



Education Committee

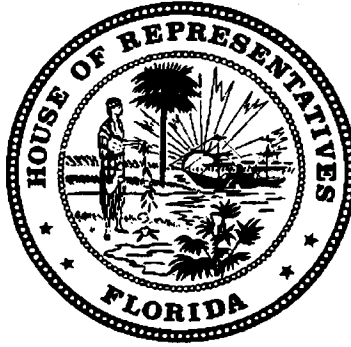
**Thursday, April 3, 2014
8:30 a.m. – 10:30 a.m.**

102 HOB

Meeting Packet

**Will Weatherford
Speaker**

**H. Marlene O'Toole
Chair**



AGENDA

Education Committee
Thursday, April 3, 2014
8:30 a.m. – 10:30 a.m.

102 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Consideration of the following bill(s):
 - CS/HB 497 Involuntary Examinations of Minors by Harrell
 - CS/HB 589 Children and Youth Cabinet by Harrell
 - CS/HB 993 Pub. Rec./Animal Researchers at Public Research Facilities by Cummings
 - HB 7033 Middle Grades Education by Adkins
 - HB 7083 School Choice by Diaz
- IV. Closing Remarks and Adjournment

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A bill to be entitled
 An act relating to involuntary examinations of minors;
 amending s. 381.0056, F.S.; revising the term
 "emergency health needs"; requiring school health
 services plans to include notification requirements
 when a student is removed from school, school
 transportation, or a school-sponsored activity for
 involuntary examination; amending s. 394.4599, F.S.;
 requiring a receiving facility to provide notice of
 the whereabouts of an adult or minor patient held for
 involuntary examination; providing conditions for
 delay in notification; requiring documentation of
 contact attempts; amending ss. 1002.20 and 1002.33,
 F.S.; requiring a public school or charter school
 principal or a designee to provide notice of the
 whereabouts of a student removed from school, school
 transportation, or a school-sponsored activity for
 involuntary examination; providing conditions for
 delay in notification; requiring district school
 boards and charter school governing boards to develop
 certain notification policies and procedures;
 providing an effective date.

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

Section 1. Subsection (2) and paragraph (a) of subsection

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

27 (4) of section 381.0056, Florida Statutes, are amended to read:

28 381.0056 School health services program.—

29 (2) As used in this section, the term:

30 (a) "Emergency health needs" means onsite evaluation,
 31 management, and aid for illness or injury pending the student's
 32 return to the classroom or release to a parent, guardian,
 33 designated friend, law enforcement officer, or designated health
 34 care provider.

35 (b) "Entity" or "health care entity" means a unit of local
 36 government or a political subdivision of the state; a hospital
 37 licensed under chapter 395; a health maintenance organization
 38 certified under chapter 641; a health insurer authorized under
 39 the Florida Insurance Code; a community health center; a migrant
 40 health center; a federally qualified health center; an
 41 organization that meets the requirements for nonprofit status
 42 under s. 501(c)(3) of the Internal Revenue Code; a private
 43 industry or business; or a philanthropic foundation that agrees
 44 to participate in a public-private partnership with a county
 45 health department, local school district, or school in the
 46 delivery of school health services, and agrees to the terms and
 47 conditions for the delivery of such services as required by this
 48 section and as documented in the local school health services
 49 plan.

50 (c) "Invasive screening" means any screening procedure in
 51 which the skin or any body orifice is penetrated.

52 (d) "Physical examination" means a thorough evaluation of

53 | the health status of an individual.

54 | (e) "School health services plan" means the document that
 55 | describes the services to be provided, the responsibility for
 56 | provision of the services, the anticipated expenditures to
 57 | provide the services, and evidence of cooperative planning by
 58 | local school districts and county health departments.

59 | (f) "Screening" means presumptive identification of
 60 | unknown or unrecognized diseases or defects by the application
 61 | of tests that can be given with ease and rapidity to apparently
 62 | healthy persons.

63 | (4)(a) Each county health department shall develop,
 64 | jointly with the district school board and the local school
 65 | health advisory committee, a school health services plan ~~and~~
 66 | The plan must include, at a minimum, provisions for:

- 67 | 1. Health appraisal +
- 68 | 2. Records review +
- 69 | 3. Nurse assessment +
- 70 | 4. Nutrition assessment +
- 71 | 5. A preventive dental program +
- 72 | 6. Vision screening +
- 73 | 7. Hearing screening +
- 74 | 8. Scoliosis screening +
- 75 | 9. Growth and development screening +
- 76 | 10. Health counseling +
- 77 | 11. Referral and followup of suspected or confirmed health
 78 | problems by the local county health department +

79 12. Meeting emergency health needs in each school.+

80 13. County health department personnel to assist school
81 personnel in health education curriculum development.+

82 14. Referral of students to appropriate health treatment,
83 in cooperation with the private health community whenever
84 possible.+

85 15. Consultation with a student's parent or guardian
86 regarding the need for health attention by the family physician,
87 dentist, or other specialist when definitive diagnosis or
88 treatment is indicated.+

89 16. Maintenance of records on incidents of health
90 problems, corrective measures taken, and such other information
91 as may be needed to plan and evaluate health programs; except,
92 however, that provisions in the plan for maintenance of health
93 records of individual students must be in accordance with s.
94 1002.22.+

95 17. Health information which will be provided by the
96 school health nurses, when necessary, regarding the placement of
97 students in exceptional student programs and the reevaluation at
98 periodic intervals of students placed in such programs.~~+~~and

99 18. Notification to the local nonpublic schools of the
100 school health services program and the opportunity for
101 representatives of the local nonpublic schools to participate in
102 the development of the cooperative health services plan.

103 19. Immediate notification to a student's parent or
104 guardian if the student is removed from school, school

105 transportation, or a school-sponsored activity and taken to a
 106 receiving facility for an involuntary examination pursuant to s.
 107 394.463, including the requirements established under ss.
 108 1002.20(3) and 1002.33(9).

109 Section 2. Paragraphs (c) through (e) of subsection (2) of
 110 section 394.4599, Florida Statutes, are redesignated as
 111 paragraphs (d) through (f), respectively, paragraph (b) of that
 112 subsection is amended, and a new paragraph (c) is added to that
 113 subsection, to read:

114 394.4599 Notice.—

115 (2) INVOLUNTARY PATIENTS.—

116 (b) A receiving facility shall give prompt notice of the
 117 whereabouts of an adult or emancipated minor a patient who is
 118 being involuntarily held for examination, by telephone or in
 119 person within 24 hours after the patient's arrival at the
 120 facility, unless the patient requests that no notification be
 121 made. Contact attempts shall be documented in the patient's
 122 clinical record and shall begin as soon as reasonably possible
 123 after the patient's arrival. Notice that a patient is being
 124 admitted as an involuntary patient shall be given to the Florida
 125 local advocacy council no later than the next working day after
 126 the patient is admitted.

127 (c)1. A receiving facility shall give notice of the
 128 whereabouts of a minor patient who is being held involuntarily
 129 for examination pursuant to s. 394.463 to the patient's parent,
 130 guardian, or guardian advocate in person or through telephonic

131 or electronic communication immediately after the patient's
 132 arrival at the facility. The facility may delay notification by
 133 no more than 24 hours if the facility has submitted a report to
 134 the Central Abuse Hotline, pursuant to s. 39.201, based upon
 135 knowledge or suspicion of abuse, abandonment, or neglect and
 136 deems delay in notification to be in the minor's best interest.

137 2. The receiving facility shall attempt to notify the
 138 patient's parent, guardian, or guardian advocate until the
 139 receiving facility receives confirmation from the parent,
 140 guardian, or guardian advocate, either verbally, through
 141 telephonic or electronic communication, or by recorded message,
 142 that notification has been made. Attempts to notify the parent,
 143 guardian, or guardian advocate must be repeated at least once
 144 every hour during the first 12 hours after the patient's arrival
 145 and once every 24 hours thereafter and must continue until such
 146 confirmation is received or until the patient is released at the
 147 end of the 72-hour examination period or a petition for
 148 involuntary placement is filed with the court pursuant to s.
 149 394.463(2)(i). A receiving facility may seek assistance from law
 150 enforcement if notification is not made within the first 24
 151 hours after the patient's arrival. The receiving facility must
 152 document notification attempts in the patient's clinical record.

153 Section 3. Paragraph (1) is added to subsection (3) of
 154 section 1002.20, Florida Statutes, to read:

155 1002.20 K-12 student and parent rights.—Parents of public
 156 school students must receive accurate and timely information

CS/HB 497

2014

157 regarding their child's academic progress and must be informed
 158 of ways they can help their child to succeed in school. K-12
 159 students and their parents are afforded numerous statutory
 160 rights including, but not limited to, the following:

161 (3) HEALTH ISSUES.—

162 (1) Notification of involuntary examinations.—The public
 163 school principal or the principal's designee shall immediately
 164 notify the parent of a student who is removed from school,
 165 school transportation, or a school-sponsored activity and taken
 166 to a receiving facility for an involuntary examination pursuant
 167 to s. 394.463. The principal or the principal's designee may
 168 delay notification if the principal or designee deems the delay
 169 to be in the student's best interest and if a report has been
 170 submitted to the Central Abuse Hotline, pursuant to s. 39.201,
 171 based upon knowledge or suspicion of abuse, abandonment, or
 172 neglect. The delay in notification must not exceed 24 hours
 173 after the student's removal from school, school transportation,
 174 or a school-sponsored activity. Each district school board shall
 175 develop a policy and procedures for notification under this
 176 paragraph.

177 Section 4. Paragraph (q) is added to subsection (9) of
 178 section 1002.33, Florida Statutes, to read:

179 1002.33 Charter schools.—

180 (9) CHARTER SCHOOL REQUIREMENTS.—

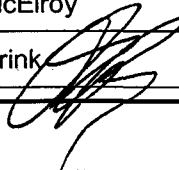

181 (q) The charter school principal or the principal's
 182 designee shall immediately notify the parent of a student who is

183 removed from school, school transportation, or a school-
184 sponsored activity and taken to a receiving facility for an
185 involuntary examination pursuant to s. 394.463. The principal or
186 the principal's designee may delay notification if the principal
187 or designee deems the delay to be in the student's best interest
188 and if a report has been submitted to the Central Abuse Hotline,
189 pursuant to s. 39.201, based upon knowledge or suspicion of
190 abuse, abandonment, or neglect. The delay in notification must
191 not exceed 24 hours after the student's removal from school,
192 school transportation, or a school-sponsored activity. Each
193 charter school governing board shall develop a policy and
194 procedures for notification under this paragraph.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 497 Involuntary Examinations of Minors
SPONSOR(S): K-12 Subcommittee, Harrell and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 690

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	12 Y, 0 N, As CS	Brink	Ahearn
2) Healthy Families Subcommittee	11 Y, 0 N	McElroy	Brazzell
3) Education Committee		Brink 	Mizereck 

SUMMARY ANALYSIS

The bill requires each county school health services plan to provide for immediate notification to a student's parent or guardian if the student is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination. Each district school board and charter school governing board must develop a policy and procedures for such notification.

The bill amends the definition of "emergency health needs" for purposes of school health services programs to expressly include onsite evaluation for illness or injury and release to a law enforcement officer.

The bill requires a public school's principal, or his or her designee, to notify a student's parent or guardian if the student is removed from the school, school transportation, or a school-sponsored activity for an involuntary examination. The bill also provides notification requirements for receiving facilities that hold minor patients for involuntary examination.

The bill allows the school principal, or his or her designee, and the receiving facility each to delay notification by up to 24 hours if there is suspected abuse, abandonment, or neglect and delay has been deemed to be in the student's or minor patient's best interest. Delay in notification may occur only after a report of suspected abuse, abandonment, or neglect is submitted to the Department of Children and Families' Central Abuse Hotline.

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

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Involuntary Examinations under Florida's Baker Act

The Florida Mental Health Act, otherwise known as the Baker Act,¹ provides legal procedures for mental health examination and treatment,² including, among other things, involuntary examinations.³ The Baker Act protects the rights of all individuals examined or treated for mental illness in Florida.⁴

Involuntary examinations under the Baker Act are psychiatric examinations conducted without the examinee's consent.⁵ Involuntary examinations under the Baker Act may only be initiated by a law enforcement officer, mental health professional or physician, or circuit court order.⁶ An involuntary examination may be initiated only if an individual appears to have a mental illness, presents a danger to him or herself or to others, and refuses a voluntary examination or is unable to understand the need for the examination.⁷ Each law enforcement agency must enter a memorandum of understanding with each receiving facility within the law enforcement agency's jurisdiction to establish a single set of protocols for the safe and secure transportation and transfer of custody of individuals for involuntary examination.⁸

Only institutions designated as a receiving facility by the Florida Department of Children and Families (DCF) may conduct an involuntary examination.^{9,10} A physician or clinical psychologist must conduct the involuntary examination of a patient taken to a receiving facility without unnecessary delay.¹¹ The receiving facility may not release the patient without the documented approval of a psychiatrist, a clinical psychologist, or, if at a hospital, an attending emergency department physician experienced in diagnosing and treating mental disorders.¹² However, a patient may not be held in a receiving facility for involuntary examination longer than 72 hours.¹³

Within the 72-hour involuntary examination period,¹⁴ the patient must be released or a petition for involuntary placement of the patient in outpatient or inpatient treatment must be filed in the circuit

¹ Chapter 1971-131, L.O.F.

² See Part I, ch. 394, F.S.; Florida Department of children and Families, *Florida's Baker Act: 2013 Fact Sheet*, available at <http://www.dcf.state.fl.us/programs/samh/mentalhealth/docs/Baker%20Act%20Overview%202013.pdf>.

³ Section 394.463, F.S.

⁴ See Sections 394.453, 394.459, F.S.; Florida Department of children and Families, *Florida's Baker Act: 2013 Fact Sheet*, available at <http://www.dcf.state.fl.us/programs/samh/mentalhealth/docs/Baker%20Act%20Overview%202013.pdf>.

⁵ *Id.*

⁶ Section 394.463(2), F.S.

⁷ Section 394.463(a), F.S.; Florida Department of children and Families, *Florida's Baker Act: 2013 Fact Sheet*, available at <http://www.dcf.state.fl.us/programs/samh/mentalhealth/docs/Baker%20Act%20Overview%202013.pdf>.

⁸ Section 394.462(k), F.S.

⁹ See Sections 394.455(26), F.S. 394.461, and 394.463, F.S.

¹⁰ Section 394.461, F.S. The term "facility" is defined as any hospital, community facility, public or private facility, or receiving or treatment facility providing for the evaluation, diagnosis, care, treatment, training, or hospitalization of persons who appear to have a mental illness or have been diagnosed as having a mental illness. Section 493.455(10), F.S. Facilities licensed under chapter 400 or chapter 429 are not included under the term "facility" as defined by s. 493.455(10), F.S.

¹¹ Section 394.463(2)(f), F.S.

¹² *Id.*

¹³ *Id.*

¹⁴ If the 72 hours ends on a weekend or holiday, then the period is extended to the next working day thereafter. Section 493.463(2)(i), F.S.

court.¹⁵ Nearly 76 percent of involuntary examinations end without a petition for involuntary placement.¹⁶ The average length of stay is 4.5 days.¹⁷

In 2011, approximately 150,000 involuntary examinations were conducted on 111,000 individuals under the Baker Act.¹⁸ Nearly 18,000 of the examinees were children. Over the span of ten years (2002 to 2011), there was a 35 percent increase in the number of children involuntarily examined.¹⁹

A 2013 study on involuntary examinations initiated for children ages 4 to 17 indicates that the rate of initiations for this age group is higher during the school year than it is over summer and winter break (December) months.²⁰ In addition, a significant number of these initiations occurred immediately after children returned to school from summer break.²¹

Receiving facilities must give prompt notice of the whereabouts of a patient who is being involuntarily held for examination to the patient's guardian,²² guardian advocate,²³ attorney, and representative.²⁴ The notice must be made by telephone or in person within 24 hours after the patient's arrival at the facility.²⁵ Attempts at notification must begin as soon as reasonably possible after the patient's arrival and must be documented in the patient's clinical record.²⁶ However, a patient, including a minor, has the right to prohibit a receiving facility from providing this notice.²⁷

School Health Services

Each county health department must jointly develop with the district school board and local school health advisory committee a school health services plan.²⁸ The school health services plan describes the services to be provided pursuant to the plan, the responsibility for the provision of the services, the anticipated expenditures to provide the services, and evidence of cooperative planning by local school districts and county health departments.²⁹

Each health services plan must include provisions for, among other things, meeting emergency health needs in each school.³⁰ "Emergency health needs" is defined as "onsite management and aid for illness or injury pending the student's return to the classroom or release to a parent, guardian, designated friend, or designated health care provider."³¹ Each school health services plan must be reviewed each year for the purpose of updating the plan, and the plan must be approved every two years by the

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Florida Department of children and Families, *Florida's Baker Act: 2013 Fact Sheet*, available at <http://www.dcf.state.fl.us/programs/samh/mentalhealth/docs/Baker%20Act%20Overview%202013.pdf>.

¹⁸ Florida Department of children and Families, *Florida's Baker Act: 2013 Fact Sheet*, available at <http://www.dcf.state.fl.us/programs/samh/mentalhealth/docs/Baker%20Act%20Overview%202013.pdf>.

¹⁹ *Id.*

²⁰ Annette Christy, University of South Florida de la Parte Florida Mental Health Institute, *Baker Act Examinations for Youth in Calendar Year 2012* (2013).

²¹ *Id.* at 2.

²² "Guardian" means the natural guardian of a minor, or a person appointed by a court to act on behalf of a ward's person if the ward is a minor or has been adjudicated incapacitated. Section 394.453(11), F.S.

²³ "Guardian advocate" means a person appointed by a court to make decisions regarding mental health treatment on behalf of a patient who has been found incompetent to consent to treatment. The guardian may be granted specific additional powers by court order. Section 394.453, F.S.

²⁴ Section 394.4599(2)(a), F.S.

²⁵ Section 394.4599(2)(b), F.S.

²⁶ *Id.*

²⁷ *Id.*

²⁸ Section 381.0056(4), F.S.

²⁹ Section 381.0056(2)(e), F.S.

³⁰ See s. 381.0056, F.S.

³¹ Section 381.0056(2)(a), F.S.

school district's superintendent, school board chairperson, county health department medical director or administrator, and the Department of Health's district administrator.³²

Health services plans are not required to provide for notification of a student's parent or guardian when the student is transported to a receiving facility for purposes of an involuntary examination under the Baker Act.

K-12 Student and Parent Rights

In Florida, K-12 students and their parents are afforded certain statutory rights, including rights relating to health issues.³³ The rights enumerated by statute contain no requirement that a student's parent or guardian be notified when the student is transported to a receiving facility for purposes of an involuntary examination under the Baker Act.

