
 2386 course through dual enrollment. The student may apply to the
 2387 postsecondary institution and pay the required registration,
 2388 tuition, and fees if the student meets the postsecondary
 2389 institution's admissions requirements under s. 1007.263.
 2390 Instructional time for dual enrollment may vary from 900 hours;
 2391 however, the full-time equivalent student membership value shall
 2392 be subject to the provisions in s. 1011.61(4). A Any student
 2393 enrolled as a dual enrollment student is exempt from the payment
 2394 of registration, tuition, and laboratory fees. Applied academics
 2395 for adult education instruction, developmental education, and
 2396 other forms of precollegiate instruction, as well as physical
 2397 education courses that focus on the physical execution of a
 2398 skill rather than the intellectual attributes of the activity,
 2399 are ineligible for inclusion in the dual enrollment program.
 2400 Recreation and leisure studies courses shall be evaluated
 2401 individually in the same manner as physical education courses
 2402 for potential inclusion in the program.
 2403 (9) The Commissioner of Education shall appoint faculty

2404 | committees representing public school, Florida College System
 2405 | institution, and university faculties to identify postsecondary
 2406 | courses that meet the high school graduation requirements of ~~s.~~
 2407 | ~~1003.428~~ or s. 1003.4282 and to establish the number of
 2408 | postsecondary semester credit hours of instruction and
 2409 | equivalent high school credits earned through dual enrollment
 2410 | pursuant to this section that are necessary to meet high school
 2411 | graduation requirements. Such equivalencies shall be determined
 2412 | solely on comparable course content and not on seat time
 2413 | traditionally allocated to such courses in high school. The
 2414 | Commissioner of Education shall recommend to the State Board of
 2415 | Education those postsecondary courses identified to meet high
 2416 | school graduation requirements, based on mastery of course
 2417 | outcomes, by their course numbers, and all high schools shall
 2418 | accept these postsecondary education courses toward meeting the
 2419 | requirements of ~~s. 1003.428~~ or s. 1003.4282.

2420 | Section 73. Subsections (3), (7), and (8) of section
 2421 | 1008.22, Florida Statutes, are amended to read:

2422 | 1008.22 Student assessment program for public schools.—

2423 | (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
 2424 | Commissioner of Education shall design and implement a
 2425 | statewide, standardized assessment program aligned to the core
 2426 | curricular content established in the Next Generation Sunshine
 2427 | State Standards. The commissioner also must develop or select
 2428 | and implement a common battery of assessment tools that will be
 2429 | used in all juvenile justice education programs in the state.
 2430 | These tools must accurately measure the core curricular content

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2431 established in the Next Generation Sunshine State Standards.
 2432 Participation in the assessment program is mandatory for all
 2433 school districts and all students attending public schools,
 2434 including adult students seeking a standard ~~an adult~~ high school
 2435 diploma under s. 1003.4282 and students in Department of
 2436 Juvenile Justice education programs, except as otherwise
 2437 provided by law ~~prescribed by the commissioner~~. If a student
 2438 does not participate in the assessment program, the school
 2439 district must notify the student's parent and provide the parent
 2440 with information regarding the implications of such
 2441 nonparticipation. The statewide, standardized assessment program
 2442 shall be designed and implemented as follows:

2443 (a) Statewide, standardized comprehensive assessments
 2444 ~~Florida Comprehensive Assessment Test (FCAT) until replaced by~~
 2445 ~~common core assessments.~~ The statewide, standardized FCAT
 2446 Reading assessment shall be administered annually in grades 3
 2447 through 10. The statewide, standardized Writing assessment shall
 2448 be administered annually at least once at the elementary,
 2449 middle, and high school levels. When the Reading and Writing
 2450 assessments are replaced by English Language Arts (ELA)
 2451 assessments, ELA assessments shall be administered to students
 2452 in grades 3 through 11. Retake opportunities for the grade 10
 2453 Reading assessment or, upon implementation, the grade 10 ELA
 2454 assessment must be provided. Students taking the ELA assessments
 2455 shall not take the statewide, standardized assessments in
 2456 Reading or Writing. ELA assessments shall be administered
 2457 online. The statewide, standardized, ~~FCAT~~ Mathematics assessment

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2458 shall be administered annually in grades 3 through 8. Students
 2459 taking a revised Mathematics assessment shall not take the
 2460 discontinued assessment. The statewide, standardized, FCAT
 2461 ~~Writing shall be administered annually at least once at the~~
 2462 ~~elementary, middle, and high school levels, and FCAT Science~~
 2463 assessment shall be administered annually at least once at the
 2464 elementary and middle grades levels. In order to earn a standard
 2465 high school diploma, a student who has not earned a passing
 2466 score on the grade 10 FCAT Reading assessment or, upon
 2467 implementation, the grade 10 ELA assessment must earn a passing
 2468 score on the assessment retake or earn a concordant score as
 2469 authorized under subsection (7) must participate in each retake
 2470 ~~of the assessment until the student earns a passing score. The~~
 2471 ~~commissioner shall recommend and the State Board of Education~~
 2472 ~~must adopt a score on both the SAT and ACT that is concordant to~~
 2473 ~~a passing score on grade 10 FCAT Reading that, if achieved by a~~
 2474 ~~student, meets the must-pass requirement for grade 10 FCAT~~
 2475 ~~Reading.~~

2476 (b) End-of-course (EOC) assessments.—EOC assessments must
 2477 be statewide, standardized, and developed or approved by the
 2478 Department of Education as follows:

2479 1. Statewide, standardized EOC assessments in mathematics
 2480 shall be administered according to this subparagraph. Beginning
 2481 with the 2010-2011 school year, all students enrolled in Algebra
 2482 I must take the Algebra I EOC assessment. Except as otherwise
 2483 provided in paragraph (c) this section, beginning with students
 2484 entering grade 9 in the 2011-2012 school year, a student who is

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2485 enrolled in Algebra I must earn a passing score on the Algebra I
 2486 EOC assessment or attain a comparative score as authorized under
 2487 subsection (8) in order to earn a standard high school diploma.
 2488 In order to earn a standard high school diploma, a student who
 2489 has not earned a passing score on the Algebra I EOC assessment
 2490 must earn a passing score on the assessment retake or a
 2491 comparative score as authorized under subsection (8) ~~must~~
 2492 ~~participate in each retake of the assessment until the student~~
 2493 ~~earns a passing score.~~ Beginning with the 2011-2012 school year,
 2494 all students enrolled in Geometry must take the Geometry EOC
 2495 assessment. Middle grades students enrolled in Algebra I, ~~or~~
 2496 Geometry, or Biology I must take the statewide, standardized EOC
 2497 assessment for those courses and shall ~~are not required to~~ take
 2498 the corresponding subject and grade-level statewide,
 2499 standardized assessment FCAT. When a statewide, standardized EOC
 2500 assessment in Algebra II is administered, all students enrolled
 2501 Algebra II must take the EOC assessment. Pursuant to the
 2502 commissioner's implementation schedule, student performance on
 2503 the Algebra II EOC assessment constitutes 30 percent of a
 2504 student's final course grade.

2505 2. Statewide, standardized EOC assessments in science
 2506 shall be administered according to this subparagraph. Beginning
 2507 with the 2011-2012 school year, all students enrolled in Biology
 2508 I must take the Biology I EOC assessment. Beginning with
 2509 students entering grade 9 in the 2013-2014 school year,
 2510 performance on the Biology I EOC assessment constitutes 30
 2511 percent of the student's final course grade.

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2512 3. ~~During the 2012-2013 school year, an EOC assessment in~~
 2513 ~~civics education shall be administered as a field test at the~~
 2514 ~~middle grades level.~~ Beginning with the 2013-2014 school year,
 2515 each student's performance on the statewide, standardized middle
 2516 grades Civics EOC assessment ~~in civics education~~ constitutes 30
 2517 percent of the student's final course grade in civics education.

2518 4. The commissioner may select one or more nationally
 2519 developed comprehensive examinations, which may include
 2520 examinations for a College Board Advanced Placement course,
 2521 International Baccalaureate course, or Advanced International
 2522 Certificate of Education course, or industry-approved
 2523 examinations to earn national industry certifications identified
 2524 in the Industry Certification Funding List, for use as EOC
 2525 assessments under this paragraph if the commissioner determines
 2526 that the content knowledge and skills assessed by the
 2527 examinations meet or exceed the grade-level expectations for the
 2528 core curricular content established for the course in the Next
 2529 Generation Sunshine State Standards. Use of any such examination
 2530 as an EOC assessment must be approved by the state board in
 2531 rule.

2532 5. Contingent upon funding provided in the General
 2533 Appropriations Act, including the appropriation of funds
 2534 received through federal grants, the commissioner may establish
 2535 an implementation schedule for the development and
 2536 administration of additional statewide, standardized EOC
 2537 assessments that must be approved by the state board, in rule.
 2538 If approved by the state board, student performance on such

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2539 assessments constitutes 30 percent of a student's final course
 2540 grade.

2541 6. All statewide, standardized EOC assessments must be
 2542 administered online except as otherwise provided in paragraph
 2543 (c).

2544 (c) Students with disabilities; Florida Alternate
 2545 Assessment.—

2546 1. Each district school board must provide instruction to
 2547 prepare students with disabilities in the core content knowledge
 2548 and skills necessary for successful grade-to-grade progression
 2549 and high school graduation.

2550 2. A student with a disability, as defined in s. 1007.02
 2551 ~~1007.02(2)~~, for whom the individual education plan (IEP) team
 2552 determines that the statewide, standardized assessments under
 2553 this section cannot accurately measure the student's abilities,
 2554 taking into consideration all allowable accommodations, shall
 2555 have assessment results waived for the purpose of receiving a
 2556 course grade and a standard high school diploma. Such waiver
 2557 shall be designated on the student's transcript. The statement
 2558 of waiver shall be limited to a statement that performance on an
 2559 assessment was waived for the purpose of receiving a course
 2560 grade or a standard high school diploma, as applicable.

2561 3. The State Board of Education shall adopt rules, based
 2562 upon recommendations of the commissioner, for the provision of
 2563 assessment accommodations for students with disabilities and for
 2564 students who have limited English proficiency.

2565 a. Accommodations that negate the validity of a statewide,

2566 standardized assessment are not allowed during the
 2567 administration of the assessment. However, instructional
 2568 accommodations are allowed in the classroom if identified in a
 2569 student's IEP. Students using instructional accommodations in
 2570 the classroom that are not allowed on a statewide, standardized
 2571 assessment may have assessment results waived if the IEP team
 2572 determines that the assessment cannot accurately measure the
 2573 student's abilities.

2574 b. If a student is provided with instructional
 2575 accommodations in the classroom that are not allowed as
 2576 accommodations for statewide, standardized assessments, the
 2577 district must inform the parent in writing and provide the
 2578 parent with information regarding the impact on the student's
 2579 ability to meet expected performance levels. A parent must
 2580 provide signed consent for a student to receive classroom
 2581 instructional accommodations that would not be available or
 2582 permitted on a statewide, standardized assessment and
 2583 acknowledge in writing that he or she understands the
 2584 implications of such instructional accommodations.

2585 c. If a student's IEP states that online administration of
 2586 a statewide, standardized assessment will significantly impair
 2587 the student's ability to perform, the assessment shall be
 2588 administered in hard copy.

2589 4. For students with significant cognitive disabilities,
 2590 the Department of Education shall provide for implementation of
 2591 the Florida Alternate Assessment to accurately measure the core
 2592 curricular content established in the Next Generation Sunshine

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2593 State Standards.

2594 (d) Implementation schedule ~~Common core assessments in~~
 2595 ~~English Language Arts (ELA) and mathematics.-~~

2596 1. ~~Contingent upon funding, common core assessments in ELA~~
 2597 ~~shall be administered to students in grades 3 through 11. Retake~~
 2598 ~~opportunities for the grade 10 assessment must be provided.~~
 2599 ~~Students taking the ELA assessments are not required to take the~~
 2600 ~~assessments in FCAT Reading or FCAT Writing. Common core ELA~~
 2601 ~~assessments shall be administered online.~~

2602 2. ~~Contingent upon funding, common core assessments in~~
 2603 ~~mathematics shall be administered to all students in grades 3~~
 2604 ~~through 8, and common core assessments in Algebra I, Geometry,~~
 2605 ~~and Algebra II shall be administered to students enrolled in~~
 2606 ~~those courses. Retake opportunities must be provided for the~~
 2607 ~~Algebra I assessment. Students may take the common core~~
 2608 ~~mathematics assessments pursuant to the Credit Acceleration~~
 2609 ~~Program (CAP) under s. 1003.4295(3). Students taking common core~~
 2610 ~~assessments in mathematics are not required to take FCAT~~
 2611 ~~Mathematics or statewide, standardized EOC assessments in~~
 2612 ~~mathematics. Common core mathematics assessments shall be~~
 2613 ~~administered online.~~

2614 1.3. The Commissioner State Board of Education shall
 2615 establish and publish on the department's website adopt rules
 2616 establishing an implementation schedule to transition from the
 2617 statewide, standardized FCAT Reading and, FCAT Writing
 2618 assessments to the ELA assessments and to the revised, FCAT
 2619 Mathematics assessments, including the, and Algebra I and

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2620 Geometry EOC assessments ~~to common core assessments in English~~
 2621 ~~Language Arts and mathematics~~. The schedule must take into
 2622 consideration funding, sufficient field and baseline data,
 2623 access to assessments, instructional alignment, and school
 2624 district readiness to administer the ~~common core~~ assessments
 2625 online. ~~Until the 10th grade common core ELA and Algebra I~~
 2626 ~~assessments become must pass assessments, students must pass~~
 2627 ~~10th grade FCAT Reading and the Algebra I EOC assessment, or~~
 2628 ~~achieve a concordant or comparative score as authorized under~~
 2629 ~~this section, in order to earn a standard high school diploma~~
 2630 ~~under s. 1003.4282. Students taking 10th grade FCAT Reading or~~
 2631 ~~the Algebra I EOC assessment are not required to take the~~
 2632 ~~respective common core assessments.~~

2633 2.4. The Department of Education shall publish minimum and
 2634 recommended technology requirements that include specifications
 2635 for hardware, software, networking, security, and broadband
 2636 capacity to facilitate school district compliance with the
 2637 requirement that ~~common core~~ assessments be administered online.

2638 (e) Assessment scores and achievement levels.-

2639 1. All statewide, standardized EOC assessments and ~~FCAT~~
 2640 Reading, ~~FCAT~~ Writing, and ~~FCAT~~ Science assessments shall use
 2641 scaled scores and achievement levels. Achievement levels shall
 2642 range from 1 through 5, with level 1 being the lowest
 2643 achievement level, level 5 being the highest achievement level,
 2644 and level 3 indicating satisfactory performance on an
 2645 assessment. For purposes of the statewide, standardized FCAT
 2646 Writing assessment, student achievement shall be scored using a

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2647 scale of 1 through 6.

2648 2. The state board shall designate by rule a passing score
 2649 for each statewide, standardized ~~EOC and FCAT~~ assessment. In
 2650 addition, ~~the state board shall designate a score for each~~
 2651 ~~statewide, standardized EOC assessment that indicates that a~~
 2652 ~~student is high achieving and has the potential to meet college-~~
 2653 ~~readiness standards by the time the student graduates from high~~
 2654 ~~school.~~

2655 3. If the commissioner seeks to revise a statewide,
 2656 standardized assessment and the revisions require the state
 2657 board to modify performance level scores, including the passing
 2658 score, the commissioner shall provide a copy of the proposed
 2659 scores and implementation plan to the President of the Senate
 2660 and the Speaker of the House of Representatives at least 90 days
 2661 before submission to the state board for review. Until the state
 2662 board adopts the modifications by rule, the commissioner shall
 2663 use calculations for scoring the assessment that adjust student
 2664 scores on the revised assessment for statistical equivalence to
 2665 student scores on the former assessment. The state board shall
 2666 adopt by rule the passing score for the revised assessment that
 2667 is statistically equivalent to the passing score on the
 2668 discontinued assessment for a student who is required to attain
 2669 a passing score on the discontinued assessment. The commissioner
 2670 may, with approval of the state board, discontinue
 2671 administration of the former assessment upon the graduation,
 2672 based on normal student progression, of students participating
 2673 in the final regular administration of the former assessment. If

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2674 the commissioner revises a statewide, standardized assessment
 2675 and the revisions require the state board to modify the passing
 2676 score, only students taking the assessment for the first time
 2677 after the rule is adopted are affected.

2678 (f) Assessment schedules and reporting of results.—The
 2679 Commissioner of Education shall establish schedules for the
 2680 administration of assessments and the reporting of student
 2681 assessment results. The commissioner shall consider the
 2682 observance of religious and school holidays when developing the
 2683 schedule. By August 1 of each year, the commissioner shall
 2684 notify each school district in writing and publish on the
 2685 department's website the assessment and reporting schedules for,
 2686 at a minimum, the school year following the upcoming school
 2687 year. The assessment and reporting schedules must provide the
 2688 earliest possible reporting of student assessment results to the
 2689 school districts. Assessment results for the statewide,
 2690 standardized FCAT Reading assessments, or upon implementation
 2691 the ELA assessments, and FCAT Mathematics assessments, including
 2692 the EOC assessments in Algebra I and Geometry, must be made
 2693 available no later than the week of June 8. The administration
 2694 of the statewide, standardized FCAT Writing assessment and the
 2695 Florida Alternate Assessment may be no earlier than the week of
 2696 March 1. School districts shall administer assessments in
 2697 accordance with the schedule established by the commissioner.

2698 (g) Prohibited activities.—A district school board shall
 2699 prohibit each public school from suspending a regular program of
 2700 curricula for purposes of administering practice assessments or

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2701 engaging in other assessment-preparation activities for a
 2702 statewide, standardized assessment. However, a district school
 2703 board may authorize a public school to engage in the following
 2704 assessment-preparation activities:

2705 1. Distributing to students sample assessment books and
 2706 answer keys published by the Department of Education.

2707 2. Providing individualized instruction in assessment-
 2708 taking strategies, without suspending the school's regular
 2709 program of curricula, for a student who scores Level 1 or Level
 2710 2 on a prior administration of an assessment.

2711 3. Providing individualized instruction in the content
 2712 knowledge and skills assessed, without suspending the school's
 2713 regular program of curricula, for a student who scores Level 1
 2714 or Level 2 on a prior administration of an assessment or a
 2715 student who, through a diagnostic assessment administered by the
 2716 school district, is identified as having a deficiency in the
 2717 content knowledge and skills assessed.