Effect of Proposed Changes

The bill amends the definition of "emergency health needs" for purposes of school health services programs to expressly include onsite evaluation for illness or injury and release to a law enforcement officer. In addition, the bill requires each county school health services plan to provide for immediate notification to a student's parent or guardian if the student is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination. Each district school board and charter school governing board must develop a policy and procedures for such notification.

The bill provides that, if a student is removed from a public school, school transportation, or a school-sponsored activity for an involuntary examination, the school principal or the principal's designee must immediately notify the student's parent.³⁴ If the principal or principal's designee has submitted a report to the Central Abuse Hotline³⁵ for suspected abuse, abandonment, or neglect and deems delay of notification to be in the student's best interest, notification may be delayed by no more than 24 hours after the student's removal.³⁶

The bill requires receiving facilities to give notice of the whereabouts of a minor patient who is being held for an involuntary examination to the patient's parent, guardian, or guardian advocate immediately after the patient's arrival at the receiving facility. The receiving facility must attempt to notify the patient's parent, guardian, or guardian advocate until confirmation is received either verbally, through telephonic or electronic communication, or by recorded message that notification has been made. Attempts at notification must be made hourly during the first 12 hours after the patient's arrival at the facility and then once every 24 hours thereafter until confirmation is received or until the patient is released at the end of the 72-hour examination period or a petition for involuntary placement is filed with the court. A minor may not prohibit a receiving facility from providing this notice.

The bill requires the receiving facility to document each attempt at notification in the patient's clinical record and provides that the facility may seek assistance from law enforcement if notification is not made within the first 24 hours after the patient's arrival. The bill allows a receiving facility to delay notification by no more than 24 hours if it has submitted a report to the Central Abuse Hotline for

³² Rule 64F-6.002(3), F.A.C.

³³ See Section 1002.20(3), F.S.

³⁴ Section 1000.21(4), F.S., defines parent as either or both parents of a student, any guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of the parent.

³⁵ Section 39.201(1) and (2), F.S., requires a person who knows or has reasonable cause to suspect that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, other person responsible for the child's welfare, other adult, or a victim of sexual abuse by a known or suspected juvenile sexual offender to report such knowledge or suspicion to the Department of Children and Families using its Central Abuse Hotline.

³⁶ The bill also applies these requirements to charter schools.

suspected abuse, abandonment, or neglect and deems delay of notification to be in the patient's best interest.³⁷

B. SECTION DIRECTORY:

Section 1. Amends s. 381.0056, F.S., revising the term "emergency health needs"; requiring school health services plans to include notification requirements when a student is removed from school, school transportation, or a school-sponsored activity for involuntary examination.

Section 2. Amends s. 394.4599, F.S., requiring a receiving facility to provide notice of the whereabouts of an adult or minor patient held for involuntary examination; providing conditions for delay in notification; requiring documentation of contact attempts.

Section 3. Amends s. 1002.20, F.S., requiring public schools to provide notice of the whereabouts of a student removed from school, school transportation, or a school-sponsored activity for involuntary examination; providing conditions for delay in notification; requiring district school boards to develop certain notification policies and procedures.

Section 4. Amends s. 1002.33, F.S., requiring charter schools to provide notice of the whereabouts student removed from school, school transportation, or a school-sponsored activity for involuntary examination; providing conditions for delay in notification; requiring charter school governing boards to develop certain notification policies and procedures.

Section 5. Provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

³⁷ See *supra* text accompanying note 34.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill vests discretion in both the school principal and the receiving facility to delay notification upon suspicion of abuse, neglect, or abandonment.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 12, 2014, the K-12 Subcommittee reported the PCS for HB 497 favorably as a committee substitute. Unlike HB 497, the PCS provides a time certain by which a receiving facility is no longer required to continue attempts at notifying a minor patient's parent, guardian, or guardian advocate. The PCS also provides that the facility may seek assistance from a local law enforcement agency for notification purposes if confirmation of notice has not been received after 24 hours.

CS/HB 589

2014

1 A bill to be entitled
 2 An act relating to the Children and Youth Cabinet;
 3 amending s. 402.56, F.S.; revising the membership of
 4 the cabinet; providing an effective date.

5
 6 Be It Enacted by the Legislature of the State of Florida:

7
 8 Section 1. Paragraph (a) of subsection (4) of section
 9 402.56, Florida Statutes, is amended to read:

10 402.56 Children's cabinet; organization; responsibilities;
 11 annual report.—

12 (4) MEMBERS.—The cabinet shall consist of 16 ~~14~~ members
 13 including the Governor and the following persons:

- 14 (a)1. The Secretary of Children and Family Services;
 15 2. The Secretary of Juvenile Justice;
 16 3. The director of the Agency for Persons with
 17 Disabilities;
 18 4. The director of the Office of Early Learning;
 19 5. The State Surgeon General;
 20 6. The Secretary of Health Care Administration;
 21 7. The Commissioner of Education;
 22 8. The director of the Statewide Guardian Ad Litem Office;
 23 9. The director of the Office of Child Abuse Prevention;

24 and

25 10. A superintendent of schools, appointed by the
 26 Governor; and

CS/HB 589

2014

27 11.10. Five members representing children and youth
28 advocacy organizations, who are not service providers and who
29 are appointed by the Governor.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 589 Children and Youth Cabinet
SPONSOR(S): Choice & Innovation Subcommittee and Harrell
TIED BILLS: IDEN./SIM. BILLS: SB 1372

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	13 Y, 0 N, As CS	Rininger	Fudge
2) Health & Human Services Committee	16 Y, 0 N	Entress	Calamas
3) Education Committee		Rininger GR	Mizereck Kly

SUMMARY ANALYSIS

The Florida Children and Youth Cabinet (Cabinet) consists of the Governor and 14 members. These members include the Secretary of the Department of Children and Families, the Secretary of Juvenile Justice, the director of the Agency for Persons with Disabilities, the director of the Office of Early Learning, the State Surgeon General, the Secretary of Health Care Administration, the Commissioner of Education, the director of the Statewide Guardian Ad Litem Office, the director of the Office of Child Abuse Prevention, and five members appointed by the Governor who represent children and youth advocacy organizations.

The bill creates one additional Cabinet position to be held by a superintendent of schools who is appointed by the Governor.

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:

Present Situation

The Florida Children and Youth Cabinet (Cabinet) was created in 2007.¹ The Florida Legislature recognized the need to collaborate with the Governor to improve child and family outcomes in the state.² Among other things, the Cabinet was created to enable state agencies and programs that serve children to coordinate policy development and program implementation so services provided to children and youth are planned, managed, and delivered in a holistic and integrated manner.³

The Cabinet is comprised of the Governor and 14 members. These members include the Secretary of Children and Family Services, the Secretary of Juvenile Justice, the director of the Agency for Persons with Disabilities, the director of the Office of Early Learning, the State Surgeon General, the Secretary of Health Care Administration, the Commissioner of Education, the director of the Statewide Guardian Ad Litem Office, the director of the Office of Child Abuse Prevention, and five members representing children and youth advocacy organizations, who are not service providers and who are appointed by the Governor.⁴

Effect of Proposed Changes

The bill expands the membership of the Cabinet to include the Governor and 15 other members. The additional Cabinet position created by the bill will be a superintendent of schools who is appointed to the Cabinet by the Governor.

Current law states that the "Cabinet shall consist of 14 members including the Governor and the following persons . . ." However, the law lists 14 specific members of the Cabinet in addition to the Governor, bringing the total membership of the Cabinet to 15 members. The bill adds one Cabinet position and changes the total membership figure to 16 members, accounting for the Governor.

B. SECTION DIRECTORY:

Section 1: Amends s. 402.56, F.S., relating to the Children and Youth Cabinet.

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

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

¹ The Florida Children and Youth Cabinet, *The Florida Children and Youth Cabinet 2013 Annual Report*, (Jan. 31, 2014), available at http://www.flgov.com/wp-content/uploads/childadvocacy/florida_children_and_youth_cabinet_2013_annual_report.pdf.

² Section 402.56(2)(b), F.S.

³ Section 402.56(3)(a), F.S.

⁴ Section 402.56(4), F.S.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 18, 2014, the Choice & Innovation Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment revises the total number of members on the cabinet to 16 in order to account for both the Governor and the proposed additional cabinet member.

This bill analysis is drafted to the committee substitute.

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A bill to be entitled
 An act relating to public records; providing an
 exemption from public records requirements for
 personal identifying information of certain animal
 researchers at public research facilities, including
 state universities; providing for retroactive
 applicability of the exemption; providing for future
 legislative review and repeal of the exemption;
 providing a statement of public necessity; providing
 an effective date.

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

Section 1. (1) Personal identifying information of a
 person employed by, under contract with, or volunteering for a
 public research facility, including a state university, that
 conducts animal research or is engaged in activities related to
 animal research, is exempt from s. 119.07(1), Florida Statutes,
 and s. 24(a), Article I of the State Constitution, when such
 information is contained in the following records:

- (a) Animal records, including animal care and treatment
 records.
- (b) Research protocols and approvals.
- (c) Purchasing, funding, and billing records related to
 animal research or activities.
- (d) Animal care and use committee records.

27 (e) Facility and laboratory records related to animal
 28 research or activities.

29 (2) This exemption applies to personal identifying
 30 information as described in subsection (1) held by a public
 31 research facility, including a state university, before, on, or
 32 after the effective date of this exemption.

33 (3) This section is subject to the Open Government Sunset
 34 Review Act in accordance with s. 119.15, Florida Statutes, and
 35 shall stand repealed on October 2, 2019, unless reviewed and
 36 saved from repeal through reenactment by the Legislature.

37 Section 2. The Legislature finds that it is a public
 38 necessity that personal identifying information of a person who
 39 is employed by, under contract with, or volunteering for a
 40 public research facility, including a state university, that
 41 conducts animal research or is engaged in activities related to
 42 animal research, be made exempt from s. 119.07(1), Florida
 43 Statutes, and s. 24(a), Article I of the State Constitution. The
 44 Legislature also finds that it is a public necessity that this
 45 exemption apply to such personal identifying information held by
 46 a public research facility, including a state university,
 47 before, on, or after the effective date of the exemption. The
 48 Legislature finds that the release of such personal identifying
 49 information will place such persons in danger of threats and
 50 harassment as well as physical and emotional harm from those who
 51 advocate against such research. University employees have been
 52 harassed and threatened after animal care records that included

53 their personal identifying information were disclosed pursuant
54 to public records requests. Thus, the Legislature finds that the
55 harm and threat to such persons' safety that results from the
56 release of personal identifying information in records about the
57 animals or about the animal research outweighs any public
58 benefit that may be derived from the disclosure of the
59 information. The public research facilities, including state
60 universities, remain responsible and accountable for the animal
61 research conducted at their institutions.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 993 Pub. Rec./Animal Researchers at Public Research Facilities
SPONSOR(S): Higher Education & Workforce Subcommittee and Cummings
TIED BILLS: IDEN./SIM. BILLS: SB 414

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Higher Education & Workforce Subcommittee	11 Y, 1 N, As CS	Thomas	Sherry
2) Government Operations Subcommittee	10 Y, 0 N	Williamson	Williamson
3) Education Committee		Thomas <i>MT</i>	Mizereck <i>My</i>

SUMMARY ANALYSIS

The bill creates a public records exemption for personal identifying information of a person employed by, under contract with, or volunteering for a public research facility, including a state university, that conducts animal research or is engaged in activities related to animal research. Such information is exempt from public records requirements when the information is contained in the following records:

- Animal records, including animal care and treatment records.
- Research protocols and approvals.
- Purchase and billing records related to animal research or activities.
- Animal care and committee records.
- Facility and laboratory records related to animal research or activities.

The bill provides for retroactive application of the public record exemption.

The public records exemption is subject to the Open Government Sunset Review Act and must stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature. The bill also provides a statement of public necessity as required by the State Constitution.

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

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Public Records Law

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

Public policy regarding access to government records is addressed further in the Florida Statutes. Section 119.07(1), F.S., guarantees every person a right to inspect and copy any state, county, or municipal record.

Public Record Exemptions

The Legislature may provide by general law for the exemption of records from the requirements of Article I, s. 24(a) and (b) of the State Constitution. The general law must state with specificity the public necessity justifying the exemption (public necessity statement) and must be no broader than necessary to accomplish its purpose.¹

Furthermore, the Open Government Sunset Review Act² provides that a public record exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

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

The Open Government Sunset Review Act requires the automatic repeal of a newly created exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.

Effect of Proposed Changes

The bill creates a public records exemption for personal identifying information of a person employed by, under contract with, or volunteering for a public research facility, including a state university, that conducts animal research or is engaged in activities related to animal research. Such information is exempt from public records requirements when the information is contained in the following records:

- Animal records, including animal care and treatment records.
- Research protocols and approvals.
- Purchase and billing records related to animal research or activities.

¹ Art. I, s. 24(c), Fla. Const. The Open Government Sunset Review Act prescribes a legislative review process for newly created or substantially amended public records or open meeting exemptions. It requires the automatic repeal of such an October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.

² Section 119.15, F.S.

- Animal care and committee records.
- Facility and laboratory records related to animal research or activities.

The bill provides for retroactive application of the public record exemption.³

The public records exemption is subject to the Open Government Sunset Review Act and must stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature. The bill also provides a statement of public necessity as required by the State Constitution.

B. SECTION DIRECTORY:

Section 1. Provides an exemption from public records requirement for personal identifying information of certain animal researchers at public research facilities, including state universities; provides for retroactive applicability of the exemption; provides for future legislative review and repeal of the exemption.

Section 2. Provides a statement of public necessity.

Section 3. Provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

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

³ The Supreme Court of Florida ruled that a public record exemption is not to be applied retroactively unless the legislation clearly expresses intent that such exemption is to be applied as such. *Memorial Hospital-West Volusia, Inc. v. News-Journal Corporation*, 729 So.2d. 373 (Fla. 2001)

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:

Vote Requirement

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

Public Necessity Statement

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

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires a newly created public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill creates a public record exemption for personal identifying information of certain employees and volunteers of a public research facility that conducts animal research or is engaged in activities related to such research. As such, the exemption does not appear to be in conflict with the constitutional requirement that the exemption be no broader than necessary to accomplish its purpose.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 19, 2014, the Higher Education & Workforce Subcommittee adopted a strike-all amendment to the bill and reported the bill favorably as a committee substitute. The amendment:

- Provided a public records exemption for a person employed by, under contract with, or volunteering for a public research facility, including a state university, that conducts animal research or is engaged in activities related to animal research.
- Provided a public records exemption for personal identifying information when such information is contained in certain records.
- Provided for retroactive applicability of the public records exemption.
- Provided for future legislative review and repeal of the public records exemption.
- Provided a statement of public necessity as required by the State Constitution.

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

1 A bill to be entitled
2 An act relating to middle grades education; amending
3 s. 1001.42, F.S.; requiring a school that includes
4 certain grades to include information, data, and
5 instructional strategies in its school improvement
6 plan; requiring a school that includes certain grades
7 to implement an early warning system based on
8 indicators to identify students in need of additional
9 academic support; amending s. 1003.42, F.S.; providing
10 State Board of Education duties relating to middle
11 grades courses; amending s. 1003.4935, F.S.;
12 authorizing additional FTE funding for certain
13 industry certifications; amending s. 1003.53, F.S.;
14 authorizing dropout prevention and academic
15 intervention services for a student identified by a
16 school's early warning system; amending s. 1006.135,
17 F.S.; including middle grades schools under provisions
18 prohibiting hazing; revising the definition of the
19 term "hazing"; requiring a school district policy that
20 prohibits hazing and establishes consequences for an
21 act of hazing; revising penalty provisions and
22 providing for applicability; amending s. 1011.62,
23 F.S.; specifying requirements relating to additional
24 FTE funding based on completion of certain courses or
25 programs and issuance of industry certification;
26 deleting obsolete provisions; amending s. 1012.98,

27 F.S.; providing requirements relating to professional
 28 development, including inservice plans and
 29 instructional strategies, for middle grades educators;
 30 requiring the Department of Education to disseminate
 31 professional development in the use of integrated
 32 digital instruction; providing an effective date.
 33

34 Be It Enacted by the Legislature of the State of Florida:
 35

36 Section 1. Subsection (18) of section 1001.42, Florida
 37 Statutes, is amended to read:

38 1001.42 Powers and duties of district school board.—The
 39 district school board, acting as a board, shall exercise all
 40 powers and perform all duties listed below:

41 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
 42 Maintain a state system of school improvement and education
 43 accountability as provided by statute and State Board of
 44 Education rule. This system of school improvement and education
 45 accountability shall be consistent with, and implemented
 46 through, the district's continuing system of planning and
 47 budgeting required by this section and ss. 1008.385, 1010.01,
 48 and 1011.01. This system of school improvement and education
 49 accountability shall comply with the provisions of ss. 1008.33,
 50 1008.34, 1008.345, and 1008.385 and include the following:

51 (a) School improvement plans.—

52 1. The district school board shall annually approve and

HB 7033

2014

53 require implementation of a new, amended, or continuation school
54 improvement plan for each school in the district. If a school
55 has a significant gap in achievement on statewide assessments
56 pursuant to s. 1008.34(3)(b) by one or more student subgroups,
57 as defined in the federal Elementary and Secondary Education Act
58 (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not significantly
59 decreased the percentage of students scoring below satisfactory
60 on statewide assessments; or has significantly lower graduation
61 rates for a subgroup when compared to the state's graduation
62 rate, that school's improvement plan shall include strategies
63 for improving these results. The state board shall adopt rules
64 establishing thresholds and for determining compliance with this
65 subparagraph ~~paragraph~~.

66 2. A school that includes any of grades 6, 7, or 8 shall
67 include annually in its school improvement plan information and
68 data on the school's early warning system required under
69 paragraph (b), including a list of the early warning indicators
70 used in the system, the number of students identified by the
71 system as exhibiting two or more early warning indicators, the
72 number of students by grade level that exhibit each indicator,
73 and a description of all intervention strategies employed by the
74 school to improve the academic performance of students
75 identified by the early warning system. In addition, a school
76 that includes any of grades 6, 7, or 8 shall describe in its
77 school improvement plan the strategies used by the school to
78 implement the instructional practices for middle grades

79 emphasized by the district's professional development system
 80 pursuant to s. 1012.98(4)(b)9.

81 (b) Early warning system.-

82 1. A school that includes any of grades 6, 7, or 8 shall
 83 implement an early warning system to identify students in grades
 84 6, 7, and 8 who need additional support to improve academic
 85 performance and stay engaged in school. The early warning system
 86 must include the following early warning indicators:

87 a. Attendance below 90 percent, regardless of whether
 88 absence is excused or a result of out-of-school suspension.

89 b. One or more suspensions, whether in school or out of
 90 school.

91 c. Course failure in English language arts or mathematics.