2718 4. Administering a practice assessment or engaging in
 2719 other assessment-preparation activities that are determined
 2720 necessary to familiarize students with the organization of the
 2721 assessment, the format of assessment items, and the assessment
 2722 directions or that are otherwise necessary for the valid and
 2723 reliable administration of the assessment, as set forth in rules
 2724 adopted by the State Board of Education with specific reference
 2725 to this paragraph.

2726 (h) Contracts for assessments.—The commissioner shall
 2727 provide for the assessments to be developed or obtained, as

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2728 appropriate, through contracts and project agreements with
 2729 private vendors, public vendors, public agencies, postsecondary
 2730 educational institutions, or school districts. The commissioner
 2731 may enter into contracts for the continued administration of the
 2732 assessments authorized and funded by the Legislature. Contracts
 2733 may be initiated in 1 fiscal year and continue into the next
 2734 fiscal year and may be paid from the appropriations of either or
 2735 both fiscal years. The commissioner may negotiate for the sale
 2736 or lease of tests, scoring protocols, test scoring services, and
 2737 related materials developed pursuant to law.

2738 (7) ~~CONCORDANT SCORES FOR 10TH GRADE FCAT READING. Until~~
 2739 ~~the state transitions to common core English Language Arts~~
 2740 ~~assessments,~~ The Commissioner of Education must identify scores
 2741 on the SAT and ACT that if achieved satisfy the graduation
 2742 requirement that a student pass the grade 10 statewide,
 2743 standardized 10th grade FCAT Reading assessment or, upon
 2744 implementation, the grade 10 ELA assessment. The commissioner
 2745 may identify concordant scores on ~~other~~ assessments other than
 2746 the SAT and ACT as well. If the content or scoring procedures
 2747 change for the grade 10 Reading assessment or, upon
 2748 implementation, the grade 10 ELA assessment ~~10th grade FCAT~~
 2749 ~~Reading,~~ new concordant scores must be determined. If new
 2750 concordant scores are not timely adopted, the last-adopted
 2751 concordant scores remain in effect until such time as new scores
 2752 are adopted. The state board shall adopt concordant scores in
 2753 rule.

2754 (8) COMPARATIVE SCORES FOR END-OF-COURSE (EOC) ASSESSMENT

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2755 ~~ASSESSMENTS.~~—The Commissioner of Education must identify one or
 2756 more comparative scores for the Algebra I EOC assessment ~~and may~~
 2757 ~~identify comparative scores for the other EOC assessments.~~ If
 2758 the content or scoring procedures change for the EOC assessment
 2759 ~~assessments~~, new comparative scores must be determined. If new
 2760 comparative scores are not timely adopted, the last-adopted
 2761 comparative scores remain in effect until such time as new
 2762 scores are adopted. The state board shall adopt comparative
 2763 scores in rule.

2764 Section 74. Paragraph (h) of subsection (2), paragraph (a)
 2765 of subsection (4), paragraph (b) of subsection (6), and
 2766 paragraph (b) of subsection (7) of section 1008.25, Florida
 2767 Statutes, are amended to read:

2768 1008.25 Public school student progression; remedial
 2769 instruction; reporting requirements.—

2770 (2) COMPREHENSIVE STUDENT PROGRESSION PLAN.—Each district
 2771 school board shall establish a comprehensive plan for student
 2772 progression which must:

2773 (h) Provide instructional sequences by which students in
 2774 kindergarten through high school may attain progressively higher
 2775 levels of skill in the use of digital tools and applications.
 2776 The instructional sequences must include participation in
 2777 curricular and instructional options and the demonstration of
 2778 competence of standards required pursuant to ss. 1003.41 and
 2779 1003.4203 through attainment of industry certifications and
 2780 other means of demonstrating credit requirements identified
 2781 under ss. 1002.3105, 1003.4203, ~~1003.4287~~, and 1003.4282.

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2782 (4) ASSESSMENT AND REMEDIATION.—

2783 (a) Each student must participate in the statewide,
 2784 standardized assessment program required by s. 1008.22. Each
 2785 student who does not meet specific levels of performance on the
 2786 required assessments as determined by the district school board
 2787 or who scores below Level 3 on the statewide, standardized
 2788 Reading assessment or, upon implementation, the English Language
 2789 Arts assessment or on the statewide, standardized Mathematics
 2790 assessments in grades 3 through 8 and the Algebra I EOC
 2791 assessment ~~FCAT Reading or FCAT Mathematics or on the common~~
 2792 ~~core English Language Arts or mathematics assessments as~~
 2793 ~~applicable under s. 1008.22~~ must be provided with additional
 2794 diagnostic assessments to determine the nature of the student's
 2795 difficulty, the areas of academic need, and strategies for
 2796 appropriate intervention and instruction as described in
 2797 paragraph (b).

2798 (6) ELIMINATION OF SOCIAL PROMOTION.—

2799 (b) The district school board may only exempt students
 2800 from mandatory retention, as provided in paragraph (5)(b), for
 2801 good cause. Good cause exemptions shall be limited to the
 2802 following:

2803 1. Limited English proficient students who have had less
 2804 than 2 years of instruction in an English for Speakers of Other
 2805 Languages program.

2806 2. Students with disabilities whose individual education
 2807 plan indicates that participation in the statewide assessment
 2808 program is not appropriate, consistent with the requirements of

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2809 | s. 1008.212 ~~State Board of Education rule.~~

2810 | 3. Students who demonstrate an acceptable level of
2811 | performance on an alternative standardized reading or English
2812 | Language Arts assessment approved by the State Board of
2813 | Education.

2814 | 4. A student who demonstrates through a student portfolio
2815 | that he or she is performing at least at Level 2 on the
2816 | statewide, standardized FCAT Reading assessment or, upon
2817 | implementation, the ~~common core~~ English Language Arts
2818 | assessment, ~~as applicable under s. 1008.22.~~

2819 | 5. Students with disabilities who take the statewide,
2820 | standardized participate in FCAT Reading assessment or, upon
2821 | implementation, the ~~common core~~ English Language Arts
2822 | assessment, ~~as applicable under s. 1008.22,~~ and who have an
2823 | individual education plan or a Section 504 plan that reflects
2824 | that the student has received intensive remediation in reading
2825 | or and English Language Arts for more than 2 years but still
2826 | demonstrates a deficiency and was previously retained in
2827 | kindergarten, grade 1, grade 2, or grade 3.

2828 | 6. Students who have received intensive remediation in
2829 | reading or and English Language Arts, ~~as applicable under s.~~
2830 | ~~1008.22,~~ for 2 or more years but still demonstrate a deficiency
2831 | and who were previously retained in kindergarten, grade 1, grade
2832 | 2, or grade 3 for a total of 2 years. Intensive instruction for
2833 | students so promoted must include an altered instructional day
2834 | that includes specialized diagnostic information and specific
2835 | reading strategies for each student. The district school board

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2836 shall assist schools and teachers to implement reading
 2837 strategies that research has shown to be successful in improving
 2838 reading among low-performing readers.

2839 (7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE
 2840 STUDENTS.—

2841 (b) Each school district shall:

2842 1. Provide third grade students who are retained under the
 2843 provisions of paragraph (5)(b) with intensive instructional
 2844 services and supports to remediate the identified areas of
 2845 reading deficiency, including participation in the school
 2846 district's summer reading camp as required under paragraph (a)
 2847 and a minimum of 90 minutes of daily, uninterrupted,
 2848 scientifically research-based reading instruction which includes
 2849 phonemic awareness, phonics, fluency, vocabulary, and
 2850 comprehension and other strategies prescribed by the school
 2851 district, which may include, but are not limited to:

2852 a. Integration of science and social studies content
 2853 within the 90-minute block.

2854 b. Small group instruction.

2855 c. Reduced teacher-student ratios.

2856 d. More frequent progress monitoring.

2857 e. Tutoring or mentoring.

2858 f. Transition classes containing 3rd and 4th grade
 2859 students.

2860 g. Extended school day, week, or year.

2861 2. Provide written notification to the parent of a ~~any~~
 2862 student who is retained under the provisions of paragraph (5)(b)

2863 that his or her child has not met the proficiency level required
 2864 for promotion and the reasons the child is not eligible for a
 2865 good cause exemption as provided in paragraph (6)(b). The
 2866 notification must comply with the provisions of s. 1002.20(15)
 2867 and must include a description of proposed interventions and
 2868 supports that will be provided to the child to remediate the
 2869 identified areas of reading deficiency.

2870 3. Implement a policy for the midyear promotion of a any
 2871 student retained under the provisions of paragraph (5)(b) who
 2872 can demonstrate that he or she is a successful and independent
 2873 reader and performing at or above grade level in reading or,
 2874 upon implementation of and English Language Arts assessments,
 2875 performing at or above grade level in English Language Arts, ~~as~~
 2876 ~~applicable under s. 1008.22.~~ Tools that school districts may use
 2877 in reevaluating a any student retained may include subsequent
 2878 assessments, alternative assessments, and portfolio reviews, in
 2879 accordance with rules of the State Board of Education.

2880 4. Provide students who are retained under the provisions
 2881 of paragraph (5)(b) with a highly effective teacher as
 2882 determined by the teacher's performance evaluation under s.
 2883 1012.34.

2884 5. Establish at each school, when applicable, an Intensive
 2885 Acceleration Class for retained grade 3 students who
 2886 subsequently score Level 1 on the required statewide,
 2887 standardized assessment identified in s. 1008.22. The focus of
 2888 the Intensive Acceleration Class shall be to increase a child's
 2889 reading and English Language Arts skill level at least two grade

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2890 | levels in 1 school year. The Intensive Acceleration Class shall:

2891 | a. Be provided to a any student in grade 3 who scores
 2892 | Level 1 on the statewide, standardized FCAT Reading assessment
 2893 | or, upon implementation, the ~~common core~~ English Language Arts
 2894 | assessment, as applicable under s. 1008.22, and who was retained
 2895 | in grade 3 the prior year because of scoring Level 1.

2896 | b. Have a reduced teacher-student ratio.

2897 | c. Provide uninterrupted reading instruction for the
 2898 | majority of student contact time each day and incorporate
 2899 | opportunities to master the grade 4 Next Generation Sunshine
 2900 | State Standards in other core subject areas.

2901 | d. Use a reading program that is scientifically research-
 2902 | based and has proven results in accelerating student reading
 2903 | achievement within the same school year.

2904 | e. Provide intensive language and vocabulary instruction
 2905 | using a scientifically research-based program, including use of
 2906 | a speech-language therapist.

2907 | Section 75. Paragraphs (b) and (c) of subsection (4) and
 2908 | subsections (5) and (7) of section 1008.33, Florida Statutes,
 2909 | are amended to read:

2910 | 1008.33 Authority to enforce public school improvement.—

2911 | (4)

2912 | (b) ~~Except as provided in subsection (5),~~ The turnaround
 2913 | options available to a school district to address a school that
 2914 | earns a grade of "F" are:

2915 | 1. Convert the school to a district-managed turnaround
 2916 | school;

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2917 2. Reassign students to another school and monitor the
2918 progress of each reassigned student;

2919 3. Close the school and reopen the school as one or more
2920 charter schools, each with a governing board that has a
2921 demonstrated record of effectiveness;

2922 4. Contract with an outside entity that has a demonstrated
2923 record of effectiveness to operate the school; or

2924 5. Implement a hybrid of turnaround options set forth in
2925 subparagraphs 1.-4. or other turnaround models that have a
2926 demonstrated record of effectiveness.

2927 (c) ~~Except for schools required to implement a turnaround~~
2928 ~~option pursuant to subsection (5),~~ A school earning a grade of
2929 "F" shall have a planning year followed by 2 full school years
2930 to implement the initial turnaround option selected by the
2931 school district and approved by the state board. Implementation
2932 of the turnaround option is no longer required if the school
2933 improves by at least one letter grade.

2934 ~~(5) A school that earns a grade of "F" within 2 years~~
2935 ~~after raising its grade from a grade of "F" or that earns a~~
2936 ~~grade of "F" within 2 years after exiting the lowest performing~~
2937 ~~category under s. 3, chapter 2009-144, Laws of Florida, must~~
2938 ~~implement one of the turnaround options in subparagraphs~~
2939 ~~(4)(b)2.-5.~~

2940 ~~(7) A school classified in the lowest performing category~~
2941 ~~under s. 3, chapter 2009-144, Laws of Florida, before July 1,~~
2942 ~~2012, is not required to continue implementing any turnaround~~
2943 ~~option unless the school earns a grade of "F" or a third~~

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2944 ~~consecutive "D" for the 2011-2012 school year. A school earning~~
 2945 ~~a grade of "F" or a third consecutive "D" for the 2011-2012~~
 2946 ~~school year may not restart the number of years it has been low~~
 2947 ~~performing by virtue of the 2012 amendments to this section.~~

2948 Section 76. Section 1008.331, Florida Statutes, is
 2949 repealed.

2950 Section 77. Subsection (2) of section 1008.3415, Florida
 2951 Statutes, is amended to read:

2952 1008.3415 School grade or school improvement rating for
 2953 exceptional student education centers.—

2954 (2) Notwithstanding s. 1008.34(3)(c)3., the achievement
 2955 scores and learning gains of a student with a disability who
 2956 attends an exceptional student education center and has not been
 2957 enrolled in or attended a public school other than an
 2958 exceptional student education center for grades K-12 within the
 2959 school district shall not be included in the calculation of the
 2960 home school's grade if the student is identified as an emergent
 2961 student on the alternate assessment ~~tool~~ described in s.
 2962 1008.22(3)(c) ~~1008.22(3)(e)13.~~

2963 Section 78. Section 1008.35, Florida Statutes, is
 2964 repealed.

2965 Section 79. Subsection (3) of section 1009.22, Florida
 2966 Statutes, is amended to read:

2967 1009.22 Workforce education postsecondary student fees.—

2968 (3)(a) Except as otherwise provided by law, fees for
 2969 students who are nonresidents for tuition purposes must offset
 2970 the full cost of instruction. Residency of students shall be

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2971 determined as required in s. 1009.21. Fee-nonexempt students
 2972 enrolled in applied academics for adult education instruction
 2973 shall be charged fees equal to the fees charged for adult
 2974 general education programs. Each Florida College System
 2975 institution that conducts developmental education and applied
 2976 academics for adult education instruction in the same class
 2977 section may charge a single fee for both types of instruction.

2978 (b) Fees for continuing workforce education shall be
 2979 locally determined by the district school board or Florida
 2980 College System institution board of trustees. Expenditures for
 2981 the continuing workforce education program provided by the
 2982 Florida College System institution or school district must be
 2983 fully supported by fees. Enrollments in continuing workforce
 2984 education courses may not be counted for purposes of funding
 2985 full-time equivalent enrollment.

2986 (c) ~~Effective July 1, 2011,~~ For programs leading to a
 2987 career certificate or an applied technology diploma, the
 2988 standard tuition shall be \$2.22 per contact hour for residents
 2989 and nonresidents and the out-of-state fee shall be \$6.66 per
 2990 contact hour. For adult general education programs, a block
 2991 tuition of \$45 per half year or \$30 per term shall be assessed
 2992 for residents and nonresidents, and the out-of-state fee shall
 2993 be \$135 per half year or \$90 per term. Each district school
 2994 board and Florida College System institution board of trustees
 2995 shall adopt policies and procedures for the collection of and
 2996 accounting for the expenditure of the block tuition. All funds
 2997 received from the block tuition shall be used only for adult

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2998 general education programs. Students enrolled in adult general
 2999 education programs may not be assessed the fees authorized in
 3000 subsection (5), subsection (6), or subsection (7).

3001 ~~(d) Beginning with the 2008-2009 fiscal year and each year~~
 3002 ~~thereafter,~~ The tuition and the out-of-state fee per contact
 3003 hour shall increase at the beginning of each fall semester at a
 3004 rate equal to inflation, unless otherwise provided in the
 3005 General Appropriations Act. The Office of Economic and
 3006 Demographic Research shall report the rate of inflation to the
 3007 President of the Senate, the Speaker of the House of
 3008 Representatives, the Governor, and the State Board of Education
 3009 each year prior to March 1. For purposes of this paragraph, the
 3010 rate of inflation shall be defined as the rate of the 12-month
 3011 percentage change in the Consumer Price Index for All Urban
 3012 Consumers, U.S. City Average, All Items, or successor reports as
 3013 reported by the United States Department of Labor, Bureau of
 3014 Labor Statistics, or its successor for December of the previous
 3015 year. In the event the percentage change is negative, the
 3016 tuition and out-of-state fee shall remain at the same level as
 3017 the prior fiscal year.

3018 (e) Each district school board and each Florida College
 3019 System institution board of trustees may adopt tuition and out-
 3020 of-state fees that ~~may~~ vary no more than 5 percent below or and
 3021 5 percent above the combined total of the standard tuition and
 3022 out-of-state fees established in paragraph (c).

3023 ~~(f) The maximum increase in resident tuition for any~~
 3024 ~~school district or Florida College System institution during the~~

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3025 ~~2007-2008 fiscal year shall be 5 percent over the tuition~~
 3026 ~~charged during the 2006-2007 fiscal year.~~

3027 (f) ~~(g)~~ The State Board of Education may adopt, by rule,
 3028 the definitions and procedures that district school boards and
 3029 Florida College System institution boards of trustees shall use
 3030 in the calculation of cost borne by students.

3031 Section 80. Paragraph (a) of subsection (1) of section
 3032 1009.40, Florida Statutes, is amended to read:

3033 1009.40 General requirements for student eligibility for
 3034 state financial aid awards and tuition assistance grants.—

3035 (1)(a) The general requirements for eligibility of
 3036 students for state financial aid awards and tuition assistance
 3037 grants consist of the following:

3038 1. Achievement of the academic requirements of and
 3039 acceptance at a state university or Florida College System
 3040 institution; a nursing diploma school approved by the Florida
 3041 Board of Nursing; a Florida college or university which is
 3042 accredited by an accrediting agency recognized by the State
 3043 Board of Education; a ~~any~~ Florida institution the credits of
 3044 which are acceptable for transfer to state universities; a ~~any~~
 3045 career center; or a ~~any~~ private career institution accredited by
 3046 an accrediting agency recognized by the State Board of
 3047 Education.

3048 2. Residency in this state for no less than 1 year
 3049 preceding the award of aid or a tuition assistance grant for a
 3050 program established pursuant to s. 1009.50, s. 1009.505, s.
 3051 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.56~~, s. 1009.60, s.