92 d. A Level 1 score on the statewide, standardized
 93 assessments in English language arts or mathematics.

94
 95 A school district may identify additional early warning
 96 indicators for use in a school's early warning system.

97 2. When a student exhibits two or more early warning
 98 indicators, the school's child study team under s. 1003.02 or a
 99 school-based team formed for the purpose of implementing the
 100 requirements of this paragraph shall convene to determine
 101 appropriate intervention strategies for the student. The school
 102 shall provide at least 10 days' written notice of the meeting to
 103 the student's parent, indicating the meeting's purpose, time,
 104 and location, and provide the parent the opportunity to

105 participate.

106 (c)~~(b)~~ Public disclosure.—The district school board shall
 107 provide information regarding the performance of students and
 108 educational programs as required pursuant to ss. 1008.22 and
 109 1008.385 and implement a system of school reports as required by
 110 statute and State Board of Education rule which shall include
 111 schools operating for the purpose of providing educational
 112 services to youth in Department of Juvenile Justice programs,
 113 and for those schools, report on the elements specified in s.
 114 1003.52(19). Annual public disclosure reports shall be in an
 115 easy-to-read report card format and shall include the school's
 116 grade, high school graduation rate calculated without GED tests,
 117 disaggregated by student ethnicity, and performance data as
 118 specified in state board rule.

119 (d)~~(e)~~ School improvement funds.—The district school board
 120 shall provide funds to schools for developing and implementing
 121 school improvement plans. Such funds shall include those funds
 122 appropriated for the purpose of school improvement pursuant to
 123 s. 24.121(5)(c).

124 Section 2. Subsection (1) of section 1003.42, Florida
 125 Statutes, is amended to read:

126 1003.42 Required instruction.—

127 (1) Each district school board shall provide all courses
 128 required for middle grades promotion, high school graduation,
 129 and appropriate instruction designed to ensure that students
 130 meet State Board of Education adopted standards in the following

131 | subject areas: reading and other language arts, mathematics,
 132 | science, social studies, foreign languages, health and physical
 133 | education, and the arts. The state board must remove a middle
 134 | grades course in the Course Code Directory that does not fully
 135 | integrate all appropriate curricular content required by s.
 136 | 1003.41 and may approve a new course only if it meets the
 137 | required curricular content.

138 | Section 3. Subsection (4) is added to section 1003.4935,
 139 | Florida Statutes, to read:

140 | 1003.4935 Middle grades career and professional academy
 141 | courses and career-themed courses.—

142 | (4) Industry certifications offered in the middle grades
 143 | that are included in the Industry Certification Funding List are
 144 | eligible for additional full-time equivalent membership pursuant
 145 | to s. 1011.62(1).

146 | Section 4. Paragraph (c) of subsection (1) of section
 147 | 1003.53, Florida Statutes, is amended to read:

148 | 1003.53 Dropout prevention and academic intervention.—

149 | (1)

150 | (c) A student shall be identified as being eligible to
 151 | receive services funded through the dropout prevention and
 152 | academic intervention program based upon one of the following
 153 | criteria:

154 | 1. The student is academically unsuccessful as evidenced
 155 | by low test scores, retention, failing grades, low grade point
 156 | average, falling behind in earning credits, or not meeting the

HB 7033

2014

157 state or district proficiency levels in reading, mathematics, or
 158 writing.

159 2. The student has a pattern of excessive absenteeism or
 160 has been identified as a habitual truant.

161 3. The student has a history of disruptive behavior in
 162 school or has committed an offense that warrants out-of-school
 163 suspension or expulsion from school according to the district
 164 school board's code of student conduct. For the purposes of this
 165 program, "disruptive behavior" is behavior that:

166 a. Interferes with the student's own learning or the
 167 educational process of others and requires attention and
 168 assistance beyond that which the traditional program can provide
 169 or results in frequent conflicts of a disruptive nature while
 170 the student is under the jurisdiction of the school either in or
 171 out of the classroom; or

172 b. Severely threatens the general welfare of students or
 173 others with whom the student comes into contact.

174 4. The student is identified by a school's early warning
 175 system pursuant to s. 1001.42(18)(b).

176 Section 5. Section 1006.135, Florida Statutes, is amended
 177 to read:

178 1006.135 Hazing prohibited at ~~high~~ schools with any of
 179 grades 6-12 ~~9-12 prohibited.~~

180 (1) DEFINITION.—As used in this section, "hazing" means
 181 any action or situation that ~~recklessly or intentionally~~
 182 endangers the mental or physical health or safety of a student

183 at a ~~high~~ school with any of grades 6 9 through 12 for purposes
 184 including, but not limited to, initiation or admission into or
 185 affiliation with any organization operating under the sanction
 186 of a ~~high~~ school with any of grades 6 9 through 12. "Hazing"
 187 includes, but is not limited to:7

188 (a) Pressuring, ~~or~~ coercing, or forcing a the student
 189 into:

- 190 1. Violating state or federal law;7
- 191 2. Consuming any food, liquor, drug, or other substance;

192 or

- 193 3. Participating in physical activity that could adversely
 194 affect the health or safety of the student.

195 (b) Any brutality of a physical nature, such as whipping,
 196 beating, branding, or exposure to the elements, ~~forced~~
 197 consumption of any food, liquor, drug, or other substance, ~~or~~
 198 other forced physical activity that could adversely affect the
 199 physical health or safety of the student, ~~and also includes any~~
 200 activity that would subject the student to extreme mental
 201 stress, such as sleep deprivation, forced exclusion from social
 202 contact, forced conduct that could result in extreme
 203 embarrassment, or other forced activity that could adversely
 204 affect the mental health or dignity of the student.

205

206 Hazing does not include customary athletic events or other
 207 similar contests or competitions or any activity or conduct that
 208 furthers a legal and legitimate objective.

209 (2) SCHOOL DISTRICT POLICY.—Each school district shall
 210 adopt in rule a policy that prohibits hazing and establishes
 211 consequences for a student who commits an act of hazing. The
 212 policy must include:

213 (a) A definition of hazing, which must include the
 214 definition provided in this section.

215 (b) A procedure for reporting an alleged act of hazing,
 216 including provisions that permit a person to anonymously report
 217 such an act. However, disciplinary action may not be based
 218 solely on an anonymous report.

219 (c) A requirement that a school with any of grades 9
 220 through 12 report an alleged act of hazing to a local law
 221 enforcement agency if the alleged act meets the criteria
 222 established under subsection (3).

223 (d) A provision for referral of victims and perpetrators
 224 of hazing to a certified school counselor.

225 (e) A requirement that each incident of hazing be reported
 226 in the school's safety and discipline report required under s.
 227 1006.09(6). The report must include the number of hazing
 228 incidents reported, the number of incidents referred to a local
 229 law enforcement agency, the number of incidents that result in
 230 disciplinary action taken by the school, and the number of
 231 incidents that do not result in either referral to a local law
 232 enforcement agency or disciplinary action taken by the school.

233 (3) ~~(2)~~ CRIMINAL PENALTIES.—This subsection applies only to
 234 students in any of grades 9 through 12.

235 (a)1. A person who commits an act of hazing, ~~a third~~
 236 ~~degree felony, punishable as provided in s. 775.082 or s.~~
 237 ~~775.083, when he or she intentionally or recklessly commits any~~
 238 ~~act of hazing as defined in subsection (1)~~ upon another person
 239 who is a member of or an applicant to any type of student
 240 organization commits a third degree felony, punishable as
 241 provided in s. 775.082 or s. 775.083, if the person knew or
 242 should have known the act would result in serious bodily injury
 243 or death of such other person and the act hazing results in
 244 serious bodily injury or death of such other person.

245 2.(3) A person who commits an act of hazing, ~~a first~~
 246 ~~degree misdemeanor, punishable as provided in s. 775.082 or s.~~
 247 ~~775.083, when he or she intentionally or recklessly commits any~~
 248 ~~act of hazing as defined in subsection (1)~~ upon another person
 249 who is a member of or an applicant to any type of student
 250 organization commits a first degree misdemeanor, punishable as
 251 provided in s. 775.082 or s. 775.083, if the person knew or
 252 should have known the act would create a potential risk of
 253 physical injury or death to such other person and the act hazing
 254 creates a potential ~~substantial~~ risk of physical injury or death
 255 to such other person.

256 (b)(4) As a condition of any sentence imposed pursuant to
 257 paragraph (a) subsection (2) or subsection (3), the court:

258 1. Shall order the defendant to attend and complete a 4-
 259 hour hazing education course and may also impose a condition of
 260 drug or alcohol probation.

261 2. May require the defendant to make a public apology to
 262 the students and victims at the school.

263 3. May require the defendant to participate in a school-
 264 sponsored antihazing campaign to raise awareness of what
 265 constitutes hazing and the penalties for hazing.

266 ~~(c)(5)~~ It is not a defense to a charge of hazing that:

267 1.(a) Consent of the victim had been obtained;

268 2.(b) The conduct or activity that resulted in the death
 269 or injury of a person was not part of an official organizational
 270 event or was not otherwise sanctioned or approved by the
 271 organization; or

272 3.(e) The conduct or activity that resulted in death or
 273 injury of the person was not done as a condition of membership
 274 to an organization.

275 ~~(4)(6)~~ CONSTRUCTION.—This section shall not be construed
 276 to preclude prosecution for a more general offense resulting
 277 from the same criminal transaction or episode.

278 Section 6. Paragraph (o) of subsection (1) of section
 279 1011.62, Florida Statutes, is amended to read:

280 1011.62 Funds for operation of schools.—If the annual
 281 allocation from the Florida Education Finance Program to each
 282 district for operation of schools is not determined in the
 283 annual appropriations act or the substantive bill implementing
 284 the annual appropriations act, it shall be determined as
 285 follows:

286 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR

287 OPERATION.—The following procedure shall be followed in
 288 determining the annual allocation to each district for
 289 operation:

290 (o) Calculation of additional full-time equivalent
 291 membership based on successful completion of a career-themed
 292 course or a career and professional academy program, pursuant to
 293 ss. 1003.491, 1003.492, ~~and~~ 1003.493, and 1003.4935, and
 294 issuance of industry certification identified in the Industry
 295 Certification Funding List pursuant to rules adopted by the
 296 State Board of Education.—

297 1. A value of 0.1 or 0.2 full-time equivalent student
 298 membership shall be calculated for each student who completes a
 299 career-themed course, as defined in s. 1003.493(1)(b), or a
 300 career and professional academy or career-themed course,
 301 pursuant to ss. 1003.491, 1003.492, 1003.493, and 1003.4935, and
 302 who is issued the highest level of an industry certification
 303 identified annually in the Industry Certification Funding List
 304 approved under rules adopted by the State Board of Education
 305 upon completion of grade 8 pursuant to subparagraph 2. or upon
 306 earning a high school diploma. The maximum full-time equivalent
 307 student membership value for any student ~~in grades 9 through 12~~
 308 is 0.3. A value of 0.2 full-time equivalent membership shall be
 309 calculated for each student who is issued an industry
 310 certification that has a statewide articulation agreement for
 311 college credit approved by the State Board of Education. For
 312 industry certifications that do not articulate for college

313 credit, the Department of Education shall assign a full-time
 314 equivalent value of 0.1 for each certification. The State Board
 315 of Education shall include the assigned values in the Industry
 316 Certification Funding List under rules adopted by the state
 317 board. Such value shall be added to the total full-time
 318 equivalent student membership in secondary career education
 319 programs for grades 9 through 12 in the subsequent year for
 320 courses that were not provided through dual enrollment. Industry
 321 certifications earned through dual enrollment must be reported
 322 and funded pursuant to ss. 1011.80 and 1011.81.

323 2. Upon completion of grade 8, a value of 0.1 full-time
 324 equivalent student membership shall be calculated for each
 325 student who completes a career-themed course or a career and
 326 professional academy course under s. 1003.4935 and who is issued
 327 the highest level of industry certification identified in the
 328 Industry Certification Funding List under rules adopted by the
 329 state board.

330 ~~3.2.~~ Each district must allocate at least 80 percent of
 331 the funds provided for industry certification, in accordance
 332 with this paragraph, to the program that generated the funds.
 333 This allocation may not be used to supplant funds provided for
 334 basic operation of the program. Unless a different amount is
 335 specified in the General Appropriations Act, the appropriation
 336 for this calculation is limited to \$60 million annually. If the
 337 appropriation is insufficient to fully fund the total
 338 calculation, the appropriation shall be prorated.

339 4.3. For industry certifications earned in the 2013-2014
 340 school year and in subsequent years, the school district shall
 341 distribute to each classroom teacher who provided direct
 342 instruction toward the attainment of an industry certification
 343 that qualified for additional full-time equivalent membership
 344 under subparagraph 1. or subparagraph 2.:

345 a. A bonus in the amount of \$25 for each student taught by
 346 a teacher who provided instruction in a course that led to the
 347 attainment of an industry certification on the Industry
 348 Certification Funding List with a weight of 0.1.

349 b. A bonus in the amount of \$50 for each student taught by
 350 a teacher who provided instruction in a course that led to the
 351 attainment of an industry certification on the Industry
 352 Certification Funding List with a weight of 0.2.

353 ~~4. For the 2013-2014 fiscal year, the additional FTE~~
 354 ~~membership calculation must include the additional FTE for any~~
 355 ~~student who earned a certification in the 2009-2010, 2010-2011,~~
 356 ~~and 2011-2012 fiscal years who was not previously funded and was~~
 357 ~~enrolled in 2012-2013.~~

358
 359 Bonuses awarded pursuant to this paragraph shall be provided to
 360 teachers who are employed by the district in the year in which
 361 the additional FTE membership calculation is included in the
 362 calculation. Bonuses shall be calculated based upon the
 363 associated weight of an industry certification on the Industry
 364 Certification Funding List for the year in which the

365 certification is earned by the student. Any bonus awarded to a
 366 teacher under this paragraph may not exceed \$2,000 in any given
 367 school year and is in addition to any regular wage or other
 368 bonus the teacher received or is scheduled to receive.

369 Section 7. Paragraph (d) is added to subsection (3) of
 370 section 1012.98, Florida Statutes, and subsections (4) and (7)
 371 of that section are amended, to read:

372 1012.98 School Community Professional Development Act.—

373 (3) The activities designed to implement this section
 374 must:

375 (d) Provide middle grades instructional personnel and
 376 school administrators with the knowledge, skills, and best
 377 practices necessary to support excellence in classroom
 378 instruction and educational leadership.

379 (4) The Department of Education, school districts,
 380 schools, Florida College System institutions, and state
 381 universities share the responsibilities described in this
 382 section. These responsibilities include the following:

383 (a) 1. The department shall disseminate to the school
 384 community research-based professional development methods and
 385 programs that have demonstrated success in meeting identified
 386 student needs. The Commissioner of Education shall use data on
 387 student achievement to identify student needs. The methods of
 388 dissemination must include a web-based statewide performance
 389 support system, including a database of exemplary professional
 390 development activities, a listing of available professional

391 development resources, training programs, and available
 392 assistance.

393 2. The web-based statewide performance support system
 394 established pursuant to subparagraph 1. must include for middle
 395 grades, subject to appropriation, materials related to classroom
 396 instruction, including integrated digital instruction and
 397 competency-based instruction; classroom management; student
 398 behavior and interaction; extended learning opportunities for
 399 students; and instructional leadership.

400 (b) Each school district shall develop a professional
 401 development system as specified in subsection (3). The system
 402 shall be developed in consultation with teachers, teacher-
 403 educators of Florida College System institutions and state
 404 universities, business and community representatives, and local
 405 education foundations, consortia, and professional
 406 organizations. The professional development system must:

407 1. Be approved by the department. All substantial
 408 revisions to the system shall be submitted to the department for
 409 review for continued approval.

410 2. Be based on analyses of student achievement data and
 411 instructional strategies and methods that support rigorous,
 412 relevant, and challenging curricula for all students. Schools
 413 and districts, in developing and refining the professional
 414 development system, shall also review and monitor school
 415 discipline data; school environment surveys; assessments of
 416 parental satisfaction; performance appraisal data of teachers,

417 managers, and administrative personnel; and other performance
 418 indicators to identify school and student needs that can be met
 419 by improved professional performance.

420 3. Provide inservice activities coupled with followup
 421 support appropriate to accomplish district-level and school-
 422 level improvement goals and standards. The inservice activities
 423 for instructional personnel shall focus on analysis of student
 424 achievement data, ongoing formal and informal assessments of
 425 student achievement, identification and use of enhanced and
 426 differentiated instructional strategies that emphasize rigor,
 427 relevance, and reading in the content areas, enhancement of
 428 subject content expertise, integrated use of classroom
 429 technology that enhances teaching and learning, classroom
 430 management, parent involvement, and school safety.

431 4. Include a master plan for inservice activities,
 432 pursuant to rules of the State Board of Education, for all
 433 district employees from all fund sources. The master plan shall
 434 be updated annually by September 1, must be based on input from
 435 teachers and district and school instructional leaders, and must
 436 use the latest available student achievement data and research
 437 to enhance rigor and relevance in the classroom. Each district
 438 inservice plan must be aligned to and support the school-based
 439 inservice plans and school improvement plans pursuant to s.
 440 1001.42(18). Each district inservice plan must provide a
 441 description of the training that middle grades instructional
 442 personnel and school administrators receive on the district's

443 | code of student conduct adopted pursuant to s. 1006.07;
 444 | integrated digital instruction and competency-based instruction;
 445 | classroom management; student behavior and interaction; extended
 446 | learning opportunities for students; and instructional
 447 | leadership. District plans must be approved by the district
 448 | school board annually in order to ensure compliance with
 449 | subsection (1) and to allow for dissemination of research-based
 450 | best practices to other districts. District school boards must
 451 | submit verification of their approval to the Commissioner of
 452 | Education no later than October 1, annually. Each school
 453 | principal may establish and maintain an individual professional
 454 | development plan for each instructional employee assigned to the
 455 | school as a seamless component to the school improvement plans
 456 | developed pursuant to s. 1001.42(18). An individual professional
 457 | development plan must be related to specific performance data
 458 | for the students to whom the teacher is assigned, define the
 459 | inservice objectives and specific measurable improvements
 460 | expected in student performance as a result of the inservice
 461 | activity, and include an evaluation component that determines
 462 | the effectiveness of the professional development plan.

463 | 5. Include inservice activities for school administrative
 464 | personnel that address updated skills necessary for
 465 | instructional leadership and effective school management
 466 | pursuant to s. 1012.986.

467 | 6. Provide for systematic consultation with regional and
 468 | state personnel designated to provide technical assistance and

469 evaluation of local professional development programs.

470 7. Provide for delivery of professional development by
 471 distance learning and other technology-based delivery systems to
 472 reach more educators at lower costs.