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3052 1009.62, s. 1009.72, s. 1009.73, s. 1009.77, s. 1009.89, or s.
 3053 1009.891. Residency in this state must be for purposes other
 3054 than to obtain an education. Resident status for purposes of
 3055 receiving state financial aid awards shall be determined in the
 3056 same manner as resident status for tuition purposes pursuant to
 3057 s. 1009.21.

3058 3. Submission of certification attesting to the accuracy,
 3059 completeness, and correctness of information provided to
 3060 demonstrate a student's eligibility to receive state financial
 3061 aid awards or tuition assistance grants. Falsification of such
 3062 information shall result in the denial of a ~~any~~ pending
 3063 application and revocation of an ~~any~~ award or grant currently
 3064 held to the extent that no further payments shall be made.
 3065 Additionally, students who knowingly make false statements in
 3066 order to receive state financial aid awards or tuition
 3067 assistance grants commit a misdemeanor of the second degree
 3068 subject to the provisions of s. 837.06 and shall be required to
 3069 return all state financial aid awards or tuition assistance
 3070 grants wrongfully obtained.

3071 Section 81. Subsection (1) of section 1009.531, Florida
 3072 Statutes, is amended to read:

3073 1009.531 Florida Bright Futures Scholarship Program;
 3074 student eligibility requirements for initial awards.-

3075 (1) ~~Effective January 1, 2008,~~ In order to be eligible for
 3076 an initial award from any of the three types of scholarships
 3077 under the Florida Bright Futures Scholarship Program, a student
 3078 must:

3079 (a) Be a Florida resident as defined in s. 1009.40 and
 3080 rules of the State Board of Education.

3081 (b) Earn a standard Florida high school diploma pursuant
 3082 to s. 1002.3105(5), s. 1003.4281, or s. 1003.4282 or a high
 3083 school equivalency diploma ~~its equivalent~~ pursuant to ~~s.~~
 3084 ~~1003.428, s. 1003.4281, s. 1003.4282, or~~ s. 1003.435 unless:

3085 1. The student completes a home education program
 3086 according to s. 1002.41; or

3087 2. The student earns a high school diploma from a non-
 3088 Florida school while living with a parent or guardian who is on
 3089 military or public service assignment away from Florida.

3090 (c) Be accepted by and enroll in an eligible Florida
 3091 public or independent postsecondary education institution.

3092 (d) Be enrolled for at least 6 semester credit hours or
 3093 the equivalent in quarter hours or clock hours.

3094 (e) Not have been found guilty of, or entered a plea of
 3095 nolo contendere to, a felony charge, unless the student has been
 3096 granted clemency by the Governor and Cabinet sitting as the
 3097 Executive Office of Clemency.

3098 (f) Apply for a scholarship from the program by high
 3099 school graduation. However, a student who graduates from high
 3100 school midyear must apply no later than August 31 of the
 3101 student's graduation year in order to be evaluated for and, if
 3102 eligible, receive an award for the current academic year.

3103 Section 82. Paragraph (c) of subsection (3) of section
 3104 1009.532, Florida Statutes, is amended to read:

3105 1009.532 Florida Bright Futures Scholarship Program;

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3106 student eligibility requirements for renewal awards.-
 3107 (3)
 3108 (c) A student who is initially eligible in the 2012-2013
 3109 academic year and thereafter may receive an award for a maximum
 3110 of 100 percent of the number of credit hours required to
 3111 complete an associate degree program, a baccalaureate degree
 3112 program, or a postsecondary career certificate program or, for a
 3113 Florida Gold Seal Vocational Scholars award, may receive an
 3114 award for a maximum of 100 percent of the number of credit hours
 3115 or equivalent clock hours required to complete one of the
 3116 following at a Florida public or nonpublic education institution
 3117 that offers these specific programs: for an applied technology
 3118 diploma program as defined in s. 1004.02(7) ~~1004.02(8)~~, up to 60
 3119 credit hours or equivalent clock hours; for a technical degree
 3120 education program as defined in s. 1004.02(13) ~~1004.02(14)~~, up
 3121 to the number of hours required for a specific degree not to
 3122 exceed 72 credit hours or equivalent clock hours; or for a
 3123 career certificate program as defined in s. 1004.02(20)
 3124 ~~1004.02(21)~~, up to the number of hours required for a specific
 3125 certificate not to exceed 72 credit hours or equivalent clock
 3126 hours. A student who transfers from one of these program levels
 3127 to another program level becomes eligible for the higher of the
 3128 two credit hour limits.

3129 Section 83. Paragraph (c) of subsection (4) of section
 3130 1009.536, Florida Statutes, is amended to read:

3131 1009.536 Florida Gold Seal Vocational Scholars award.—The
 3132 Florida Gold Seal Vocational Scholars award is created within

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3133 the Florida Bright Futures Scholarship Program to recognize and
 3134 reward academic achievement and career preparation by high
 3135 school students who wish to continue their education.

3136 (4)

3137 (c) A student who is initially eligible in the 2012-2013
 3138 academic year and thereafter may earn a Florida Gold Seal
 3139 Vocational Scholarship for a maximum of 100 percent of the
 3140 number of credit hours or equivalent clock hours required to
 3141 complete one of the following at a Florida public or nonpublic
 3142 education institution that offers these specific programs: for
 3143 an applied technology diploma program as defined in s.
 3144 1004.02(7) ~~1004.02(8)~~, up to 60 credit hours or equivalent clock
 3145 hours; for a technical degree education program as defined in s.
 3146 1004.02(13) ~~1004.02(14)~~, up to the number of hours required for
 3147 a specific degree not to exceed 72 credit hours or equivalent
 3148 clock hours; or for a career certificate program as defined in
 3149 s. 1004.02(20) ~~1004.02(21)~~, up to the number of hours required
 3150 for a specific certificate not to exceed 72 credit hours or
 3151 equivalent clock hours.

3152 Section 84. Section 1009.56, Florida Statutes, is
 3153 repealed.

3154 Section 85. Section 1009.69, Florida Statutes, is
 3155 repealed.

3156 Section 86. Subsection (1) of section 1009.91, Florida
 3157 Statutes, is amended to read:

3158 1009.91 Assistance programs and activities of the
 3159 department.-

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3160 (1) The department may contract for the administration of
 3161 the student financial assistance programs as specifically
 3162 provided in ss. 295.01, 1009.29, ~~1009.56~~, and 1009.78.

3163 Section 87. Paragraph (c) of subsection (2) of section
 3164 1009.94, Florida Statutes, is amended to read:

3165 1009.94 Student financial assistance database.—

3166 (2) For purposes of this section, financial assistance
 3167 includes:

3168 (c) Any financial assistance provided under s. 1009.50, s.
 3169 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.55, ~~s.~~
 3170 ~~1009.56~~, s. 1009.60, s. 1009.62, s. 1009.70, s. 1009.701, s.
 3171 1009.72, s. 1009.73, s. 1009.74, s. 1009.77, s. 1009.89, or s.
 3172 1009.891.

3173 Section 88. Part V of chapter 1009, Florida Statutes,
 3174 consisting of sections 1009.99, 1009.991, 1009.992, 1009.993,
 3175 1009.994, 1009.995, 1009.996, 1009.9965, 1009.997, 1009.9975,
 3176 1009.9976, 1009.9977, 1009.9978, 1009.9979, 1009.998, 1009.9981,
 3177 1009.9982, 1009.9983, 1009.9984, 1009.9985, 1009.9986,
 3178 1009.9987, 1009.9988, 1009.9989, 1009.9990, 1009.9991,
 3179 1009.9992, 1009.9993, and 1009.9994, is repealed.

3180 Section 89. Paragraphs (b) and (c) of subsection (3) of
 3181 section 1011.71, Florida Statutes, are repealed.

3182 Section 90. Subsection (4) of section 1011.76, Florida
 3183 Statutes, is repealed.

3184 Section 91. Paragraph (b) of subsection (1) of section
 3185 1011.80, Florida Statutes, is amended to read:

3186 1011.80 Funds for operation of workforce education

3187 programs.—

3188 (1) As used in this section, the terms "workforce
3189 education" and "workforce education program" include:

3190 (b) Career certificate programs, as defined in s.
3191 1004.02(20) ~~1004.02(21)~~.

3192 Section 92. Paragraphs (b), (f), (j), (m), and (p) of
3193 subsection (2) and subsection (6) of section 1012.05, Florida
3194 Statutes, are amended to read:

3195 1012.05 Teacher recruitment and retention.—

3196 (2) The Department of Education shall:

3197 (b) Advertise in major newspapers, national professional
3198 publications, and other professional publications and in public
3199 and nonpublic postsecondary educational institutions, if needed.

3200 (f) Develop and distribute promotional materials related
3201 to teaching as a career, if needed.

3202 ~~(j) Develop, in consultation with school district staff
3203 including, but not limited to, district school superintendents,
3204 district school board members, and district human resources
3205 personnel, a long range plan for educator recruitment and
3206 retention.~~

3207 ~~(m) Develop and implement a First Response Center to
3208 provide educator candidates one stop shopping for information on
3209 teaching careers in Florida and establish the Teacher Lifeline
3210 Network to provide online support to beginning teachers and
3211 those needing assistance.~~

3212 (n) ~~(p)~~ Notify each teacher, via e-mail, of each item in
3213 the General Appropriations Act and legislation that affects

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3214 teachers, including, but not limited to, ~~the Excellent Teaching~~
 3215 ~~Program,~~ the Florida Teachers Classroom Supply Assistance
 3216 Program, ~~liability insurance protection for teachers,~~ death
 3217 benefits for teachers, substantive legislation, rules of the
 3218 State Board of Education, and issues concerning student
 3219 achievement.

3220 ~~(6) The Commissioner of Education shall take steps that~~
 3221 ~~provide flexibility and consistency in meeting the highly~~
 3222 ~~qualified teacher criteria as defined in the No Child Left~~
 3223 ~~Behind Act of 2001 through a High, Objective, Uniform State~~
 3224 ~~Standard of Evaluation (HOUSSE).~~

3225 Section 93. Paragraph (b) of subsection (1) of section
 3226 1012.22, Florida Statutes, is amended to read:

3227 1012.22 Public school personnel; powers and duties of the
 3228 district school board.—The district school board shall:

3229 (1) Designate positions to be filled, prescribe
 3230 qualifications for those positions, and provide for the
 3231 appointment, compensation, promotion, suspension, and dismissal
 3232 of employees as follows, subject to the requirements of this
 3233 chapter:

3234 (b) Time to act on nominations.—The district school board
 3235 shall act no ~~not~~ later than 3 weeks following the receipt of
 3236 statewide, standardized assessment scores and data under s.
 3237 1008.22 and, ~~including~~ school grades, or June 30, whichever is
 3238 later, on the district school superintendent's nominations of
 3239 supervisors, principals, and members of the instructional staff.

3240 Section 94. Subsection (9) of section 1012.33, Florida

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3241 Statutes, is repealed.

3242 Section 95. Paragraph (b) of subsection (1), paragraph (a)
 3243 of subsection (3), and subsection (6) of section 1012.34,
 3244 Florida Statutes, are amended to read:

3245 1012.34 Personnel evaluation procedures and criteria.—

3246 (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

3247 (b) The department must approve each school district's
 3248 instructional personnel and school administrator evaluation
 3249 systems. The department shall monitor each district's
 3250 implementation of its instructional personnel and school
 3251 administrator evaluation systems for compliance with the
 3252 requirements of this section and s. 1012.3401.

3253 (3) EVALUATION PROCEDURES AND CRITERIA.—Instructional
 3254 personnel and school administrator performance evaluations must
 3255 be based upon the performance of students assigned to their
 3256 classrooms or schools, as provided in this section. Pursuant to
 3257 this section, a school district's performance evaluation is not
 3258 limited to basing unsatisfactory performance of instructional
 3259 personnel and school administrators solely upon student
 3260 performance, but may include other criteria approved to evaluate
 3261 instructional personnel and school administrators' performance,
 3262 or any combination of student performance and other approved
 3263 criteria. Evaluation procedures and criteria must comply with,
 3264 but are not limited to, the following:

3265 (a) A performance evaluation must be conducted for each
 3266 employee at least once a year, except that a classroom teacher,
 3267 as defined in s. 1012.01(2)(a), excluding substitute teachers,

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3268 | who is newly hired by the district school board must be observed
 3269 | and evaluated at least twice in the first year of teaching in
 3270 | the school district. The performance evaluation must be based
 3271 | upon sound educational principles and contemporary research in
 3272 | effective educational practices. The evaluation criteria must
 3273 | include:

3274 | 1. Performance of students.—At least 50 percent of a
 3275 | performance evaluation must be based upon data and indicators of
 3276 | student learning growth assessed annually by statewide
 3277 | assessments or, for subjects and grade levels not measured by
 3278 | statewide assessments, by school district assessments as
 3279 | provided in s. 1008.22(6) ~~1008.22(8)~~. Each school district must
 3280 | use the formula adopted pursuant to paragraph (7)(a) for
 3281 | measuring student learning growth in all courses associated with
 3282 | statewide assessments and must select an equally appropriate
 3283 | formula for measuring student learning growth for all other
 3284 | grades and subjects, except as otherwise provided in subsection
 3285 | (7).

3286 | a. For classroom teachers, as defined in s. 1012.01(2)(a),
 3287 | excluding substitute teachers, the student learning growth
 3288 | portion of the evaluation must include growth data for students
 3289 | assigned to the teacher over the course of at least 3 years. If
 3290 | less than 3 years of data are available, the years for which
 3291 | data are available must be used and the percentage of the
 3292 | evaluation based upon student learning growth may be reduced to
 3293 | not less than 40 percent.

3294 | b. For instructional personnel who are not classroom

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3295 teachers, the student learning growth portion of the evaluation
 3296 must include growth data on statewide assessments for students
 3297 assigned to the instructional personnel over the course of at
 3298 least 3 years, or may include a combination of student learning
 3299 growth data and other measurable student outcomes that are
 3300 specific to the assigned position, provided that the student
 3301 learning growth data accounts for not less than 30 percent of
 3302 the evaluation. If less than 3 years of student growth data are
 3303 available, the years for which data are available must be used
 3304 and the percentage of the evaluation based upon student learning
 3305 growth may be reduced to not less than 20 percent.

3306 c. For school administrators, the student learning growth
 3307 portion of the evaluation must include growth data for students
 3308 assigned to the school over the course of at least 3 years. If
 3309 less than 3 years of data are available, the years for which
 3310 data are available must be used and the percentage of the
 3311 evaluation based upon student learning growth may be reduced to
 3312 not less than 40 percent.

3313 2. Instructional practice.—Evaluation criteria used when
 3314 annually observing classroom teachers, as defined in s.
 3315 1012.01(2)(a), excluding substitute teachers, must include
 3316 indicators based upon each of the Florida Educator Accomplished
 3317 Practices adopted by the State Board of Education. For
 3318 instructional personnel who are not classroom teachers,
 3319 evaluation criteria must be based upon indicators of the Florida
 3320 Educator Accomplished Practices and may include specific job
 3321 expectations related to student support.

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3322 3. Instructional leadership.—For school administrators,
 3323 evaluation criteria must include indicators based upon each of
 3324 the leadership standards adopted by the State Board of Education
 3325 under s. 1012.986, including performance measures related to the
 3326 effectiveness of classroom teachers in the school, the
 3327 administrator's appropriate use of evaluation criteria and
 3328 procedures, recruitment and retention of effective and highly
 3329 effective classroom teachers, improvement in the percentage of
 3330 instructional personnel evaluated at the highly effective or
 3331 effective level, and other leadership practices that result in
 3332 student learning growth. The system may include a means to give
 3333 parents and instructional personnel an opportunity to provide
 3334 input into the administrator's performance evaluation.

3335 4. Professional and job responsibilities.—For
 3336 instructional personnel and school administrators, other
 3337 professional and job responsibilities must be included as
 3338 adopted by the State Board of Education. The district school
 3339 board may identify additional professional and job
 3340 responsibilities.

3341 (6) ANNUAL REVIEW OF AND REVISIONS TO THE SCHOOL DISTRICT
 3342 EVALUATION SYSTEMS.—The district school board shall establish a
 3343 procedure for annually reviewing instructional personnel and
 3344 school administrator evaluation systems to determine compliance
 3345 with this section and s. 1012.3401. All substantial revisions to
 3346 an approved system must be reviewed and approved by the district
 3347 school board before being used to evaluate instructional
 3348 personnel or school administrators. Upon request by a school

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3349 district, the department shall provide assistance in developing,
 3350 improving, or reviewing an evaluation system.

3351 Section 96. Section 1012.44, Florida Statutes, is amended
 3352 to read:

3353 1012.44 Qualifications for certain persons providing
 3354 speech-language services.—The State Board of Education shall
 3355 adopt rules for speech-language services to school districts
 3356 that qualify for the sparsity supplement as described in s.
 3357 1011.62(7). These services may be provided by baccalaureate
 3358 degree level persons for a period of 3 years. The rules shall
 3359 authorize the delivery of speech-language services by
 3360 baccalaureate degree level persons under the direction of a
 3361 certified speech-language pathologist with a master's degree or
 3362 higher. ~~By October 1, 2003, these rules shall be reviewed by the~~
 3363 ~~State Board of Education.~~

3364 Section 97. Section 1012.561, Florida Statutes, is amended
 3365 to read:

3366 1012.561 Address of record.—Each certified educator or
 3367 applicant for certification is solely responsible for
 3368 maintaining his or her current address with the Department of
 3369 Education and for notifying the department in writing of a
 3370 change of address. ~~By January 1, 2005, each educator and~~
 3371 ~~applicant for certification must have on file with the~~
 3372 ~~department a current mailing address. Thereafter,~~ A certified
 3373 educator or applicant for certification who is employed by a
 3374 district school board shall notify his or her employing school
 3375 district within 10 days after a change of address. At a minimum,

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3376 the employing district school board shall notify the department
 3377 monthly of the addresses of the certified educators or
 3378 applicants for certification in the manner prescribed by the
 3379 department. A certified educator or applicant for certification
 3380 who is not employed by a district school board shall personally
 3381 notify the department in writing within 30 days after a change
 3382 of address. The department shall permit electronic notification;
 3383 however, it is the responsibility of the certified educator or
 3384 applicant for certification to ensure that the department has
 3385 received the electronic notification.

3386 Section 98. Section 1012.595, Florida Statutes, is
 3387 repealed.

3388 Section 99. Subsections (2), (3), and (4) of section
 3389 1012.885, Florida Statutes, are amended to read:

3390 1012.885 Remuneration of Florida College System
 3391 institution presidents; limitations.-

3392 ~~(2) LIMITATION ON COMPENSATION. Notwithstanding any other~~
 3393 ~~law, resolution, or rule to the contrary, a Florida College~~
 3394 ~~System institution president may not receive more than \$225,000~~
 3395 ~~in remuneration annually from appropriated state funds. Only~~
 3396 ~~compensation, as defined in s. 121.021(22), provided to a~~
 3397 ~~Florida College System institution president may be used in~~
 3398 ~~calculating benefits under chapter 121.~~

3399 (2)(3) EXCEPTIONS.-This section does not prohibit a any
 3400 party from providing cash or cash-equivalent compensation from
 3401 funds that are not appropriated state funds to a Florida College
 3402 System institution president in excess of the limit in

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3403 subsection (3)~~(2)~~. If a party is unable or unwilling to fulfill
 3404 an obligation to provide cash or cash-equivalent compensation to
 3405 a Florida College System institution president as permitted
 3406 under this subsection, appropriated state funds may not be used
 3407 to fulfill such obligation.

3408 (3)~~(4)~~ LIMITATION ON REMUNERATION.—Notwithstanding a law,
 3409 resolution, or rule to the contrary ~~the provisions of this~~
 3410 ~~section~~, a Florida College System institution president may not
 3411 receive more than \$200,000 in remuneration from appropriated
 3412 state funds. Only compensation, as defined in s. 121.021(22),
 3413 provided to a Florida College System institution president may
 3414 be used in calculating benefits under chapter 121.

3415 Section 100. Subsections (2), (3), and (4) of section
 3416 1012.975, Florida Statutes, are amended to read:

3417 1012.975 Remuneration of state university presidents;
 3418 limitations.—

3419 ~~(2)~~ ~~LIMITATION ON COMPENSATION.~~ Notwithstanding any other
 3420 law, resolution, or rule to the contrary, a state university
 3421 president may not receive more than \$225,000 in remuneration
 3422 annually from public funds. Only compensation, as such term is
 3423 defined in s. 121.021(22), provided to a state university
 3424 president may be used in calculating benefits under chapter 121.

3425 (2)~~(3)~~ EXCEPTIONS.—This section does not prohibit a any
 3426 party from providing cash or cash-equivalent compensation from
 3427 funds that are not public funds to a state university president
 3428 in excess of the limit in subsection (3)~~(2)~~. If a party is
 3429 unable or unwilling to fulfill an obligation to provide cash or

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3430 cash-equivalent compensation to a state university president as
 3431 permitted under this subsection, public funds may not be used to
 3432 fulfill such obligation.

3433 (3)~~(4)~~ LIMITATION ON REMUNERATION.—Notwithstanding a law,
 3434 resolution, or rule to the contrary ~~the provisions of this~~
 3435 ~~section~~, a state university president may not receive more than
 3436 \$200,000 in remuneration from public funds. Only compensation,
 3437 as defined in s. 121.021(22), provided to a state university
 3438 president may be used in calculating benefits under chapter 121.

3439 Section 101. Subsection (12) of section 1012.98, Florida
 3440 Statutes, is amended to read:

3441 1012.98 School Community Professional Development Act.—

3442 (12) The department shall require teachers in grades K-12
 3443 ~~1-12~~ to participate in continuing education training provided by
 3444 the Department of Children and Family Services on identifying
 3445 and reporting child abuse and neglect.

3446 Section 102. Paragraph (f) of subsection (2) of section
 3447 1013.35, Florida Statutes, is amended to read:

3448 1013.35 School district educational facilities plan;
 3449 definitions; preparation, adoption, and amendment; long-term
 3450 work programs.—

3451 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
 3452 FACILITIES PLAN.—

3453 (f) Not less than once every 5 years, the district school
 3454 board shall have an ~~a financial management and performance~~ audit
 3455 conducted of the district's educational planning and
 3456 construction activities ~~of the district~~. An operational audit

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3457 conducted by ~~the Office of Program Policy Analysis and~~
 3458 ~~Government Accountability and~~ the Auditor General pursuant to s.
 3459 11.45 ~~1008.35~~ satisfies this requirement.

3460 Section 103. Section 1013.47, Florida Statutes, is amended
 3461 to read:

3462 1013.47 Substance of contract; contractors to give bond;
 3463 penalties.—Each board shall develop contracts consistent with
 3464 this chapter and statutes governing public facilities. Such a
 3465 contract must contain the drawings and specifications of the
 3466 work to be done and the material to be furnished, the time limit
 3467 in which the construction is to be completed, the time and
 3468 method by which payments are to be made upon the contract, and
 3469 the penalty to be paid by the contractor for a ~~any~~ failure to
 3470 comply with the terms of the contract. The board may require the
 3471 contractor to pay a penalty for any failure to comply with the
 3472 terms of the contract and may provide an incentive for early
 3473 completion. Upon accepting a satisfactory bid, the board shall
 3474 enter into a contract with the party or parties whose bid has
 3475 been accepted. The contractor shall furnish the board with a
 3476 performance and payment bond as set forth in s. 255.05. A board
 3477 or other public entity may not require a contractor to secure a
 3478 surety bond under s. 255.05 from a specific agent or bonding
 3479 company. ~~Notwithstanding any other provision of this section, if~~
 3480 ~~25 percent or more of the costs of any construction project is~~
 3481 ~~paid out of a trust fund established pursuant to 31 U.S.C. s.~~
 3482 ~~1243(a)(1), laborers and mechanics employed by contractors or~~
 3483 ~~subcontractors on such construction will be paid wages not less~~

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3484 ~~than those prevailing on similar construction projects in the~~
 3485 ~~locality, as determined by the Secretary of Labor in accordance~~
 3486 ~~with the Davis-Bacon Act, as amended.~~ A person, firm, or
 3487 corporation that constructs any part of any educational plant,
 3488 or addition thereto, on the basis of any unapproved plans or in
 3489 violation of any plans approved in accordance with the
 3490 provisions of this chapter and rules of the State Board of
 3491 Education or regulations of the Board of Governors relating to
 3492 building standards or specifications is subject to forfeiture of
 3493 the surety bond and unpaid compensation in an amount sufficient
 3494 to reimburse the board for any costs that will need to be
 3495 incurred in making any changes necessary to assure that all
 3496 requirements are met and is also guilty of a misdemeanor of the
 3497 second degree, punishable as provided in s. 775.082 or s.
 3498 775.083, for each separate violation.

3499 Section 104. Section 1013.49, Florida Statutes, is
 3500 repealed.

3501 Section 105. Section 1013.512, Florida Statutes, is
 3502 repealed.

3503 Section 106. Section 1013.54, Florida Statutes, is
 3504 repealed.

3505 Section 107. Section 20 of chapter 2010-24, Laws of
 3506 Florida, is repealed.

3507 Section 108. This act shall take effect upon becoming a
 3508 law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7031 PCB KTS 14-01 Education
SPONSOR(S): K-12 Subcommittee, Adkins
TIED BILLS: IDEN./SIM. **BILLS:** SB 1226

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-12 Subcommittee	12 Y, 0 N	Thomas	Ahearn
1) Education Committee		Thomas W	Mizereck

SUMMARY ANALYSIS

The bill repeals terminated or unfunded programs, corrects cross references, removes obsolete effective dates, eliminates duplicate reporting requirements, repeals completed pilot programs, and updates nomenclature.

The bill clarifies the graduation requirements for certain high school students. Last session the Legislature passed SB 1076 which, in part, dealt with course and testing requirements for high school graduation. The bill explains how the new graduation requirements impact students who were in high school before SB 1076 passed.

The bill removes references to repealed s. 1003.428, F.S., (Old high school graduation requirements) and s. 1003.429, F.S., (Old 18-credit early graduation options) and adds references to s. 1003.4282, F.S., (New standard high school diploma requirements), s. 1003.4281, F.S., (Early high school graduation), and s. 1002.3105(5), F.S., (New 18-credit high school graduation option).

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

The bill takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Auditor General Reporting Requirements

Section 11.45, F.S., requires the Auditor General (AG) to annually conduct a financial audit of all state universities and state colleges.¹ The AG is also required to annually conduct a financial audit of the accounts and records of all district school boards in counties with a population of fewer than 150,000.² District school boards in counties with a population of more than 150,000 receive financial audits once every 3 years.³ The AG conducts operational audits of the accounts and records of state universities, state colleges, and district school boards at least every three years.⁴

Upon conclusion of an audit, the AG discusses the audit with the official whose office is subject to audit and if there are any findings provides a list of the AG's findings, which may be included in the audit report.⁵

However, the AG is only required to notify the Joint Legislative Auditing Committee (JLAC) of any audit review which indicates that a state university or state college has failed to take corrective action in response to a recommendation which was included in two preceding financial or operational audit reports.⁶ There is no requirement that the AG notify JLAC that a school district has failed to take corrective action in response to recommendations.

The bill amends s. 11.45, F.S., requiring the AG to notify the JLAC of any audit review which indicates that a school district has failed to take corrective action in response to a recommendation included in two preceding financial or operational audit reports.

Administrative Procedures Act - Agency Review, Revision, and Report

Chapter 120, F.S., the Administrative Procedures Act (APA), establishes the process for administrative rulemaking. Rulemaking authority is delegated by the Legislature⁷ through statute and authorizes or requires an agency to "adopt, develop, establish, or otherwise create" a rule.⁸

Section 120.74(1), F.S., requires agencies to review their rules and perform the following:

- Identify and correct deficiencies;
- Clarify and simplify rules;
- Delete obsolete or unnecessary rules;
- Delete rules that are redundant of statutes;
- Improve efficiency, reduce paperwork, or decrease cost to government and the private sector;
- Confer with agencies having concurrent jurisdiction and determine whether their rules can be coordinated; and
- Determine whether rules should be amended or repealed to reduce the impact on small business while meeting the stated objectives of the proposed rules.

¹ Section 11.45(2)(c), F.S.

² Section 11.45(2)(d), F.S.

³ Section 11.45(2)(e), F.S.

⁴ Section 11.45(2)(f), F.S.

⁵ Section 11.45(4)(d), F.S.

⁶ Section 11.45(7)(j), F.S.

⁷ *Southwest Florida Water Management District v. Save the Manatee Club, Inc.*, 773 So. 2d 594 (Fla.1st DCA 2000).

⁸ Section 120.52(17), F.S.

By October 1 of each odd-numbered year, each agency must file a report with the President of the Senate, the Speaker of the House of Representatives, and the Joint Administrative Procedures Committee (JAPC), and each substantive committee of the Legislature, certifying, among other things, that the agency reviewed its rules in accordance with s. 120.74(1) F.S., and detailing changes made to the agency's rules as a result of the review.⁹

By July 1 of each year each agency must file with the President of the Senate, the Speaker of the House of Representatives, and the Administrative Procedures Committee a regulatory plan identifying and describing each rule the agency proposed to adopt for the 12 month period beginning on the July 1 reporting date and ending on the subsequent June 30,¹⁰ excluding emergency rules.¹¹

The bill amends s. 120.74, F.S., to exclude school districts, Florida College System (FCS) institutions, the Florida School for the Deaf and the Blind, and State University System (SUS) institutions from the rule review and reporting requirements. These entities otherwise adopt and review rules pursuant to specific requirements of law and are subject to legislative oversight by the various education committees.

Learning Gateway

Sections 411.226, 411.227, and 411.228, F.S., enacted in 2002, established the Learning Gateway program, a 3-year demonstration program "to provide parents access to information, referral, and services to lessen the effects of learning disabilities in children from birth to age 9." An 18 member steering committee was to have been appointed to ensure that parents had access to necessary services and support.¹² The original appropriation for the program was vetoed in 2002 and no members were appointed to the Learning Gateway Steering Committee.¹³ This program has never been funded.

The bill repeals ss. 411.226, 411.227, and 411.228, F.S., relating to the Learning Gateway program.

Truancy Petition; Prosecution; Disposition

Section 984.151(1), F.S., authorizes the district school superintendent to file a truancy petition if the school determines that a student subject to compulsory school attendance has had at least 5 unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90 calendar day period or has had more than 15 unexcused absences in a 90 calendar day period.

The bill amends s. 984.151(1), F.S., allowing the district school superintendent's designee to file a truancy petition.

Education Governance Transfers

Section 1000.01(5), F.S.,¹⁴ abolished the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Committee effective July 1, 2001. The powers, duties, functions, records, personnel, property, unexpected balances of appropriation allocations, other funds, administrative authority; administrative rules; pending issues, and existing contracts of the Board of Regents, the State Board of Community Colleges, the Articulation Coordinating Committee, and the Education Standards Commission were transferred to the State Board of Education (state board).

⁹ Section 120.74(2), F.S.

¹⁰ Section 120.74(3), F.S.

¹¹ Section 120.54(4)(a), F.S. States that if an agency finds that an immediate danger to the public health, safety, or welfare requires emergency action, the agency may adopt any rule necessitated by the immediate danger.

¹² Section 411.226, F.S.

¹³ Specific Appropriations 119A, s. 2, ch. 2002-394, L.O.F.

¹⁴ Formally s. 229.003, F.S., (Florida education governance reorganization) as amended by s. 3, ch. 2001-170, L.O.F.

The bill repeals s. 1000.01(5), F.S., relating to the education governance transfers because the transfers have already occurred. The language is obsolete.

Regional Education Compact and Interstate Compact on Educational Opportunity for Military Children

Sections 1000.33 and 1000.37, F.S., requires the Secretary of State to furnish an enrolled copy of Florida's law enacting the Regional Education Compact and the Interstate Compact on Educational Opportunity for Military Children to all states, respectively, that are members of the compact.

Regional Education Compact

The Regional Education Compact promotes the development and maintenance of regional education services and facilities in the Southern States in the professional, technological, scientific, literary, and other fields so as to provide greater educational advantages.¹⁵ The Southern Regional Education Board's website provides information on which states are participating in the Regional Education Compact.¹⁶

Interstate Compact on Educational Opportunity for Military Children

The Interstate Compact on Educational Opportunity for Military Children enables member states to uniformly address educational transition issues faced by military families. The compact governs member states in several areas, including school placement, enrollment, records transfer, and graduation for children of active-duty military families.¹⁷ Member states are required to establish an "Interstate Commission on Educational Opportunity" to oversee the governance of the compact. The commission's website provides information on which states are participating in the compact.¹⁸

The bill repeals ss. 1000.33 and 1000.37, F.S., requiring the Secretary of State to furnish an enrolled copy of Florida's law enacting the Regional Education Compact and the Interstate Compact on Educational Opportunity for Military Children to all states, respectively, that are members of the compact. The information relating to the compacts and states that are members of the compacts can be located online.

Commissioner of Education

Section 1001.10(6)(h), F.S., provides the Commissioner of Education the power and duty to develop and implement a plan for cooperating with the federal government in carrying out any or all phases of the educational program and to recommend policies for administering funds that are appropriated by Congress and apportioned to the state for any or all educational purposes.

In 2006, this section of law was amended to require the commissioner to submit to the Legislature a proposed state plan for the reauthorization of the No Child Left Behind (NCLB) Act before the plan is submitted to federal agencies. The President of the Senate and the Speaker of the House of Representatives were to appoint members of the appropriate education and appropriations committees to serve as a select committee to review the proposed state plan.¹⁹

¹⁵ Section 1000.32, F.S.

¹⁶ Southern Regional Education Board (SREB), *About SREB*, http://www.sreb.org/page/1068/about_SREB.html (last visited Dec. 16, 2013).

¹⁷ Section 1000.36, F.S.

¹⁸ Military Interstate Children's Compact Commission (MIC3), *MIC3 In The United States*, http://mic3.net/pages/contact/contactmic3_map.aspx (last visited Dec. 16, 2013).

¹⁹ Section 7, ch. 2006-74, L.O.F.

Florida has never sent a state plan to the United States Department of Education for the reauthorization of the NCLB Act. The bill repeals s. 1001.10(6)(h), F.S., due to the fact that states do not have authority to reauthorize or plan reauthorization of a federal law, only the United State Congress has that authority.

Section 1001.10(6)(k), F.S., requires the commissioner to maintain a Citizen Information Center responsible for the preparation, publication, and dissemination of user-friendly materials relating to K-12 scholarship programs and Voluntary Prekindergarten (VPK) Education programs. According to the Department of Education (DOE) there is no Citizen Information Center.²⁰

The bill amends s. 1001.10(6), F.S., to remove the requirement for the commissioner to submit a reauthorization plan of the NCLB Act and removes the reference to the Citizen Information Center. However, the commissioner is still responsible for dissemination of materials relating to K-12 scholarship programs and VPK Education programs, which is done through various divisions within DOE.

Educational Television

Section 1001.25, F.S., authorizes DOE to establish a television network. DOE is required, through educational television or other electronic media, to extend educational services to all the state system of public education, except SUS institutions. DOE established a television network known as the Knowledge Network. The Knowledge Network was discontinued as of July 1, 2011. DOE only has on its website under public broadcasting links to public broadcasting system sites, the Florida Channel, and Florida Public Radio Stations.

The bill repeals s. 1001.25, F.S.

Section 1001.26, F.S., provides that the public broadcasting system for Florida is administered by DOE pursuant to rules adopted by the state board. DOE has not adopted rules. However, the law is self-executing and no rules are necessary.

The bill amends s. 1001.26, F.S., to:

- Remove the requirement that the state board adopt rules for the administration of the program.
- Revise DOE's administrative duties to simply distribute funds as appropriated by the Legislature.
- Remove the requirement that the public broadcasting system must complement and share resources with the instructional programming services of DOE and educational Ultra High Frequency (UHF), Very High Frequency (VHF), Educational Broadband Services (EBS), and Frequency Modulation (FM) stations in the state. DOE no longer provides instructional programming.
- Remove the requirement that the public broadcasting system must include support for new stations meeting Corporation for Public Broadcasting qualifications and providing a first service to an audience that does not currently receive a broadcast signal or provide a significant new program service as defined by state board rule.²¹

²⁰ Telephone conference with Deputy Director, Florida Department of Education, Governmental Relations and K-12 Subcommittee Policy Chief (Dec. 2013).

²¹ The Federal Communications Commission (FCC) issues licenses for any new noncommercial outlet which includes the public broadcasting stations. Noncommercial television stations are issued licenses for an eight-year period. Once the license is issued by the FCC, the Corporation for Public Broadcasting (CPB) "qualifies" the station to be a part of the public broadcasting system. Congress created the CPB and since 1968 has been the steward of the federal government's investment in public broadcasting and the largest single source of funding for public radio, television, and related online and mobile services. For a number of years, the CPB has not been "qualifying" new public broadcasting stations and, in fact, believe that the PBS market has long been completely saturated. Not only are they not qualifying any new stations or PBS affiliates, they are also not replacing any station or affiliate that goes "dark" because of budgetary reasons. E-mail, Florida House of Representatives, Appropriations Committee (Jan. 24, 2014).