473 8. Provide for the continuous evaluation of the quality
 474 and effectiveness of professional development programs in order
 475 to eliminate ineffective programs and strategies and to expand
 476 effective ones. Evaluations must consider the impact of such
 477 activities on the performance of participating educators and
 478 their students' achievement and behavior.

479 9. For middle grades, emphasize:

480 a. Interdisciplinary planning, collaboration, and
 481 instruction.

482 b. Alignment of curriculum and instructional materials to
 483 the state academic standards adopted pursuant to s. 1003.41.

484 c. Use of small learning communities; problem-solving,
 485 inquiry-driven research and analytical approaches for students;
 486 strategies and tools based on student needs; competency-based
 487 instruction; integrated digital instruction; and project-based
 488 instruction.

489
 490 Each school that includes any of grades 6, 7, or 8 must include
 491 in its school improvement plan, required under s. 1001.42(18), a
 492 description of the specific strategies used by the school to
 493 implement each item listed in this subparagraph.

494 (7) (a) The Department of Education shall disseminate,



495 using web-based technology, research-based best practice methods
496 by which the state and district school boards may evaluate and
497 improve the professional development system. The best practices
498 must include data that indicate the progress of all students.
499 The department shall report annually to the State Board of
500 Education and the Legislature any school district that, in the
501 determination of the department, has failed to provide an
502 adequate professional development system. This report must
503 include the results of the department's investigation and of any
504 intervention provided.

505 (b) The department shall also disseminate, using web-based
506 technology, professional development in the use of integrated
507 digital instruction at schools that include middle grades. The
508 professional development must provide training and materials
509 that districts can use to provide instructional personnel with
510 the necessary knowledge, skills, and strategies to effectively
511 blend digital instruction into subject-matter curricula. The
512 professional development must emphasize online learning and
513 research techniques, reading instruction, the use of digital
514 devices to supplement the delivery of curricular content to
515 students, and digital device management and security. Districts
516 are encouraged to incorporate the professional development as
517 part of their professional development system.

518 Section 8. This act shall take effect July 1, 2014.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

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

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

SUMMARY ANALYSIS

The bill restructures requirements for middle grades education so that:

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

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

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

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

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Middle Grades Reform

Legislative History

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

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

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

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

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

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

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

³ See s. 83, ch. 83-336, L.O.F.

⁴ See *id.*

⁵ See ch. 2004-255, L.O.F.

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

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

⁸ Section 21, ch. 2006-74, L.O.F.

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

Research and Data

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

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

Early Warning Systems

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

Who Didn't Graduate? Predictive Power and Yield of Selected Flags ¹⁵				
Predictive power: % with this flag who...	Flag in Sixth Grade (in 1997)			
	Attended 80% or Less	Failed Math	Failed English	Suspended Out of School
Graduated on time	13	13	12	16
Graduated 1 year late	4	6	6	4
Did not graduate within 1 year late	83	81	82	80
Yield: % of nongraduates flagged	23	21	17	10

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

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

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

¹² *Id.* at 227.

¹³ See *Id.* at 226-28, 230.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Professional Development

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

Interdisciplinary Teaching and Small Learning Communities

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

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

Integration of Digital Instruction

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

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

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

²⁶ *Id.* at 26.

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

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

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

³⁰ *Id.* at 2.

³¹ *Id.* at 2.

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

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

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

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

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

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

Competency-Based Education

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

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

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

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

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

Data on Middle Grades in Florida

³⁶ See *id.* at 8.

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

³⁸ *Id.*

³⁹ *Id.* at 12.

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

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

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

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

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

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

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

Background

General Requirements

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

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

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

Acceleration

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

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

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

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

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

⁴⁹ *Id.*

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

⁵¹ Section 1003.4156(1)(a), F.S.

⁵² Section 1003.4156(1)(c), F.S.

⁵³ Section 1003.4156(1)(b), F.S.

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

Statewide Middle Grades Standards and Assessments

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

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

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

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

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

⁵⁵ Section 8, ch. 2008.235, L.O.F.

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

⁵⁷ Section 1008.22(1)(a), F.S.

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

⁵⁹ Section 1008.22(3)(a), F.S.

⁶⁰ Florida Department of Education, *2011 FCAT 2.0 Fact Sheet*, at 1 (Feb. 2011), available at <http://fc2.fldoe.org/fcat2/pdf/ffs2.pdf>; Rule 6A-1.09422(3)(b), F.A.C.

⁶¹ Section 1008.22(3)(c)2.a.

⁶² Section 1008.22(3)(a), F.S.

⁶³ Section 1003.4156(1)(c), F.S.

⁶⁴ Section 1003.4156(1), F.S.

⁶⁵ *Id.*

⁶⁶ Section 1003.4156(1)(b), F.S.

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

Remediation Requirements

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

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

Attendance Requirements

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

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

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

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

⁶⁸ Section 13, ch. 2013-27, L.O.F.

⁶⁹ Section 1003.4156(2), F.S.

⁷⁰ Section 1003.4156(3), F.S.

⁷¹ *Id.*

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

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

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

⁷⁵ *Id.*

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

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

⁷⁸ Section 1003.26, F.S.

⁷⁹ Section 1003.24(4), F.S.

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

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

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

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

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

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

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

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

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

⁸¹ Section 1003.26(1)(a), F.S.

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

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

⁸⁴ Section 1003.26(1)(b), F.S.

⁸⁵ *Id.*

⁸⁶ Section 1003.26(1)(c), F.S.

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

⁸⁸ Section 1003.26(1), F.S.

⁸⁹ Section 1003.24, F.S.

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

⁹¹ Section 1003.27(7)(a)3., F.S.

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

Dropout Prevention and Academic Intervention

Present Situation

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

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

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

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

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

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

⁹⁴ Section 1003.27(7)(d)1., F.S.

⁹⁵ Section 1003.27(7)(d)2., F.S.

⁹⁶ Section 1003.53(2)(a), F.S.

⁹⁷ *Id.*

⁹⁸ Section 1003.53(2)(b), F.S.

⁹⁹ Section 1003.53(1)(a), F.S.

¹⁰⁰ Section 1003.53(1)(b), F.S.

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

¹⁰² Section 1003.53(1)(a), F.S.

¹⁰³ Section 1003.53(1)(b), F.S.

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

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

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

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

Effect of Proposed Changes

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

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

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

¹⁰⁴ *Id.*

¹⁰⁵ Section 1011.62(1)(f)2., F.S.

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

¹⁰⁷ *See id.*

¹⁰⁸ Section 1003.53(3), F.S.

¹⁰⁹ Section 1003.53(5), F.S.

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² Section 1003.53(4), F.S.

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

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

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

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

Professional Development

Present Situation

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

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

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

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

¹¹⁴ Section 1012.98(1), F.S.

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

¹¹⁶ *Id.*

¹¹⁷ Section 1012.98(11), F.S.

¹¹⁸ Section 1012.98(7), F.S.

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

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

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

Effect of Proposed Changes

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

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

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

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

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

¹¹⁹ Section 1012.98(4)(b), F.S.

¹²⁰ *Id.*

¹²¹ Section 1012.98(9), F.S.

¹²² Section 1012.98, F.S.

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

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

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

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

School Improvement Plans

Present Situation

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

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

Effect of Proposed Changes

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

Middle Grades Career Education

Present Situation

Each district school board must develop a strategic 3-year plan, in collaboration with regional workforce boards, economic development agencies, and postsecondary institutions, to address and meet local and

¹²³ Section 1001.42(18)(a), F.S.

¹²⁴ Section 1001.42(18)(c), F.S.

¹²⁵ See Rule 6A-1.09981, F.A.C.; Florida Department of Education, *Form SIP-1 School Improvement Plan (2013)*, available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03056>.

¹²⁶ Rule 6A-1.099811(4) and (5), F.A.C.

¹²⁷ See 20 U.S.C. s. 6314(b)

¹²⁸ See *Early Warning Systems*, *supra* p. 13.

regional workforce demands.¹²⁹ The strategic plan must include plans to implement a career and professional academy or career-themed course in at least one middle school in the district.¹³⁰ Further, the strategic plan must provide students the opportunity to transfer from a middle school career and professional academy¹³¹ or a career-themed course¹³² to a high school career and professional academy or a career-themed course currently operating within the school district.¹³³

Each course must be aligned with at least one high school career and professional academy or career-themed course offered in the district while maintaining partnerships with local business and industry and economic development boards. In addition, middle grades career and professional academies and career-themed courses must:

- Lead to careers in occupations designated as high-skill, high-wage, and high-demand in the Industry Certification Funding List approved under rules adopted by the State Board of Education (SBE);
- Integrate content from core subject areas;
- Integrate career and professional academy or career-themed course content with intensive reading, English language arts, and mathematics pursuant to ss. 1003.428 and 1003.4282, F.S.;
- Coordinate with high schools to maximize opportunities for middle grades students to earn high school credit;
- Provide access to virtual instruction courses provided by virtual education providers legislatively authorized to provide part-time instruction to middle grades students. The virtual instruction courses must be aligned to state curriculum standards for middle grades career and professional academy courses or career-themed courses, with priority given to students who have required course deficits;
- Provide instruction from highly skilled professionals who hold industry certificates in the career area in which they teach;
- Offer externships; and
- Provide personalized student advisement that includes a parent-participation component.¹³⁴

Students who complete a middle school career and professional academy or a career-themed course must have the opportunity to earn an industry certificate and high school credit and participate in career planning, job shadowing, and business leadership development activities.¹³⁵

The DOE must collect and report student achievement data related to certain performance factors identified by statute for each middle school career and professional academy or career themed course implemented by a school district.¹³⁶

Prior to 2013, schools could receive a weighted FTE student membership calculation for each middle grades student who earned an industry certification identified by the SBE's Industry Certification Funding List.¹³⁷ If a middle grades student earned an industry certification in the fields of science, technology, engineering, or

¹²⁹ Section 1003.491(2), F.S.

¹³⁰ Section 1003.4935, F.S.

¹³¹ A "career and professional academy" is defined in statute to mean a research-based program offered by a public school district or school that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the regional workforce board or the Department of Economic Opportunity. Section 1003.493(1)(a), F.S.

¹³² A "career-themed course" is a course, or a course in a series of courses, that leads to an industry certification identified in the Industry Certification Funding List pursuant to rules adopted by the State Board of Education. Career-themed courses have industry-specific curriculum aligned directly to priority workforce needs established by the regional workforce board or the Department of Economic Opportunity. Section 1003.493(1)(b), F.S.

¹³³ Section 1003.4935(1), F.S.

¹³⁴ Section 1003.4935(2), F.S.

¹³⁵ Section 1003.4935(1), F.S.

¹³⁶ Section 1003.4935(3), F.S.

¹³⁷ Section 1011.62(1)(o), F.S. (2012); *See s. 39, ch. 2013-27, L.O.F.*

mathematics identified on the Industry Certification Funding List, the student's school would receive a 0.1 weighted FTE student membership calculation upon that student's promotion to grade 9.¹³⁸

Legislation enacted in 2013 eliminated the provisions that awarded weighted FTE funding to schools based on industry certifications earned by middle grades students.¹³⁹ Instead, as a result of the same legislation, schools were to have received bonuses amounting to \$50 for each middle grades student who earns a Florida Digital Tools Certificate, with a minimum of \$1,000 and maximum of \$15,000 per school.¹⁴⁰ Under the Florida Digital Tools Certificate program, a student who masters certain targeted, digital skills necessary to the student's academic work and which the student may need in future employment was to be awarded a certificate to indicate the students' digital skills.¹⁴¹ The program was to be created by one or more technology companies with DOE-approved industry certifications.¹⁴² However, funding for the Florida Digital Tools Certificates program was vetoed from the 2013 General Appropriations Act by the Governor.¹⁴³

Each district must allocate at least 80 percent of the funds provided for industry certification to the program that generated the funds.¹⁴⁴ The allocation may not be used to supplant funds provided for basic operation of the program.¹⁴⁵ Unless a different amount is specified in the General Appropriations Act, the appropriation for the industry certification calculation is limited to \$60 million annually.¹⁴⁶ If the appropriation is insufficient to fully fund the total calculation, the appropriation is prorated.¹⁴⁷

Effect of Proposed Changes

The bill restores language providing weighted FTE student membership for industry certifications earned by middle grades students. If a middle grades student earns an industry certification, the student's school will be awarded an additional 0.1 FTE student membership upon that student's completion of 8th grade. Unlike prior requirements, weighted funding for industry certifications is not limited to the areas of science, technology, engineering, or mathematics.

Middle Grades Courses and Curricular Content

Present Situation

In order for a student's enrollment in a course or program to generate FTE funding through the FEFP, the course or program must, among other requirements, be approved by the SBE for inclusion in its Course Code Directory.¹⁴⁸ In addition, the curricular content for all subjects must integrate:¹⁴⁹

- Critical-thinking, problem-solving, and workforce-literacy skills;
- Communication, reading, and writing skills;
- Mathematics skills;
- Collaboration skills;
- Contextual and applied-learning skills;

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ Section 1003.4203(4), F.S.

¹⁴² *Id.*

¹⁴³ See Specific Appropriation 102A, s. 2. ch. 2013-40, L.O.F.

¹⁴⁴ Section 1011.62(1)(o)2., F.S.

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ See Rule 6A-1.09441, F.A.C. See also s. 1011.62(1)(c), F.S. The Course Code Directory and Instructional Personnel Assignments 2013-2014 can be found at <http://www.flrules.org/gateway/reference.asp?No=Ref-03096>.

¹⁴⁹ Section 1003.41(1), F.S.

- Technology-literacy skills;
- Information and media-literacy skills; and
- Civic-engagement skills.

Currently, there is no express requirement that any course approved by the SBE integrate all appropriate curricular content as prescribed by the state's academic standards.

Effect of Proposed Changes

The bill requires the SBE to remove any middle grades course in the Course Code Directory that does not fully integrate all appropriate curricular content required by the state's academic standards. Furthermore, the SBE may approve a new course for inclusion in the Course Code Directory only if the course contains the required curricular content.

Hazing¹⁵⁰

Present Situation

Hazing at a high school with grades 9 through 12 is criminally punishable as either a first degree misdemeanor or third degree felony, depending on the nature of the act of hazing.¹⁵¹ Hazing is defined as:

Any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student at a high school with grades 9 through 12 for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a high school with grades 9 through 12.¹⁵²

Hazing includes, but is not limited to:

- Pressuring or coercing the student into violating state or federal law;
- Any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements;
- Forced consumption of any food, liquor, drug, or other substance;
- Forced physical activity that could adversely affect the physical health or safety of a student; or
- Any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of a student.¹⁵³

The definition of hazing excludes customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.¹⁵⁴

Hazing constitutes a first degree misdemeanor if a person intentionally or recklessly commits an act of hazing upon another person who is a member of or applicant to any type of student organization and the hazing creates a substantial risk of physical injury or death to the other person.¹⁵⁵ If the act of hazing results in serious bodily injury or death of the other person, then the act constitutes a third degree felony.¹⁵⁶

¹⁵⁰ This analysis does not address hazing at postsecondary institutions, which is subject to the provisions of s. 1006.63, F.S.

¹⁵¹ Section 1006.135(1), F.S.

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ Section 1006.135(3), F.S.

¹⁵⁶ Section 1006.135, (2), F.S.

Attendance and completion of a 4-hour hazing education course is a required condition of any sentence imposed on a person convicted of hazing.¹⁵⁷ A court may also impose a drug or alcohol probation as a condition of the sentence.¹⁵⁸

It is not a defense to a charge of hazing that:

- Consent of the victim had been obtained;
- The conduct or activity that resulted in death or injury of the victim was not part of an official organizational event or was not otherwise sanctioned or approved by the organization; or
- The conduct or activity that resulted in death or injury of the victim was not done as a condition of membership to an organization.¹⁵⁹

Prosecution for hazing does not preclude prosecution for a more general offense resulting from the same criminal transaction or episode (e.g., battery).¹⁶⁰

Unlike incidents of bullying or harassment of K-12 students¹⁶¹ or postsecondary hazing,¹⁶² incidents of hazing at high schools are not reported by school districts to the DOE.

Effect of Proposed Changes

The bill extends the definition of hazing to include grades 6 through 8 and clarifies what conduct constitutes an act of hazing. The bill also requires each school district to establish a policy that prohibits hazing and sets consequences for violations. The district policy must also include:

- A definition of hazing which must include the definition of hazing provided by statute;
- A procedure for reporting an alleged act of hazing, including provisions that permit a person to anonymously report such an act;¹⁶³
- The requirement that a school with any of grades 9 through 12 report an alleged act of hazing to a local law enforcement agency if the alleged act meets the criteria for criminal hazing;
- A provision for referral of victims and perpetrators of hazing to a certified school counselor; and
- The requirement that each incident of hazing be reported to the DOE as part of the reporting school's safety and discipline report¹⁶⁴ through the School Environmental Safety Incident Reporting (SESIR) System.¹⁶⁵

The information provided to the DOE must include the number of hazing incidents reported, the number of incidents that result in disciplinary action taken by the school, and the number of incidents that do not result in either referral to a local law enforcement agency or disciplinary action taken by the school.

The bill modifies criminal hazing provisions by changing the intent standard for misdemeanor and felony hazing from intentional or reckless to "knew or should have known." The bill maintains applicability of criminal penalties only to students in grades 9 through 12 and changes the level of risk required in misdemeanor hazing

¹⁵⁷ Section 1006.135(4), F.S.

¹⁵⁸ *Id.*

¹⁵⁹ Section 1006.135(5), F.S.

¹⁶⁰ Section 1006.135(6), F.S.

¹⁶¹ Bullying and harassment are prohibited under s. 1006.147, F.S.

¹⁶² Hazing at postsecondary institutions is subject to the provisions of s. 1006.63, F.S.

¹⁶³ The bill specifies that disciplinary action for hazing may not be based solely on an anonymous report.

¹⁶⁴ Each school principal must report data concerning school safety and discipline to the DOE using forms prescribed by state board rule. Section 1006.09(6), F.S. The principal must develop a plan to verify the accuracy of reported incidents. *Id.*

¹⁶⁵ The SESIR system compiles data on incidents of crime, violence, and disruptive behaviors that occur on school grounds, on school transportation, and at off-campus, school-sponsored events. See Florida Department of Education, *Statewide Report on School Safety and Discipline Data*, <http://www.fldoe.org/safeschools/sesir.asp> (last visited Jan. 16, 2014).

from "substantial" to "potential". The bill allows courts to require a defendant convicted of hazing to make a public apology to the students and victims at the school and/or participate in a school-sponsored anti-hazing campaign to raise awareness of what constitutes hazing and the penalties for hazing.

B. SECTION DIRECTORY:

Section 1. Amends s. 1001.42, F.S.; requiring a school that includes certain grades to include information, data, and instructional strategies in its school improvement plan; requiring a school that includes certain grades to implement an early warning system based on indicators to identify students in need of additional academic support.