The bill imports from repealed s. 1001.25, F.S., that the facilities, plant, or personnel of any educational television station that is supported in whole or in part by state funds may not be used directly or indirectly for the promotion, advertisement, or advancement of any political candidate for any municipal, county, legislative, congressional, or state office; that fair, open and free discussion between political candidates for municipal, county, legislative, congressional, or state office may be permitted in order to help materially reduce the excessive cost of campaigns and to ensure that the state's citizens are fully informed about issues and candidates in campaigns; and that violation of any prohibition contained in this section is a misdemeanor of the second degree.

District School Superintendent Salary

Section 1001.47(7), F.S., provides that for fiscal year 2009 - 2010 the salary of each elected district school superintendent be reduced by 2 percent.

The bill repeals s. 1001.47(7), F.S., removing the authorization to reduce each elected district school superintendent's 2009 - 2010 salary by 2 percent. The reduction in the salaries of elected district school superintendents only applied to fiscal year 2009 - 2010.

Section 1001.50(6), F.S., encourages district school boards and superintendents to review the superintendent's annual remuneration for the 2009 - 2010 fiscal year and mutually agree to a reduction of at least 5 percent.

The bill repeals s. 1001.50(6), F.S., removing the option for district school boards and superintendents to review the superintendent's annual remuneration for the 2009 - 2010 fiscal year and mutually agree to a reduction of at least 5 percent. The reduction in the salaries of superintendent's annual remuneration only applied to fiscal year 2009 - 2010.

Transfer of Benefits

Section 1001.62, F.S., requires: "All local or special acts in force on July 1, 1968, that provide benefits for a Florida College System institution through a district school board shall continue in full force and effect, and such benefits shall be transmitted to the FCS institution board of trustees." The transfer of benefits arising under local or special acts occurred in 1968.

The bill repeals s. 1001.62, F.S., removing outdated language relating to the transfer of benefits arising under local or specials acts.

Controlled Open Enrollment Plan

Section 1002.31, F.S., authorizes, but does not require, each school district to offer controlled open enrollment,²² yet requires each school district to develop a controlled open enrolment plan and submit the plan to the commissioner. Districts must develop a system of priorities for the controlled open enrollment plan that includes consideration of the following:

- An application process required to participate in the controlled open enrollment program.
- A process that allows parents to declare school preferences.
- A process that encourages placements of siblings within the same school.
- A lottery procedure used by the school district to determine student assignment.
- An appeal process for hardship cases.
- Procedures to maintain socioeconomic, demographic, and racial balance.
- Availability of transportation.

²² Controlled open enrollment is the system by which school districts make student school assignments with parental preference as a significant factor. Any controlled open enrollment program must be offered in addition to existing choice programs such as virtual instruction programs, magnet schools, alternative schools, special programs, advanced placement, and dual enrollment.

- A process that promotes strong parental involvement, including the designation of a parent liaison.
- A strategy that establishes a clearing house of information designed to assist parents in making informed choices.²³

The bill amends s. 1002.31, F.S., requiring only the school districts offering controlled open enrollment to submit a controlled open enrollment plan to the commissioner.

Charter Schools and Charter Technical Career Centers

Section 1002.33(6)(a), F.S., requires as part of the charter school application process that applicants provide documentation of participation in training provided by DOE, contrary to other law that requires training only after an applicant has been approved.²⁴ This required training would have to be done before the applicant was approved to open a charter school.

Section 1002.34(6)(d), F.S., requires DOE to offer or arrange for training and technical assistance to charter technical career center applicants in developing business plans and estimating costs and income. The assistance must address estimating startup cost, projecting enrollment, and identifying the types and amounts of state and federal financial assistance the center may be eligible to receive. The training must include instruction in accurate financial planning and good business practices. Charter technical career center applicants are required to participate in training provided by DOE before filing an application.

The bill amends ss. 1002.33(6)(a), and 1002.34(6)(d), F.S., removing the requirement that DOE train applicants before they have been approved in order to conform with changes made to the law in 2011²⁵ that simply requires DOE to offer or arrange for training and technical assistance to approved applicants. Approved applicants must participate in training at least 30 days before the first day of classes.²⁶

Charter Schools and Charter Technical Career Centers / Financial Conditions and Financial Emergencies

Section 1002.345, F.S., provides that a charter school or a charter technical career center is subject to an expedited review by the sponsor if one of the following occurs:

- Failure to provide for an audit.
- Failure to comply with reporting requirements.
- Receipt of an annual audit or monthly financial statement identifying a deteriorating financial condition, or notification of a financial emergency.

A sponsor must notify the charter school's or center's governing board within 7 business days after one of these conditions occurs. The commissioner must annually report to the state board each charter school and charter technical career center that is subject to a financial recovery plan or a corrective action plan.

The bill amends s. 1002.345, F.S., reiterating that high-performing charter schools are only required to submit quarterly financial statements to their sponsors. The bill requires the sponsor to notify the commissioner of the need for an expedited review. This will provide the commissioner with a timeframe for when to expect the corrective action plan from the governing board and sponsor.

²³ Section 1003.31(5), F.S.

²⁴ See s. 1003.33(6)(f), F.S.

²⁵ Section 3, ch. 2011-232, L.O.F. (CS/CS/CS/SB 1546).

²⁶ Section 1002.33(6)(f), F.S.

The bill also removes the requirement that the commissioner must annually report to the state board each charter school and charter technical career center that is subject to a financial recovery plan or a corrective action plan. Whether a charter school or charter technical career center is subject to a financial recovery plan or corrective action plan is between the charter school or center and its sponsor, the school district – this has nothing to do with the state board. Requiring the commissioner to report such information to the state board is without consequence in that the state board is not authorized by law to do anything about the situation – it is a local issue, up until such time a school district revokes or refuses to renew a charter or center and the charter or center chooses to appeal to the state board.

John M. McKay Scholarship

The John M. McKay Scholarships for Students with Disabilities Program provides scholarships for eligible students with disabilities to attend an eligible public or private school of their choice. To be eligible to receive a McKay Scholarship, the student must:

- Have received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and have a current individual educational plan (IEP) or a 504 accommodation plan has been issued under s. 504 of the Rehabilitation Act of 1973;
- Have spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind; or
- Have been enrolled and reported by a school district for funding, during the October and February Florida Education Finance Program (FEFP) surveys, in any of the 5 years prior to 2010 - 2011 fiscal year; have a current IEP no later than June 30, 2011; and receive a first-time McKay scholarship for the 2011 - 2012 school year.

Section 1002.39(2)(a)3., F.S., expanded the eligibility window for students to qualify for a McKay Scholarship for one year only. Students who spent any of the 5 years in public school prior to the 2010 - 2011 fiscal year could apply by June 30, 2011. This application period has expired. Students who qualified under this provision and received a McKay Scholarship will continue to receive the scholarship until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.

The bill amends s. 1002.39(2)(a)3., F.S., removing the outdated language expanding the eligibility window for students to qualify for a McKay Scholarship. The time parameter has expired.

K-8 Virtual School Programs

In 2003, the Legislature authorized DOE to create a minimum of two pilot K-8 virtual schools. The schools were established as independent, statewide public schools that use online and distance learning technology to deliver instruction to full-time students in kindergarten through grade eight.²⁷

In 2006, the Legislature removed the program's pilot status and statutorily codified the K-8 Virtual School Program as a statewide educational choice program within DOE.²⁸ The K-8 Virtual School Program is subject to annual legislative appropriation. The K-8 Virtual School Program reported 0 FTE in the 2012 - 2013 FEFP third calculation and .17 FTE for the 2012 - 2013 fifth calculation.²⁹

The bill repeals s. 1002.415, F.S., eliminating the K-8 Virtual School Program under this section because no students are enrolled. However, this does not eliminate the program because the program was transferred to Palm Beach and Palm Beach receives FEFP funding for this program.³⁰

²⁷ Specific Appropriation 4D, s. 1, ch. 2003-397, L.O.F.

²⁸ Section 1, ch. 2006-48, L.O.F., *codified at* s. 1002.415, F.S.

²⁹ E-mail, Florida House of Representatives, Education Appropriations Subcommittee (Aug. 14, 2013).

³⁰ Telephone interview with Florida House of Representatives, Education Appropriations Subcommittee staff (Jan. 8, 2014).

Professional Credentials of Prekindergarten Instructors

Section 1002.65, F.S., enacted in 2004,³¹ established aspirational goals for the 2010 - 2011 academic year that included the following:

- Each prekindergarten class will have at least one prekindergarten instructor who holds an associate's or higher degree in the field of early childhood education or child development; and
- Each prekindergarten class composed of 11 or more students, in addition to the prekindergarten instructor who meets the degree requirements, the class will have at least one prekindergarten instructor who meets each of the following requirements:
 - The prekindergarten instructor must hold, at a minimum, one of the following credentials:
 - A child development associates credential issued by the National Credentialing Program of the Council for Professional Recognition (NCPCPR); or
 - A credential approved by the Department of Children and Families as being equivalent to or greater than the credential issued by the NCPCPR.
 - The prekindergarten instructor must successfully complete an emergent literacy training course and a student performance standards training course.³²

Aspirational goals were also set for the 2013 - 2014 academic year, that each prekindergarten class will have at least one kindergarten instructor who holds a bachelor's or higher degree in the field of early childhood education or child-development.³³

The bill repeals s. 1002.65, F.S., because the time parameter for meeting the aspirational goals for VPK instructors has expired.

Financial Literacy Cost Analysis

Section 1003.41(3), F.S., requires the commissioner to prepare an analysis of the costs associated with implementing a separate, one-half credit course in financial literacy, including estimated costs for instructional personnel, training, and the development or purchase of instructional materials. The commissioner is required to work with one or more nonprofit organizations with proven expertise in the area of personal finance, consider free resources that can be utilized for instructional materials, and provide data on the implementation of such a course in other states. The commissioner must provide the cost analysis to the President of the Senate and the Speaker of the House of Representatives by October 1, 2013.

On October 1, 2013, the commissioner provided the President of the Senate and the Speaker of the House of Representatives an analysis of the costs associated with implementing a separate, one-half credit course in financial literacy.³⁴

The bill amends s. 1003.41(3), F.S., removing obsolete language requiring the commissioner to provide a cost analysis.

³¹ Section 1, ch. 2004-484, L.O.F.

³² Section 1002.55(3)(c), F.S.

³³ Section 1002.65(2)(b), F.S.

³⁴ The cost analysis contained four scenarios for implementing a separate, one-half course in financial literacy. The first scenario assumes that only a classroom set of hardback books will be purchased for the first year. The estimated cost of implementation is \$2,917,824 the first year, with a total cost of \$4,627,904 for the first five years. The second scenario assumes that a hardback book will be provided to every student that is enrolled in the course. The first year estimated cost is \$11,605,904, with a total cost of \$18,486,080 for the first five years. The third scenario assumes that the financial literacy course will be taken electronically through a free online course. The first year estimated cost is \$161,581, with no additional cost after the first year. The fourth scenario assumes that there are no instructional materials cost. The curriculum will be obtained online through a free certified online learning website. The first year estimated cost is \$134,944, with no additional cost after the first year. Florida Department of Education, Office of the Commissioner of Education, *Implementation of Financial Literacy Course* (Oct. 2013).

School Assessment and Promotion

Middle Grades Promotion

Section 1003.4156(1)(b), F.S., provides that in order to be promoted from middle school to high school a student must successfully complete 3 middle grades or higher courses in mathematics. A middle grades school must offer at least 1 high school level mathematics course for which a student may earn high school credit. Successful completion of high school level Algebra I or Geometry courses is not contingent upon the student's performance on the statewide, standardized end-of-course (EOC) assessment or, upon transition to common core assessments, the common core Algebra I or Geometry assessment. Beginning with the 2011 - 2012 school year, to earn high school credit for Algebra I, a middle grades student was to have passed the Algebra I EOC assessment. Beginning in the 2012 - 2013 school year, to earn high school credit for Geometry a middle grades student must take the statewide, standardized Geometry EOC assessment, which constitutes 30 percent of the student's final course grade and earn a passing grade in the course.

The bill amends s. 1003.4156, F.S., eliminating the must pass Algebra I EOC requirement for a middle grades student to earn high school credit, but beginning with the 2013 - 2014 school year and thereafter, like Geometry, student performance on the Algebra I EOC assessment constitutes 30 percent of the student's final course grade.

Section 1003.4156(1)(c), F.S., provides that to be promoted from middle grades to high school a student must successfully complete 3 middle grades or higher courses in social studies. Beginning with students entering grade 6 in the 2012 - 2013 school year, one of these courses must be at least a one-semester civics education course.

The bill establishes a transfer policy for a middle grades student who transfers into the state's public school system from out of the country, out of state, a private school, or a home education program. The policy provides that if a student transfers in after the beginning of the second term of the eighth grade the student is not required to meet the civics education requirement for promotion from middle grades, if the student's transcript documents passage of 3 courses in social studies or 2 year-long courses in social studies that included coverage of civics education.

Section 1008.22(3)(b)1., F.S., states that middle grades students enrolled in Algebra I or Geometry must take the statewide, standardized EOC assessment for those courses and are "not required" to take the corresponding grade-level Florida Comprehensive Assessment Test (FCAT). Because the law does not prohibit double testing some districts have so required.

The bill amends s. 1008.22(3)(b)1., F.S., providing that middle grade students enrolled in Algebra I, Geometry, or Biology I must take the statewide, standardized EOC assessment for those courses and "shall not take" the corresponding subject and grade-level statewide, standardized assessment.

High School Graduation Requirements

In 2013, the Legislature passed CS/CS/SB 1076. The bill, in part, created a new section of law, s. 1003.4282, F.S., establishing high school graduation requirements for students entering grade 9 in the 2013 - 2014 school year and thereafter.

Currently Florida public high school students have four options for obtaining a standard high school diploma -- a traditional 4-year, 24-credit option;³⁵ an 18-credit graduation option;³⁶ or completion of an International Baccalaureate (IB) or Advanced International Certificate of Education (AICE) program CS/CS/SB 1076 created s. 1002.3105(5), F.S., which established the new 18-credit graduation option and repealed the old 18-credit college preparatory and career preparatory graduation options contained in s. 1003.429, F.S.

In addition, current law provides, in s. 1003.4281, F.S., that each school district must adopt an early graduation policy allowing a high school student who completes 24 credits in less than eight semesters and meets the GPA and assessment requirements to graduate early.

The bill removes references to repealed s. 1003.428, F.S., (Old high school graduation requirements) and s. 1003.429, F.S., (Old 18-credit early graduation options) and adds references to s. 1003.4282, F.S., (New standard high school diploma requirements), s. 1003.4281, F.S., (Early high school graduation), and s. 1002.3105(5), F.S. (New 18-credit high school graduation option).

Online Course Requirement

Section 1003.4282(4), F.S., requires at least one course within the 24 credits required for a standard high school diploma to be completed through online learning. However, an online driver education course is excluded from meeting the online course requirement.

The bill amends s. 1003.4282(4), F.S., providing that current law prohibiting use of a driver education course to meet the online course requirement only applies to students entering grade 9 in the 2013 - 2014 school year and thereafter. The law prohibiting an online driver education course from meeting the online course requirement for high school graduation was passed last session (SB 1076), along with the new high school graduation requirements. Only incoming students in grade 9 in 2013 – 2014 and thereafter are impacted by this change. Beginning with grade 9 students in the 2011 – 2012 school year, students were required to take an online course. If these students already met their online requirement with a driver education course, they should not be negatively impacted by last year's change in law.

Certificate of Completion

Section 1003.4282(7), F.S., provides that "a certificate of completion may be awarded to a student who fails to earn the required credits or achieve a 2.0 GPA must be awarded a certificate of completion by the state board."

The bill amends s. 1003.4282, F.S., to correctly provide that a student who earns the required 24-credits or 18-credits but fails to pass the required assessments or earn a 2.0 GPA must be awarded a certificate of completion. The bill also clarifies that a student awarded a certificate of completion may remain in high school for one additional year, either full-time or part-time, in order to receive special instruction designed to remedy his or her identified deficiencies.

Cohort Transition to New Graduation Requirements

CS/CS/SB 1076 did not repeal s. 1003.428, F.S., the old law dealing with high school graduation requirements for students entering grade 9 in the 2007 - 2008 school year and thereafter. Certain provisions in s. 1003.4282, F.S., the new graduation requirements, beginning with students entering grade 9 in the 2013 - 2014 school year, created by CS/CS/SB 1076, did reference, in part, students in

³⁵ Section 1003.428, F.S.

³⁶ Section 1002.3105(5), F.S. Effective July 1, 2013, students may earn a standard high school diploma in 18 credits by achieving a 2.0 GPA; earning credit in the same 15 ELA, mathematics, science, social studies, and fine and performing arts courses required under the traditional 24-credit option; and earning 3 elective credits, instead of the 6 electives required by the 24-credit option.

earlier grade 9 cohorts. As a result, confusion arose as to what provisions of law applied to students entering grade 9 prior to the 2013 - 2014 school year.

The bill identifies, with specificity, all course and assessment requirements for students entering grade 9 before the 2010 - 2011 school year,³⁷ entering grade 9 in the 2010 - 2011 school year,³⁸ entering grade 9 in the 2011 - 2012 school year,³⁹ and entering grade 9 in the 2012 - 2013 school year.⁴⁰

The bill adds an automatic repeal date of July 1, 2020, to the new subsection of law that identifies, by grade 9 cohorts, all course and assessment requirements for graduating from high school with a standard diploma. The grade 9 students in the identified cohorts will have graduated from high school by 2017. The bill also provides that policy adopted in rule by a district school board may require for any cohort of students that performance on a statewide, standardized EOC assessment constitutes 30 percent of a student's final course grade.

Industry Certification

There are two ways in which students may use career education or industry certification courses to satisfy core academic credits required for a standard high school diploma. First, DOE is required to develop, for approval by the state board, multiple, career education courses, or a series of courses that allow students to simultaneously earn career education course and academic course credit in courses required for graduation.⁴¹ Second, students entering grade 9 in the 2013 - 2014 school year and thereafter may substitute industry certification courses that lead to college credit for up to 2 mathematics credits and up to 1 science credit.⁴²

The bill amends s. 1003.4282, F.S., to add that the industry certification that can be substituted for credit must have a statewide college credit articulation agreement approved by the state board. The bill provides that students who earn an industry certification for which there is a statewide college credit articulation agreement approved by the state board may not substitute certification for Algebra I, Geometry, or Biology I.

³⁷ The requirements are: Four credits in English/ELA; Four credits in mathematics, which must include Algebra I; Three credits in science, two of which must have a laboratory component; Three credits in social studies of which one credit in World History, one credit in U.S. History, one-half credit in U.S. Government, and one-half credit in economics is required; One credit in fine or performing arts, speech and debate, or practical arts; One credit in physical education; and Eight credits in electives.

³⁸ The requirements are: Four credits in English/ELA; Four credits in mathematics, which must include Algebra I and Geometry school year; Three credits in science, two of which must have a laboratory component; Three credits in social studies of which one credit in World History, one credit in U.S. History, one-half credit in U.S. Government, and one-half credit in economics is required; One credit in fine or performing arts, speech and debate, or practical arts; One credit in physical education; and Eight credits in electives.

³⁹ The requirements are: Four credits in English/ELA; Four credits in mathematics, which must include Algebra I and Geometry; Three credits in science, two of which must have a laboratory component; Three credits in social studies of which one credit in World History, one credit in U. S. History, one-half credit in U.S. Government, and one-half credit in economics is required; One credit in fine or performing arts, speech and debate, or practical arts; One credit in physical education; Eight credits in electives; and One online course.

⁴⁰ The requirements are four credits in English/ELA; Four credits in mathematics, which must include Algebra I and Geometry; Three credits in science, two of which must have a laboratory component; Three credits in social studies of which one credit in world History, one credit in United States History, one-half credit in United States Government, and one-half credit in economics is required; One credit in fine or performing arts, speech and debate, or practical arts; One credit in physical education; Eight credits in electives; One online course.

⁴¹ Section 1003.4282(9)(a), F.S. Such courses must include workforce and digital literacy skills, practical applications of academic course content, and lead to one or more industry certifications or clearly articulated credit or advanced standing in a two-year or four-year certificate or degree program, including work-related internships or apprenticeships. The state board must determine whether academic standards are sufficiently covered to warrant the award of academic credit. Additionally, school districts, postsecondary institutions, education consortia, local workforce boards, business, and industry may collaborate in creating career education courses that lead to academic course credit. Courses developed through this collaborative process must meet the same rigorous standards as those created by DOE and be approved by the state board. Section 1003.4282(9)(b)-(c), F.S.

⁴² Section 1003.4282(3)(b) and (c), F.S. (Effective for students entering 9th grade in the 2013 - 2014 school year and thereafter).

The bill also requires that if a transfer student's transcript shows a final course grade and course credit in Algebra I, Geometry, Biology I, or U. S. History, the transferring course final grade and credit must be honored without the student taking the requisite statewide, standardized EOC assessment and without the assessment results constituting 30 percent of the student's final course grade.

Student Assessments

Section 1008.22, F.S., requires the commissioner to design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The statewide, standardized assessment program must be designed and implemented to include the FCAT until replaced by common core assessments in English Language Arts (ELA) and mathematic.

The state board must adopt rules to establish an implementation schedule to transition from FCAT Reading, FCAT Writing, FCAT Mathematics and Algebra I and Geometry EOC assessments to common core assessments in ELA and mathematics.⁴³ The state board must also designate by rule a passing score for each statewide, standardized EOC and FCAT assessment. In addition the state board must designate a score for each statewide, standardized EOC assessment that indicates that a student is high achieving and has the potential to meet college readiness standards by the time the student graduates from high school.⁴⁴

The FCAT includes annual comprehensive assessments of reading in grades 3 through 10; comprehensive assessments of mathematics in grades 3 through 8; comprehensive assessments of writing at least once at the elementary, middle, and high school levels; and comprehensive assessments of science in the elementary and middle grades levels.⁴⁵ In 2010, the Legislature required the phased-in replacement of grades 9 and 10 FCAT Mathematics with the EOC assessments in Algebra I and Geometry and grade 11 FCAT Science with an EOC assessment in Biology I.⁴⁶

Section 1008.22(3)(c)2., F.S., states that a student with a disability for whom the IEP team determines that the statewide, standardized assessment cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, must have assessment results waived for the purpose of receiving a course grade or a standard high school diploma. Such waiver must be designated on the student's transcript.

The bill:

- Removes the requirement that the state board designate an additional cut score on EOC assessments that identifies a student as high achieving because how high achieving a student is can be determined by the score the student receives on the assessment, i.e., Levels 1 - 5.
- Clarifies that a student's performance on the Algebra II and Biology I EOC assessment constitutes 30 percent of a student's final course grade, in conformance with s. 1003.4282, F.S.
- Specifies that the waiver of assessment results on a student's transcript must be limited to a statement that "performance on an assessment was waived for the purpose of receiving a course grade or a standard high school diploma, as applicable."
- Removes rulemaking requirements for the state board to establish an implementation schedule to transition from FCAT Reading, FCAT Writing, FCAT Mathematics and Algebra I and Geometry EOC assessments to common core assessments in ELA and mathematics. The commissioner is required to establish and publish on DOE's website an implementation schedule to transition from the statewide, standardized Reading and writing assessments to the

⁴³ Section 1008.22(3)(d)3., F.S.

⁴⁴ Section 1008.22(3)(d)2., F.S.

⁴⁵ Section 1008.22(3)(a), F.S.

⁴⁶ Section 1008.22(3)(b), F.S.

ELA assessments and to the revised Mathematics assessments including the Algebra I and Geometry EOC assessments.

Scholar Designations

Section 1003.4285, F.S., provides that students may earn a Scholar designation if they satisfy additional course testing requirements exceeding the requirements for a standard high school diploma.

Students pursuing a Scholar designation must:

- Pass the 11th grade ELA common core assessment, effective when the state transitions to common core assessments;
- Earn one credit in Algebra II and one credit in Statistics or an equally rigorous course. When the state transitions to common core assessments, students must pass the Algebra II common core assessment;
- Pass the Biology I EOC assessment and earn one credit in Chemistry or Physics and one credit in an equally rigorous course;
- Pass the U.S. History EOC assessment;
- Earn two credits in the same foreign language; and
- Earn at least one credit in an AP, IB, AICE, or a dual enrollment course.

The bill amends s. 1003.4285, F.S., by adding a new requirement that beginning with students entering grade 9 in the 2014 - 2015 school year, a student must pass the statewide, standardized Geometry EOC assessment in order to earn a Scholar designation.

The bill provides that a student enrolled in an AP, IB, or AICE Biology course who takes the respective AP, IB, or AICE Biology assessment and earns the minimum score necessary to earn college credit meets the Scholar designation science requirement without having to take the statewide, standardized Biology I EOC assessment. The bill also provides that a student enrolled in an AP, IB, or AICE course that includes U.S. History topics, who takes the respective AP, IB, or AICE assessment and earns the minimum score necessary to earn college credit meets the Scholar designation social studies requirement without having to take the statewide, standardized U.S. History EOC assessment.

Common Core State Standards

The Common Core State Standards Initiative is a state-led effort coordinated by the National Governors Association Center for Best Practices and the Council of Chief State School Officers to establish a shared set of educational standards for ELA and Mathematics that states may adopt.⁴⁷

DOE announced its intention to join the Common Core State Standards Initiative in July 2009, several months after K-16 Florida educators originally convened to draft the Next Generation Sunshine State Standards in ELA. DOE then worked to develop standards with the Common Core State Standards Initiative. Draft common core standards for ELA and Mathematics were submitted for public comment in March 2010 and the final standards were released in June 2010.⁴⁸ The state board adopted the common core standards in ELA and Mathematics as part of the Next Generation Sunshine State Standards July 27, 2010,⁴⁹ joining 44 other states.⁵⁰

⁴⁷ Common Core State Standards Initiative, *Frequently Asked Questions*, <http://www.corestandards.org/resources/frequently-asked-questions> (last visited Dec. 8, 2013).

⁴⁸ Common Core State Standards Initiative, *Common Standards*, <http://www.corestandards.org/> (last visited Jan. 8, 2014).

⁴⁹ Florida Department of Education, *State Board of Education Agenda*, http://www.fldoe.org/board/meetings/2010_07_27/agenda.asp (last visited Jan. 8, 2014).

⁵⁰ Common Core State Standards Initiative, *In the States*, <http://www.corestandards.org/in-the-states> (last visited Jan. 8, 2014). The only states that have not adopted the common core state standards are Alaska, Nebraska, Texas, and Virginia. Minnesota adopted common core standards in 2010, but kept the states own math standards.

The common core state standards were to be assessed through an assessment system selected by the state board aligned with the Common Core Standards Initiative, beginning in the 2014 – 2015 school year. However, the state board is charged by law with continued review and adoption of all content standards for all subject areas and is in the process of reviewing and adopting new standards for ELA and Mathematics.

The bill removes reference to the common core standards and FCAT and adds a more generic reference to state standards and statewide, standardized assessments, respectively. Reference to common core standards within the definition of Next Generation Sunshine State Standards is also deleted.

Junior Reserve Officers' Training Corps

Section 1003.451, F.S., prohibits a school district from banning any branch of the United States Armed Forces or the U. S. Department of Homeland Security from establishing, maintaining, or operating a unit of the Junior Reserve Officers Training Corps (ROTC) at a public high school. A school district must grant military recruiters of the U.S. Armed Forces and U.S. Department of Homeland Security the same access to secondary school students, facilities, and grounds which the district grants to postsecondary educational institutions or prospective employers of students.

The state board is authorized to adopt rules and take enforcement action against school districts that do not comply with these requirements.⁵¹ However, the state board has not yet adopted rules to administer these provisions.

The bill repeals s. 1003.451(5), F.S., removing the authority for the state board to adopt rules to administer the section. The law is self-executing, therefore no rule is necessary.

Academically High-Performing School Districts

Section 1003.621(1)(a), F.S., requires that academically high-performing school districts must have no material weakness or instances of material noncompliance noted in their annual financial audits conducted by the AG.

The bill amends s. 1003.621(1)(a), F.S., to include a reference to s. 11.45, F.S., which requires the AG to conduct annual financial audits and operational audits of school districts every 3 years. The bill also deletes reference to the 2004 – 2005 school year, which was the year school districts could begin meeting the criteria for designation as an academically high-performing school district.

Adult High School Credit Program

Section 1004.02(4), F.S., defines “adult high school credit program” for purposes of chapter 1004 as “the award of credits upon completion of courses and passing of state mandated assessments necessary to qualify for a high school diploma. Except as provided elsewhere in law, the graduation standards for adults must be the same as those for secondary students.” The term “adult high school credit program” does not appear in chapter 1004.

The bill removes the definition of “adult high school credit program” and adds the following 18 credit graduation option for adult students:

- Four credits in English Language Arts;
- Four credits in mathematics;
- Three credits in science, two of the required three credits must have laboratory component. The laboratory requirement may be waived by the district school board;

⁵¹ Section 1003.451(4) and (5), F.S.
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- Three credits in social studies;
- One credit in fine or performing arts, speech and debate, or practical arts, or one other elective credit; and
- Three credits in electives.

To be eligible for an 18-credit graduation option, the student must earn a cumulative GPA of 2.0 on a 4.0 scale.

An adult seeking a 24-credit standard high school diploma may also substitute one elective credit for required credit in fine or performing arts, speech and debate, or practical arts. In addition, the science laboratory requirement may be waived by the district school board. Finally, the one credit in physical education may be substituted with an elective credit.

State University Degree Programs

In 2010, the Legislature authorized Florida Atlantic University (FAU) to offer a Doctor of Medicine degree program, subject to the approval of the Board of Governor (BOG).⁵² On April 7, 2010, BOG approved the program at FAU.

In 2010, the Legislature authorized a Doctor of Pharmacy degree program at the University of South Florida (USF) and required the program to be physically located on the campus of the University of South Florida Polytechnic (USF Polytechnic).⁵³ On January 29, 2009, BOG approved the program at USF.

The bill repeals obsolete language authorizing a Doctor of Medicine degree program at FAU and a Doctor of Pharmacy degree program at USF. Both programs have been approved by BOG.

Johnnie B. Byrd, S., Alzheimer’s Center and Research Institute

The Legislature created the Florida Alzheimer’s Center and Research Institute in 2002,⁵⁴ and subsequently renamed it the Johnnie B. Byrd, Sr., Alzheimer’s Center and Research Institute (Byrd Institute) in 2004.⁵⁵ In 2009, the Legislature placed the Byrd Institute at the USF.⁵⁶ The board of directors for the Johnnie B. Byrd, Sr. Alzheimer’s Center and Research Institute was created to oversee the establishment of the Institute.⁵⁷

The bill repeals s. 1004.445(2), F.S., establishing the board of directors for the Johnnie Byrd Sr., Alzheimer’s Center and Research Institute. Once the Byrd Institute was placed at USF there was no longer a need for a separate governing board.

Training School Consolidation Pilot Project

In 1999, the Legislature created the Training School Consolidation Pilot Projects.⁵⁸ The project established two “pilot training centers” to provide criminal justice training in Leon and St. Johns Counties: The Pat Thomas Center at Tallahassee Community College (now called the Pat Thomas Law Enforcement Academy) and The Criminal Justice Academy at St Johns River State College (now called the Criminal Justice Program). In 1999 the programs were transferred to FCS institutions. Accordingly, the programs are no longer pilot projects.

⁵² Section 1004.3825, F.S.

⁵³ Section 6, ch. 2010-155, L.O.F.

⁵⁴ Section 191, ch. 2002-387, L.O.F.

⁵⁵ Section 5, ch. 2004-002, L.O.F.

⁵⁶ Section 6, ch. 2009-060, L.O.F.

⁵⁷ Section 1004.445(2), F.S.

⁵⁸ Section 1004.75, F.S. (Formerly s. 240.384, F.S.).

The bill repeals s. 1004.75, F.S., relating to the Training School Consolidation Pilot Projects.

Statewide School Safety Hotline

In 1995, the Legislature created a statewide crime-watch program in the public schools for the purpose of reducing student actions that were in violation of the code of student conduct.⁵⁹ In 1996, the Legislature authorized DOE to contract with the Florida Sheriffs Association to establish and operate a statewide toll-free school safety hotline for the purpose of reporting incidents that affect the safety and well-being of the school's population.⁶⁰ If a toll-free school safety hotline is established by contract with the Florida Sheriffs Association, the Florida Sheriffs Association must produce a quarterly report that evaluates the incidents that have been reported on the hotline.⁶¹

The bill repeals s. 1006.141, F.S., relating to the Statewide School Safety Hotline.

Dating Violence and Abuse Prohibited

Section 1006.148(2), F.S., requires that each district school board adopt and implement a dating violence and abuse policy to be integrated into each school district's discipline policies.⁶² DOE was required to develop by January 1, 2011, a model policy to serve as a guide for district school boards in the development of the dating violence and abuse policies. On October 22, 2010, DOE provided district school boards with the model policy and training requirements.⁶³

The bill repeals s. 1006.148(2), F.S., requiring DOE to develop a dating violence and abuse model policy because DOE has already developed the model policy.

Use of Instructional Materials Allocation

Section 1006.40(2), F.S., requires each district school board to purchase current instructional materials to provide each student with a major tool of instruction in core courses. Such purchases must be made within the first 3 years after the effective date of the adoption cycle. For the 2012 - 2013 mathematics adoption, a district using comprehensive mathematics instructional materials adopted in 2009 - 2010 was to be deemed in compliance with the law if the district had provided each student with such additional state-adopted materials as was necessary to align the mathematics instructional materials to the new state standards.⁶⁴

The bill removes the 2012 - 2013 mathematics adoption language option. The bill amends s. 1006.40(2), F.S., specifying that a school board individually or as part of a consortium of school boards can purchase instructional materials if an instructional materials program has been implemented pursuant to s. 1006.283, F.S.⁶⁵

Student with Disabilities

Section 1007.02, F.S., defines the term "student with a disability," and establishes a popular name for the section, i.e., Enhanced New Needed Opportunity for Better Life and Education for Students with Disabilities (ENNOBLES) Act. However, the section refers to itself as an "Act" rather than a section. A law should not refer to "an Act" but should specify the sections of law to which the section of law is applicable. The popular name and the acronym are not used anywhere else in law.

⁵⁹ Section 2, ch. 95-164, L.O.F.

⁶⁰ Section 1006.141, F.S.; s. 5, ch. 96-276, L.O.F. (Formerly s. 230.23185, F.S.).

⁶¹ Section 1006.141, F.S.

⁶² Section 1006.148(1), F.S.

⁶³ Florida Department of Education, Office of Safe Schools, Teen Dating Violence Prevention, <http://www.fldoe.org/safeschools/TeenDatingViolence.asp> (last visited Jan. 23, 2014).

⁶⁴ Section 1006.40(2), F.S.

⁶⁵ Section 1006.283, F.S., establishes the district school board instructional materials review process.

The bill amends s. 1007.02, F.S., by removing the popular name and acronym. In addition, s. 1007.02, F.S., is amended to state that the definition of “student with a disability” is applicable to all of chapter 2007, F.S.

Public School Improvement

Section 1008.33(5) and (7), F.S., requires a school to implement one of the turnaround options listed in this section if the school earns a grade of “F” within 2 years of raising its grade from a grade of “F” or that earns a grade of “F” within 2 years after exiting the lowest-performing category under s. 3, chapter 2009 -144, L.O.F. A school classified in the lowest performing category before July 2012 is not required to continue implementing any turnaround options unless the school earns a grade of “F” or a third consecutive “D” for the 2011 - 2012 school year. A school earning a grade of “F” or a third consecutive “D” for the 2011 - 2012 school year may not restart the number of years it has been considered low performing.

The bill repeals s. 1008.33(5) and (7), F.S., removing the requirement to implement certain turnaround options because the time period for those options has expired.

Supplemental Educational Services

The federal requirement for Florida to provide supplemental educational services (SES) as originally prescribed by the No Child Left Behind Act of 2001 (NCLB) was waived with the approval of Florida’s ESEA Flexibility Request on February 9, 2012.⁶⁶ Florida’s ESEA Flexibility Request was subsequently amended on July 27, 2012, to allow Florida to continue providing SES for the 2012 - 2013 school year.⁶⁷

All SES providers had to be approved by the DOE before services could be provided in the district. Eligible candidates included nonprofit and for-profit entities, as well as school districts. Approved providers were allowed to:

- Set their fee for service within a specified range (\$5-\$70 per hour per student).
- Tutor up to 10 students simultaneously using the same instructor which is the equivalent of \$700 per hour for 10 students and 1 instructor.
- Self-report, to DOE, student learning gains, student attendance and completion data, and satisfaction surveys completed by parents, district administrators, and school principals. DOE used this information to apply a service designation to each provider of excellent, satisfactory, or unsatisfactory.⁶⁸

In 2011 - 2012, SES providers delivered an average of 19 hours of tutoring services per student at an average cost of \$1,050 per student.⁶⁹ However, a national study determined that SES programs delivering less than 40 hours of tutoring per year are unlikely to demonstrate statistically significant improvement in student growth math and reading gains.⁷⁰

The bill repeals s. 1008.331, F.S., removing the SES which is no longer required by federal law and not funded by this state. School districts on their own authority and through their funding sources can otherwise provide supplemental educational services.