Section 2. Amends s. 1003.42, F.S.; providing the State Board of Education duties relating to middle grades courses.

Section 3. Amends s. 1003.4935, F.S.; authorizing additional FTE funding for certain industry certifications.

Section 4. Amends s. 1003.53, F.S.; authorizing dropout prevention and academic intervention services for a student identified by a school's early warning system.

Section 5. Amends s. 1006.135, F.S.; including middle grades schools under provisions prohibiting hazing; revising the definition of the term "hazing"; requiring a school district policy that prohibits hazing and establishes consequences for an act of hazing; revising penalty provisions and providing for applicability.

Section 6. Amends s. 1011.62, F.S.; specifying requirements related to additional FTE funding based on completion of certain courses or programs and issuance of industry certification; deleting obsolete provisions.

Section 7. Amends s. 1012.98, F.S.; providing requirements relating to professional development, including inservice plans and instructional strategies, for middle grades educators; requiring the Department of Education to disseminate professional development in the use of integrated digital instruction.

Section 8. Provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Current law requires the DOE to provide professional development methods of dissemination to include a web-based statewide performance support system, including a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available assistance. The addition of middle grades materials to the web-based system can be accomplished within existing resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires school districts to adopt an anti-hazing policy in rule.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Diaz, M. offered the following:

Amendment (with directory and title amendments)

Between lines 69 and 70, insert:

(5) SPONSOR; DUTIES.-

(a) Sponsoring entities.-

1. A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.

2. A state university may grant a charter to a lab school created under s. 1002.32 and shall be considered to be the school's sponsor. Such school shall be considered a charter lab school.

3. The State Board of Education may sponsor a charter school that serves students in more than two school districts when the mission of the charter school is to serve students with



Amendment No. 1

18 special needs, unique grade level configurations, or geographic
19 areas that cannot be served by a single school district.

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D I R E C T O R Y A M E N D M E N T

Remove line 63 and insert:

Section 1. Paragraph (b) of subsection (5), paragraphs (a),
(b), (c), and (h) of subsection

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

Remove line 3 and insert:

F.S.; authorizing the State Board of Education to authorize
certain charter schools; revising required contents of charter
school



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Diaz, M. offered the following:

Amendment

Between lines 217 and 218, insert:

6 16. States the name of each member of the proposed charter
 7 school's governing board, the name and sponsor of any charter
 8 school for which the individual has served as a governing board
 9 member, and whether any such charter school was terminated by
 10 the sponsor for failure to meet generally accepted standards of
 11 fiscal management pursuant to subsection (8) or closed
 12 voluntarily by the governing board due to financial
 13 mismanagement or insolvency. If a majority of the governing
 14 board members for the proposed charter school also served
 15 together on the governing board of a charter school so
 16 terminated or closed, the sponsor may deny the application.



Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Diaz, M. offered the following:

Amendment (with title amendment)

5 Remove line 681 and insert:
 6 physically present at each meeting. Members of the governing
 7 board may attend in person or by means of communications media
 8 technology utilized in accordance with rules adopted by the
 9 Administration Commission under s. 120.54(5).

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

15 Remove line 25 and insert:



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7083 (2014)

Amendment No. 3

16 | charters and charter terminations; authorizing governing board
17 | members to participate in biannual public meetings in person or
18 | through communications media technology; specifying that a
19 |



Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Diaz, M. offered the following:

Amendment (with directory and title amendments)

Between lines 862 and 863, insert:

6 (13) CHARTER SCHOOL COOPERATIVES.—Charter schools may
 7 enter into cooperative agreements with other charter schools or
 8 educational institutions to form charter school cooperative
 9 organizations that may provide ~~the following~~ services to further
 10 educational, operational, and administrative initiatives in
 11 which the participating charter schools share a common interest
 12 ~~charter school planning and development, direct instructional~~
 13 ~~services, and contracts with charter school governing boards to~~
 14 ~~provide personnel administrative services, payroll services,~~
 15 ~~human resource management, evaluation and assessment services,~~
 16 ~~teacher preparation, and professional development.~~

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Amendment No. 4

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D I R E C T O R Y A M E N D M E N T

Remove line 65 and insert:

paragraphs (e) and (i) of subsection (10), subsection (13),
paragraphs (b) and

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

Remove line 33 and insert:

the school year; revising the participants in and activities of
charter school cooperatives; clarifying that sponsors must make



Amendment No. 5

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Diaz, M. offered the following:

Amendment (with directory and title amendments)

Between lines 890 and 891, insert:

7 (17) FUNDING.—Students enrolled in a charter school,
 8 regardless of the sponsorship, shall be funded as if they are in
 9 a basic program or a special program, the same as students
 10 enrolled in other public schools in the school district. Funding
 11 for a charter lab school shall be as provided in s. 1002.32.

12 (g) If a student withdraws from a charter school and
 13 enrolls in another public school in the school district, the
 14 charter school must, within 10 business days of his or her
 15 enrollment in the receiving school, transfer to the district
 16 school board a pro rata share of the full-time equivalent
 17 student funding for the student. Likewise, the district school



Amendment No. 5

18 board must conduct such a transfer of funds to a charter school
19 if a student withdraws from another public school in the school
20 district and enrolls in the charter school. The amount of the
21 funds transfer shall be based upon the percentage of the survey
22 period that the student is served by each school.

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28 **D I R E C T O R Y A M E N D M E N T**

29 Remove lines 67-68 and insert:
30 paragraph (a) of subsection (21) are amended, and new paragraph
31 (g) of subsection (17) of section 1002.33, Florida Statutes, is
32 created to read:

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

38 Remove line 33 and insert:
39 the school year; requiring transfer of funds when students
40 transfer from a charter school to a district-operated public
41 school, or vice versa; clarifying that sponsors must make
42



Amendment No. a6

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Porter offered the following:

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 4 **Amendment to Amendment (010685) by Representative Diaz, M.**
 5 **(with title amendment)**

6 Remove line 33 of the amendment and insert:
 7 is issued. The district school board may not delay payment to a
 8 charter school of any portion of the funds set forth in
 9 paragraph (b) based upon the timing of receipt of local funds by
 10 the district school board.

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

14 Remove line 50 of the amendment and insert:
 15 financial institution to receive funds; providing payment
 16 requirements; clarifying that sponsors



Amendment No. 6

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Diaz, M. offered the following:

Amendment (with directory and title amendments)

5 Between lines 890 and 891, insert:

6 (17) FUNDING.—Students enrolled in a charter school,
 7 regardless of the sponsorship, shall be funded as if they are in
 8 a basic program or a special program, the same as students
 9 enrolled in other public schools in the school district. Funding
 10 for a charter lab school shall be as provided in s. 1002.32.

11 (e) District school boards shall make timely and efficient
 12 payment and reimbursement to charter schools or a financial
 13 institution designated by a charter school, including processing
 14 paperwork required to access special state and federal funding
 15 for which they may be eligible. Funds distributed to a financial
 16 institution shall be held in trust for the benefit of the
 17 charter school and provide for reversion in accordance with the



Amendment No. 6

18 requirements of paragraph (8)(e). The district school board may
19 distribute funds to a charter school for up to 3 months based on
20 the projected full-time equivalent student membership of the
21 charter school. Thereafter, the results of full-time equivalent
22 student membership surveys shall be used in adjusting the amount
23 of funds distributed monthly to the charter school for the
24 remainder of the fiscal year. The payment shall be issued no
25 later than 10 working days after the district school board
26 receives a distribution of state or federal funds. If a warrant
27 for payment is not issued within 10 working days after receipt
28 of funding by the district school board, the school district
29 shall pay to the charter school, in addition to the amount of
30 the scheduled disbursement, interest at a rate of 1 percent per
31 month calculated on a daily basis on the unpaid balance from the
32 expiration of the 10 working days until such time as the warrant
33 is issued.

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39 **D I R E C T O R Y A M E N D M E N T**

40 Remove line 66 and insert:

41 (c) of paragraph (15), paragraph (e) of subsection (17),
42 paragraph (e) of subsection (18), and
43

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Amendment No. 6

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

Remove line 33 and insert:

the school year; authorizing charter schools to designate a
financial institution to receive funds; clarifying that sponsors
must make



Amendment No. 7

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Diaz, M. offered the following:

Amendment

Remove lines 897-898 and insert:

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 7 charter school's use ~~on the same basis as it is made available~~
 8 ~~to other public schools in the district.~~ The district school
 9 board may charge the charter school rent amounting to up to 10
 10 percent of the available funds defined in paragraph (17)(b) for
 11 all students. The charter school is



Amendment No. 8

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Diaz, M. offered the following:

Amendment (with directory and title amendments)

Between lines 945 and 946, insert:

6 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
 7 SCHOOL SYSTEMS.—A charter school system shall be designated a
 8 local educational agency for the purpose of receiving federal
 9 funds, the same as though the charter school system were a
 10 school district, if the governing board of the charter school
 11 system has adopted and filed a resolution with its sponsoring
 12 district school board and the Department of Education in which
 13 the governing board of the charter school system accepts the
 14 full responsibility for all local education agency requirements
 15 and the charter school system meets all of the following:

16 ~~(a) Includes both conversion charter schools and~~
 17 ~~nonconversion charter schools;~~



Amendment No. 8

- 18 ~~(b) Has all schools located in the same county;~~
- 19 (a) ~~(e)~~ Has a total enrollment exceeding the total
- 20 enrollment of at least one school district in the state; and
- 21 (b) ~~(d)~~ Has the same governing board; ~~and~~
- 22 ~~(e) Does not contract with a for-profit service provider~~
- 23 ~~for management of school operations.~~

24

25 Such designation does not apply to other provisions unless

26 specifically provided in law.

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32 **D I R E C T O R Y A M E N D M E N T**

33 Remove lines 66-67 and insert:

34 (c) of subsection (15), paragraph (e) of subsection (18), ~~and~~

35 paragraph (a) of subsection (21), and subsection (25) of section

36 1002.33, Florida

37

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

42 Remove line 41 and insert:



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7083 (2014)

Amendment No. 8

43 charter schools and high-performing charter schools; revising
44 criteria for local education agency status for certain charter
45 school systems;
46



Amendment No. 9

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Diaz, M. offered the following:

Amendment (with directory and title amendments)

Remove lines 950-1056 and insert:

(2) A high-performing charter school is authorized to:

(e) Receive a modification of its charter to a term of 15 years or a 15-year charter renewal. The charter may be modified or renewed for a shorter term at the option of the high-performing charter school. The charter must be consistent with s. 1002.33(7)(a)7. ~~1002.33(7)(a)19.~~ and (10)(h) and (i), is subject to annual review by the sponsor, and may be terminated during its term pursuant to s. 1002.33(8).

A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written



Amendment No. 9

18 notice shall specify the amount of the enrollment increase and
19 the grade levels that will be added, as applicable. If a charter
20 school notifies the sponsor of its intent to expand, the sponsor
21 shall modify the charter within 90 days to include the new
22 enrollment maximum and may not make any other changes. The
23 sponsor may deny a request to increase the enrollment of a high-
24 performing charter school if the commissioner has declassified
25 the charter school as high-performing. If a high-performing
26 charter school requests to consolidate multiple charters, the
27 sponsor shall have 40 days after receipt of that request to
28 provide an initial draft charter to the charter school. The
29 sponsor and charter school shall have 50 days thereafter to
30 negotiate and notice the charter contract for final approval by
31 the sponsor.

(3)

32
33 (b) A high-performing charter school may not establish
34 more than one charter school within the state under paragraph
35 (a) in any year. A subsequent application to establish a charter
36 school under paragraph (a) may not be submitted unless each
37 charter school established in this manner achieves high-
38 performing charter school status. The limits set forth in this
39 paragraph do not apply to charter schools established by a high-
40 performing charter school in the attendance zone of a school
41 identified as in need of intervention and support pursuant to s.
42 1008.33(3)(b) or to meet capacity needs or needs for innovative
43 choice options identified by the district school board.



Amendment No. 9

44 (5) The Commissioner of Education, upon request by a
45 charter school, shall verify that the charter school meets the
46 criteria in subsection (1) and provide a letter to the charter
47 school and the sponsor stating that the charter school is a
48 high-performing charter school pursuant to this section. The
49 commissioner shall annually determine whether a high-performing
50 charter school under subsection (1) continues to meet the
51 criteria in that subsection. Such high-performing charter school
52 shall maintain its high-performing status unless the
53 commissioner determines that the charter school no longer meets
54 the criteria in subsection (1), at which time the commissioner
55 shall send a letter to the charter school and its sponsor
56 providing notification that the charter school has been
57 declassified of its declassification as a high-performing
58 charter school.

59 Section 3. Subsection (2) of section 1002.332, Florida
60 Statutes, is renumbered as subsection (3), and a new subsection
61 (2) is added to that section to read:

62 1002.332 High-performing charter school system.—

63 (2) An entity that successfully operates a system of
64 charter schools outside the state may apply to the State Board
65 of Education for status as a high-performing charter school
66 system. The state board shall adopt rules prescribing a process
67 for determining whether the entity meets the requirements of
68 this subsection by reviewing student demographic and performance
69 data and fiscal accountability of all schools operated by the



Amendment No. 9

70 entity. To the extent practicable, the state board shall develop
71 a rubric for the approval of such entities that aligns with the
72 priorities of the federal Charter Schools Program Grants for
73 Replication and Expansion of High-Quality Charter Schools, found
74 in the Federal Register, Volume 76, Number 133. An entity
75 classified as a high-performing charter school system pursuant
76 to this subsection may utilize the application process specified
77 in s. 1002.331(3) to establish new charter schools in the state.
78 During the first 3 years of operation, each charter school
79 established by the entity shall receive a reduction in
80 administrative fees pursuant to s. 1002.33(20)(a).

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D I R E C T O R Y A M E N D M E N T

Remove lines 946-947 and insert:
Paragraph (e) of subsection (2), paragraph (b) of subsection
(3), and subsection (5) of s. 1002.331, Florida

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

Remove lines 42-52 and insert:



Amendment No. 9

96 amending s. 1002.331, F.S.; correcting a cross-reference;
97 revising limits on high-performing charter school replication;
98 amending s. 1002.332, F.S.; authorizing certain out-of-state
99 entities to apply for designation as a high-performing charter
100 school system; requiring the State Board of Education to adopt
101 by rule eligibility criteria for such designation; specifying
102 that charter schools established by such an entity receive
103 certain benefits during the first 3 years of operation; amending
104 s. 1002.45, F.S.;

105



Amendment No. 10

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Diaz, M. offered the following:

Amendment (with title amendment)

Between lines 1073 and 1074, insert:

Section 5. Paragraph (b) of subsection (8) of section 1012.56, Florida Statutes, is amended to read:

1012.56 Educator certification requirements.—

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

(b)1. Each school district must and a private school or state supported public school, including a charter school, ~~or a private school~~ may develop and maintain a system by which members of the instructional staff may demonstrate mastery of professional education competence as required by law. Each program must be based on classroom application of the Florida Educator Accomplished Practices and instructional performance



Amendment No. 10

18 and, for public schools, must be aligned with the district's
19 evaluation system approved under s. 1012.34.

20 2. The Commissioner of Education shall determine the
21 continued approval of programs implemented under this paragraph,
22 based upon the department's review of performance data. The
23 department shall review the performance data as a part of the
24 periodic review of each school district's professional
25 development system required under s. 1012.98.

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

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32 Remove line 55 and insert:
33 terminated; amending s. 1012.56, F.S.; clarifying that a charter
34 school may operate a professional education competence
35 demonstration program; amending s. 1013.62, F.S.; requiring that
36



Amendment No. 11

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Education Committee
2 Representative Diaz, M. offered the following:

Amendment (with directory and title amendments)

Between lines 890 and 891, insert:

(17) FUNDING.—Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district. Funding for a charter lab school shall be as provided in s. 1002.32.

(e) District school boards shall make timely and efficient payment and reimbursement to charter schools or a financial institution designated by a charter school, including processing paperwork required to access special state and federal funding for which they may be eligible. Funds distributed to a financial institution shall be held in trust for the benefit of the charter school and provide for reversion in accordance with the



Amendment No. 11

18 requirements of paragraph (8)(e). The district school board may
19 distribute funds to a charter school for up to 3 months based on
20 the projected full-time equivalent student membership of the
21 charter school. Thereafter, the results of full-time equivalent
22 student membership surveys shall be used in adjusting the amount
23 of funds distributed monthly to the charter school for the
24 remainder of the fiscal year. The payment shall be issued no
25 later than 10 working days after the district school board
26 receives a distribution of state or federal funds. If a warrant
27 for payment is not issued within 10 working days after receipt
28 of funding by the district school board, the school district
29 shall pay to the charter school, in addition to the amount of
30 the scheduled disbursement, interest at a rate of 1 percent per
31 month calculated on a daily basis on the unpaid balance from the
32 expiration of the 10 working days until such time as the warrant
33 is issued. The district school board may not delay payment to a
34 charter school of any portion of the funds set forth in
35 paragraph (b) based upon the timing of receipt of local funds by
36 the district school board.

37 (g) If a student withdraws from a charter school and
38 enrolls in another public school in the school district, the
39 charter school must, at the end of the fiscal year, transfer to
40 the district school board a pro rata share of the full-time
41 equivalent student funding for the student. Likewise, the
42 district school board must conduct such a transfer of funds to a
43 charter school if a student withdraws from another public school



Amendment No. 11

44 in the school district and enrolls in the charter school. The
45 amount of the funds transfer shall be based upon the percentage
46 of the survey period that the student was served by each school.
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51 -----
52 **D I R E C T O R Y A M E N D M E N T**

53 Remove lines 63-68 and insert:

54 Section 1. New paragraph (g) is created in subsection (17)
55 and paragraphs (a), (b), (c), and (h) of subsection (6),
56 subsection (7), paragraphs (n) and (o) of subsection (9),
57 paragraphs (e) and (i) of subsection (10), paragraphs (b) and
58 (c) of subsection (15), paragraph (e) of subsection (17),
59 paragraph (e) of subsection (18), and paragraph (a) of
60 subsection (21) of section 1002.33, Florida Statutes, are
61 amended to read:
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66 **T I T L E A M E N D M E N T**

67 Remove line 33 and insert:

68 the school year; authorizing charter schools to designate a
69 financial institution to receive funds; providing payment



Amendment No. 11

70 requirements; requiring transfer of funds when students transfer
71 from a charter school to a district-operated public school, or
72 vice versa; clarifying that sponsors must make
73

HB 7083

2014

1 A bill to be entitled
2 An act relating to school choice; amending s. 1002.33,
3 F.S.; revising required contents of charter school
4 applications and charter contracts; authorizing a
5 sponsor to require an applicant to provide additional
6 information as an addendum to a charter school
7 application; requiring a sponsor to allow an applicant
8 an opportunity to correct both material and technical
9 deficiencies in the application; conforming provisions
10 regarding the appeal process for denial of high-
11 performing charter school applications; requiring
12 sponsors and applicants to use a standard charter
13 contract; specifying that the standard charter
14 contract consists of the approved application and
15 addenda and other specified elements; conforming
16 provisions; specifying that a charter contract
17 provision that is inconsistent with or prohibited by
18 law is void and unenforceable; authorizing the sponsor
19 and applicant to negotiate additional terms after
20 approving the charter; authorizing a charter school to
21 open and operate during such negotiation; providing
22 that matters included in the approved application and
23 addenda are deemed settled for purposes of negotiating
24 the charter; clarifying provisions regarding long-term
25 charters and charter terminations; specifying that a
26 charter is automatically terminated when a charter

Page 1 of 44

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb7083-00

27 | school earns a second consecutive grade of "F" after
28 | all appeals unless an exception applies; specifying
29 | requirements regarding such terminations; correcting
30 | cross-references; prohibiting a sponsor from requiring
31 | a high-performing charter school to limit enrollment
32 | or capacity to students enrolled before the start of
33 | the school year; clarifying that sponsors must make
34 | unused school facilities available to charter schools;
35 | specifying requirements for such use of facilities;
36 | requiring the Department of Education to develop a
37 | model application form, standard charter contract,
38 | standard application evaluation instrument, and
39 | standard charter renewal contract; requiring the
40 | department to develop such documents for virtual
41 | charter schools and high-performing charter schools;
42 | amending s. 1002.331, F.S.; specifying that charter
43 | schools established by certain high-performing charter
44 | school systems qualify for high-performing charter
45 | school status for the first 3 years of operation;
46 | correcting a cross-reference; revising limits on high-
47 | performing charter school replication; amending s.
48 | 1002.332, F.S.; authorizing certain out-of-state
49 | entities to apply for designation as a high-performing
50 | charter school system; requiring the State Board of
51 | Education to adopt by rule eligibility criteria for
52 | such designation; amending s. 1002.45, F.S.;

HB 7083

2014

53 specifying conditions under which an approved virtual
 54 instruction provider's contract is automatically
 55 terminated; amending s. 1013.62, F.S.; requiring that
 56 a charter school may not have financial emergency
 57 conditions on an annual audit to qualify for capital
 58 outlay funding; amending s. 1003.01, F.S.; correcting
 59 a cross-reference; providing an effective date.

60

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

62

63 Section 1. Paragraphs (a), (b), (c), and (h) of subsection
 64 (6), subsection (7), paragraphs (n) and (o) of subsection (9),
 65 paragraphs (e) and (i) of subsection (10), paragraphs (b) and
 66 (c) of subsection (15), paragraph (e) of subsection (18), and
 67 paragraph (a) of subsection (21) of section 1002.33, Florida
 68 Statutes, are amended to read:

69 1002.33 Charter schools.—

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

72 (a) A person or entity that wants ~~wishing~~ to open a
 73 charter school shall prepare and submit an application on the ~~a~~
 74 model application form prepared by the Department of Education
 75 which:

76 1. Demonstrates how the school will use the guiding
 77 principles and meet the statutorily defined purpose of a charter
 78 school and describes the school's mission, the students to be

79 served, and the ages and grades to be included.

80 2. Describes the focus of the curriculum, the
 81 instructional methods to be used, any distinctive instructional
 82 techniques to be employed, and the identification and
 83 acquisition of appropriate technologies needed to improve
 84 educational and administrative performance, which include a
 85 means for promoting safe, ethical, and appropriate uses of
 86 technology that comply with legal and professional standards.
 87 ~~The Provides a detailed curriculum plan must illustrate that~~
 88 ~~illustrates~~ how students will be provided instruction on
 89 ~~services to attain the Sunshine~~ state standards.

90 a. Reading shall be a primary focus of the curriculum. The
 91 curriculum plan must describe the differentiated strategies that
 92 will be used for students who score Level 3 and above on the
 93 statewide, standardized Reading assessment or, upon
 94 implementation, the English Language Arts assessment and a
 95 separate curriculum and strategies for students who score below
 96 Level 3 on the statewide, standardized Reading assessment or,
 97 upon implementation, the English Language Arts assessment.
 98 Resources must be provided to identify and provide specialized
 99 instruction for students who score below Level 3 on the
 100 assessment. The curriculum and instructional strategies for
 101 reading must be consistent with state standards and grounded in
 102 scientifically based reading research. A sponsor shall deny a
 103 charter if the school does not propose a reading curriculum that
 104 is consistent with effective teaching strategies that are

HB 7083

2014

105 grounded in scientifically based reading research.

106 b. In order to provide students with access to diverse
107 instructional delivery models, to facilitate the integration of
108 technology within traditional classroom instruction, and to
109 provide students with the skills they need to compete in the
110 21st century economy, the Legislature encourages instructional
111 methods for blended learning courses consisting of both
112 traditional classroom and virtual instructional techniques.
113 Charter schools may implement blended learning courses that
114 combine traditional classroom instruction and virtual
115 instruction. Students in a blended learning course must be full-
116 time students of the charter school and receive the virtual
117 instruction in a classroom setting at the charter school.
118 Instructional personnel certified pursuant to s. 1012.55 who
119 provide virtual instruction for blended learning courses may be
120 employees of the charter school or may be under contract to
121 provide instructional services to charter school students. At a
122 minimum, such instructional personnel must hold an active state
123 or school district adjunct certification under s. 1012.57 for
124 the subject area of the blended learning course. The funding and
125 performance accountability requirements for blended learning
126 courses are the same as those for traditional courses.

127 3. Contains goals and objectives for improving student
128 learning and measuring that improvement. These goals and
129 objectives must indicate how much academic improvement students
130 are expected to show each year, how success will be evaluated,

131 and the specific results to be attained through instruction.

132 4. Provides the methods used to identify the educational
 133 strengths and needs of students and how well educational goals
 134 and performance standards are met by students attending the
 135 charter school. The methods shall provide a means for the
 136 charter school to ensure accountability to its constituents by
 137 analyzing student performance data and by evaluating the
 138 effectiveness and efficiency of its major educational programs.
 139 Students in charter schools shall, at a minimum, participate in
 140 the statewide assessment program created under s. 1008.22.

141 5. For the establishment of a secondary charter school,
 142 provides a method for determining that a student has satisfied
 143 the requirements for graduation in s. 1003.4282.

144 ~~4. Describes the reading curriculum and differentiated~~
 145 ~~strategies that will be used for students reading at grade level~~
 146 ~~or higher and a separate curriculum and strategies for students~~
 147 ~~who are reading below grade level. A sponsor shall deny a~~
 148 ~~charter if the school does not propose a reading curriculum that~~
 149 ~~is consistent with effective teaching strategies that are~~
 150 ~~grounded in scientifically based reading research.~~

151 ~~5. Contains an annual financial plan for each year~~
 152 ~~requested by the charter for operation of the school for up to 5~~
 153 ~~years. This plan must contain anticipated fund balances based on~~
 154 ~~revenue projections, a spending plan based on projected revenues~~
 155 ~~and expenses, and a description of controls that will safeguard~~
 156 ~~finances and projected enrollment trends.~~

157 ~~6. Documents that the applicant has participated in the~~
 158 ~~training required in subparagraph (f)2. A sponsor may require an~~
 159 ~~applicant to provide additional information as an addendum to~~
 160 ~~the charter school application described in this paragraph.~~

161 6.7. For the establishment of a virtual charter school,
 162 documents that the applicant has contracted with a provider of
 163 virtual instruction services pursuant to s. 1002.45(1)(d).

164 7. Describes the admissions procedures and dismissal
 165 procedures, including the school's code of student conduct.

166 8. Describes the ways by which the school will achieve a
 167 racial/ethnic balance reflective of the community it serves or
 168 within the racial/ethnic range of other public schools in the
 169 same school district.

170 9. Contains an annual financial plan for each year that
 171 the applicant intends to operate the school for up to 5 years.
 172 This plan must contain anticipated fund balances based on
 173 revenue projections, a spending plan based on projected revenues
 174 and expenses, and a description of controls that will safeguard
 175 finances and projected enrollment trends.

176 10. Describes the financial and administrative management
 177 of the school, including a reasonable demonstration of the
 178 professional experience or competence of those individuals or
 179 organizations applying to operate the charter school or those
 180 individuals or organizations hired or retained to perform such
 181 professional services and a description of clearly delineated
 182 responsibilities of those individuals or organizations and the

HB 7083

2014

183 policies and practices needed to effectively manage the charter
184 school. A description of internal audit procedures and
185 establishment of controls to ensure that financial resources are
186 properly managed must be included. Both public sector and
187 private sector professional experience are equally valid in such
188 a consideration.

189 11. Describes procedures that identify various risks and
190 provide for a comprehensive approach to reduce the impact of
191 losses; plans to ensure the safety and security of students and
192 staff; plans to identify, minimize, and protect others from
193 violent or disruptive student behavior; and the manner in which
194 the school will be insured, including whether the school will be
195 required to have liability insurance, and, if so, the terms and
196 conditions thereof and the amounts of coverage.

197 12. Includes the qualifications to be required of the
198 teachers and the potential strategies used to recruit, hire,
199 train, and retain qualified staff to achieve best value.

200 13. Describes the governance structure of the school,
201 including the status of the charter school as a public or
202 private employer as required in paragraph (12)(i).

203 14. Includes a timetable for implementing the charter
204 which addresses the implementation of each element thereof and
205 the date by which the charter will be awarded in order to meet
206 this timetable.

207 15. In the case of an existing public school that is being
208 converted to charter status, includes alternative arrangements

HB 7083

2014

209 for current students who choose not to attend the charter school
210 and for current teachers who choose not to teach in the charter
211 school after conversion in accordance with the existing
212 collective bargaining agreement or district school board rule in
213 the absence of a collective bargaining agreement. However,
214 alternative arrangements are not required for current teachers
215 who choose not to teach in a charter lab school, except as
216 authorized by the employment policies of the state university
217 that grants the charter to the lab school.

218
219 A sponsor may require an applicant to provide additional
220 information as an addendum to the charter school application
221 described in this paragraph.

222 (b) A sponsor shall receive and review all applications
223 for a charter school using the ~~an~~ evaluation instrument
224 developed by the Department of Education. A sponsor shall
225 receive and consider charter school applications received on or
226 before August 1 of each calendar year for charter schools to be
227 opened at the beginning of the school district's next school
228 year, or to be opened at a time agreed to by the applicant and
229 the sponsor. A sponsor may not refuse to receive a charter
230 school application submitted before August 1 and may receive an
231 application submitted later than August 1 if it chooses. In
232 order to facilitate greater collaboration in the application
233 process, an applicant may submit a draft charter school
234 application on or before May 1 with an application fee of \$500.

HB 7083

2014

235 If a draft application is timely submitted, the sponsor shall
236 review and provide feedback as to material deficiencies in the
237 application by July 1. The applicant shall then have until
238 August 1 to resubmit a revised and final application. The
239 sponsor may approve the draft application. A sponsor may not
240 charge an applicant for a charter any fee for the processing or
241 consideration of an application, and a sponsor may not base its
242 consideration or approval of a final application upon the
243 promise of future payment of any kind. Before approving or
244 denying any final application, the sponsor shall allow the
245 applicant, upon receipt of written notification, at least 7
246 calendar days to make ~~technical or nonsubstantive~~ corrections
247 and clarifications to address any deficiencies, ~~including, but~~
248 ~~not limited to, corrections of grammatical, typographical, and~~
249 ~~like errors or missing signatures, if such errors are~~ identified
250 by the sponsor as cause to deny the final application.

251 1. In order to facilitate an accurate budget projection
252 process, a sponsor shall be held harmless for FTE students who
253 are not included in the FTE projection due to approval of
254 charter school applications after the FTE projection deadline.
255 In a further effort to facilitate an accurate budget projection,
256 within 15 calendar days after receipt of a charter school
257 application, a sponsor shall report to the Department of
258 Education the name of the applicant entity, the proposed charter
259 school location, and its projected FTE.

260 2. In order to ensure fiscal responsibility, an

261 application for a charter school shall include a full accounting
 262 of expected assets, a projection of expected sources and amounts
 263 of income, including income derived from projected student
 264 enrollments and from community support, and an expense
 265 projection that includes full accounting of the costs of
 266 operation, including start-up costs.

267 3.a. A sponsor shall by a majority vote approve or deny an
 268 application no later than 60 calendar days after the application
 269 is received, unless the sponsor and the applicant mutually agree
 270 in writing to temporarily postpone the vote to a specific date,
 271 at which time the sponsor shall by a majority vote approve or
 272 deny the application. If the sponsor fails to act on the
 273 application, an applicant may appeal to the State Board of
 274 Education as provided in paragraph (c). If an application is
 275 denied, the sponsor shall, within 10 calendar days after such
 276 denial, articulate in writing the specific reasons, based upon
 277 good cause, supporting its denial of the charter application and
 278 shall provide the letter of denial and supporting documentation
 279 to the applicant and to the Department of Education.

280 b. An application submitted by a high-performing charter
 281 school identified pursuant to s. 1002.331 may be denied by the
 282 sponsor only if the sponsor demonstrates by clear and convincing
 283 evidence that:

284 (I) The application does not materially comply with the
 285 requirements in paragraph (a);

286 (II) The charter school proposed in the application does

HB 7083

2014

287 not materially comply with the requirements in paragraphs
 288 (9) (a) - (f);

289 (III) The proposed charter school's educational program
 290 does not substantially replicate that of the applicant or one of
 291 the applicant's high-performing charter schools;

292 (IV) The applicant has made a material misrepresentation
 293 or false statement or concealed an essential or material fact
 294 during the application process; or

295 (V) The proposed charter school's educational program and
 296 financial management practices do not materially comply with the
 297 requirements of this section.

298
 299 Material noncompliance is a failure to follow requirements or a
 300 violation of prohibitions applicable to charter school
 301 applications, which failure is quantitatively or qualitatively
 302 significant either individually or when aggregated with other
 303 noncompliance. An applicant is considered to be replicating a
 304 high-performing charter school if the proposed school is
 305 substantially similar to at least one of the applicant's high-
 306 performing charter schools and the organization or individuals
 307 involved in the establishment and operation of the proposed
 308 school are significantly involved in the operation of replicated
 309 schools.

310 c. If the sponsor denies an application submitted by a
 311 high-performing charter school, the sponsor must, within 10
 312 calendar days after such denial, state in writing the specific

313 reasons, based upon the criteria in sub-subparagraph b.,
 314 supporting its denial of the application and must provide the
 315 letter of denial and supporting documentation to the applicant
 316 and to the Department of Education. The applicant may appeal the
 317 sponsor's denial of the application ~~directly~~ to the State Board
 318 of Education pursuant to paragraph (c) and must provide the
 319 sponsor with a copy of the appeal ~~sub-subparagraph (c)3.b.~~

320 4. For budget projection purposes, the sponsor shall
 321 report to the Department of Education the approval or denial of
 322 a charter application within 10 calendar days after such
 323 approval or denial. In the event of approval, the report to the
 324 Department of Education shall include the final projected FTE
 325 for the approved charter school.

326 5. Upon approval of a charter application, the initial
 327 startup shall commence with the beginning of the public school
 328 calendar for the district in which the charter is granted unless
 329 the sponsor allows a waiver of this subparagraph for good cause.

330 (c)1. An applicant may appeal any denial of that
 331 applicant's application or failure to act on an application to
 332 the State Board of Education within ~~no later than~~ 30 calendar
 333 days after receipt of the sponsor's decision or failure to act
 334 and shall notify the sponsor of its appeal. Any response of the
 335 sponsor shall be submitted to the State Board of Education
 336 within 30 calendar days after notification of the appeal. Upon
 337 receipt of notification from the State Board of Education that a
 338 charter school applicant is filing an appeal, the Commissioner

339 of Education shall convene a meeting of the Charter School
 340 Appeal Commission to study and make recommendations to the State
 341 Board of Education regarding its pending decision about the
 342 appeal. The commission shall forward its recommendation to the
 343 state board at least 7 calendar days before the date on which
 344 the appeal is to be heard. An appeal regarding the denial of an
 345 application submitted by a high-performing charter school
 346 pursuant to s. 1002.331 shall be conducted by the State Board of
 347 Education in accordance with this paragraph, except that the
 348 commission shall not convene to make recommendations regarding
 349 the appeal. However, the Commissioner of Education shall review
 350 the appeal and make a recommendation to the state board.

351 2. The Charter School Appeal Commission or, in the case of
 352 an appeal regarding an application submitted by a high-
 353 performing charter school, the State Board of Education may
 354 reject an appeal submission for failure to comply with
 355 procedural rules governing the appeals process. The rejection
 356 shall describe the submission errors. The appellant shall have
 357 15 calendar days after notice of rejection in which to resubmit
 358 an appeal that meets the requirements set forth in State Board
 359 of Education rule. An appeal submitted subsequent to such
 360 rejection is considered timely if the original appeal was filed
 361 within 30 calendar days after receipt of notice of the specific
 362 reasons for the sponsor's denial of the charter application.

363 3.a. The State Board of Education shall by majority vote
 364 accept or reject the decision of the sponsor no later than 90

HB 7083

2014

365 calendar days after an appeal is filed in accordance with State
 366 Board of Education rule. The State Board of Education shall
 367 remand the application to the sponsor with its written decision
 368 that the sponsor approve or deny the application. The sponsor
 369 shall implement the decision of the State Board of Education.
 370 The decision of the State Board of Education is not subject to
 371 the provisions of the Administrative Procedure Act, chapter 120.

372 b. If an appeal concerns an application submitted by a
 373 high-performing charter school identified pursuant to s.
 374 1002.331, the State Board of Education shall determine whether
 375 the sponsor's denial of the application complies with the
 376 requirements in sub-subparagraph (b)3.b. ~~sponsor has shown, by~~
 377 ~~clear and convincing evidence, that:~~

378 ~~(I) The application does not materially comply with the~~
 379 ~~requirements in paragraph (a);~~

380 ~~(II) The charter school proposed in the application does~~
 381 ~~not materially comply with the requirements in paragraphs~~
 382 ~~(9)(a)-(f);~~

383 ~~(III) The proposed charter school's educational program~~
 384 ~~does not substantially replicate that of the applicant or one of~~
 385 ~~the applicant's high-performing charter schools;~~

386 ~~(IV) The applicant has made a material misrepresentation~~
 387 ~~or false statement or concealed an essential or material fact~~
 388 ~~during the application process; or~~

389 ~~(V) The proposed charter school's educational program and~~
 390 ~~financial management practices do not materially comply with the~~

391 ~~requirements of this section.~~

392

393 The State Board of Education shall approve or reject the
 394 sponsor's denial of an application no later than 90 calendar
 395 days after an appeal is filed in accordance with State Board of
 396 Education rule. The State Board of Education shall remand the
 397 application to the sponsor with its written decision that the
 398 sponsor approve or deny the application. The sponsor shall
 399 implement the decision of the State Board of Education. The
 400 decision of the State Board of Education is not subject to the
 401 Administrative Procedure Act, chapter 120.