⁶⁶ See Letter of Approval for Florida’s ESEA Waiver Request, (2012), available at <http://www.fldoe.org/esea/pdf/WaiverApprovalLetter.pdf>.

⁶⁷ See Letter of Approval for Florida’s ESEA Waiver Exemption Request, (2012), available at <https://www.ed.gov/policy/eseaflex/secretary-letters/fl-amendment.pdf>.

⁶⁸ Rule 6A-1.039, F.A.C.

⁶⁹ Email, Florida Department of Education, Bureau of School Improvement (April 3, 2012).

⁷⁰ American Enterprise Institute for Public Policy Research, Center for American Progress, *Tightening up Title I: The implementation and effectiveness of supplemental education services: A review and recommendations for program improvement*, (2012), available at http://www.aei.org/files/2012/03/05/-the-implementation-and-effectiveness-of-supplemental-educational-services_17150915643.pdf.

Best Financial Management Practices for Florida School Districts

Section 1008.35, F.S., requires the commissioner to adopt best financial management practices to be implemented by school districts. The practices must be developed for, but not limited to, efficient use of resources, compliance with general acceptable accounting principles, performance accountability, and cost control. The Office of Program Policy Analysis and Government Accountability (OPPAGA) and AG are tasked with developing a system by which to review school district implementation of the best practices.⁷¹ Furthermore, OPPAGA is responsible for conducting the reviews, subject to appropriation by the Legislature. The commissioner adopted the best financial management practices on September 4, 1997.⁷² The entire best practices review was contingent upon funding. The Legislature has not funded the program since 2002.⁷³

The bill repeals s. 1008.35, F.S., which removes the requirement that the commissioner adopt best financial management practices.

Workforce Education Postsecondary Student Fees

Section 1009.22(3)(f), F.S., establishes a maximum increase in resident tuition for any school district or Florida College System institution during the 2007 - 2008 fiscal year of 5 percent over the tuition charged during the 2006 - 2007 fiscal year.

The bill repeals s. 1009.22(3)(f), F.S., regarding the obsolete 2007 - 2008 resident tuition increase language.

Seminole and Miccosukee Indian Scholarships

In 1963, the Legislature enacted the Seminole and Miccosukee Indian Scholarship program.⁷⁴ The purpose of the Seminole and Miccosukee Indian Scholarship program is to encourage and assist students from the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida to pursue postsecondary education. The program is administered by DOE and funding for the program must be provided in the General Appropriations Act (GAA).⁷⁵ The Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida determines the amount of the scholarship for their respective applicants within the amount of funds appropriated.

Current law states that all new and existing financial assistance programs authorized under chapter 1009 which are not funded for 3 consecutive years after enactment must stand repealed.⁷⁶ Funding for the Seminole and Miccosukee Indian Scholarship program was last appropriated in 2001.⁷⁷

The bill repeals s. 1009.56, F.S., regarding the Seminole and Miccosukee Indian Scholarship program.

Virgil Hawkins Fellows Assistance Program

In 1988, the Legislature enacted the Virgil Hawkins Fellows Assistance Program.⁷⁸ The Virgil Hawkins Fellows Assistance Program provides financial assistance for minority students to study law at the

⁷¹ Section 1008.35(1), F.S.

⁷² Office of Program Policy Analysis and Government Accountability, Report No. 97-08, *available at* <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/9708rpt.pdf>.

⁷³ E-mail, Florida House of Representative, Education Appropriations Subcommittee (July 25, 2013).

⁷⁴ Sections 1-6, ch. 63-404, L.O.F.

⁷⁵ Section 1009.56(1), F.S.

⁷⁶ Section 1009.96, F.S.

⁷⁷ Specific Appropriation 93, s. 2, ch. 2001-253, L.O.F.

⁷⁸ Section 1, ch. 88-099, L.O.F.

Florida State University, the University of Florida, the Florida Agricultural and Mechanical University, and the Florida International University.⁷⁹

Each student that remains in good standing as approved by the law school and pursuant to guidelines of the state board is entitled to receive an award for each academic term.⁸⁰ Funding for the program must be as provided in the GAA.

Current law states that all new and existing financial assistance programs authorized under chapter 1009 which are not funded for 3 consecutive years after enactment must stand repealed.⁸¹ The Virgil Hawkins Fellows Assistance program was last appropriated funds in 2003.⁸²

The bill repeals s. 1009.69, F.S., regarding to the Virgil Hawkins Fellows Assistance Program.

Florida Higher Education Loan Authority Act

Part V of chapter 1009 provides a short title: "Florida Higher Education Loan Authority Act." The Act, created in 1982⁸³ authorizes, by county ordinance or resolution, the creation of a " _____ County Education Loan Authority." The Florida Higher Education Loan Authority Act was created to make loans to participating higher education institutions for the purpose of providing student loans. If a county ordinance/resolution is established, the law requires the loan authority to report annually to the commissioner. The only county that adopted such an ordinance (St. Johns) repealed its ordinance in 1995. The commissioner has not received any annual reports.⁸⁴

Current law states that all new and existing financial assistance programs authorized under chapter 1009 which are not funded for 3 consecutive years after enactment must stand repealed.⁸⁵ The program has been inactive since 1995.⁸⁶

The bill repeals Part V of chapter 1009, relating to the authority to create an Education Loan Authority.

School District Discretionary Tax

In 2009, the Legislature authorized district school boards to levy an additional 0.25 mills for critical capital outlay needs. Alternatively, the additional 0.25 mills may be levied for critical operating needs based on a supermajority vote of the district school board and passage of a voter approved referendum in the 2010 general election.⁸⁷

Legislation enacted in 2010, provided that in order for school districts to continue levying the additional 0.25 mills after the 2010 - 2011 fiscal year, the voters must have approved the referendum at the 2010 general election or at a subsequent election is held at any time. No more than one such election may be held during any 12-month period. Any millage so authorized could only be levied for a period not to exceed 2 years or until a change is made pursuant to another millage election, whichever occurs earlier.⁸⁸

⁷⁹ Section 1009.69(1), F.S.

⁸⁰ Section 1009.69(2), F.S.

⁸¹ Section 1009.96, F.S.

⁸² Specific Appropriation 134 and 135, s. 2, ch. 2003-397, L.O.F.

⁸³ Sections 1-28, ch. 82-241, L.O.F. (Formerly chapter 240).

⁸⁴ E-mail, Florida Department of Education, Governmental Relations (Sept. 10, 2013).

⁸⁵ Section 1009.96, F.S.

⁸⁶ E-mail, Florida Department of Education, Governmental Relations (Sept. 10, 2013).

⁸⁷ Section 33, ch. 2009-059, L.O.F., *codified at* s. 1011.71(3)(b), F.S.

⁸⁸ Section 30, ch. 2010-154, L.O.F., amending s. 1011.71(3)(b), F.S.

In 2011, the Legislature amended the statute so that the authority for district school boards to levy the 0.25 mills would expire on June 30, 2011.⁸⁹

The bill repeals s. 1011.71(3)(b) and (c), F.S., removing the authority for district school boards to levy the additional 0.25 mills.

Teacher Recruitment and Retention

Section 1012.05(2), F.S., requires DOE to develop, in consultation with school district staff, a long range plan for educator recruitment and retention and develop and implement a First Response Center and Teacher Lifeline Network to provide online support to beginning teachers and those that need assistance. The commissioner must take steps that provide flexibility and consistency in meeting the highly qualified teacher criteria defined in the NCLB Act of 2001 through a High, Objective, Uniform State Standard of Evaluation (HOUSSE).⁹⁰

The bill amends s. 1012.05, F.S., by removing the requirement for DOE to develop a long-range plan for educator recruitment and retention. Many districts are not in need of teachers. Those districts needing teachers are better suited to develop recruitment and retention plans applicable to local needs.

The bill eliminates reference to the Teacher Lifeline Network and the First Response Center because the center and network do not exist. The bill removes reference to HOUSSE which no longer exists.

Professional Service Contract

Section 1012.33(9), F.S., provides that, for the 2009 - 2010 and 2010 - 2011 fiscal years, district school boards should not enter into a new professional services contract if the only funds available to pay such contract are from nonrecurring Federal Stabilization Funds. The restriction on district school boards does not extend past the 2010 – 2011 fiscal year.

The bill repeals s. 1012.33(9), F.S., relating to obsolete language affecting fiscal years 2009 - 2010 and 2010 - 2011.

Speech Language Services

Section 1012.44, F.S., requires the state board to review rules it adopted regarding speech-language services to school districts by October 1, 2003. The state board has reviewed the rules for speech-language services.

The bill amends s. 1012.44, F.S., removing the outdated language requiring the state board to review rules for speech-language services.

Address of Record

Section 1012.561, F.S., requires by January 1, 2005, that each educator and applicant for certification have on file with DOE a current mailing address. The January 1, 2005, date requirement has passed.

The bill amends s. 1012.561, F.S., removing the outdated reporting requirement.

⁸⁹ Section 36, ch. 2011-055, L.O.F., amending s. 1011.71(3)(b), F.S.

⁹⁰ Section 1012.05(6), F.S.

Savings Clause

Section 1012.595, F.S., created in 1986,⁹¹ requires each applicant who was issued a certificate by DOE prior to June 25, 1986, to be entitled to hold such certificate. The certificates are renewed in accordance with the provisions of chapter 86-156 L.O.F.⁹²

The bill amends s. 1012.595, F.S., removing the outdated language regarding applicants issued a certificate by DOE prior to June 25, 1986.

Remuneration for State University and Florida College System Presidents

In 2010, s. 1012.885(2), F.S., was created to state that FCS institution presidents may not receive more than \$225,000 in remuneration annually from appropriated state funds. The Legislature has since changed that amount to \$200,000.⁹³

In 2003, s. 1012.975 (2), F.S., was created to state that SUS institution presidents may not receive more than \$225,000 in remuneration annually from appropriated state funds. The Legislature has since changed that amount to \$200,000.⁹⁴

Both sections of law continue to provide conflicting restrictions on the annual remuneration for SUS presidents and FCS presidents.

The bill removes ss. 1012.885(2), and 1012.975(2), F.S., relating to the outdated \$225,000 remuneration provisions.

Continuing Education Training

Section 1012.98(12), F.S., requires teachers in grades 1 - 12 to participate in continuing education training provided by the Department of Children and Family Services on identifying and reporting child abuse and neglect.

The bill amends s. 1012.98(12), F.S., to include kindergarten teacher participation in continuing education training provided by the Department of Children and Families.

Substance of Contract

Section 1013.47, F.S., requires: "If 25 percent or more of the costs of any construction project is paid out of a trust fund established pursuant to 31 U.S.C. s. 1243(a)(1) laborers and mechanics employed by contractors or subcontractors on such construction will be paid wages not less than those prevailing on similar construction projects in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act."

The bill amends s. 1013.47, F.S., to remove the above quoted language. Any federal (grant) funds appropriated for construction would include the necessary federal accountability requirements in accordance with the Davis-Bacon Act. There is no trust fund under 31 U.S.C. s. 1243(a)(1).

⁹¹ Formerly s. 231.245 F.S.,

⁹² Various sections of law relating to certification of educational personnel (ss. 231.15, 231.17, and 231.24, F.S.) were set for Sunset repeal on October 1, 1985, unless reviewed and reenacted by the Legislature. The Legislature passed CS/CS/HB 1357, which made various substantive and technical changes in the process used to grant initial and subsequent certificates. The Governor **vetoed** CS/CS/HB 1357 because it was not stringent enough. Afterwards, DOE readopted the certification rules but, instead of referencing the repealed sections of law as authority for the rule, referenced other sections of law. The Joint Administrative Procedures Committee raised concerns about the law referenced in the rules. DOE worked with the Legislature to resolve the issues and HB 1183 became law effective June 25, 1986.

⁹³ Section 39, ch. 2011-063, L.O.F., s. 38, ch. 2012-134, L.O.F., and s. 21, ch. 2013-405, L.O.F.

⁹⁴ Section 41, ch. 2011-063, L.O.F., s. 40, ch. 2012-134, L.O.F., and s. 23, ch. 2013-045, L.O.F.

Toxic Substance in Construction

Section 1013.49, F.S., requires a contractor intending to use toxic substances enumerated in the Florida Substance List in the construction, repair, or maintenance of educational facilities to notify the district school superintendent or public postsecondary institution president in writing at least 3 working days prior to using the substance. Toxic substance usage is already governed by the Florida Building Code and the State Requirements for Educational Facilities.⁹⁵

The bill repeals s. 1013.49, F.S., removing duplicative requirements related to toxic substance.

Land Acquisition and Facilities Advisory Board

Section 1013.512, F.S., requires OPPAGA and the Auditor General to certify to the President of the Senate, the Speaker of the House of Representatives, the Legislative Budget Commission, and Governor when significant deficiencies exist in a school district's land acquisition and facilities operation processes. Upon receipt of certification, an advisory board must be appointed to help the district improve its deficient practices and report to the commissioner a district's progress and corrective actions. "Upon certification by the advisory board that corrective action has been taken, each Land Acquisition and Facilities Advisory Board shall be disbanded." Only one such board was ever appointed: The Miami-Dade Land Acquisition and Facilities Maintenance Operations Advisory Board. This board was dissolved in 2004.⁹⁶

The bill repeals s. 1013.512, F.S., removing the authority to authorize a Land Acquisition and Facilities Advisory Board.

Cooperative Development

Section 1013.54, F.S., created in 1990⁹⁷ authorizes each district school board to submit prior to August 1 of each year a request to the commissioner for funds from the Public Education Capital Outlay (PECO) and Debt Service Trust Fund to construct, remodel, or renovate an educational facility within the industrial environment. The commissioner must appoint a review committee to make recommendations and prioritize requests. According to DOE, no school districts are utilizing this provision.⁹⁸

The bill repeals s. 1013.54, F.S., removing the authorization for district school boards to request the use of PECO funds for new construction, remodeling, or renovation of private sector building that must be lease back to school board.

Emergency Rule Adoption

Section 20 of chapter 2010-24, L.O.F., authorizes the Department of Revenue (DOR) to adopt emergency rules for s. 1012.796, F.S.⁹⁹ DOR states that the authority to adopt emergency rules is no longer needed.¹⁰⁰

The bill repeals Section 20 of chapter 2010-24, L.O.F., removing outdated DOR emergency rulemaking authority.

⁹⁵ E-mail, Florida Department of Education, Governmental Relations (Sept. 12, 2013).

⁹⁶ Office of Program Policy Analysis and Government Accountability, *Special Review - Land Acquisition Practices of the Miami-Dade County School Board*, Report No. 01-26 (May 2001), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0126rpt.pdf>.

⁹⁷ Formerly s. 235.198, F.S.

⁹⁸ E-mail, Florida House of Representatives, Education Appropriations Subcommittee (Sept. 23, 2013).

⁹⁹ Section 1012.796, F. S. relating to complaints against teachers and administrators; procedure; penalties.

¹⁰⁰ E-mail, Florida House of Representatives, Finance and Tax Subcommittee (Oct. 18, 2013).

B. SECTION DIRECTORY:

- Section 1. Amends s. 11.45, F.S., requiring the Auditor General to notify the Legislative Auditing Committee if a district school board fails to take corrective action subsequent to an audit.
- Section 2. Amends s. 120.74, F.S., exempting educational units from rule review and reporting requirements.
- Section 3. Amends s. 120.81, F.S., conforming cross-references.
- Section 4. Amends s. 409.1451, F.S., conforming cross-references.
- Section 5. Repeals s. 411.226, F.S., relating to the Learning Gateway program.
- Section 6. Repeals s. 411.227, F.S., relating to the Learning Gateway program.
- Section 7. Repeals s. 411.228, F.S., relating to the Learning Gateway program.
- Section 8. Amends s. 496.404, F.S., conforming cross-references.
- Section 9. Amends s. 775.215, F.S., conforming cross-references.
- Section 10. Amends s. 984.151, F.S., authorizing a district school superintendent's designee to submit a truancy petition.
- Section 11. Repeals s. 1000.01(5), F.S., relating to obsolete education governance transfers.
- Section 12. Amends s. 1000.21, F.S., revising the definition of the term "Next Generation Sunshine State Standards."
- Section 13. Repeals s. 1000.33, F.S., relating to the distribution of copies of educational compacts to other states.
- Section 14. Repeals s. 1000.37, F.S., relating to the distribution of copies of educational compacts to other states.
- Section 15. Amends s. 1001.10, F.S., deleting and revising certain duties of the Commissioner of Education relating to educational plans and programs.
- Section 16. Repeals s. 1001.25, F.S., relating to educational television.
- Section 17. Amends s. 1001.26, F.S., revising Department of Education duties relating to the public broadcasting program system, prohibiting the use of educational television stations for the advancement of political candidates; providing penalties.
- Section 18. Repeals s. 1001.47(7), F.S., relating to obsolete district school superintendent salary provisions.
- Section 19. Repeals s. 1001.50(6), F.S., relating to obsolete district school superintendent salary provisions.
- Section 20. Repeals s. 1001.62, F.S., relating to the transfer of benefits arising under local or special acts.
- Section 21. Repeals s. 1001.73(3), F.S., relating to the abolished Board of Regents as trustee.