402 (h) The terms and conditions for the operation of a
 403 charter school shall be set forth by the sponsor and the
 404 applicant in a written contractual agreement, called a charter.
 405 The sponsor may not impose unreasonable rules or regulations
 406 that violate the intent of giving charter schools greater
 407 flexibility to meet educational goals. The sponsor has 30 days
 408 after approval of the application to provide a standard an
 409 ~~initial proposed~~ charter contract developed by the Department of
 410 Education to the charter school, which shall consist of the
 411 approved application and any addenda and the elements specified
 412 in paragraph (7)(a). The applicant and the sponsor have 40 days
 413 thereafter to negotiate the remaining terms and notice the
 414 charter contract for final approval by the sponsor unless both
 415 parties agree to an extension. The proposed charter contract
 416 shall be provided to the charter school at least 7 calendar days

HB 7083

2014

417 before ~~prior to~~ the date of the meeting at which the charter is
 418 scheduled to be voted upon by the sponsor. A provision of a
 419 charter contract inconsistent with or prohibited by the
 420 requirements of this section is void and unenforceable. The
 421 department ~~of Education~~ shall provide mediation services for any
 422 dispute regarding this section subsequent to the approval of a
 423 charter application and for any dispute relating to the approved
 424 charter, except disputes regarding charter school application
 425 denials. If the Commissioner of Education determines that the
 426 dispute cannot be settled through mediation, the dispute may be
 427 appealed to an administrative law judge appointed by the
 428 Division of Administrative Hearings. The administrative law
 429 judge has final order authority to rule on issues of equitable
 430 treatment of the charter school as a public school, whether
 431 proposed provisions of the charter violate the intended
 432 flexibility granted charter schools by statute, or on any other
 433 matter regarding this section except a charter school
 434 application denial, a charter termination, or a charter
 435 nonrenewal and shall award the prevailing party reasonable
 436 attorney ~~attorney's~~ fees and costs incurred to be paid by the
 437 losing party. The costs of the administrative hearing shall be
 438 paid by the party whom the administrative law judge rules
 439 against. Once the sponsor has voted upon and approved the
 440 standard charter contract, the sponsor and applicant have the
 441 right to negotiate additional terms, as necessary. The charter
 442 school may open and operate during the pendency of any

443 negotiation, mediation, or administrative proceeding.

444 (7) CHARTER.—The major issues involving the operation of a
 445 charter school shall be set forth in ~~considered in advance and~~
 446 ~~written into~~ the charter. The governing board of the charter
 447 school and the sponsor shall use the standard charter contract
 448 developed by the department, which shall incorporate the
 449 approved application and any addenda. Matters included in the
 450 approved application and any addenda are deemed settled for
 451 purposes of negotiating the charter; however, the parties may
 452 agree to address such matters after approval of the charter. The
 453 charter shall be signed by the governing board of the charter
 454 school and the sponsor, following a public hearing to ensure
 455 community input.

456 (a) The charter shall address ~~and criteria for approval of~~
 457 ~~the charter shall be based on:~~

458 1. ~~The school's mission, the students to be served, and~~
 459 ~~the ages and grades to be included.~~

460 2. ~~The focus of the curriculum, the instructional methods~~
 461 ~~to be used, any distinctive instructional techniques to be~~
 462 ~~employed, and identification and acquisition of appropriate~~
 463 ~~technologies needed to improve educational and administrative~~
 464 ~~performance which include a means for promoting safe, ethical,~~
 465 ~~and appropriate uses of technology which comply with legal and~~
 466 ~~professional standards.~~

467 a. ~~The charter shall ensure that reading is a primary~~
 468 ~~focus of the curriculum and that resources are provided to~~

HB 7083

2014

469 ~~identify and provide specialized instruction for students who~~
 470 ~~are reading below grade level. The curriculum and instructional~~
 471 ~~strategies for reading must be consistent with the Next~~
 472 ~~Generation Sunshine State Standards and grounded in~~
 473 ~~scientifically based reading research.~~

474 ~~b. In order to provide students with access to diverse~~
 475 ~~instructional delivery models, to facilitate the integration of~~
 476 ~~technology within traditional classroom instruction, and to~~
 477 ~~provide students with the skills they need to compete in the~~
 478 ~~21st century economy, the Legislature encourages instructional~~
 479 ~~methods for blended learning courses consisting of both~~
 480 ~~traditional classroom and online instructional techniques.~~
 481 ~~Charter schools may implement blended learning courses which~~
 482 ~~combine traditional classroom instruction and virtual~~
 483 ~~instruction. Students in a blended learning course must be full-~~
 484 ~~time students of the charter school and receive the online~~
 485 ~~instruction in a classroom setting at the charter school.~~
 486 ~~Instructional personnel certified pursuant to s. 1012.55 who~~
 487 ~~provide virtual instruction for blended learning courses may be~~
 488 ~~employees of the charter school or may be under contract to~~
 489 ~~provide instructional services to charter school students. At a~~
 490 ~~minimum, such instructional personnel must hold an active state~~
 491 ~~or school district adjunct certification under s. 1012.57 for~~
 492 ~~the subject area of the blended learning course. The funding and~~
 493 ~~performance accountability requirements for blended learning~~
 494 ~~courses are the same as those for traditional courses.~~

HB 7083

2014

495 1.3. The current incoming baseline standard of student
 496 academic achievement, the outcomes to be achieved, and the
 497 method of measurement that will be used. The criteria listed in
 498 this subparagraph shall include a detailed description of:

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

501 b. How these baseline rates will be compared to rates of
 502 academic progress achieved by these same students while
 503 attending the charter school.

504 c. To the extent possible, how these rates of progress
 505 will be evaluated and compared with rates of progress of other
 506 closely comparable student populations.

507

508 The district school board is required to provide academic
 509 student performance data to charter schools for each of their
 510 students coming from the district school system, as well as
 511 rates of academic progress of comparable student populations in
 512 the district school system.

513 ~~4. The methods used to identify the educational strengths
 514 and needs of students and how well educational goals and
 515 performance standards are met by students attending the charter
 516 school. The methods shall provide a means for the charter school
 517 to ensure accountability to its constituents by analyzing
 518 student performance data and by evaluating the effectiveness and
 519 efficiency of its major educational programs. Students in
 520 charter schools shall, at a minimum, participate in the~~

521 ~~statewide assessment program created under s. 1008.22.~~

522 ~~5. In secondary charter schools, a method for determining~~
 523 ~~that a student has satisfied the requirements for graduation in~~
 524 ~~s. 1003.428 or s. 1003.4282.~~

525 2.6. A method for resolving conflicts between the
 526 governing board of the charter school and the sponsor.

527 ~~7. The admissions procedures and dismissal procedures,~~
 528 ~~including the school's code of student conduct.~~

529 ~~8. The ways by which the school will achieve a~~
 530 ~~racial/ethnic balance reflective of the community it serves or~~
 531 ~~within the racial/ethnic range of other public schools in the~~
 532 ~~same school district.~~

533 ~~9. The financial and administrative management of the~~
 534 ~~school, including a reasonable demonstration of the professional~~
 535 ~~experience or competence of those individuals or organizations~~
 536 ~~applying to operate the charter school or those hired or~~
 537 ~~retained to perform such professional services and the~~
 538 ~~description of clearly delineated responsibilities and the~~
 539 ~~policies and practices needed to effectively manage the charter~~
 540 ~~school. A description of internal audit procedures and~~
 541 ~~establishment of controls to ensure that financial resources are~~
 542 ~~properly managed must be included. Both public sector and~~
 543 ~~private sector professional experience shall be equally valid in~~
 544 ~~such a consideration.~~

545 ~~10. The asset and liability projections required in the~~
 546 ~~application which are incorporated into the charter and shall be~~

547 ~~compared with information provided in the annual report of the~~
 548 ~~charter school.~~

549 ~~11. A description of procedures that identify various~~
 550 ~~risks and provide for a comprehensive approach to reduce the~~
 551 ~~impact of losses; plans to ensure the safety and security of~~
 552 ~~students and staff; plans to identify, minimize, and protect~~
 553 ~~others from violent or disruptive student behavior; and the~~
 554 ~~manner in which the school will be insured, including whether or~~
 555 ~~not the school will be required to have liability insurance,~~
 556 ~~and, if so, the terms and conditions thereof and the amounts of~~
 557 ~~coverage.~~

558 ~~3.12. The term of the charter which shall provide for~~
 559 ~~cancellation of the charter if insufficient progress has been~~
 560 ~~made in attaining the student achievement objectives of the~~
 561 ~~charter and if it is not likely that such objectives can be~~
 562 ~~achieved before expiration of the charter.~~ The initial term of
 563 the a charter, which shall be for 4 or 5 years. In order to
 564 ~~facilitate access to long term financial resources for charter~~
 565 ~~school construction,~~ Charter schools that are operated by a
 566 municipality or other public entity, as provided by law, or a
 567 private, not-for-profit, s. 501(c)(3) status corporation are
 568 eligible for up to a 15-year charter, subject to approval by the
 569 district school board. A charter lab school is also eligible for
 570 a charter for a term of up to 15 years. ~~In addition, to~~
 571 ~~facilitate access to long term financial resources for charter~~
 572 ~~school construction, charter schools that are operated by a~~

HB 7083

2014

573 ~~private, not for profit, s. 501(c)(3) status corporation are~~
 574 ~~eligible for up to a 15 year charter, subject to approval by the~~
 575 ~~district school board.~~ Such long-term charters remain subject to
 576 annual review and may be terminated during the term of the
 577 charter, but only according to ~~the provisions set forth in~~
 578 subsection (8) or paragraph (9)(n).

579 4. Termination or nonrenewal of the charter pursuant to
 580 subsection (8), including termination for failure to make
 581 sufficient progress towards attaining the student achievement
 582 objectives of the charter or likely failure to meet such
 583 objectives before expiration of the charter, and automatic
 584 termination of the charter pursuant to paragraph (9)(n).

585 ~~5.13.~~ The facilities to be used and their location. The
 586 sponsor may not require a charter school to have a certificate
 587 of occupancy or a temporary certificate of occupancy for such a
 588 facility earlier than 15 calendar days before the first day of
 589 school.

590 ~~14. The qualifications to be required of the teachers and~~
 591 ~~the potential strategies used to recruit, hire, train, and~~
 592 ~~retain qualified staff to achieve best value.~~

593 ~~15. The governance structure of the school, including the~~
 594 ~~status of the charter school as a public or private employer as~~
 595 ~~required in paragraph (12)(i).~~

596 ~~16. A timetable for implementing the charter which~~
 597 ~~addresses the implementation of each element thereof and the~~
 598 ~~date by which the charter shall be awarded in order to meet this~~

599 ~~timetable.~~

600 ~~17. In the case of an existing public school that is being~~
 601 ~~converted to charter status, alternative arrangements for~~
 602 ~~current students who choose not to attend the charter school and~~
 603 ~~for current teachers who choose not to teach in the charter~~
 604 ~~school after conversion in accordance with the existing~~
 605 ~~collective bargaining agreement or district school board rule in~~
 606 ~~the absence of a collective bargaining agreement. However,~~
 607 ~~alternative arrangements shall not be required for current~~
 608 ~~teachers who choose not to teach in a charter lab school, except~~
 609 ~~as authorized by the employment policies of the state university~~
 610 ~~which grants the charter to the lab school.~~

611 6.18. Full disclosure of the identity of all relatives
 612 employed by the charter school who are related to the charter
 613 school owner, president, chairperson of the governing board of
 614 directors, superintendent, governing board member, principal,
 615 assistant principal, or any other person employed by the charter
 616 school who has equivalent decisionmaking authority. For the
 617 purpose of this subparagraph, the term "relative" means father,
 618 mother, son, daughter, brother, sister, uncle, aunt, first
 619 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
 620 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
 621 stepfather, stepmother, stepson, stepdaughter, stepbrother,
 622 stepsister, half brother, or half sister.

623 7.19. Implementation of the activities authorized under s.
 624 1002.331 by the charter school when it satisfies the eligibility

625 requirements for a high-performing charter school. A high-
 626 performing charter school shall notify its sponsor in writing by
 627 March 1 if it intends to increase enrollment or expand grade
 628 levels the following school year. The written notice shall
 629 specify the amount of the enrollment increase and the grade
 630 levels that will be added, as applicable.

631 (b)1. A charter may be renewed provided that a program
 632 review demonstrates that the criteria in paragraph (a) have been
 633 successfully accomplished and that none of the grounds for
 634 nonrenewal established by paragraph (8)(a) has been documented.
 635 ~~In order to facilitate long-term financing for charter school~~
 636 ~~construction,~~ Charter schools operating for a minimum of 3 years
 637 and demonstrating exemplary academic programming and fiscal
 638 management are eligible for a 15-year charter renewal. Such
 639 long-term charter is subject to annual review and may be
 640 terminated during the term of the charter.

641 2. The 15-year charter renewal that may be granted
 642 pursuant to subparagraph 1. shall be granted to a charter school
 643 that has received a school grade of "A" or "B" pursuant to s.
 644 1008.34 in 3 of the past 4 years and is not in a state of
 645 financial emergency or deficit position as defined by this
 646 section. Such long-term charter is subject to annual review and
 647 may be terminated during the term of the charter pursuant to
 648 subsection (8).

649 (c) A charter may be modified during its initial term or
 650 any renewal term upon the recommendation of the sponsor or the

651 charter school's governing board and the approval of both
652 parties to the agreement. Modification may include, but is not
653 limited to, consolidation of multiple charters into a single
654 charter if the charters are operated under the same governing
655 board and physically located on the same campus, regardless of
656 the renewal cycle.

657 (d)1. Each charter school's governing board must appoint a
658 representative to facilitate parental involvement, provide
659 access to information, assist parents and others with questions
660 and concerns, and resolve disputes. The representative must
661 reside in the school district in which the charter school is
662 located and may be a governing board member, charter school
663 employee, or individual contracted to represent the governing
664 board. If the governing board oversees multiple charter schools
665 in the same school district, the governing board must appoint a
666 separate individual representative for each charter school in
667 the district. The representative's contact information must be
668 provided annually in writing to parents and posted prominently
669 on the charter school's website if a website is maintained by
670 the school. The sponsor may not require that governing board
671 members reside in the school district in which the charter
672 school is located if the charter school complies with this
673 paragraph.

674 2. Each charter school's governing board must hold at
675 least two public meetings per school year in the school
676 district. The meetings must be noticed, open, and accessible to

HB 7083

2014

677 the public, and attendees must be provided an opportunity to
678 receive information and provide input regarding the charter
679 school's operations. The appointed representative and charter
680 school principal or director, or his or her equivalent, must be
681 physically present at each meeting.

682 (9) CHARTER SCHOOL REQUIREMENTS.—

683 (n)1. The director and a representative of the governing
684 board of a charter school that has earned a grade of "D" or "F"
685 pursuant to s. 1008.34(2) shall appear before the sponsor to
686 present information concerning each contract component having
687 noted deficiencies. The director and a representative of the
688 governing board shall submit to the sponsor for approval a
689 school improvement plan to raise student achievement. Upon
690 approval by the sponsor, the charter school shall begin
691 implementation of the school improvement plan. The department
692 shall offer technical assistance and training to the charter
693 school and its governing board and establish guidelines for
694 developing, submitting, and approving such plans.

695 2.a. If a charter school earns three consecutive grades of
696 "D," two consecutive grades of "D" followed by a grade of "F,"
697 or two nonconsecutive grades of "F" within a 3-year period, the
698 charter school governing board shall choose one of the following
699 corrective actions:

700 (I) Contract for educational services to be provided
701 directly to students, instructional personnel, and school
702 administrators, as prescribed in state board rule;

HB 7083

2014

703 (II) Contract with an outside entity that has a
 704 demonstrated record of effectiveness to operate the school;
 705 (III) Reorganize the school under a new director or
 706 principal who is authorized to hire new staff; or
 707 (IV) Voluntarily close the charter school.
 708 b. The charter school must implement the corrective action
 709 in the school year following receipt of a third consecutive
 710 grade of "D," a grade of "F" following two consecutive grades of
 711 "D," or a second nonconsecutive grade of "F" within a 3-year
 712 period.
 713 c. The sponsor may annually waive a corrective action if
 714 it determines that the charter school is likely to improve a
 715 letter grade if additional time is provided to implement the
 716 intervention and support strategies prescribed by the school
 717 improvement plan. Notwithstanding this sub-subparagraph, a
 718 charter school that earns a second consecutive grade of "F" is
 719 subject to subparagraph 4.
 720 d. A charter school is no longer required to implement a
 721 corrective action if it improves by at least one letter grade.
 722 However, the charter school must continue to implement
 723 strategies identified in the school improvement plan. The
 724 sponsor must annually review implementation of the school
 725 improvement plan to monitor the school's continued improvement
 726 pursuant to subparagraph 5.
 727 e. A charter school implementing a corrective action that
 728 does not improve by at least one letter grade after 2 full

HB 7083

2014

729 school years of implementing the corrective action must select a
730 different corrective action. Implementation of the new
731 corrective action must begin in the school year following the
732 implementation period of the existing corrective action, unless
733 the sponsor determines that the charter school is likely to
734 improve a letter grade if additional time is provided to
735 implement the existing corrective action. Notwithstanding this
736 sub-subparagraph, a charter school that earns a second
737 consecutive grade of "F" while implementing a corrective action
738 is subject to subparagraph 4.

739 3. A charter school with a grade of "D" or "F" that
740 improves by at least one letter grade must continue to implement
741 the strategies identified in the school improvement plan. The
742 sponsor must annually review implementation of the school
743 improvement plan to monitor the school's continued improvement
744 pursuant to subparagraph 5.

745 4. A charter school's charter is automatically terminated
746 if the school earns a second consecutive grade of "F" after all
747 school grade appeals are final ~~The sponsor shall terminate a~~
748 ~~charter if the charter school earns two consecutive grades of~~
749 ~~"F" unless:~~

750 a. The charter school is established to turn around the
751 performance of a district public school pursuant to s.
752 1008.33(4)(b)3. Such charter schools shall be governed by s.
753 1008.33;

754 b. The charter school serves a student population the

HB 7083

2014

755 majority of which resides in a school zone served by a district
756 public school that earned a grade of "F" in the year before the
757 charter school opened and the charter school earns at least a
758 grade of "D" in its third year of operation. The exception
759 provided under this sub-subparagraph does not apply to a charter
760 school in its fourth year of operation and thereafter; or

761 c. The state board grants the charter school a waiver of
762 termination. The charter school must request the waiver within
763 15 days after the department's official release of school
764 grades. The state board may waive termination if the charter
765 school demonstrates that the learning gains of its students on
766 statewide assessments are comparable to or better than the
767 learning gains of similarly situated students enrolled in nearby
768 district public schools. The waiver is valid for 1 year and may
769 only be granted once. Charter schools that have been in
770 operation for more than 5 years are not eligible for a waiver
771 under this sub-subparagraph.

772
773 The sponsor shall notify in writing the charter school's
774 governing board, the charter school principal, and the
775 department when a charter is terminated under this subparagraph.
776 A charter terminated under this subparagraph is governed by the
777 requirements of paragraphs (8)(e)-(g) and (9)(o).

778 5. The director and a representative of the governing
779 board of a graded charter school that has implemented a school
780 improvement plan under this paragraph shall appear before the

HB 7083

2014

781 sponsor at least once a year to present information regarding
 782 the progress of intervention and support strategies implemented
 783 by the school pursuant to the school improvement plan and
 784 corrective actions, if applicable. The sponsor shall communicate
 785 at the meeting, and in writing to the director, the services
 786 provided to the school to help the school address its
 787 deficiencies.

788 6. Notwithstanding any provision of this paragraph except
 789 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter
 790 at any time pursuant to subsection (8).

791 (o)1. Upon initial notification of nonrenewal, closure, or
 792 termination of its charter, a charter school may not expend more
 793 than \$10,000 per expenditure without prior written approval from
 794 the sponsor unless such expenditure was included within the
 795 annual budget submitted to the sponsor pursuant to the charter
 796 contract, is for reasonable attorney fees and costs during the
 797 pendency of any hearing or appeal, or is for reasonable fees and
 798 costs to conduct an independent audit.

799 2. An independent audit shall be completed within 30 days
 800 after notice of nonrenewal, closure, or termination to account
 801 for all public funds and assets.

802 3. A provision in a charter contract that contains an
 803 acceleration clause requiring the expenditure of funds based
 804 upon closure or upon notification of nonrenewal or termination
 805 is void and unenforceable.

806 4. A charter school may not enter into a contract with an

HB 7083

2014

807 employee that exceeds the term of the school's charter contract
808 with its sponsor.

809 5. A violation of this paragraph triggers a reversion or
810 clawback power by the sponsor allowing for collection of an
811 amount equal to or less than the accelerated amount that exceeds
812 normal expenditures. The reversion or clawback plus legal fees
813 and costs shall be levied against the person or entity receiving
814 the accelerated amount.

815 (10) ELIGIBLE STUDENTS.-

816 (e) A charter school may limit the enrollment process only
817 to target the following student populations:

818 1. Students within specific age groups or grade levels.

819 2. Students considered at risk of dropping out of school
820 or academic failure. Such students shall include exceptional
821 education students.

822 3. Students enrolling in a charter school-in-the-workplace
823 or charter school-in-a-municipality established pursuant to
824 subsection (15).

825 4. Students residing within a reasonable distance of the
826 charter school, as described in paragraph (20)(c). Such students
827 shall be subject to a random lottery and to the racial/ethnic
828 balance provisions described in subparagraph (6)(a)8. ~~(7)(a)8.~~
829 or any federal provisions that require a school to achieve a
830 racial/ethnic balance reflective of the community it serves or
831 within the racial/ethnic range of other public schools in the
832 same school district.

HB 7083

2014

833 5. Students who meet reasonable academic, artistic, or
834 other eligibility standards established by the charter school
835 and included in the charter school application and charter or,
836 in the case of existing charter schools, standards that are
837 consistent with the school's mission and purpose. Such standards
838 shall be in accordance with current state law and practice in
839 public schools and may not discriminate against otherwise
840 qualified individuals.

841 6. Students articulating from one charter school to
842 another pursuant to an articulation agreement between the
843 charter schools that has been approved by the sponsor.

844 7. Students living in a development in which a business
845 entity provides the school facility and related property having
846 an appraised value of at least \$10 million to be used as a
847 charter school for the development. Students living in the
848 development shall be entitled to 50 percent of the student
849 stations in the charter school. The students who are eligible
850 for enrollment are subject to a random lottery, the
851 racial/ethnic balance provisions, or any federal provisions, as
852 described in subparagraph 4. The remainder of the student
853 stations shall be filled in accordance with subparagraph 4.

854 (i) The capacity of a high-performing charter school
855 identified pursuant to s. 1002.331 shall be determined annually
856 by the governing board of the charter school. The governing
857 board shall notify the sponsor of any increase in enrollment by
858 March 1 of the school year preceding the increase. A sponsor may

HB 7083

2014

859 | not require a charter school to identify the names of students
 860 | to be enrolled or to limit enrollment or capacity to enroll
 861 | those students enrolled before the start of the school year as a
 862 | condition of approval or renewal of a charter.

863 | (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
 864 | A-MUNICIPALITY.--

865 | (b) A charter school-in-the-workplace may be established
 866 | when a business partner provides the school facility to be used;
 867 | enrolls students based upon a random lottery that involves all
 868 | of the children of employees of that business or corporation who
 869 | are seeking enrollment, as provided for in subsection (10); and
 870 | enrolls students according to the racial/ethnic balance
 871 | provisions described in subparagraph (6)(a)8. ~~(7)(a)8.~~ Any
 872 | portion of a facility used for a public charter school shall be
 873 | exempt from ad valorem taxes, as provided for in s. 1013.54, for
 874 | the duration of its use as a public school.

875 | (c) A charter school-in-a-municipality designation may be
 876 | granted to a municipality that possesses a charter; enrolls
 877 | students based upon a random lottery that involves all of the
 878 | children of the residents of that municipality who are seeking
 879 | enrollment, as provided for in subsection (10); and enrolls
 880 | students according to the racial/ethnic balance provisions
 881 | described in subparagraph (6)(a)8. ~~(7)(a)8.~~ When a municipality
 882 | has submitted charter applications for the establishment of a
 883 | charter school feeder pattern, consisting of elementary, middle,
 884 | and senior high schools, and each individual charter application

HB 7083

2014

885 is approved by the district school board, such schools shall
886 then be designated as one charter school for all purposes listed
887 pursuant to this section. Any portion of the land and facility
888 used for a public charter school shall be exempt from ad valorem
889 taxes, as provided for in s. 1013.54, for the duration of its
890 use as a public school.

891 (18) FACILITIES.—

892 (e) If a district school board-owned ~~board~~ facility that
893 has previously been used for K-12 educational purposes ~~or~~
894 property is no longer used as a school as defined in s.
895 1003.01(2) available because it is surplus, marked for disposal,
896 ~~or otherwise unused~~, it shall be made available ~~provided~~ for a
897 charter school's use on the same basis as it is made available
898 to other public schools in the district. The charter school is
899 responsible for the costs required to bring the facility into
900 compliance with the current Florida Building Code and for costs
901 required to maintain such compliance. A charter school using
902 such a facility ~~receiving property from the school district~~ may
903 not sell, sublease, or dispose of such facility ~~property~~ without
904 written permission of the school district. The charter school
905 may not earn capital outlay funds; however, the school district
906 shall include the charter school's capital outlay full-time
907 equivalent (COFTE) student count in the district's capital
908 outlay calculations. The charter school may choose to maintain
909 and repair the facility at the same standard and level as any
910 other district-operated school of similar age and condition.

911 Maintenance and repair do not include the construction of any
 912 new building, structure, or substantial addition, extension, or
 913 upgrade to an existing facility. Similarly, for an existing
 914 public school converting to charter status, no rental or leasing
 915 fee for the existing facility or for the property normally
 916 inventoried to the conversion school may be charged by the
 917 district school board to the parents and teachers organizing the
 918 charter school. The charter school shall agree to reasonable
 919 maintenance provisions in order to maintain the facility in a
 920 manner similar to district school board standards. The Public
 921 Education Capital Outlay maintenance funds or any other
 922 maintenance funds generated by the facility operated as a
 923 conversion school shall remain with the conversion school.

924 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.-

925 (a) The Department of Education shall provide information
 926 to the public, directly and through sponsors, on how to form and
 927 operate a charter school and how to enroll in a charter school
 928 once it is created. This information shall include a model
 929 application form, standard charter contract, standard
 930 application evaluation instrument, and standard charter renewal
 931 contract, which shall include the information specified in
 932 subsections (6) and ~~subsection~~ (7), as applicable, and shall be
 933 developed by consulting and negotiating with both school
 934 districts and charter schools before implementation. The model
 935 application form, standard charter contract, standard
 936 application evaluation instrument, and standard charter renewal

HB 7083

2014

937 contract must clearly identify the specific statutes and rules
 938 from which charter schools are statutorily exempted from
 939 compliance. The department shall develop a model application
 940 form, standard charter contract, standard application evaluation
 941 instrument, and standard charter renewal contract uniquely
 942 tailored to virtual charter schools established under subsection
 943 (1) and high-performing charter schools under s. 1002.331(3).

944 The charter and charter renewal contracts shall be used by
 945 charter school sponsors.

946 Section 2. Subsection (1), paragraph (e) of subsection
 947 (2), and subsections (3) and (5) of section 1002.331, Florida
 948 Statutes, are amended to read:

949 1002.331 High-performing charter schools.—

950 (1) A charter school is a high-performing charter school
 951 if it:

952 (a) Received at least two school grades of "A" and no
 953 school grade below "B," pursuant to s. 1008.34, during each of
 954 the previous 3 school years.

955 (b) Received an unqualified opinion on each annual
 956 financial audit required under s. 218.39 in the most recent 3
 957 fiscal years for which such audits are available.

958 (c) Did not receive a financial audit that revealed one or
 959 more of the financial emergency conditions set forth in s.
 960 218.503(1) in the most recent 3 fiscal years for which such
 961 audits are available. However, this requirement is deemed met
 962 for a charter school-in-the-workplace if there is a finding in

963 an audit that the school has the monetary resources available to
 964 cover any reported deficiency or that the deficiency does not
 965 result in a deteriorating financial condition pursuant to s.
 966 1002.345(1)(a)3.

967

968 A virtual charter school established under s. 1002.33 is not
 969 eligible for designation as a high-performing charter school. A
 970 charter school that is established in this state and operated by
 971 an entity classified as a high-performing charter school system
 972 pursuant to s. 1002.332(2) is deemed a high-performing charter
 973 school during its first 3 years of operation. Beginning in the
 974 fourth year of operation and thereafter, such a charter school
 975 must meet the criteria in this subsection to maintain the
 976 designation.

977 (2) A high-performing charter school is authorized to:

978 (e) Receive a modification of its charter to a term of 15
 979 years or a 15-year charter renewal. The charter may be modified
 980 or renewed for a shorter term at the option of the high-
 981 performing charter school. The charter must be consistent with
 982 s. 1002.33(7)(a)7. ~~1002.33(7)(a)19~~ and (10)(h) and (i), is
 983 subject to annual review by the sponsor, and may be terminated
 984 during its term pursuant to s. 1002.33(8).

985

986 A high-performing charter school shall notify its sponsor in
 987 writing by March 1 if it intends to increase enrollment or
 988 expand grade levels the following school year. The written

HB 7083

2014

989 notice shall specify the amount of the enrollment increase and
990 the grade levels that will be added, as applicable. If a charter
991 school notifies the sponsor of its intent to expand, the sponsor
992 shall modify the charter within 90 days to include the new
993 enrollment maximum and may not make any other changes. The
994 sponsor may deny a request to increase the enrollment of a high-
995 performing charter school if the commissioner has declassified
996 the charter school as high-performing. If a high-performing
997 charter school requests to consolidate multiple charters, the
998 sponsor shall have 40 days after receipt of that request to
999 provide an initial draft charter to the charter school. The
1000 sponsor and charter school shall have 50 days thereafter to
001 negotiate and notice the charter contract for final approval by
1002 the sponsor.

1003 (3) ~~(a)~~ A high-performing charter school may submit an
1004 application pursuant to s. 1002.33(6) in any school district in
1005 the state to establish and operate a new charter school that
1006 will substantially replicate its educational program in order to
1007 serve the attendance zone of a school identified in need of
1008 intervention and support pursuant to s. 1008.33(3)(b) or to meet
1009 capacity needs or needs for innovative choice options identified
1010 by the district school board. An application submitted by a
1011 high-performing charter school must state that the application
1012 is being submitted pursuant to this paragraph and must include
1013 the verification letter provided by the Commissioner of
1014 Education pursuant to subsection (5). If the sponsor fails to

HB 7083

2014

1015 act on the application within 60 days after receipt, the
 1016 application is deemed approved and the procedure in s.
 1017 1002.33(6)(h) applies. If the sponsor denies the application,
 1018 the high-performing charter school may appeal pursuant to s.
 1019 1002.33(6).

1020 ~~(b) A high-performing charter school may not establish~~
 1021 ~~more than one charter school within the state under paragraph~~
 1022 ~~(a) in any year. A subsequent application to establish a charter~~
 1023 ~~school under paragraph (a) may not be submitted unless each~~
 1024 ~~charter school established in this manner achieves high-~~
 1025 ~~performing charter school status.~~

1026 (5) The Commissioner of Education, upon request by a
 1027 charter school, shall verify that the charter school meets the
 1028 criteria in subsection (1) and provide a letter to the charter
 1029 school and the sponsor stating that the charter school is a
 1030 high-performing charter school pursuant to this section. The
 1031 commissioner shall annually determine whether a high-performing
 1032 charter school under subsection (1) continues to meet the
 1033 criteria in that subsection. Such high-performing charter school
 1034 shall maintain its high-performing status unless the
 1035 commissioner determines that the charter school no longer meets
 1036 the criteria in subsection (1), at which time the commissioner
 1037 shall send a letter to the charter school and its sponsor
 1038 providing notification that the charter school has been
 1039 declassified ~~of its declassification~~ as a high-performing
 1040 charter school.

HB 7083

2014

1041 Section 3. Subsection (2) of section 1002.332, Florida
 1042 Statutes, is renumbered as subsection (3), and a new subsection
 1043 (2) is added to that section to read:

1044 1002.332 High-performing charter school system.-

1045 (2) An entity that successfully operates a system of
 1046 charter schools outside the state may apply to the State Board
 1047 of Education for status as a high-performing charter school
 1048 system. The state board shall adopt rules prescribing a process
 1049 for determining whether the entity meets the requirements of
 1050 this subsection by reviewing student demographic and performance
 1051 data and fiscal accountability of all schools operated by the
 1052 entity. To the extent practicable, the state board shall develop
 1053 a rubric for the approval of such entities that aligns with the
 1054 priorities of the federal Charter Schools Program Grants for
 1055 Replication and Expansion of High-Quality Charter Schools, found
 1056 in the Federal Register, Volume 76, Number 133.

1057 Section 4. Paragraph (d) of subsection (8) of section
 1058 1002.45, Florida Statutes, is amended to read:

1059 1002.45 Virtual instruction programs.-

1060 (8) ASSESSMENT AND ACCOUNTABILITY.-

1061 (d) An approved provider's contract is automatically ~~must~~
 1062 ~~be~~ terminated if the provider earns two consecutive school
 1063 grades of ~~receives a school grade of "D" or "F" under s.~~
 1064 1008.34, two consecutive ~~or a school improvement ratings rating~~
 1065 ~~of "Declining" under s. 1008.341, for 2 years during any~~
 1066 ~~consecutive 4-year period~~ or has violated any qualification

HB 7083

2014

1067 requirement pursuant to subsection (2). A provider that has a
 1068 contract terminated under this paragraph may not be an approved
 1069 provider for a period of at least 1 year after the date upon
 1070 which the contract was terminated and until the department
 1071 determines that the provider is in compliance with subsection
 1072 (2) and has corrected each cause of the provider's low
 1073 performance.

1074 Section 5. Paragraph (a) of subsection (1) of section
 1075 1013.62, Florida Statutes, is amended to read:

1076 1013.62 Charter schools capital outlay funding.—

1077 (1) In each year in which funds are appropriated for
 1078 charter school capital outlay purposes, the Commissioner of
 1079 Education shall allocate the funds among eligible charter
 1080 schools.

1081 (a) To be eligible for a funding allocation, a charter
 1082 school must:

1083 1.a. Have been in operation for 3 or more years;

1084 b. Be governed by a governing board established in the
 1085 state for 3 or more years which operates both charter schools
 1086 and conversion charter schools within the state;

1087 c. Be an expanded feeder chain of a charter school within
 1088 the same school district that is currently receiving charter
 1089 school capital outlay funds;

1090 d. Have been accredited by the Commission on Schools of
 1091 the Southern Association of Colleges and Schools; or

1092 e. Serve students in facilities that are provided by a

HB 7083

2014

1093 business partner for a charter school-in-the-workplace pursuant
 1094 to s. 1002.33(15) (b).

1095 2. Have an annual audit that does not reveal one or more
 1096 of the financial emergency conditions set forth in s. 218.503(1)
 1097 for the most recent fiscal year for which such audit is
 1098 available ~~stability for future operation as a charter school.~~

1099 3. Have satisfactory student achievement based on state
 1100 accountability standards applicable to the charter school.

1101 4. Have received final approval from its sponsor pursuant
 1102 to s. 1002.33 for operation during that fiscal year.

1103 5. Serve students in facilities that are not provided by
 1104 the charter school's sponsor.

105 Section 6. Subsection (14) of section 1003.01, Florida
 1106 Statutes, is amended to read:

1107 1003.01 Definitions.—As used in this chapter, the term:

1108 (14) "Core-curricula courses" means:

1109 (a) Courses in language arts/reading, mathematics, social
 1110 studies, and science in prekindergarten through grade 3,
 1111 excluding any extracurricular courses pursuant to subsection
 1112 (15);

1113 (b) Courses in grades 4 through 8 in subjects that are
 1114 measured by state assessment at any grade level and courses
 1115 required for middle school promotion, excluding any
 1116 extracurricular courses pursuant to subsection (15);

1117 (c) Courses in grades 9 through 12 in subjects that are
 1118 measured by state assessment at any grade level and courses that

HB 7083

2014

1119 are specifically identified by name in statute as required for
 1120 high school graduation and that are not measured by state
 1121 assessment, excluding any extracurricular courses pursuant to
 1122 subsection (15);

1123 (d) Exceptional student education courses; and

1124 (e) English for Speakers of Other Languages courses.

1125

1126 The term is limited in meaning and used for the sole purpose of
 1127 designating classes that are subject to the maximum class size
 1128 requirements established in s. 1, Art. IX of the State
 1129 Constitution. This term does not include courses offered under
 1130 ss. 1002.321(4)(e), 1002.33(6)(a)2.b. ~~1002.33(7)(a)2.b.~~,
 1131 1002.37, 1002.415, 1002.45, and 1003.499.

1132 Section 7. This act shall take effect July 1, 2014.