- Section 22. Amends s. 1002.20, F.S., correcting cross-references and conforming provisions.
- Section 23. Amends s. 1002.31, F.S., revising provisions relating to school district controlled open enrollment.
- Section 24. Amends s. 1002.3105, F.S., conforming provisions.
- Section 25. Amends s. 1002.321, F.S., conforming cross-references.
- Section 26. Amends s. 1002.33, F.S., correcting cross-references and conforming provisions.
- Section 27. Amends s. 1002.34, F.S., correcting cross-references, revising provisions relating to department assistance to charter technical career centers.
- Section 28. Amends s. 1002.345, F.S., revising provisions relating to expedited review of deteriorating financial conditions for a charter school or charter technical career center.
- Section 29. Amends s. 1002.39, F.S., deleting obsolete provisions relating to eligibility for a John M. McKay Scholarship.
- Section 30. Amends s. 1002.41, F.S., correcting cross-references.
- Section 31. Repeals s. 1002.415, F.S., relating to the K-8 Virtual School Program.
- Section 32. Amends s. 1002.45, F.S., correcting cross-references.
- Section 33. Amends s. 1002.455, F.S., conforming provisions.
- Section 34. Repeals s. 1002.65, F.S., relating to aspirational goals for credentials of prekindergarten instructors.
- Section 35. Amends s. 1003.01, F.S., correcting a cross-reference.
- Section 36. Amends s. 1003.02, F.S., requiring instructional materials to be consistent with course descriptions.
- Section 37. Amends a. 1003.03, F.S., correcting cross-references.
- Section 38. Amends s. 1003.41, F.S., deleting a completed cost analysis requirement relating to a separate financial literacy course.
- Section 39. Amends s. 1003.4156, F.S., revising course and assessment requirements for middle grades students for promotion to high school; providing an exemption for transfer students from certain course grade and assessment requirements.
- Section 40. Repeals s. 1003.428, F.S., relating to general requirements for high school graduation.
- Section 41. Amends s. 1003.4281, F.S., correcting cross-references.
- Section 42. Amends s. 1003.4282, F.S., revising course and assessment requirements for the award of a standard high school diploma; providing requirements for an adult in an adult general education program to earn a standard high school diploma; providing an exemption for transfer students from certain course grade and

assessment requirements; providing specificity regarding course and assessment requirements for graduation for certain cohorts of high school students transitioning to new graduation requirements; and providing for future repeal of transition requirements.

- Section 43. Amends s. 1003.4285, F.S., revising requirements for standard high school diploma designations.
- Section 44. Amends s. 1003.438, F.S., correcting cross-references.
- Section 45. Repeals s. 1003.451(5), F.S., relating to State Board of Education rulemaking.
- Section 46. Amends s. 1003.49, F.S., correcting cross-references.
- Section 47. Amends s. 1003.493, F.S., correcting a cross-reference.
- Section 48. Amends s. 1003.4935, F.S., correcting a cross-reference.
- Section 49. Amends s. 1003.57, F.S., relating to exceptional students instruction.
- Section 50. Amends s. 1003.621, F.S., revising audit criteria for academically high-performing school districts.
- Section 51. Repeals s. 1004.02(4), F.S., relating to the definition of the term "adult high school credit program."
- Section 52. Amends s. 1004.0961, F.S., providing for Board of Governors regulations.
- Section 53. Repeals s. 1004.3825, F.S., relating to authorization for a medical degree program.
- Section 54. Repeals s. 1004.387, F.S., relating to authorization for a pharmacy degree program.
- Section 55. Repeals s. 1004.445(2), F.S., relating to the board of directors of the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute.
- Section 56. Repeals s. 1004.75, F.S., relating to training school consolidation pilot projects.
- Section 57. Amends s. 1004.935, F.S., correcting a cross-reference.
- Section 58. Repeals s. 1006.141, F.S., relating to a statewide school safety hotline.
- Section 59. Amends s. 1006.147, F.S., revising provisions relating to school district bullying and harassment policies.
- Section 60. Repeals s. 1006.148(2), F.S., relating to a department-developed model dating violence and abuse policy.
- Section 61. Amends s. 1006.15, F.S., conforming cross-references.
- Section 62. Amends s. 1006.28, F.S., conforming provisions relating to instructional materials.

- Section 63. Amends s. 1006.31, F.S., conforming provisions relating to duties of an instructional materials reviewer.
- Section 64. Amends s. 1006.34, F.S., revising provisions relating to standards used in the selection of instructional materials.
- Section 65. Amends s. 1006.40, F.S., revising provisions relating to district school board purchase of instructional materials.
- Section 66. Amends s. 1006.42, F.S., conforming provisions relating to the responsibility of parents for instructional materials.
- Section 67. Amends s. 1007.02, F.S., deleting a popular name and providing applicability for the term "student with a disability."
- Section 68. Amends s. 1007.2615, F.S., deleting obsolete provisions relating to an American Sign Language task force.
- Section 69. Amends s. 1007.263, F.S., correcting a cross-reference.
- Section 70. Amends s. 1007.264, F.S., conforming provisions.
- Section 71. Amends s. 1007.265, F.S., conforming provisions.
- Section 72. Amends s. 1007.271, F.S., correcting cross-references.
- Section 73. Amends s. 1008.22, F.S., conforming and revising provisions relating to the implementation of statewide, standardized comprehensive assessments, end-of-course assessments, and waivers for students with disabilities; requiring the commissioner to publish an implementation schedule for transition to new assessments; conforming provisions relating to concordant scores and comparative scores for assessments.
- Section 74. Amends s. 1008.25, F.S., conforming assessment provisions for student progression.
- Section 75. Amends s. 1008.33, F.S., deleting obsolete provisions relating to implementation of certain school turnaround options.
- Section 76. Repeals s. 1008.331, F.S., relating to supplemental educational services in Title I schools.
- Section 77. Amends s. 1008.3415, F.S., correcting a cross-reference.
- Section 78. Repeals s. 1008.35, F.S., relating to best financial management practices for school districts.
- Section 79. Amends s. 1009.22, F.S., deleting obsolete provisions relating to workforce education postsecondary student fees.
- Section 80. Amends s. 1009.40, F.S., conforming cross-references.
- Section 81. Amends s. 1009.531, F.S., conforming cross-references.
- Section 82. Amends s. 1009.532, F.S., correcting cross-references.

- Section 83. Amends s. 1009.536, F.S., correcting cross-references.
- Section 84. Repeals s. 1009.56, F.S., relating to the Seminole and Miccosukee Indian Scholarship Program.
- Section 85. Repeals s. 1009.69, F.S., relating to the Virgil Hawkins Fellows Assistance Program.
- Section 86. Amends s. 1009.91, F.S., conforming a cross-reference.
- Section 87. Amends s. 1009.94, F.S., conforming a cross-reference.
- Section 88. Repeals part V of chapter 1009, F.S., relating to the Florida Higher Education Loan Authority.
- Section 89. Repeals s. 1011.71(3)(b) and (c), F.S., relating to expired authorization for certain millage levy.
- Section 90. Repeals s. 1011.76(4), F.S., relating to best financial management practices review under the Small School District Stabilization Program.
- Section 91. Amends s. 1011.80, F.S., correcting a cross-reference.
- Section 92. Amends s. 1012.05, F.S., deleting department and commissioner duties relating to teacher recruitment and retention.
- Section 93. Amends s. 1012.22, F.S., conforming provisions.
- Section 94. Repeals s. 1012.33(9), F.S., relating to obsolete provisions for payment of professional service contracts.
- Section 95. Amends s. 1012.34, F.S., correcting cross-references relating to measuring student performance in personnel evaluations.
- Section 96. Amends s. 1012.44, F.S., deleting an obsolete provision.
- Section 97. Amends s. 1012.561, F.S., deleting an obsolete provision.
- Section 98. Repeals s. 1012.595, F.S., relating to an obsolete saving clause for educator certificates.
- Section 99. Amends s. 1012.885, F.S., deleting certain provisions relating to remuneration of Florida College System institution presidents.
- Section 100. Amends s. 1012.975, F.S., deleting certain provisions relating to remuneration of state university presidents.
- Section 101. Amends s. 1012.98, F.S., requiring continuing education training for kindergarten teachers.
- Section 102. Amends s. 1013.35, F.S., revising audit requirements for school district educational planning and construction activities.
- Section 103. Amends s. 1013.47, F.S., deleting provisions relating to payment of wages of certain persons employed by contractors.

- Section 104. Repeals s. 1013.49, F.S., relating to toxic substances in educational facilities.
- Section 105. Repeals s. 1013.512, F.S., relating to the Land Acquisition and Facilities Advisory Board.
- Section 106. Amends s. 1013.54, F.S., relating to the cooperative development and use of satellite educational facilities.
- Section 107. Repeals s. 20 of chapter 2010-24, Laws of Florida, relating to Department of Revenue authorization to adopt emergency rules.
- Section 108. 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:

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:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 5, 2014, the K-12 Subcommittee adopted eight amendments and reported HB 7031 formerly, PCB KTS 14-01 favorably, as amended. The amendments:

- Removed the word “standard” before the phrase “high school diploma.” A student is required to take an online course whether he or she receives a standard diploma or a certificate of completion.
- Eliminated the removal of the word “monthly” before the term “financial statement” and added language reiterating that high-performing charter schools are only required to submit quarterly financial statements to their sponsors.
- Removed the requirement that the commissioner must annually report to the state board each charter school and charter technical career center that is subject to a financial recovery plan or a corrective action plan. Whether a charter school or charter technical career center is subject to a financial recovery plan or corrective action plan is between the charter school or center and its sponsor, the school district. Requiring the commissioner to report such information to the state board is without consequence in that the state board is not authorized by law to do anything about the situation.
- Reinstated a current, correct pinpoint statutory citation.
- Stated that current law prohibiting the use of a driver education course to meet online course requirement only applies to students entering grade 9 in the 2013 – 2014 school year and thereafter.
- Imported language from a repealed section of law allowing a student entitled to a certificate of completion to remain in high school for one additional year, either full-time or part-time, in order to receive special instruction designed to remedy his or her identified deficiencies.
- Changed the repeal date for s. 1003.4282(10), F.S., dealing with grade 9 “cohort transition to new graduation requirements” from July 1, 2017 to July 1, 2020. Not all students will have graduated from high school by 2017, especially students with disabilities who can remain in school until age 22.
- Removed the repeal of the Dale Hickam Excellent Teaching Program.

F.S.	Current Law	Recommended	Comments
SCHOOL GRADES Recommended beginning with the 2014-2015 school year			
Section 1008.34, School Grading	Schools graded A, B, C, D, or F	Retain	Provides consistency Clearly understood
	State Board adopts grading scale, in rule Grades based on student performance which means achievement and learning gains on statewide assessments in Reading/English Language Arts (ELA) and Math and achievement in Writing and Science	Retain Define terms, e.g., Learning Gains (LG), student performance, achievement level	Terms are not currently defined for purposes of school grades or testing
Elementary Grades			
	<p>Components:</p> <ul style="list-style-type: none"> • % Passing (100) & making Learning Gains (100), Reading assessment • % Passing (100), Writing assessment • % Passing (100) & making Learning Gains (100), Math assessment • % Passing (100), Science assessment • Low 25% making Learning Gains, Reading (100) & Math (100) assessments <p>Total points possible: 800</p> <p>Additional requirements: 50% of low 25% show Learning Gains in Reading & Math; \geq 25% Level 3 or above in Reading; grade lowered if Learning Gains or Reading requirement not met; test at least 90%, 95% to earn an A</p>	<p>Components:</p> <ul style="list-style-type: none"> • % Passing (100) & making Learning Gains (100), English Language Arts (ELA) assessment • % Passing (100) & making Learning Gains (100), Math assessment • % Passing (100), Science assessment • Low 25% making Learning Gains, ELA (100) & Math (100) assessments <p>Total points possible: 700</p> <p>Calculation of Learning Gains must include learning growth toward achievement levels 3, 4, and 5 by students who scored below each of those levels</p> <p>No additions; no subtractions; no weights</p>	<p>“assessments” mean statewide, standardized assessments</p> <p>Reading & Writing assessments eliminated, included in ELA assessment</p> <p>All schools must assess 95% of their students</p>

F.S.	Current Law	Recommended	Comments
<p>Middle Grades Section 1008.34, School Grading</p>	<p>Components:</p> <ul style="list-style-type: none"> • % Passing (100) & making Learning Gains (100), Reading assessment • % Passing (100), Writing assessment • % Passing (100) & and making Learning Gains (100), Math assessments (includes Algebra I & Geometry) • % Passing (100), Science assessment, includes Biology • Low 25% making Learning Gains, Reading (100) & Math (100) assessments • Participation (50) Performance (50) on High School End-of-Course (EOC) assessments (Algebra I, Geometry, Biology) & Industry Certifications <p>Total points possible: 900</p> <p>Additional requirements: 50% of Low 25 % show Learning Gains in Reading/Math; \geq 25% Level 3 or above in Reading; grade lowered if Learning Gains or reading requirement not met; test at least 90%, 95% to earn A</p>	<p>Components:</p> <ul style="list-style-type: none"> • % Passing (100) & making Learning Gains (100), ELA assessment • % Passing (100) & making Learning Gains (100), Math assessments (includes Algebra I & Geometry) • % Passing (100), Science assessment, includes Biology • Low 25% making Learning Gains, ELA (100) & Math (100) assessments • % Passing (100) Social Studies (Civics) assessment <p>Total points possible: 800</p> <p>Calculation of Learning Gains must include learning growth toward achievement levels 3, 4, and 5 by students who scored below each of those levels</p> <p>No additions; no subtractions; no weights</p>	<p>“assessments” mean statewide, standardized assessments</p> <p>Reading & Writing assessments eliminated, included in ELA assessment</p> <p>All schools must assess 95% of their students</p>

F.S. High School Grades	Current Law	Recommended	Comments
	<p>Components:</p> <ul style="list-style-type: none"> • % Passing (100) & making Learning Gains (100), Reading • % Passing (100), Writing • % Passing (100) & making Learning Gains (100), Math (Algebra, Geometry) • % Passing (100), Science (Biology) • Low 25%, making Learning Gains (100) Reading & (100) Math <p>Total points possible: 800</p> <ul style="list-style-type: none"> • Participation (100) & Performance (100), Acceleration courses • Graduation Rate Overall (4-yr 100, 5-yr 100), At-Risk (4-yr 50, 5-yr 50) • College Readiness (100) Reading & (100) Math (SAT, ACT, PERT) • Performance U.S. History EOC assessment (100) <p>Total points possible: 800</p> <p>Sum Total points possible: 1600 Additional requirements: 50% of Low 25% show Learning Gains in Reading & Math, ≥ 25% Level 3 or above in Reading; grade lowered if Learning Gains or reading requirement not met; meet at-risk graduation rate to earn A (65% or improvement target); test at least 90%, 95% to earn A</p>	<p>Components:</p> <ul style="list-style-type: none"> • % Passing (100) & making Learning Gains (100), ELA assessment • % Passing (100) & making Learning Gains (100), Math (Algebra, Geometry assessments) • % Passing (100), Science (Biology) assessment • Low 25%, making Learning Gains, (100) ELA, (100) Math • % Passing (100), Social Studies (US History) • Acceleration (100), % of students w/ acceleration success • Graduation Rate Overall, 4-year (100) <p>Total points possible: 1,000</p> <p>Calculation of Learning Gains must include learning growth toward achievement levels 3, 4, and 5 by students who scored below each of those levels</p> <p>No additions; no subtractions; no weights</p>	<p>“assessments” mean statewide, standardized assessments</p> <p>Reading & Writing assessments eliminated, included in ELA assessment</p> <p>All schools must assess 95% of their students</p> <p>Acceleration success means % of students who pass an AP, IB, AICE, or Industry Certification exam or who earn a C or better in Dual Enrollment courses</p>

F.S.	Current Law	Recommended	Comments
Section 1008.34	<p style="text-align: center;">DISTRICT GRADE</p> <p>Recommended beginning with the 2014-2015 school year</p> <p>For all students in all schools in the district: Calculate % passing & making Learning Gains on Reading & Math assessments and % passing Writing & Science assessments</p>	Retain but include in district report card other indicators of success; e.g., closing the achievement gap among subgroups, improved student attendance, grade level promotion of low achieving students	
Section 1008.34	Not Addressed	For 2015-2016 school year only, establish a hold harmless provision that insulates schools from any penalty or reclassification based on the school's 2014-2015 grade	Need hold harmless because 2014-2015 first year for new ELA/Math assessments
Section 1008.341 School Improvement Rating	<p style="text-align: center;">SCHOOL IMPROVEMENT RATING</p> <p>Recommended beginning 2014-2015</p> <p>An alternative school or ESE Center may opt for a School Improvement Rating instead of a grade. There are 3 ratings: Improving, Maintaining, & Declining. Results of statewide, standardized assessments to be used in determining ratings; state board to identify in rule the standards for each rating which must include a comparison of student performance in the "home school."</p>	Review ratings for clarity; state in law what is to be included in determining the rating and retain state board rulemaking; provide a mechanism to make sure alternative schools receive a rating; focus on each student's learning gains	Cell size must be at least 10 in order to calculate a rating based on student performance on state assessments.

F.S.	Current Law	Recommended	Comments
TEACHER EVALUATIONS Recommended beginning with the 2014-2015 school year			
Local Assessments			
Section 1008.22 (6), Local Assessments	Local assessments for courses not tested by state exams must be in place by 2014-2015 and may include: statewide assessments, national assessments, industry certification assessments, and district-developed/selected EOC assessments	Authorize school board to adopt additional teacher- or principal-selected EOC assessments which could include e.g., practical application assignments; require school boards to adopt policies regarding the selection, development, administration, and scoring of local assessments and collection of results	Need additional flexibility with regard to hard to assess subjects; e.g., Chorus, Band, Art, Drama
Student Learning Targets			
Section 1012.34 Personnel evaluation procedures & criteria	Until July 1, 2015, districts authorized to establish learning targets to evaluate student performance for courses not tested by state or local assessments, as approved by the principal.	Retain By retaining this provision, learning targets could be established for the 2014-2015 school year for the newly added teacher- or principal-selected assessments	This provision relates to the “performance of student” portion of a classroom teacher’s evaluation
Student Performance Data Flexibility			
Section 1012.34	Not Addressed	Allow some percentage of flexibility regarding the type of student data used in the “performance of students” portion of a teacher’s evaluation if the district’s students perform above average on state assessments	Flexibility would still need to relate to academic outcomes but would not need to be based upon state or local assessments

F.S.	Current Law	Recommended	Comments
Establishing Performance Levels for Teacher Evaluations for the 2014-2015 school year			
Section 1012.34	Not Applicable	<p>Authorize school districts to establish their own performance standards for teacher evaluation ratings for the 2014-2015 school year; require state board, beginning with the 2015-2016 school year, to establish performance levels for teacher evaluation ratings (highly effective, effective, needs improvement, unsatisfactory)</p>	<p>97% of state's teachers evaluated highly effective/effective which does not reflect in student performance</p>
Bonus Rewards for Districts, Pursuant to GAA			
Section 1012.34	Not Applicable	<p>Provide bonus money to school districts that more effectively align teacher evaluations to student performance, including performance on local assessments when state assessments are not administered, and implement salary schedules based on teacher performance</p>	